

AS WE SEE IT BOB WENDELGASS & MATT ROYER

# DEP proposal fails to protect our rivers, streams

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The Pennsylvania Campaign for Clean Water applauds The Patriot-News' recognition of the economic and environmental benefits of streamside buffers in its editorial "Compromise on runoff offers pragmatic answer for builders" (Dec. 17). But DEP's plan to create an alternate stormwater approval process for new commercial and residential developments is neither a compromise nor a pragmatic answer. Rather, it is a failure of DEP to do its job to protect our rivers and streams. DEP is proposing to eliminate DEP and county conservation district technical review of stormwater and erosion and sediment control plans submitted by the developers' paid engineers. Plans signed and sealed by the developer's engineer and meeting other eligibility requirements will be approved without the review necessary to ensure protection of streams and downstream properties from pollution and flooding.

This approval process is illegal under the Clean Water Act. In the words of one court when it struck down such a process, it creates an "impermissible self-regulatory permitting scheme."

We have seen how well self-regulation has worked on Wall Street. Americans are paying dearly for that now. Industry self-regulation of the environment has not worked in the past, and it will work no better today. We will pay in the form of polluted streams, eroding and flooded properties, and dirty drinking water.

DEP's proposal will leave it and conservation districts with no authority to require changes to plans proposing bad stormwater management and erosion control practices. Fixing stormwater problems once a development is built is much more expensive and difficult than correcting a flawed plan before the permit is issued.

DEP's proposal will also freeze the public out of the process. Concerned citizens will no longer have an opportunity to comment on stormwater plans and make suggestions for improving them. Instead, downstream neighbors will be left with the unfair and costly burden of dealing with real runoff problems after the development is built.

DEP will also no longer review proposed developments in pristine high quality streams which, again, under the law, require special protection by DEP.

The Campaign for Clean Water has voiced its concerns to DEP, and offered suggestions for improving the stormwater permitting program so that better plans are received and review of applications is smoother. In recent public meetings, DEP presented some new ideas for establishing eligibility criteria which, if implemented, may offer some improvements and address some of our concerns.

But even with these improvements, DEP would still be eliminating technical review of plans and opportunities for public participation. These are baseline requirements of any permitting approach under the Clean Water Act.

DEP cannot simply stop doing its job. Pennsylvanians who value clean water and the safety of their properties will not have it.

Eliminating technical review of stormwater plans as incentive for developers to add buffers voluntarily is a bad deal for neighbors, taxpayers and the environment. Despite the building industry's protests to the contrary, 100 foot buffers for new developments can economically and aesthetically be woven into the design, thereby improving streams, reducing flooding, protecting drinking water, and increasing local tax revenue and property values.

Take a tape measure and walk off 100 feet. It is really not all that wide. When you get right down to it, it is not that big of a sacrifice to make for clean water and flood prevention.

The Department of Environmental Protection needs to stay true to its mission of protecting the environment and require 100 foot forest buffers for all new developments. It is a common sense, science-based proposal that will improve the quality of life for all Pennsylvanians.

BOB WENDELGASS is deputy director of Clean Water Action.

MATT ROYER is the staff attorney for the Pennsylvania office of the Chesapeake Bay Foundation.