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ENVIRONMENTAL QUALITY BOARD
SECRETARY'S OFFICE

INDEPENDENT REGULATORY
REVIEW COMMISSION

September 20, 2008

The Honorable John Hanger
Acting Chairman
Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105

Dear Chairman Hanger:

On behalf of the Manufacturer & Business Association's Board of Governors and our more than 4,600 member companies, I am writing to express our concerns regarding the Environmental Quality Board's (EQB) recently proposed regulation regarding Bluff Recession and Setback along Lake Erie. Specifically, we are worried that such a blanket proposal will unnecessarily impede development and stifle economic growth in an already slowing economy.

In 1980 when the EQB first implemented the Bluff Recession and Setback Act, it failed to adequately designate specific areas as having bluff recession hazards. Rather, the EQB simply blanketed all properties along the Lake Erie shoreline (excluding those within the City of Erie) as subject to the new regulations. This caused confusion among municipalities and planning commissions throughout the region and ultimately led to a 2001 DEP study of the entire Lake Erie shoreline to define areas where a bluff recession hazard area existed. Now, rather than act on the scientific data resulting from the study, the EQB is proposing to expand the already too broad regulation to include all shoreline properties in the City of Erie.

While we recognize the efforts of the EQB to ensure the safety of our environment and the citizens of the Commonwealth from the erosion that occurs as a result of Lake Erie; we feel that simply broadening the regulation without any regard to the DEP study (which clearly identified properties that should be and should not be subject to the regulation) ignores private property owners rights. In addition, it is a poor public policy decision that will not only limit businesses from expanding, but will also limit those who are interested in locating their operations along the Erie shoreline.

Rather, we would encourage you to consider implementing a regulation that utilizes the scientific data compiled from DEP's 2001 study to exempt appropriate properties from the proposed bluff recession setbacks. Such a proposal would allow the EQB to maintain the environmental integrity of the Lake Erie shoreline and at the same time permit the necessary exemptions that are conducive to economic growth.

In closing, I would like to thank you for your time and consideration of our concerns. Please do not hesitate to contact me if you have any questions.

Sincerely,

Richard E. Rabuck
State Government Relations Representative

cc: Senator Jane Earl