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From: Audrey Jones [ajones@rkrhess.com]
Sent: Monday, November 30, 2009 11:33 AM
To: EP, RegComments
Subject: Proposed Rulemaking 25 PA Code Chapter 102 - Public Comments

Below please find R.K.R. Hess Associates' comments on the Proposed Rulemaking 25 PA Code

1. The manner in which the current draft has been prepared provides no provisions to allow for municipal review of the Erosion and Sediment Pollution Control Plans for the Permit-By-Rule. Thus, the plans will not have any scrutiny until they are implemented, then potentially fail on a site. The new Regulations should delegate review authority to the local municipality to regulate the PA Code, Title 25, Chapter 102 compliance on sites with permit by rule as part of the municipal review. It could be mandated by the changes in regulations that Municipalities, as part of Municipal review, review the Erosion and Sediment Pollution Control Plans and Post Construction Stormwater Management plans together. This would place the review authority of the plans with the local government that is the most familiar with the local restrictions, and, would pass all the costs associated with this compliance to the Applicant. The public will not be expected to absorb any of the costs of this review.

2. To avoid potential confusion, we suggest the riparian buffers specifically exclude wetlands, as it relates to this regulation. If left to interpretation, it will only create confusion at the Municipal and County levels.

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