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PA Legislative Proposal to Cut Buffers Mandate Moves On

Harrisburg, PA: Today, the Senate Environmental Resources and Energy Committee voted to support a legislative proposal that would make buffer protections for Exceptional Value and High Quality streams voluntary. HB 1565 secured committee passage despite the recent introduction of SB 1465 by Senator Rafferty, a bipartisan proposal to strengthen buffer mandates in the Commonwealth in order to provide much-needed pollution prevention and flood protection. There were important amendments made to HB 1565 before it was passed that muted the degree to which it undermines the benefits of buffers. Furthermore, there is additional process that will now be required, including a revisit by the House, before the legislation can be passed into law.

“Buffers make money and save money at the same time – they save residents on flood insurance, and on the cost of pollution, erosion and flood response, while creating more marketable and valuable properties which, when sold, contribute more tax benefit to community coffers. Why a legislator who claims to be fiscally conscientious would suggest legislation that cuts the minimum buffer protections in place in Pennsylvania is beyond understanding,” said **Maya van Rossum, the Delaware Riverkeeper**. “There are no other pollution protection strategies that are more beneficial than forested buffers. We are grateful for the efforts by some committee members to mute the adverse impact of HB 1565 with an amendment that only allows for other options if they can rival the benefits of buffers and to also narrow where offsets are allowed” van Rossum added.

“HB 1565 had widespread opposition from the environmental, sporting, and outdoor recreation communities as it went into the Senate Environmental Resources and Energy Committee. While we are disappointed that the mandatory buffers requirement of chapter 102 has been

undermined, it is noteworthy that the committee recognized that if buffers are to be displaced it should only be with a management strategy that will have comparable benefits,” said **Joanne Kilgour, Director of the Sierra Club PA Chapter**. “The question now is whether a developer will be able to defensibly propose such a strategy; we believe the science is clear that the array of benefits buffers provide are irreplaceable,” continued Kilgour.

“Pennsylvania is blessed with beautiful streams where many go to fish, kayak and relax—and the state has worked hard to keep them clean by using buffer zones to protect our most pristine waterways,” said **Adam Garber, Penn Environment Field Director**. “For a long time the science community has made clear that buffers are the most beneficial for water quality and stream protection so it is unclear what other options this new version of the law would allow,” Garber added.

HB 1565 amends section 402 of the Clean Streams Law in a way that alters the existing Chapter 102 regulatory buffer requirements and replaces it instead with a voluntary choice between installing a 150 foot buffer or using another unspecified strategy for protecting against water pollution, erosion and sedimentation on EV/HQ streams. Replacing a requirement for streamside buffers with merely an *option* for streamside buffers is not sufficiently protective of water quality in Pennsylvania.

Current Chapter 102 regulations require a 150-foot buffer for Exceptional Value and High Quality streams and then only in the case of new development/redevelopment projects involving over 1 acre of earth disturbance. Existing regulations exempt agriculture, timber harvesting and a number of other activities and provide a number of exceptions such as when existing site conditions make compliance not appropriate or feasible.

The proposed legislation will next be considered by the Appropriations Committee.

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