



3344 Route 130, PO Box 137
Harrison City, PA 15636
(724) 392-7023

October 6, 2020

Submitted Electronically to: <https://www.ahs.dep.pa.gov/eComment>

Technical Guidance Coordinator
Department of Environmental Protection, Policy Office
Rachel Carson State Office Building P.O. Box 2063
Harrisburg, PA 17105-2063

Re: Draft Technical Guidance: Notification Requirements for Spills, Discharges, and Other Incidents of a Substance Causing or Threatening Pollution to Waters of the Commonwealth (383-4200-003)

To Whom It May Concern:

We are writing on behalf of the members of our organization, Protect PT (Penn-Trafford). Protect PT is a nonprofit citizens group dedicated to ensuring that the safety, security, and quality of life of community members are protected from the effects of polluted waters. We are concerned about the new policy regarding notification requirements for spills, discharges, and other incidences due to the toothless nature of the policy itself. This 'self-motivated' encouragement to report spills to the PA DEP is insufficient and weak.

The risk of spills and discharges into the waters of the commonwealth is now a greater threat due to the development of pipelines, storage facilities, and other construction near our riverways. With increased numbers of pipelines, construction sites, and fracking activity, there is a higher risk for contamination of our waters, which could create adverse environmental and economic impacts.

Downstream User Notification

Notifying the PA DEP and downstream communities is not just an ethical obligation, but a legal obligation too. The requirements assigned to the responsible party of a spill under 25 Pa. Code § 91.33(a) should be further regulated. In the event that there is a serious spill, especially by oil and gas companies, the effect it may have on the water quality downstream would be detrimental to every community and ecosystem. We recommend that the PA DEP set requirements that the responsible party or PA DEP

must notify downstream communities within a predetermined radius upon confirming that the spill has either (a) been present in the water source for over 24 hours and has not yet been removed, (b) is uncontained, (c) exceeds a specific predetermined level, or (d) is determined by the PA DEP that it could be a public health hazard.

Spill Reporting Timeframe Obligations

Within this policy, we find fault with the lack of immediate responsibility entailed towards spills in Pennsylvania's bodies of water. It is outlined in section 92a.41(b) that "[o]ral notification is required as soon as possible, no later than 4 hours after the permittee becomes aware of the incident causing or threatening pollution," however, we believe that the responsible party should notify the PA DEP within a narrower time frame. In this notification requirement, PA DEP fails to quantify the concentration of spillage or predetermined pollution in streams and rivers required for this four-hour notification. Spills of larger volumes can be extremely threatening to both human health, wildlife and ecosystem welfare, and water quality management. Smaller spills may be blatantly unreported.

Protect PT encourages you to consider our recommendations to strengthen the rulemaking regarding notifications of spills, discharges, and other incidents. The choices we make today with our water resources affect current and future generations. As rule-makers for our Commonwealth, it is your duty to make the health and wellbeing of all Pennsylvanians your priority by creating stronger regulations protecting the waters of our commonwealth.

Sincerely,

Gillian Graber
Executive Director
Protect PT