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From: stugause@verizon.net
Sent: Sunday, November 29, 2009 5:18 PM
To: EP, RegComments
Subject: Comments on Proposed Rulemaking Environmental Quality Board Erosion and Sediment Control and Stormwater Management

The following are comments upon the proposed rulemaking published in the PA Bulletin, Doc. No. 09-1610:

In Subpart C, Article II, Section 102.1 Definitions:
ABACT - Antidegradation best available combination of technologies - "quality" in the definition requires clarification or a separately listed definition to document the measure(s) of quality.

BMPs - Best Management Practices - I suggest dividing the definition into two (2) parts, the first being specific to erosion and sediment control and the second being specific to post construction stormwater management because the best management practices for each have different requirements and purposes.

Intermittent Stream - I suggest revising "is below the local water table and obtains its flow from both..." to "is below the local water table or obtains its flow from both...".

K factor - I suggest revising the definition to "The soil factor which is the rate of soil loss per rainfall erosion index unit. The K factor describes the ease with which soil is detached by splash from rainfall and/or surface runoff."

Nondischarge alternative - This definition needs additional clarification. The post-construction storm event should be identified to determine the extent of the net change to the preexisting storm event. The type of th 2-year/24-hour storm event should be clarified , such as the NRCS Type 2 storm distribution by the soil-cover complex method, or the VTPSUHM modified rational rainfall distribution, or the DeKalb modified rational distribution, another well defined and utilized hydrologic mehtodology. Additionally, "preexisting" and "non-discharge" also require definitions.

Point Source - "sheet flow" in paragraph (iii) requires a definition in coordination with the hydrologic methodology utilized.

Project Site - the definition appears to be missing information after the colon.

Riparian Forest Buffer - I suggest adding to the definition that a forest buffer requires a ground surface layer of leaves, needles, other tree debris, decomposing vegetative material, and humus over the topsoil layer to provide the surface erosion resistance, ground water infiltration, and evapotranspiration cababilities of this type of ecosystem.

Stormwater - delete the first "and" from the definition.

Subpart C, Article II, Chapter 102, Paragraph (b)(5) - renumber (iv) through (xv) to (i) through (x).

Additionally, the use of the net volume difference between the post-construction 2-year/24-hour storm event to the preexisting 2-year/24-hour as the basis of the best management practices and regulation of

the rules requires a capital expense and space availablity that constrains municipalities with low tax bases, an existing infrastructure, and highly urbanized development from making the improvements necessary to improve their physical, monetary, and demographic situations.

The large land areas and capital expense required for construction and maintenace of post construction storm water best management practices necessary for volume reduction of the 2-year/24-hour storm net volume difference becomes a disincentive for communities that need to make improvements within the existing infrastructure and previous development situations. The requirement becomes an impediment to just making the situation better for the environment, the municipal tax base, and the housing, retail, industrial, and commercial infrastructure of older and low income areas who need assistance and cooperation from the state for needed redevelopment. And, by promoting redevelopment with achievable environmental enhancements, sprawl will be reduced to the benefit of the regional and statewide environment.

As a scientific requirement, the net difference in the volume of the 2-year/24-hour post construction to preexisting storm event is an unnecessarily excessive amount of storm water volume required to design, construct, and maintain for the purpose of ground water recharge and enhancement of stream base flow. To promote these objectives, best management practices should be utilized to provide infiltration and evapotranspiration in much smaller volume areas for the majority of rainfall events in a monthly water budget strategy. Efforts should be concentrated on the first quarter inch to half inch of rainfall. In doing so, the best management practices will have a positive volume and rate reduction effect upon the infrequent storms and associated flooding.

To require calculations, design, construction, and maintenance of post construction stormwater best management practices requires knowldege of the NRCS storm water methods, variations of the modified rational hydrologic methods, the NRCS soil loss methods, and engineering and construction practices. Either, a more specific and defined manual is required or funding for education of the involved constituencies including designers, builders, regulators, and environmental activists is required so that implementation is consistent, effective, and long lasting.

Thank you for the opportunity to comment upon the proposed rulemaking.

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