

**SOUTHWESTERN PENNSYLVANIA  
REGIONAL BUSINESS ADVOCACY COUNCIL**

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INDEPENDENT REGULATORY  
REVIEW COMMISSION

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ENVIRONMENTAL QUALITY BOARD

January 19, 2010

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**

The undersigned organizations appreciate the opportunity to submit comments on the proposed rule released on November 14, 2009 by the Pennsylvania Department of Environmental Protection (PA DEP) that deals with total dissolved solids (TDS) and wastewater treatment requirements (25 PA. CODE CH. 95 - 39 Pa.B. 6547).

We are members of the Regional Advocacy Council (RAC), a voluntary alliance of approximately 30 Chambers of Commerce and business service organizations from across ten counties of southwestern Pennsylvania – many of whom reside inside or along the Monongahela River Watershed. Our mission is to address issues that are important to the common interests of the region's business community, and as such we have significant concerns over this proposed regulation.

**We recommend that the Department not advance this rule,** and we would like to specifically comment on two areas of concern:

- Absence of scientific data to support this regulation; and
- Potential for the proposed regulations to seriously damage the economy of our region and the state.

**Absence of Scientific Data to Support this Regulation**

We feel that 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.

Additionally, the DEP's Water Resources Advisory Committee (WRAC) has also claimed that there is insufficient data to proceed with this rule. At their July 15, 2009 meeting, the WRAC recommended to DEP that it *not* proceed with the rule as proposed because it believed, "the regulations are wide ranging and have not been adequately analyzed by the Department", "that the draft regulation needs to be supported by science", and the WRAC recommended "that the Department ... form a statewide stakeholders group to analyze the

issues and develop appropriate solutions". We strongly encourage the Department to follow its Advisory Committee's recommendations and collect and analyze the suggested data before moving forward with the proposed rule.

**Potential for the Proposed Regulations to Seriously Damage the Economy of Our Region and the State**

Of particular concern to us is how this regulatory approach has the potential to seriously damage the economy of our region and the entire state. Specific sector analyses have been generated in the coal, natural gas, electricity and pharmaceutical industries, just to name a few. These industries evaluated the potential impact that imposing TDS treatment options would have on them. The conclusion from all sectors is that the current approach is financially ruinous to Pennsylvania. It would cost billions of dollars in capital investment costs and hundreds of millions of dollars more in annual operating costs to implement such treatment systems. Some specific sectors, such as electric utilities, would generate much higher CO2 and air emissions if the treatment systems were applied, and other sectors would see huge increases in landfill disposals. This is especially concerning since there has been very limited data collection and analysis of the problem and clarity into the environmental benefits.

Additionally, it is important to consider the affect that this regulation will have on municipal sewage treatment facilities. The treatment technology required for sewage facilities to meet the proposed rule is also very expensive. System upgrades would result in higher rates for customers. At the same time, facilities that do not upgrade could not accept natural gas wastewater and would sacrifice a significant amount of local government revenue.

The bottom line is that these are in effect "shut down" conditions for many affected employers and would mean a loss of jobs and investment. The lack of cost-effective treatment options severely hinders the competitiveness of many industries that do business inside our region and the Commonwealth. As we've also pointed out, these regulations would have a severe implication on municipal sewage treatment facilities and their ability to afford treatment options. Thus, we urge the Department to consider the high cost of compliance to not only businesses, but also local governments when considering the proposed regulation.

For the reasons stated above – lack of sufficient scientific data and the potential for the proposed regulations to seriously damage the regional and state economy – we urge the Department not to advance this proposed regulation.

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,



Michael Koff  
Chairman