



July 11th, 2017

Opposition to Senate Bill 446 (Administrative Code Bill)

Dear Members of the Senate -

On behalf of Citizens for Pennsylvania's Future (PennFuture), we urge you to oppose Senate Bill 446 (P.N. 1088), otherwise known as the Administrative Code. As has been done in recent history, the state budget “code bills,” including the Administrative Code, have been used to bury controversial legislative proposals in “must-pass” budget bills to limit debate, public comment, and handcuff the legislative process. Senate Bill 446 is no different.

In particular, Senate Bill 446 contains provisions we strongly oppose because they weaken environmental protections:

- **Weaken Water Pollution Rules for Toxic Manganese.** In Section 6, page 42, takes the unconscionable step of requiring the Environmental Quality Board to propose regulations that limit applicability of the water quality criterion for manganese only to industrial activity and coal mining areas immediately upstream of potable water supplies or known private water supplies. This provision would mean that potentially hundreds of miles of Pennsylvania waterways—including those actively used for irrigation, fishing, swimming, and other recreation—could have unsafe levels of the toxic metal.
- **Allow Natural Gas Industry to Continue Operating Under Expire Waste Water Permits.** In Section 8, page 44, a provision has been included to allow water treatment facilities taking waste from the natural gas industry to continue operating under long-expired National Pollutant Discharge and Elimination System (NPDES) permits through the end of 2019. Keeping wastewater out of Pennsylvania’s waters is vitally important.

To be clear, Senate Bill 446 also includes a provision that would help Pennsylvania’s environment. Section 13 amends the Alternative Energy Portfolio Standards (AEPS) to limit alternative energy credit generation to those solar photovoltaic systems delivering energy in Pennsylvania, and not to out-of-state solar facilities. This is an important step to make sure the Commonwealth regains its position as a solar leader and ensuring solar jobs are created in Pennsylvania.

Nonetheless, use of the Administrative Code to advance legislation without public debate and full transparency is wrong either way. We urge the Legislature to pass a clean Administrative Code bill and debate individual provisions on their own merits.

On June 20th, the Pennsylvania Supreme Court held that “the Commonwealth must act affirmatively via legislative action to protect the environment.” Senate Bill 446 does not meet these commonsense standards.

Sincerely,

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