



**Prepared Testimony of**

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Pennsylvania Department of Environmental Protection**

**Before the**

**Senate Appropriations Committee**

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Good morning Chairman Browne, Chairman Hughes, Chairman Yaw, Chairman Comitta, and members. Thank you for the opportunity to present Governor Wolf's proposed Fiscal Year 2022-2023 budget for the Department of Environmental Protection (DEP).

As always, I want to begin by acknowledging the public servants who work every day to achieve the Department's mission. Every one of us commits daily to "protect Pennsylvania's air, land and water from pollution, and to provide for the health and safety of our citizens." I begin my testimony with this every year, and I want to take one last opportunity to emphasize that the success that DEP has had under my tenure would not be possible without their contributions.

This year, DEP's budget request includes \$211,387,000 from the General Fund and a total spending authorization of \$1.557 billion. The proposal includes \$652.844 million of special fund authorizations as well as \$554.077 million in Federal spending authority.

### **Investing in Pennsylvania's Future**

The Governor's budget presents an investment in the future of DEP and in Pennsylvania's environment. DEP staffing has been a challenge for years, and the requested \$5 million increase for new positions will help us continue to provide consistent high-quality service for inspections and permit reviews.

Our prior investments into electronic permit submission and additional tools for inspectors continue to pay dividends. In the 2021-22 fiscal year, DEP has conducted more than 57,000 inspections, taken final action on more than 25,000 permit applications and authorizations, and responded to 139 environmental emergencies so far. To take a broader look, in the 2021 calendar year DEP conducted more than 93,000 inspections, took final action on nearly 40,000 permit applications and authorizations, and responded to 252 environmental emergencies. I would also like to note that, despite staff shortages, existing permitting staff committed over 19,000 hours of overtime in the 2021 calendar year to eliminate permit application backlogs across the different program areas.

To help address these staff shortages and ensure a reliable and sustainable workforce, Governor Wolf has proposed a \$5 million increase to our operating budget to hire more staff in the Dam Safety and Clean Water programs. This investment is necessary to ensure the safety of Pennsylvania's dams and other water control structures and to complete work like permit review and inspections.

Other investments that will pay dividends for Pennsylvanians far into the future are being made by the federal government as well, with record investments into watershed restoration, orphan oil and gas well plugging, and abandoned mine land restoration. The Infrastructure Investment and Jobs Act (IIJA), signed in November 2021 by President Biden, will provide hundreds of millions of dollars for Pennsylvania through a variety of programs.

Through the IIJA, Pennsylvania will be able to radically increase the pace of plugging orphan and abandoned oil and gas wells. There are nearly 27,000 such wells currently on the books, with tens of thousands more that could qualify. An initial \$25 million grant from the U.S. Department of the Interior will allow DEP to address high-priority wells and work to identify more that will

need to be plugged. This investment cannot be understated – Pennsylvania qualifies for \$25 million in funding in the first year and could possibly qualify for more than \$300 million in additional funding over a multi-year period under a formula grant, \$40 million in performance grants, and \$30 million in matching grants. For context, DEP spent \$37 million plugging approximately 3,000 wells from 1989 through 2021. DEP is collaborating with the oil and gas industry to assess interest, availability, and technical ability to aid in plugging Pennsylvania’s orphan and abandoned oil and gas wells

The IJA also invests in reclaiming and restoring abandoned mine lands. These lands are an unfortunate legacy of Pennsylvania’s contributions to the Industrial Revolution and the building of the American economy, but today they present environmental hazards and eyesores to local communities. Secretary of the Interior Deb Haaland recently visited northeastern Pennsylvania to see some of these sites firsthand and reaffirm the Biden administration’s commitment to helping clean up these areas. The IJA will invest an additional \$244.9 million over the next 15 years to address abandoned mine land cleanup beyond other sources of funding.

Additional resources are available from the IJA for addressing invasive species and harmful algal blooms in Lake Erie, and for drinking water system upgrades like lead service line replacement and improvements to treatment systems to help protect against emerging contaminants. DEP awaits final guidance from the federal government on some of these programs but is prepared to put these dollars to good use in Pennsylvania communities once received.

I also want to highlight some early returns on an investment the General Assembly made last year into the Black Fly Program. This program is responsible for the control operations that reduce the number of black flies – or gnats – that breed in Pennsylvania rivers and streams. They are, as many of you are aware, a nuisance in every sense of the word, driving families indoors and turning away tourists. Last year, thanks to a doubling of the program budget, DEP’s Black Fly Program was able to nearly double the number of days with control operations and will be able to treat rivers and streams from April through September this year without interruption. And I can tell you that we knew it was working when the number of complaints about black flies dropped from more than 7,000 in 2020 to fewer than 300 in 2021. It is rare to be able to see the fruits of that kind of investment so quickly, and I wanted to thank you and share this positive development with you all.

### **Promoting Diversity and Environmental Justice**

Investing in the future is more than just financial investment; it is also putting in the time and energy to create a culture that attracts and retains talent and reflects the communities it serves. DEP continues to build on our work to increase diversity, equity, and inclusion throughout the Department. We have engaged staff at all levels of the Department to improve the diversity of the talents and backgrounds within DEP. We are also looking outside of the agency to connect with community groups and stakeholders about how DEP can better meet their needs.

DEP is committed to ensuring Pennsylvania’s environmental justice communities are included in decisions affecting their local environment. In October 2021, Governor Wolf signed an executive

order permanently establishing the Office of Environmental Justice at DEP, as well as formally establishing the Environmental Justice Advisory Board and an Environmental Justice Interagency Council.

