

PROPOSED RULES

Are we up the creek?

DEP requirement could shut down economic development

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REGION — The issues can be very complicated.

They involve things like "exceptional value" water, buffer zones, setbacks and much more. It involves credits and extensive testing.

It is extremely complicated.

Or is it?

"This literally shuts down economic development," said Brian Smith, chairman of the Wayne County Commissioners.

At issue is a proposed policy by the Pennsylvania Department of Environmental Quality regarding on-lot sewage system located in "High Quality and Exceptional Value Watersheds."

In other words, all of Wayne County, which is known for its pristine water quality.

"DEP wants to see forced buffers along every stream in the state," said Kris Wood, sewage enforcement officer for Dingman Township in Pike County.

Will Whitehead from Kiley and Associates in Lakeville said the regulations which are proposed focus on nitrate levels in the water.

"There is really not a nitrate issue in Pike or Wayne counties," said Whitehead.

Whitehead said Pike County officials have done "pretty extensive" studies of nitrate levels and there isn't a problem.

But that isn't stopping DEP from proposing the new regulations and even putting them on the fast track to be approved.

"We just found out about it last week," said Whitehead. "It was first introduced in January.

The regulations were presented to the state's Sewage Advisory Committee last week and are now scheduled to be published in the official state record.

Wood said it is his understanding the proposed rules will be published on March 2 and there will likely be a 30-day comment period.

That, says Smith, is when things need to happen.

Smith is hoping to pull together a coalition of officials, engineers and anyone else to combat the regulations, including testimony in Harrisburg.

The plan is to get the experts together and then invite area lawmakers to hear all about the issue in the hopes of persuading them to take on the fight with DEP and get it stopped.

Expensive proposition

One of the biggest problems with the proposed regulations, all three said, is the costs which are involved.

It could cost someone wanting to build a home up to \$15,000 extra just to put a septic system in place. The rules also would require much larger tracts of land for homes and businesses alike.

"This literally shuts down economic development," said Smith.

"It's going to be cost prohibitive," said Wood.

One of the frustrations of all three is the fact northeastern Pennsylvania does have pristine water yet it appears the state is penalizing this area for doing the best management practices when it comes to the environment.

"We have done a phenomenal job in this area as stewards of our property and stewards of our water," said

Smith.

If you look at a map of Pennsylvania, almost all of Wayne and Pike counties are part of the high quality watershed.

The bulk of the other areas in the state which meet those standards are on state game lands or federal lands.

Wood said there are only a "handful" of streams outside of northeast Pennsylvania which are considered as "exceptional value" water.

"You are being punished for doing it right," said Wood.

Smith is frustrated with DEP officials, who he said "don't appreciate the economic stress on the public and the difficulty they are laying on us."

He thinks DEP is going to drive people right out of Pennsylvania.

"They are providing the people who would like to build, providing people who would like to open a business, with the decision making material, to go somewhere else," said Smith. "This goes completely against what we've been working for for so long."

Smith said a recent initiative by the commissioners was to find out what people think about various issues and where they think the problems lie.

"One of the number one issues is regulations," said Smith.

Wood said he believes there is a "lot of downstate push" for these rules, saying in some of the urban areas there are problems with nitrates.

"Shouldn't we be cleaning up their problem?" said Wood.

"My frustration lies in the fact we have been working hard for years now to have economic development," said Smith. "We have created an environment attractive to industry and to get

commerce here. We want to continue down the road of

economic growth."

That growth, said Smith, comes in many forms.

Part of it is subdividing land, which will become more difficult if the regulations are put in place.

For instance, if a farmer wants to subdivide his land for his children, it will be very difficult and expensive.

Smith said when someone wants to build a house, that puts money into the economy with material purchases and employment. Then, he said, money continues to come into the economy through the tax base.

If that stops, Smith said taxpayers will be saddled with even more costs, something he believes will cripple this area economically.

"With moderate growth, you have the expansion of the tax base," said Smith.

Without it, he said, it hurts everyone in the area, not just those who cannot build a house or open a business.

The next steps

The next steps in the process must happen quickly and need to get as much public involvement as possible.

"My hope is that we can get a multi-county coalition of commissioners, planning members and local professional engineers," said Whitehead. "We have to try to make a stand. When ev-

erybody is divided it doesn't have as great an impact as when everyone is together.

Smith agrees, saying he is hoping to gather that group and conduct a public meeting in the very near future.

"We have to get information out to the public," said Smith.

He added the governor's office has assured him they will "keep me informed" of when the "opportune time is to testify" about the proposed regulations.

Wood said members of the public can submit comments to DEP once the proposals are officially published. He said those comments "have to be based on the policy."

Wood also suggested that members of the public need to "lean on lawmakers. I wouldn't be complaining if this was necessary."

Whitehead thinks there might be more to this than meets the eye.

He said the DEP has "managed to keep it quiet" up to this point but now "it is coming out quick" and that's why action is going to be needed in the very near future.

He also questions why the regulations are being proposed in the first place.

"Why do we need this sort of regulation if there is not a nitrate problem?" said Whitehead. "There has got to be another reason."

What that might be is anyone's guess.