



April 25, 2023

Cynthia Leitzell, Board Chair
Chester Water Authority
P.O. Box 167
Chester, PA 19016-0467

Dear Board Chair Leitzell:

As the new Acting Secretary of the Pennsylvania Department of Environmental Protection (DEP), I am taking this opportunity to provide additional responses to your September 13, 2022 letter to DEP regarding access to affordable water for all Pennsylvanians.

Your letter raises concerns about affordability of drinking water when municipally owned public water systems are purchased by privately owned companies. The DEP's mission is to protect Pennsylvania's air, land, and water from pollution and to provide for the health and safety of its citizens through a cleaner environment, this includes access to safe and potable public drinking water. However, DEP does not currently have the statutory or regulatory authority to evaluate affordability of drinking water provided by drinking water systems in Pennsylvania – whether publicly or privately owned. The Pennsylvania Safe Drinking Water Act (SDWA) confers certain powers and duties to DEP to implement a state program to assure the provision of safe drinking water to the public, but evaluating affordability is not among those statutorily defined powers and duties. Any expansion of DEP's statutory authorities is a matter for the Pennsylvania General Assembly.

I want to assure you that Environmental Justice is among my top priorities. The DEP's, Office of Environmental Justice (OEJ), which I am in the process of elevating and expanding, fulfills a critical role within DEP by supporting low-income communities and communities of color that are disproportionately impacted by environmental issues and associated adverse health impacts. The OEJ seeks to increase communities' environmental awareness and involvement in DEP's permitting and other decision making processes. The DEP continues to work to remedy and prevent environmental injustices within DEP's statutory and regulatory authorities. The OEJ also serves as a liaison to, where possible, connect communities facing environmental injustices with resources and partners who may be able to help communities address those injustices in ways that DEP cannot within the existing statutory and regulatory authorities.

Your letter requested that DEP's Environmental Justice Advisory Board (EJAB) "take action to make water affordability a significant consideration – if not the paramount consideration – in the Pennsylvania Public Utility Commission (PUC) rate-setting process." The EJAB was established to make suggestions and recommendations on DEP actions related to environmental justice, but EJAB does not have independent statutory or regulatory authority. As such, and as noted in DEP's initial response to your letter, neither DEP nor EJAB have lawful authority to amend PUC's rate case process or the laws governing PUC's rate case process. Also noted in DEP's initial response to your letter, such a request would be more appropriately directed to

Secretary

PUC's Consumer Advisory Council, the body charged with advising PUC on matters relating to the protection of consumer interests.

DEP remains committed to exercising its existing statutory and regulatory authorities to ensure that all Pennsylvanians served by public drinking water systems receive safe and reliable drinking water.

If you have any questions, please contact Brian Chalfant, Deputy Policy Director for Water Programs, by e-mail at bchalfant@pa.gov or by telephone at 717.783.8073.

Sincerely,

A handwritten signature in cursive script that reads "Richard Negrin". The signature is written in black ink and includes a long horizontal flourish at the end.

Richard Negrin
Acting Secretary