

House Committee on Environmental Resources and Energy Hearing
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Testimony by Mr. Thomas J. Reilly, Jr., P.E., President of Reilly Associates
Engineering

My name is Tom Reilly. I want to thank you for this opportunity to present my views on the proposed legislation. I am a professional engineer licensed in Pennsylvania and New York and President of Reilly Associates Engineering located in Pittston and Stroudsburg. Our practice is focused on Civil and Environmental Engineering for public and private infrastructure projects and land development. Our firm was founded by my grandfather over 80 years ago. During the 30 years since I began my engineering career I have been an active practitioner in the application of new regulations instituted to improve and protect water quality. I have always been fascinated with civil engineering as a career for two reasons. First, each project is a unique challenge because each every site has different characteristics and warrants a customized solution. Second because there is the opportunity to benefit many people with a good solution whether they are the users of the project themselves or those downstream. I also love Pennsylvania because of the beauty and diversity of the landscapes from rural to urban and the variety of waters from small brooks and ponds to large rivers and lakes.

I support the proposed House Bill No. 1565 because we can both protect streams and develop projects by applying appropriate best management practices on a site specific basis. I believe in a holistic approach where the topography, soils, flora and fauna, water resources, property rights and transportation and utility infrastructure are evaluated in the context of the project program and a plan developed using green infrastructure techniques. There are a wide range of management practices that may be applied to achieve the anti-degradation requirement of the clean water act that depend on the project setting and development goals. Riparian buffers should be part of a mix of planning and design elements with its width adjusted based on the specific site situation including the nature of the water resource. Measures such as bioretention, water gardens, pervious pave, green roofs and cisterns coupled with minimization of parking areas can work with various widths of riparian area to achieve the required level of treatment and protection. Waters which currently require riparian buffers include ditches a few feet wide which are designated "intermittent streams" and small ponds where the 150 ft. buffers on each side of the water combine to total 300 ft. and often result in substantial portions of large tracts being rendered unbuildable. In most of these cases the anti-degradation requirements could have been met with a number of different BMPs tailored to the site situation. There are also numerous

special protection waters in urban and suburban settings where the existing pattern of development is entirely within the 150 ft. area and the existing smaller riparian border is well established by historic neighboring development. While the regulations allow for a waiver procedure with review by DEP, this requirement and process is akin to a local zoning board establishing new building setbacks that are three times the existing setback on small existing lots with the result that any new building could not go forward without seeking a variance.

The benefits of riparian buffers include the establishment and preservation of greenways along stream corridors for enhancement of wildlife habitat and community recreation as well as water quality protection and improved neighborhood property values. Each of these community benefits are most ably pursued in balance with property owner interests through local and regional planning, zoning and stormwater regulations. Water quality can be protected to meet Clean Water Act requirements with a site specific management plan. Many local codes already include stream setbacks in the range of 25 ft. to 75 ft. and floodplain management ordinances where variances can be addressed where appropriate at a local level. My work includes project development in New York State in areas of similar topography across the border from Northeast Pennsylvania. The New York State application of NPDES stormwater requirements of the clean water act includes buffers as optional best management practices where buffers can be coupled with other site design approaches and structural BMPs to achieve the water quality, volume and rate goals. Keeping the parts of Pennsylvania with extensive HQ and EV waters economically competitive and keeping the waters clean will require using a more holistic approach that incorporates a more flexible approach to NPDES permitting.

I support the proposed HB 1565.