



January 24, 2022

To: Members of the Senate Environmental Resources & Energy Committee  
Re: Opposition to House Bill 1842 (P.N. 2231)

Dear Senators:

The Pennsylvania Environmental Council and Environmental Defense Fund have significant concerns with House Bill 1842, which will be considered by the Senate Environmental Resources & Energy Committee on January 25<sup>th</sup>. This legislation alters reporting requirements for unintended releases (e.g., spills or discharges) of substances (e.g., chemicals, wastes, or other products) at permitted sites and operations. This bill is a modified version of legislation considered last session.

House Bill 1842 charges the Environmental Quality Board with promulgating new regulations for what the legislation terms 'reportable quantities' of releases. However, the Department of Environmental Protection has already established such criteria for several programs. In addition, many permitted activities have pollution prevention and contingency plans that spell out obligations for what to report and to whom, for managing releases, and for notifying downstream water users.

This legislation is a fundamental alteration of current practice, and it is unclear whether House Bill 1842 would invalidate existing requirements. If that is indeed the case, this bill could result in a complete lack of reporting requirements for an indefinite period of time, creating considerable risk to public health and the environment.

Further, by establishing a new standard of 'reportable quantities' for releases, there are open questions as to whether new regulations would need to be adopted for each and every substance; whether other language in House Bill 1842 grants permittees ultimate discretion as to whether any reporting should in fact occur; and whether reporting is required only when the release renders the whole of a receiving water hazardous to human health or the environment.

In sum, while House Bill 1842 takes a less overt approach than its predecessor, it still creates considerable risk and uncertainty. Ultimately, this bill threatens to weaken state protections in a way that would run afoul of the intent of the Clean Streams Law as well as federal standards.

For these reasons, we urge you to oppose this legislation. Thank you for your consideration.

Sincerely,

John Walliser  
Senior Vice President, Legal & Government Affairs  
Pennsylvania Environmental Council

Adam Peltz  
Senior Attorney, Energy  
Environmental Defense Fund