

February 3, 2021

Environmental Quality Board  
Rachel Carson State Office Building, 16th Floor  
400 Market Street, Harrisburg, PA 17101-2301  
*Electronically submitted via:* [RegComments@pa.gov](mailto:RegComments@pa.gov) and eComment

**Re: Summary of Comments on Proposed Rulemaking to Amend 25 Pa. Code Chapter 105**

Clean Air Council, Delaware Riverkeeper Network, EarthJustice, PennEnvironment, PennFuture, and Mountain Watershed Association (“Commenters”) have submitted thorough and detailed comments on the above-referenced proposed rulemaking. To summarize broad themes raised these comments, the Board’s revisions to Chapter 105 should:

- Emphasize the need for applicants to support all claims in applications with clear evidence, and for the Department to focus on increased on-the-ground verification of that information.
- Account for the effects and impacts of climate change on the Commonwealth’s public natural resources;
- Eliminate vague or confusing regulatory terms that can be interpreted in favor of damaging projects and result in harm to aquatic resources;
- Increase public participation and access to application information;
- Expand protection for high quality and exceptional value aquatic resources by prohibiting waivers in those waterbodies;
- Increase application and waiver fees to better fund the Department’s efforts to protect our public natural resources; and
- Require thorough and detailed documentation by the Department to support a decision to issue or deny a permit or waiver.

Further, in light of the early stakeholder process detailed in the proposed rulemaking’s preamble, Commenters urge the Board to consider these comments on equal footing with the early feedback provided by the Pennsylvania Chamber of Business and Industry, and provide Commenters the opportunity to engage in further dialogue. Commenters also request that the Board offer a public presentation and hold a hearing to receive additional comments from the public.

Thank you.