



**CHESAPEAKE BAY FOUNDATION**  
*Saving a National Treasure*

To: Members of the PA Senate  
From: Lee Ann Murray, Chesapeake Bay Foundation  
Date: October 1, 2014

**Re: Opposition to House Bill 1565 (P.N. 4116)**

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Dear Senators:

On behalf of the Chesapeake Bay Foundation (“CBF”), I am writing to express our **opposition** to House Bill 1565 (P.N. 4116). This legislation would eliminate the existing requirement of a riparian buffer or forested riparian buffer for new development requiring a National Pollution Discharge Elimination System (“NPDES”) permit in a High Quality (“HQ”) or Exceptional Value (“EV”) watershed. The current Chapter 102 regulation helps to protect the Commonwealth’s most pristine and ecologically sensitive streams and, as such, the current legislation threatens to degrade water quality in these important areas.

Forested stream buffers have been proven scientifically to be the most effective and least costly best management practice (“BMP”) you can install to help prevent pollution of our rivers and streams. Riparian buffers can also prevent property damage and the expense of flooding, dramatically reduce stormwater management costs, reduce the cost of treating water for potable uses, and help keep pristine streams clean, and in general, promote and sustain healthier communities. The simple act of planting a new, or maintaining an existing, forested riparian buffer allows stormwater runoff to soak into the ground when it rains, instead of rushing directly into our streams. Water is purified by plants, trees, and soil, and is released more slowly into the stream, thereby preventing pollution, erosion, and flood damage.

As you may know, the existing buffer requirement is only triggered by the need for an NPDES permit in a limited number of watersheds with EV/HQ waters, and therefore does not apply to existing landowners and their current land use, but only in a new development context. Further, the Department of Environmental Protection’s (“Department”) regulations (25 Pa Code Section 102.14) already provide a long list of exceptions to the buffer requirement. This requirement can also be exempted through a waiver from the Department. According to the testimony of the Deputy Secretary for Water Management, Kelly Heffner, before the House Environmental Resources and Energy

Committee, DEP could not identify an instance where a waiver was denied. (*Testimony of Kelly Heffner, Deputy Secretary for Water Management, DEP, January 29, 2014.*)

In other words, **the law as it exists today already provides ample flexibility**. And, passage of this legislation could set the Commonwealth back with regard to the **federal requirements** for riparian buffers in the Chesapeake Bay Watershed. According to a recent assessment of Pennsylvania's two-year milestones goals, it is estimated that the current rate of implementation of 6.44 acres of riparian buffers per day will need to be increased to 50.13 acres per day in order to meet the Commonwealth's 2017 target for forested riparian buffers. This bill will make the 2017 goal of 109,735 acres of forested riparian buffers more challenging since Pennsylvania will begin losing this important, and cost effective, BMP.

Given the innumerable societal and ecological benefits provided by forested riparian and riparian buffers, along with the ability to obtain a waiver, CBF maintains that House Bill 1565 is unnecessary and could result in undesired consequences for Pennsylvania.

We strongly urge you to **oppose this bill**. Thank you for your consideration.

Lee Ann H. Murray, Esq.  
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