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**From:** Steven Cupps [SteveC@Realen.com]  
**Sent:** Wednesday, November 25, 2009 8:58 AM  
**To:** EP, RegComments  
**Cc:** hughes@pasenate.com  
**Subject:** Proposed 25 Pa. Code Chapter 102 Rulemaking Comments

INDEPENDENT REGULATORY  
 REVIEW COMMISSION

**To:** Environmental Quality Board  
 Rachel Carson State Office Building  
 400 Market Street, 16<sup>th</sup> Floor  
 Harrisburg, PA 17101-2301

**From:** Steve Cupps, Development Manager  
 Realen

**Date:** November 25, 2009

**Subject:** Proposed 25 Pa. Code Chapter 102 Rulemaking Comments  
 Waterford Development – Manayunk  
 Philadelphia, Pennsylvania

Thank you for the opportunity to offer the following comments on the proposed 25 PA Code Chapter 102 rulemaking.

The proposed institution of a rigid, 150 foot buffer on each side of Exceptional Value Waters would have the unintended consequence of hindering good land planning. By limiting the layout options available to create environmentally sound and fiscally practical sites, designers and builders may be forced to search for green field sites well away from the existing utility and transportation infrastructures.

This could be an especially difficult problem for urban/brownfields redevelopment. Most of these communities are located along stream/river corridors. A buffer of this magnitude might render these sites non-viable for development.

The building community is continually identifying new technology to help improve the quality of stormwater runoff. These creative techniques are especially helpful in the urban areas where lawn and landscape areas are, for the most part, non-existent. Rather than eliminate the ability to redevelop these eyesores because of large, rigid buffers, allow developers/builders to use a combination of a variety of BMP's which achieve the common goal of improved water quality. This is truly smart, green development that creates a win-win solution.

The proposed requirement that 20% of existing impervious areas be considered meadow is particularly onerous to brownfields sites. Existing sites can't easily be retrofitted to handle stormwater management facilities, so costs are exponentially higher. As a result, these proposed regulations will not only scare away developers but also make it financially impossible for them to present "smart growth" in urban areas. This issue would be much better handled at a local level where applicants can work with municipal officials to find creative solutions to managing stormwater runoff and protecting the environment while preserving yield.

The dramatic increase in application fees by 1,000% seems unfair and unjustified. This excessiveness comes at a time when projects are under significant financial stress. We are all desperately trying to reduce costs by changing the way we arrive at solutions. This proposed change might actually exceed the cost of the design for small projects. We would like to recommend a tiered fee schedule based on a project's size.

We appreciate your time. Please consider our suggestions because in the end we think we both want environmentally beneficial and economically attainable development.

cc: State Senator Vincent J. Hughes, District 7

12/4/2009

State Representative Kathy Manderino, District 194 *via US Mail*

**Steve Cupps**

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