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HOUSE OF REPRESENTATIVES Southwest Caucus

February 8, 2010

SECRETARY'S OFFICE

FEB - 9 2010

**DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

Environmental Quality Board
Rachel Carson State Office Building
16th Floor
400 Market Street
Harrisburg, PA 17105-2301

RE: Comments on Proposed Total Dissolved Solids (TDS)/Wastewater Discharge Regulations

Dear Members of the Board:

We, the undersigned Members of the Southwest Caucus, appreciate the opportunity to submit the following comments on the proposed rule released on November 14, 2009 by the Pennsylvania Department of Environmental Protection (PA DEP) that deals with wastewater treatment requirements (25 PA. CODE CH. 95 - 39 Pa.B. 6547). We have significant concerns over the proposed regulation and the process being used.

We would like to specifically make the following comments:

1. DEP has not produced data, analyses or conclusions to support the necessity of this regulation;
2. If there is found to be a need to address TDS in our state's waterways, DEP should work with the stakeholders involved to develop effective, efficient and economically viable solutions; and
3. We believe that DEP should not advance this regulation as it is currently written.

Absence of Scientific Data and Analyses to Support this Regulation

The DEP is moving forward to implement regulations on TDS without sufficient scientific data to support their proposals. As you know, TDS can be found in a number of natural environmental sources, as well as other sources such as salts used for road de-icing, drinking water treatment chemicals, storm water run-off and point/non-point wastewater discharges (i.e., active and abandoned mines, sewage treatment facilities, etc.). It is necessary to understand the magnitude of the many sources of TDS before any sort of limit should be imposed, and as of now the DEP has not produced sufficient data to back up these proposed regulations.

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**INDEPENDENT REGULATORY
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February 8, 2010

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In the preamble to the regulation, DEP references studies and analyses for the Monongahela River, the Beaver River, the Shenango River, the Neshannock River, the West Branch of the Susquehanna River, and the Moshannon River, but did not give formal citations or release these studies. We feel the Department should not move forward with these regulations without first producing the data, the analysis, and the conclusions of each of the referenced studies.

Additionally, under the section labeled "*Compliance Cost*", the Department states that it anticipates the treatment costs "could be on the order of \$0.25/gallon" and implies that such treatment technology could be in place by the Jan. 1, 2011, effective date of the rule. This number is cited without the Department producing any background data or technological explanation of how it arrived at this rate. The DEP should supply information regarding the analysis and sources used to develop this cost estimate, the specific technologies contemplated, and the timeline needed for implementation of that technology.

Follow WRAC Recommendations: Work with Stakeholders to Develop Solutions

The purpose of DEP's Water Resources Advisory Committee (WRAC) is to "provide technical advice to the Department of Environmental Protection on the environmental, economic, and other social impacts of existing, new or proposed regulations, policies, and control techniques or technologies affecting water resources management including but not limited to surface/ground water quality and quantity issues." There is a WRAC stakeholder process underway that should be allowed sufficient time to do its work without the artificial deadline driven by the DEP regulation publication schedule.

If it is found that there is a need to address TDS in our state's waterways, DEP should then work with stakeholders to develop efficient, effective and economically viable solutions.

DEP Should NOT Advance this Regulation as Currently Written

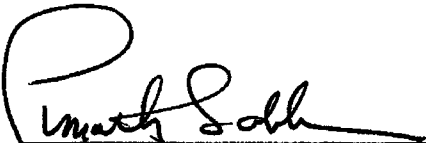
For the reasons stated above – lack of sufficient scientific data and analysis to support the regulation and the necessity to first work with TDS stakeholders, as recommended by DEP's Advisory Committee – we are suggesting that the Department not advance the proposed regulation as it is currently written.

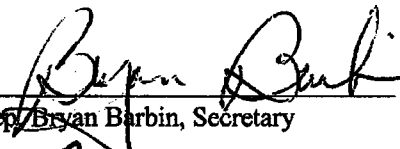
Thank you for the opportunity to comment on the proposed permitting strategies regarding TDS wastewater discharges, and we look forward to working with you on this issue.

Sincerely,

/Signatures attached

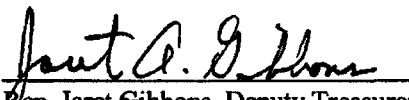

Rep. Joseph A. Petrarca, Chairman

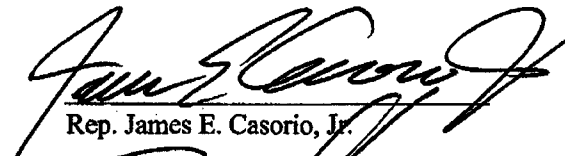

Rep. Tim Solobay, Vice Chairman

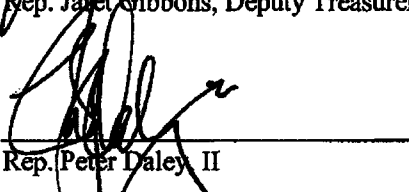

Rep. Bryan Barbin, Secretary

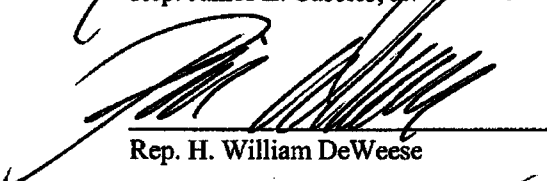

Rep. Frank Burns, Deputy Secretary



Rep. Robert Matzie, Treasurer

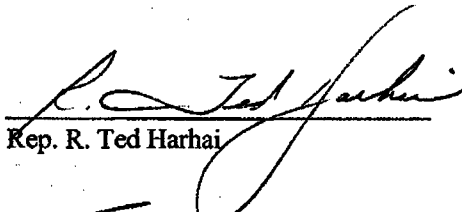

Rep. Janet Gibbons, Deputy Treasurer

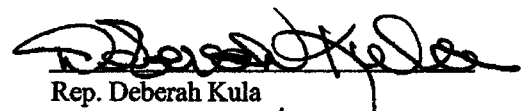

Rep. James E. Casorio, Jr.

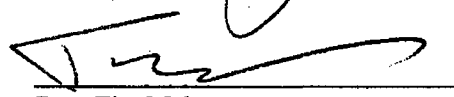

Rep. Peter Daley, II

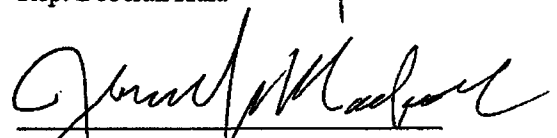

Rep. H. William DeWeese


Rep. Gary Haluska

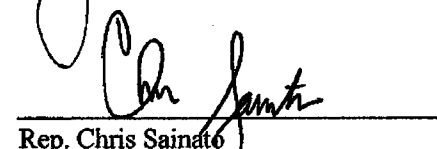

Rep. R. Ted Harhai

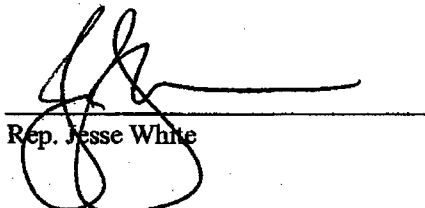

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