

September 20, 2017

The Honorable Gene Yaw
Senate of Pennsylvania
Chair, Environmental Resources
and Energy Committee
Senate Post Office Box 203023
Harrisburg, PA 17120-3023

The Honorable John Maher
Pennsylvania House of Representatives
Chair, Environmental Resources
and Energy Committee
House Post Office Box 202040
Harrisburg, PA 17120-2040

The Honorable John Yudichak
Senate of Pennsylvania
Chair, Environmental Resources
and Energy Committee
Senate Post Office Box 203014
Harrisburg, PA 17120-3014

The Honorable Mike Carroll
Pennsylvania House of Representatives
Chair, Environmental Resources
and Energy Committee
House Post Office Box 202118
Harrisburg, PA 17120-2118

Dear Environmental Resources and Energy Chairs:

As you continue to negotiate the Commonwealth's budget for this fiscal year, I felt it important to write again to express my concerns regarding the budget passed by the House of Representatives last week. I have to say that calling it "The Putting People First Budget" is an inaccurate description of the ramifications of the proposal outlined in HB 453.

There seems to be some misunderstanding about the dedicated funds that we in the Department of Environmental Protection (DEP) use to carry out our statutory and constitutional obligations as well as our agency's Mission. These funds are not a "piggy bank;" they are not unrestricted; they are not unallocated; they are not available for redirection into the General Fund.

To the contrary, most of these funds are committed to specific projects, with spending already taking place by communities, organizations and other partners who believe they will have the dollars -- based on our prior authorizations. They are right now proceeding with vital economic development programs, continuing toxic cleanups and revitalizing abandoned industrial decay, and advancing local programs to reduce the amount of waste municipalities are paying to landfill.

The bill passed last week continues to raid every DEP dedicated fund originally proposed, except for one. We are grateful that the Hazardous Sites Cleanup Fund is kept whole, to clean up and rehabilitate abandoned or unused industrial sites across the state. But that is offset by the raid on the Industrial Sites Cleanup and Industrial Sites Environmental Assessment Funds. This budget drives a stake through the heart of projects that transforms brownfields into multi-dimensional community assets.

Consequences of this budget, as outlined in the previous letter, are:

- Risking in-process recycling grants and obligations to municipalities, counties, and non-profits who support recycling in Pennsylvania. These grants support 1,083 curbside and 928 drop-off programs serving 12 million Pennsylvania residents. Pennsylvania's recycling market place contributed \$22.6 billion to the Commonwealth's gross state product and employs about 66,000 people.

Secretary

- Overdrawing the Energy Development Fund, which would immediately halt a solar power manufacturing project by Summit Steel Manufacturing Co. in Muhlenberg, PA
- Halting projects already underway and cancelling future projects in Pennsylvania's coal fields to restore watersheds, including:
 - Cresson (Under Construction - \$10 million in Capital Budget Funds) – Cambria County
 - Wehrum/Blacklick Creek Restoration (\$9 million in Capital Budget Funds) – Indiana County
 - Little Conemaugh River Restoration – Cambria County
 - Quakake Tunnel Discharge/Quakake & Black Creek Restoration – Carbon County
 - Audenreid & Green Mountain Tunnel Discharges/Catawissa Creek Restoration – Schuylkill County
 - Gladden Discharge/Chartiers Creek Restoration – Allegheny County
 - Dark Shade Creek Restoration – Somerset County
 - Morris Run/Tioga River Restoration – Tioga County
 - Mill Creek – Jefferson & Clarion Counties
 - Mill Creek – Schuylkill County
 - Yellow Creek – Indiana County
 - Taking \$500,000 from youth education by eliminating grants to schools and educational organizations for environmental education
- Undermining cleanups for about 1,000 sites where toxic and highly carcinogenic chemicals from petroleum products threaten residents by taking funds from the Underground Storage Tank Indemnification Fund. This action may result in the EPA declaring the fund insolvent and require the USTIF Board to increase fees to cover the losses, including an increased gas tax.

I do believe that the residents of Pennsylvania do not support unconscionably – and possibly unconstitutionally -- raiding these funds to satisfy a one-time fix at the expense of long-term environmental degradation.

I would be happy to meet with you and your colleagues as the General Assembly and the administration work to finalize a responsible budget for FY 17-18. Should you have any questions, please do not hesitate to contact my office.

Respectfully,



Patrick McDonnell
Secretary