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November 30, 2009

INDEPENDENT REGULATOR
REVIEW COMMISSION

Kenneth F. Murin
Chief, Division of Waterways, Wetlands, and Stormwater Management
P.O. Box 8775
Rachel Carson State Office Bldg
Harrisburg, PA 17105-8775

RE: Public comment Revisions to Chapter 102 Erosion and Sediment Control and Stormwater Management.

Mr. Murin,

Please accept the following comments from the Source Water and Stormwater Plan Review units within Philadelphia's Water Department.

Proposed changes to the Erosion and Sediment Control Stormwater regulations directly impact the quality of Philadelphia's drinking water supply. Effective stormwater management in our watersheds reduces harmful pathogens and sediment, which translates to better quality tap water for Philadelphia, reduced illnesses from drinking water, and reduced treatment costs.

Many of the proposed changes in Chapter 102 such as the addition of heavily used animal areas; inclusion of oil and gas operations; inclusion of post construction monitoring requirements, and required buffers for activities in Exceptional Value watersheds are a positive step toward improved drinking water quality. The Philadelphia Water Department recommends the following additional changes to maximize protection of our water supply:

1. Require 300 foot Buffers on all Exceptional Value and High Quality Streams

Few things are more important to surface water supply protection than tree cover and stream stabilization. As a drinking water provider, we routinely model the relationship between land cover and water quality. If we were to compare the pollutants found in runoff from forested lands vs. residential lawns,

- the turbidity concentration in runoff from lawns is 2 times greater than that from forested lands
- the nitrogen concentration in runoff from lawns is almost 5 times greater than that from forested lands and 3 times greater for phosphorus
- the *Cryptosporidium* and *Giardia* concentrations in runoff from lawns is over 30 times greater than that from forested lands, and fecal coliform concentrations are 3,000 times greater



In light of the importance of tree cover to water supply protection and consistent with the Campaign for Clean Water's *Buffers 100* proposal, we strongly recommend 300 foot forested buffers on all Exceptional Value and High Quality Streams.

2. Eliminate Permit-by-Rule

Based on our own experience reviewing stormwater management plans in Philadelphia, third party reviews of NPDES permit application materials are essential. Without independent review by qualified professionals, plans will be inadequate. This precipitates poor implementation of stormwater control measures and resulting enforcement issues, possibly costing time and money which contradicts the intention of the rule.

3. Clarification and changes to PCSM requirements and process:

- All of Philadelphia's streams are impaired due to urban runoff. It is unclear how an applicant can "*demonstrate that all construction and posts construction discharges will not degrade the physical, chemical or biological characteristics of the surface waters.*"
- Philadelphia has adopted Stormwater Regulations across the entire City which are consistent with Department approved Act 167 Plan in the Darby-Cobbs Creeks watershed, approximately 7% of Philadelphia's total land area. The Stormwater Regulations have been adopted in order to meet our MS4 permit compliance requirements and Philadelphia's Stormwater Regulations exceed the criteria of the State Model Ordinance. Therefore, it seems appropriate to allow the Stormwater Regulations to apply to the entire City rather than identifying areas which must comply with DEP requirements in some cases and the Philadelphia Stormwater Regulations in others.
- Consideration for technical comments on a permit by rule application must be appropriately incorporated into the process. As has been the experience in Philadelphia, technical deficiencies are often identified as part of the municipal review. Proof that a notice has been sent to the municipality is all that is required. However, should the municipality have issue with the application it is not clear how these are to be communicated to the DEP and the applicant and whether this will have any effect.

We in Philadelphia understand the intense budget pressures facing our governments and the need to expedite sometimes unwieldy permit procedures. More work is needed to understand how to make the NPDES permit process more efficient without sacrificing essential services.

Sincerely,

Christine Marjoram
Manager, Stormwater Plan Review & Incentive Program
Philadelphia Water Department

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Chambers, Laura M.

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From: Christine.Marjoram@phila.gov
Sent: Monday, November 30, 2009 11:10 PM
To: EP, RegComments
Subject: Philadelphia Water Department Comments - Proposed Ch 102

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**INDEPENDENT REGULATORY
REVIEW COMMISSION**

To Whom It May Concern,

Please find attached a copy of the comments prepared by representatives of the Stormwater Plan Review and the Source Water Programs at PWD.

Sincerely,

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