



## Stephen Hoffman

**From:** ecomment@pa.gov  
**Sent:** Thursday, December 10, 2020 10:06 AM  
**To:** Environment-Committee@pasenate.com; IRRC; environmentalcommittee@pahouse.net; regcomments@pa.gov; ntroutman@pasen.gov; timothy.collins@pasenate.com; gking@pahousegop.com  
**Cc:** c-jflanaga@pa.gov  
**Subject:** Comment received - Proposed Rulemaking: Dam Safety and Waterway Management (#7-556)

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### Re: eComment System

**The Department of Environmental Protection has received the following comments on Proposed Rulemaking: Dam Safety and Waterway Management (#7-556).**

Commenter Information:

Scott Martin  
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Comments entered:

The proposed changes to the definition of Stormwater management facilities states that the term does not include "swales or ditches that have not been maintained and have developed into watercourses or other bodies of water, including wetlands."

Many swales or ditches develop with wetland vegetation and have a wetland hydrology and therefore, this change will make them wetlands if not maintained periodically (Periodically is not defined in the regulations, so the regulations could apply for any period of time the regulator wants). This definition will result in stormwater management facilities to be sprayed with herbicides to kill all vegetation (eliminating one of the three requirements of a wetland). Many ditches or swales are designed to work without or a minimum of maintenance to continue to function and they often are designed to hold and infiltrate water or retain sediments, both which can create wetlands - this definition will cause them to become regulated. Some were purposely designed and created with wetland vegetation not to be maintained.

Avoidance of impacts to these newly defined regulated "wetlands" will caused projects to be built in new or green areas having higher value/quality. For example mature forestland adjacent to an unmaintained roadway drainage ditch wetland will be cut and cleared to install a pipeline to avoid wetland impacts (this is a real example). Industrial brown fields with stormwater basins

and ditches which developed into wetland habitat due to non-maintenance will cause developers to move into non-wetland greenfields to avoid the headache and cost of dealing with another layer of regulation.

The definition should not include any designed and constructed stormwater management facilities UNLESS they were designed and constructed for wetland or stream creation or mitigation. This proposed change would result in stormwater management designed to avoid infiltration or water retention and would cause natural upland habitats to be destroyed to avoid man-induced wetland ditches which exist by the thousands of miles across the state along every roadway.

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No attachments were included as part of this comment.

Please contact me if you have any questions.

Sincerely,  
Jessica Shirley

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