

October 20, 2020

Dear Members of the Pennsylvania House of Representatives:

The undersigned members of the conservation, business, clean energy, clean water, environmental protection, and faith communities in Pennsylvania **ask for your OPPOSITION to Senate Bill 619 (P.N. 857 - Yaw)**.

SB 619 is a dangerous bill that seeks to gut Pennsylvania's Clean Streams Law by fundamentally changing the Clean Streams Law - enacted in 1937 to protect Pennsylvania's abundant water resources - to exclude from its definition of "pollution" any "accidental discharge, spill or release that does not cause a violation of" a limited list of 15 water quality criteria, such as temperature, color, and bacteria. Senate Bill 619 also jettisons spill reporting requirements to the Pennsylvania Fish and Boat Commission and the Pennsylvania Department of Environmental Protection leaving our waters unprotected from serious pollution events.

This bill makes it easier to pollute our waters in two ways:

- **First, by changing the definition of "pollution," SB 619 would prevent state agencies from taking action against people who cause spills that threaten waterways, but don't technically violate the specific numeric water quality criteria.** This would allow many types of spills to go unpunished, including, for example, accidental discharges of oil, grease, scum, and floating materials and more toxic pollution like radioactive materials.
- **Second, SB 619 changes the requirements for reporting the newly-defined accidental discharges or spills, making them reportable to the Department of Environmental Protection (DEP) only after the polluter determines whether it violates the numeric water quality standards.** Currently, polluters are required to *immediately* notify state agencies and downstream water users as well as to *immediately* take action to prevent injury downstream.

Not only will the majority of spills into PA waters go unpunished, they will go unreported and unstopped, and taxpayers will be left with the costs and consequences of the pollution.

This is not hypothetical. On April 1, 2018 a truck crashed on Interstate 80 in Monroe County, spilling 49,000 pounds of small plastic pellets (and trash and diesel) into Sand Spring Run, a tributary to Pocono Creek. The pellets were found in Pocono Creek up to four miles from the crash site. These pollutants (including pellets, trash, and diesel) do not violate any of the Chapter 93 numeric criteria (e.g., pH, temperature, dissolved oxygen), but are nevertheless clearly violative of Chapter 93's narrative standard: "Water may not contain substances attributable to point or nonpoint source discharges in concentration or amounts sufficient to be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life . . ." Plastics such as this are a known hazard to aquatic life. Under the proposed definition in SB619, however, these 49,000 plastic pellets would not be considered "pollution", the spill would not have been reported, and the state environmental agencies would have no enforcement action or legal recourse against the polluter.

SB 619 eliminates critical safeguards in Pennsylvania's Clean Streams Law that protect waterways from spills that harm the environment, public health, and property. Pennsylvania's waters are an invaluable resource for drinking water and recreation, and bring significant economic value to the Commonwealth. We can't afford the impact that redefining "pollution" and weaker protections would have on our water. We oppose this attempt to allow our waters to be polluted without recourse and without the knowledge to downstream communities or the DEP and the Pennsylvania Fish and Boat Commission, both of which work hard to protect Pennsylvania's water quality.

SB 619 is simply not in the best interest of Pennsylvanians today and in the future. It erodes the very definition of water pollution and removes the responsibility of reporting spills to those who caused the spill. SB 619 only benefits polluters. We ask that you VOTE NO on SB 619.

Please do not hesitate to contact us if you have any questions or would like further information.

Sincerely,

Jacquelyn Bonomo, President & CEO

PennFuture

Louise Troutman, Executive Director

Pocono Heritage Land Trust

Kimberly Witt, MidAtlantic Policy Manager

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Chestnut Hill United Church of Philadelphia

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