

OCT 31 2011

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**Senate of Pennsylvania**

**DATE:** October 31, 2011  
**TO:** All Members  
**FROM:** Senator Bob Mensch  
**SUBJECT:** Co-sponsorship Memo #10 - PA Clean Streams Amendment

In the near future, I intend to introduce legislation to amend the Pennsylvania Clean Streams Law that would reform and improve the Department of Environmental Protection's regulations governing erosion and sediment control and post-construction storm water management.

The Chapter 102 regulatory package was developed with the intent of enhancing Pennsylvania's ability to protect the quality of its waterways. However, the final regulation contains a number of features that will make compliance more costly and complex for the regulated community, impeding much-needed job creation and economic growth while, in many cases, failing to provide environmental benefits as it was intended to do.

To improve upon the existing regulation in a manner that promotes essential environmental protection in a cost-effective manner that supports new economic activity, my legislation provides for the following amendments to the Clean Streams Law and where applicable, would be binding with respect to municipal ordinances:

1. Ensuring the right of property owners whose land abuts a lake, stream, pond or river to access the waterbody in question for recreational purposes, or to construct reasonable facilities for its access or use, such as accessways, ramps and docks.
2. Allowing for the use of "equal or superior alternative design measures" to meet the conditions for a permit or approval needed from the Department by an applicant in the area of stormwater management.
3. Requiring that, where applicable, the Department provides a determination on the grant or denial of a waiver or variance requested by an applicant prior to the submission of the actual permit application for the project.
4. Allowing an applicant to perform additional water quality measures off-site or pay into an off-site mitigation fund created by the Department when complying with rules and regulations issued under the Clean Streams Law is not practicable due to unusual site characteristics.

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