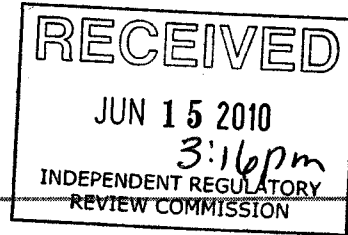


2783

EMBARGOED MATERIAL



From: monroecd

To: cleonard@poconomtsindustries.com ; Ken Murin ; Kaufman, Kim

Cc: 'Bob Hay' ; 'Bonnie Schwartz' ; 'Charles Niclaus ' ; 'Chuck Hannig' ; 'Chuck Leonard' ; 'Dennis Noonan' ; 'Janet Weidensaul' ; 'John Gerlach' ; 'John Siptroth' ; 'Karl Weiler' ; 'Marc Wolfe' ; 'Mario Scavello' ; Merli, Theresa ; 'Michael Baxter' ; 'Michelle Bisbing' ; 'Mike Carroll' ; 'Mike Peifer' ; 'Paul Canevari ' ; Suzanne Mc Cool

Sent: Tue Jun 15 14:53:31 2010

Subject: FW: proposed changes to Title 25, Chapter 102 currently under review by the IRRC

Dear Chuck,

I am in receipt of the Pocono Mountains Economic Development Corporation's comments on the PA Title 25, Chapter 102 Erosion and Sediment Control and Stormwater Management regulations buffer provisions to the Independent Regulatory Review Commission.

Your comments contain misinformation and misrepresent the buffer provisions found in the 102 regulatory package. Section 102.14 Riparian Buffer Requirements provides for both exceptions and waivers. Under the exceptions provisions, **the buffer requirements do not apply for earth disturbance activities where a permit or authorization was obtained or application submitted prior to the effective date of this regulation. Waivers are available for redevelopment projects which may include brownfields, or use of other vacant land and property within the developed area for further construction or development or projects for which compliance with the requirements is not appropriate or feasible due to site characteristics or existing structures at the project site.** With the regulatory relief provided, no socio- economic justification for existing projects are necessary, contrary to your claim (ie New Ventures Park). The RIPARIAN FOREST BUFFER GUIDANCE you reference is not contained within the regulation but rather referenced when buffer restoration or creation is required.

It should also be noted that many municipalities in Monroe County have adopted buffer provisions , some of which are more restrictive than Chapter 102. There is no longer a relevant or responsible debate as to the scientific evidence supporting the important functions, values and benefits buffers provide as a non-structural best management practice. I have attached this office's previous comments on the draft Chapter 102 revisions for your information. It is this office's hope that we can more responsibly collaborate in the future on regulator and policy issues that impact our shared environment and economies. As always, our office is available to provide assistance at any time.

Craig Todd

District Manager

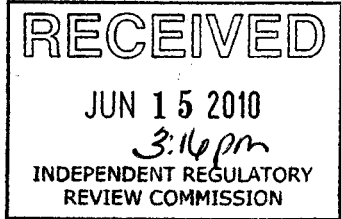
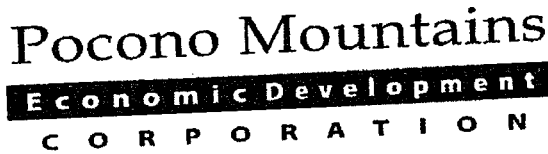
Monroe County Conservation District

<http://www.mcconservation.org>

Phone: 570-629-3060 Fax: 570-629-3063

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2783



June 10, 2010

EMBARGOED MATERIAL

Arthur Coccodrilli, Chairman
Independent Regulatory Review Commission
33 Market Street, 14th Floor
Harrisburg, PA 17101

Dear Chairman Coccodrilli:

We are very concerned about the pending adoption of the changes to Title 25, Chapter 102. The changes pertaining to Riparian Buffers, we believe, will have the impact of reducing the competitiveness of numerous business sites across Monroe County.

Millions of dollars in assistance from the State and County Governments have been provided in Monroe County for the purpose of building the sites and infrastructure necessary for the attraction of business investment and the creation of jobs. These projects face a reduction in yield and competitiveness to the point where debt obligations to the State and County may be impossible to meet should these new regulations be implemented.

We have heard the argument that the waiver process in the revised regulation protects existing projects; however the section that deals with these waivers allows no economic impact exception. The rules as they pertain to riparian buffers are arbitrary and not based in science. The criteria for which waivers may be granted will likely add costs to the development of existing business parks which already have amortization schedules and business plans based on previous regulations. The new regulations and waiver protocol imposes a subjective process that will prolong an already onerous permitting regimen.

For these reasons we urge you to reject the adoption of these revised rules and, at the very minimum, remove the section labeled "Riparian Forest Buffer Guidance."

Sincerely,

A handwritten signature in cursive script that reads "Charles A. Leonard".

Charles A. Leonard
Executive Director

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