

Patrick Renshaw
Project Manager - Env

1639 Church Rd
Allentown, PA 19539
Tel. 484-661-4486

prenshaw@pplweb.com
www.pplelectric.com



PPL Electric Utilities

October 5, 2020

Pennsylvania Department of Environmental Protection
Rachel Carson Office Building
Policy Office
Attn: Technical Guidance Coordinator
PO Box 2063
Harrisburg, PA 17105-2063

ELECTRONIC SUBMITTAL - eComment

Re: Comments regarding PADEP Technical Guidance Number 383-4200-003: Draft: Notifications Requirements for Spills, Discharges and other Incidents of a Substance Causing or threatening Pollution to Waters of the Commonwealth

To whom it may concern,

Please accept these comments on behalf of PPL Electric Utilities Corporation (PPL EU) regarding the Pennsylvania Department of Environmental Protection (“PADEP”) proposed technical guidance revisions regarding “Notifications Requirements for Spills, Discharges and other Incidents of a Substance Causing or threatening Pollution to Waters of the Commonwealth” published in the Pennsylvania Bulletin on August 8, 2020 (“Technical Guidance”).

PPL EU supports Pennsylvania Senate Bill SB 619 regarding reporting of spills as referred to the Pennsylvania House on June 27, 2019. The bill is consistent with established reporting guidelines outlined by federal regulations. The proposed bill clarifies that spills exceeding established reportable quantities, as defined under CERCLA and federal Clean Water Act for spills that reach a waterway or potentially reach a water way, are reportable to the PADEP.

PPL EU disagrees with the rationale of the proposed PADEP Technical Guidance. The Technical Guidance proposes to apply the current spill notification processes defined in 25 Pa. Code Chapter 91 and Chapter 92a for NPDES permit holders to all spills. The application of this guidance appears to be an overreach of the Clean Streams law by unilaterally applying the intent of the NPDES regulations to other spills, including spills that do not have the potential to reach a waterway nor impact Waters of the Commonwealth.

Spills or releases from electrical industry equipment are typically the result of storm damage, vehicle accidents and equipment failure. Electric utility industry statistics show that many utilities experience nearly 200 of these events in a year, which range in average volumes released from less than 1 gallon up to 25 gallons per event. Material released from such events include transformer insulating fluids (i.e. mineral oil), diesel fuel, gasoline, and hydraulic fluids. The volume of these materials is usually well below the reportable quantity for CERCLA reporting for these types of events. Additionally, most events are either released to soils or road surfaces with no potential, or very limited potential, to reach Waters of the Commonwealth. PPL

EU maintains a rigorous spill response program that effectively stabilizes and contains spills from our equipment in nearly 100% of spill events. Our response protocols and use of emergency controls drastically reduces the risk of spills reaching a waterway. PPL EU remains committed to properly report any spill that impacts Water of the Commonwealth immediately upon discovery.

A question to PADEP is what process they would follow for handling the expected large volume of frivolous notification calls if the approach proposed under the new Technical Guidance moves forward? Unfortunately, this will redirect valuable PADEP resources and taxpayer dollars towards incidental spills having no discernable impact on Waters of the Commonwealth, while drawing attention away from reportable spills that warrant swift and focused action by the PADEP.

We believe the broad definition of pollution will lead to various interpretations from the different PADEP personnel in each region. For examples, currently a PADEP Region issues Notice of Violations to log and track small spills. The region has stated that they have no mechanism to log or track events of this nature except through this process. Using this logic, the PADEP could inadvertently create a large database of these small spill events that are logged as NOV's, unnecessarily exposing the department to third party inquiries as to why additional actions have not been taken against many owners/operators for uncontrollable releases.

Also, the PADEP guidance will require notification by the Responsible Party to known downstream users of the waters per 25 Pa. Code § 91.33(a). If the event truly does not impact the waterway, but notification under this approach is followed, numerous unnecessary calls would be initiated to water users even though no water source was ever impacted.

In summary, PPL EU supports SB 619 as a clear and enforceable program to report spills in the Commonwealth and encourages the PADEP to align the technical guidance with this bill.

If you have any questions please contact me at 484-661-4486 or via email at prenshaw@pplweb.com.

Sincerely,

A handwritten signature in black ink that reads "PATRICK J. RENSRAW". The signature is written in a cursive, slightly slanted style.

Patrick Renshaw
Project Manager – Environmental
PPL Electric Utilities Corporation