

Madison Brame

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Independent Regulatory
Review Commission

From: ecomment@pa.gov
Sent: Monday, June 2, 2025 3:57 PM
To: vlandis@pa.gov; Environment-Committee@pasenate.com; environmentalcommittee@pahouse.net; regcomments@pa.gov; Osenbach, Matt; Glendon King; Franzese, Evan B.; Eyster, Emily; IRRC
Cc: ra-epmsdevelopment@pa.gov
Subject: Comment received - Proposed Rulemaking: Notification Requirements for Unauthorized Discharges to Waters of the Commonwealth (#7-587)

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Re: eComment

The Department of Environmental Protection has received the following comments on Proposed Rulemaking: Notification Requirements for Unauthorized Discharges to Waters of the Commonwealth (#7-587).

Commenter Information:

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Comments entered:

Dear Pennsylvania Environmental Quality Board,

Please reject the Proposed Rulemaking: Notification Requirements for Unauthorized Discharges to Waters of the Commonwealth (25 Pa. Code Chapter 91). The Proposed Rulemaking jeopardizes the rights of all Pennsylvanians to clean water under the Clean Streams Law and the Constitution of the Commonwealth of Pennsylvania.

This Proposed Rulemaking won't make our water any safer or cleaner, but it will make sure that we won't know what's been spilled into it. This will affect myself and other Pennsylvanians in many ways: Parents will be distressed about the possibility of not knowing what is in the water their children drink, bathe in, and swim in. Outdoor enthusiasts' rights to recreational use of our Commonwealth's waters will be threatened. Businesses who rely on clean water will be threatened, along with the livelihoods of small business owners and their employees.

Under our current laws and regulations, I have some peace of mind as to what was in the water that I depend on. Right now, it's required that any polluters notify the Department of Environmental Protection (DEP) of any spill that "could endanger downstream users." The Proposed Rulemaking would allow polluters—and most especially the powerful corporations and

interests who are the most likely ones to have something to hide—to decide when and whether DEP should be notified of a spill if the spill is not within a very limited, federally-created list of substances. This limited list does not include all possible pollutants that threaten our environment and our health. Moreover, at a time when the federal government is widely rolling back environmental and water protections, Pennsylvania should be doubling down to ensure that we have a clean environment, not handing off oversight to those who will accidentally or deliberately release toxic and otherwise harmful contaminants into our waters. The Pennsylvania Department of Protection is the right place to keep this authority.

In past years, the DEP has provided guidance supported by science and common sense taking into account the many different factors that should be considered to decide whether a spill presents a significant risk of adverse effects. Because of these variable factors, it is impractical to lay out a single predetermined standard. Every stream, river, lake, and bit of groundwater is different, depending on the local geology, the season and weather, how fast it's flowing, the sediment and rocks and shape of the land, and the resident biota. As a consequence, a predetermined standard will often fail to be protective. When it comes to public health and downstream water users, there shouldn't be a limit to which harmful substances are considered. Nor should the person or business who did the spilling be allowed to decide whether it's going to harm human, animal, and ecosystem health. All of it should be reported, so that people can make informed choices about what they want to do.

Citizens of the Commonwealth have the right to "clean air, pure water, and preservation of the environment" under Article I, section 27 of the Pennsylvania Constitution. It is the DEP's responsibility and duty to protect this right, including protecting water from the impacts caused by spills. This Proposed Rulemaking would take that right away and allow powerful interests to get away with harmful pollution.

Due to these reasons, I ask you to reject this Proposed Rulemaking to safeguard our health and environment. Thank you for your consideration.

No attachments were included as part of this comment.

Please contact me if you have any questions.

Sincerely,
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