

From: deborah lee [dlee@caci.com]
Sent: Sunday, January 31, 2010 5:20 PM
To: EP, RegComments
Subject: Proposed Rule (25 Pa Code Ch 95)

RECEIVED

FEB 4 - 2010

INDEPENDENT REGULATORY
REVIEW COMMISSION

Dear Environmental Quality Board

I support the proposed amendments to 25 Pa. Code Chapter 95 (relating to Wastewater Treatment Requirements). The DEP's own water quality data reflects that many of the Commonwealth's major watersheds simply cannot assimilate additional TDS, sulfates and chlorides (Proposed Rulemaking, 25 PA. Code Ch. 95, November 11, 2009). This was demonstrated last year when 17 potable water supply intakes in the Monongahela River basin failed to meet water quality standards including high levels of toxic brominated Disinfection By-Products that create increased risk of bladder cancer.

Even more recently, this September a massive fish kill stretched across over 40 miles of Dunkard Creek as the direct result of excessively high TDS levels. These extreme cases clearly demonstrate that some of our waterways are already beyond their assimilative capacity. The Department of Environmental Protection must act boldly and without hesitation to ensure that these extreme cases do not become the norm in the Commonwealth.

The proposed amendment is an excellent start to protecting the waters of the Commonwealth. However, there are two opportunities to further strengthen the proposed rule: 1) eliminate the applicability thresholds; and 2) add a transition scheme in order to eventually apply the rule to sources that existed prior to April 1, 2009. Eliminating the applicability threshold will ensure that the DEP is allowed the oversight authority necessary to regulate all industry discharges. This is the only circumstance that would enable the DEP to know the total TDS, chloride and sulfate inputs into waterways.

Extending the rule to apply to new and existing discharge sources will level the playing field and prevent unfair burden from being placed on new operations. Furthermore, including existing facilities would strengthen market demand for the development of effective and affordable treatment options.

I appreciate industry concerns that there is limited available technology for wastewater treatment and that many of the projected options are expensive. However, lack of technology or funds available for treatment is not an argument to discourage rule-making on scientifically supported water quality standards. It is in fact an argument to immediately cease the production of the toxic wastewater until such time as technology and finances enable their treatment. Moreover, establishing firm regulations will signal an opportunity in the market, resulting in the allocation of additional resources to develop these much needed technologies.

Chapter 27 of the Pennsylvania Constitution reads, "The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people." Industry has no pre-determined right to pollute the waters of this Commonwealth. Pennsylvania citizens do, however, have the right to pure water and this proposed rule is essential to ensuring that right is protected.

deborah lee

1411 lexington drive
washington, PA 15055