These actions will further cement environmental justice into all of DEP's work – and help ensure that low-income communities and communities of color are not unduly burdened with pollution.

DEP will soon be accepting feedback on a revised Environmental Justice Public Participation Policy that will better assist residents and communities in participating in the decision-making process for certain permits and authorizations.

### **Fighting Climate Change for Pennsylvania**

The reality of climate change is here for Pennsylvania. Warmer winters, hotter summers, stronger storms, and other impacts of global climate change are already being felt in Pennsylvania.

To be clear – these impacts are not part of a far-off future. They are here, now. Climate change will continue to affect businesses, communities, and residents; but there are still opportunities to reduce the greenhouse gas pollution behind climate change and avoid some of the worst impacts.

Throughout the Wolf administration, DEP has worked to reduce greenhouse gas pollution through a variety of means. We cut down on methane pollution from new gas wells and compressor stations through new permitting requirements. We are finalizing regulations that will address existing unconventional wells and prevent methane leakage.

Through our Alternative Fuels Incentive Grants and Driving PA Forward program we funded the installation of hundreds of electric vehicle chargers, building the needed infrastructure for the electric cars, trucks, and SUVs that dominated the realm of vehicles advertised during this year's Super Bowl.

The administration is making progress through the GreenGov Council to reduce the carbon footprint of the Commonwealth government, while saving taxpayers money.

We have finalized the regulation to reduce greenhouse gas pollution from electric power plants by allowing Pennsylvania to participate in the Regional Greenhouse Gas Initiative (RGGI). This is a vital part of reducing emissions from one of the biggest sources – electric generation.

Participating in RGGI will reduce the carbon pollution coming from Pennsylvania. It will also reduce other air pollutants like NOx and SOx, which will prevent hundreds of premature deaths tied to respiratory illnesses. It will also create tens of thousands of good-paying jobs that cannot be outsourced, lead to nearly \$2 billion in additional economic growth, provide billions of dollars in cumulative health benefits, and lower electricity bills.

These measures are important steps to fighting climate change and adapting Pennsylvania communities and industries to the climate realities now. Pennsylvania will not solve the climate crisis alone, but the world will not solve the climate crisis without Pennsylvania, and we must continue to invest in a future that reduces carbon pollution.

## **Protecting Pennsylvanians from emerging contaminants**

At the beginning of this administration in 2015, very few people knew what PFOS or PFOA were, much less the entire family of chemicals they belong to, called Per- and Polyfluoroalkyl Substances or PFAS. Today we are in the early days of a public comment period taking feedback on a draft Maximum Contaminant Level (MCL) for drinking water that will be the first of its kind developed solely by Pennsylvania. The road to get to this point was long, and, unlike other MCLs, we did not have a federal limit to fall back on.

This effort began in 2018 with the formation of the PFAS Action Team as directed by Governor Wolf's September 2018 executive order, spurred in part by a growing awareness of the threat of these chemicals and inaction at the federal level, where almost all drinking water standards are set. What followed was an extensive process to determine how to best protect Pennsylvanian's drinking water.

More than 400 samples were taken from drinking water and background sites from around the state to identify the prevalence of PFAS chemicals already present in groundwater resources. Toxicological research was conducted by Drexel University on the health impacts of the chemicals and factored into the limits we are proposing. DEP's Policy Office and Safe Drinking Water Program then drafted a new Pennsylvania-specific limit for PFOS and PFOA.

In addition to drinking water standards, DEP has set soil cleanup standards for PFAS chemicals and established limits for specific wastewater discharges. We are continuing to explore concerns like disposal of PFAS chemicals in landfills.

Setting a drinking water MCL and taking other actions to protect Pennsylvanians from PFAS chemicals is an investment that will pay dividends for generations to come.

## **Meeting the promise for local waterways and the Chesapeake Bay**

For the first time since the development of the Phase 3 Watershed Implementation Plan began, Pennsylvania can show that there is a path to achieving the pollution reduction goals for the Chesapeake Bay watershed. This is due to the tremendous work of DEP, the Department of Conservation and Natural Resources, the Department of Agriculture, as well as county government and conservation districts and other on-the-ground partners. The most recent draft Integrated Water Quality Report shows that waterways in the Chesapeake Bay watershed are improving. These improvements are cleaning up streams and rivers in Pennsylvania with noticeable reductions in nitrogen and phosphorus pollution in the watershed. There is still a way to go, but investments into the watershed are showing results for farmers, communities, and downstream neighbors.

The Governor's recent announcement of a plan to help Pennsylvania fully recover from the pandemic through the American Rescue Plan Act funds included a proposed investment of \$450 million in conservation, outdoor recreation, and preservation through a Growing Greener III. Growing Greener funding will accelerate the program's historic work to support farmers in their efforts to protect soil and water resources; reduce the maintenance backlog in state parks; clean

up abandoned mines and restore watersheds; provide funds for recreational trails and local parks; help communities address land use; and provide new and upgraded water and sewer systems.

### **Conclusion**

As always, I have barely scratched the surface of what DEP has accomplished and will accomplish in the future.

Throughout this administration we have improved permitting times, digitized a previously paper intensive department, held polluters responsible and brought relief to those harmed by that pollution. There have been many challenges throughout, but the staff at DEP have time and time again risen to face and, more importantly, overcome those challenges.

DEP is in a much stronger position to fulfill its mission of protecting Pennsylvania's air, land, and water from pollution and to provide for the health and safety of its residents through a cleaner environment than it was in 2015. The investments that have been made throughout this administration have already shown dividends and will continue to have positive returns well into the future.