

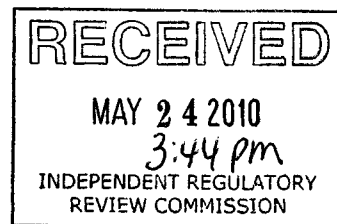


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PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS

May 24, 2010

Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477



Environmental Quality Board:

This correspondence is in regards to the Proposed Rulemaking on Dam Safety and Waterway Management, 25 Pa. Code Ch. 105 (#7-452 / IRRC #2835). After reviewing the proposed changes, we want to offer the following comments pertaining to the changes in Section 105.134, Emergency Action Plan, and Section 105.135, Dam Hazard Emergencies.

Under the proposed changes, a permittee or owner of a dam classified in section 105.91 shall develop an EAP to be followed in the event of a dam hazard emergency. This plan must be submitted to the county emergency management coordinators for concurrence with the plan, and to the Department of Environmental Protection and PEMA for approval. Nowhere are the local emergency management coordinators notified or asked whether the EAP meets with their local plans. Since PEMA is proposing changes to Title 35 and placing additional responsibility on municipalities and their local emergency management coordinators, we feel that it is significant that the municipality where a potential hazard dam is located be notified and able to respond to the EAP. Should there be a failure at one of these dams it most likely would be the municipality and the local emergency management coordinator that first responds.

Section 105.135 (c), Dam Hazard Emergencies, requires the permittee or owner of the dam to immediately notify "appropriate emergency management officials" of the existence of the hazard and request the "authorities" to initiate appropriate action. We would ask who the "appropriate emergency management officials" are that need to be notified, and which "authorities" are to take action? Again, we would contend that it will be the municipality or county that will need to be notified and will be the immediate first responder.

Finally, we would suggest that the entire document be amended to reflect the changes that have been proposed.

We appreciate your consideration of our concerns and look forward to your response.

Sincerely,

Elam M. Herr
Elam M. Herr
Asst. Executive Director

Copy: IRRC

EMH:jcm