



February 28, 2014

The Honorable Stephen E. Barrar
Pennsylvania House of Representatives
House Post Office Box 202160
Harrisburg, PA 17120-2160

Dear Chairman Barrar:

The Department of Environmental Protection (DEP) appreciates the invitation to provide testimony during the March 5, 2014 hearing. In consultation with the Pennsylvania Emergency Management Agency (PEMA), we believe that PEMA can most comprehensively discuss the emergency preparedness and response protocols utilized in the Commonwealth for rail incidents. However, a Local Government Liaison from our Southeastern Regional Office will attend the hearing as a member of the audience should it be helpful to elicit additional information from what is presented by PEMA.

DEP is fully committed to implementing a number of Pennsylvania laws that include emergency response requirements and several laws which require DEP to be notified of a spill or release of material to the environment. DEP's authorities relative to emergency response to hazardous materials are delineated in the Hazardous Sites Cleanup Act (HSCA) of 1988. HSCA provides DEP the authority to protect the public health, safety, welfare or the environment from releases or threats of releases of hazardous materials. DEP also responds to hazardous materials incidents under the Hazardous Material Emergency Planning & Response Act of 1990. DEP is responsible for providing technical advice and assistance; this includes dispatching emergency response personnel to accident sites during emergency situations when requested by the Pennsylvania Emergency Management Agency (PEMA).

DEP has an active Emergency Response (ER) Program that is committed to having around-the-clock personnel on standby in DEP's regional offices and in central office to receive notifications of pollution incidents and environmental emergencies. The program has emergency response teams (ERT), one in each of our regional offices available to respond onsite whenever there is an immediate threat to the public health, safety or the environment. The primary duty of the ERT at an incident is to provide assistance to first responders and to enforce DEP's regulations. The ERTs are comprised of specially trained personnel from DEP's various programs, have personal protective equipment, as well as monitoring equipment for assessing the potential exposure to the public. ERT members routinely sample to assess the environmental impacts of any release and place absorbent materials if necessary. A major focus of the ER Program is to respond to spills on land or in water. However, DEP also has significant involvement with air pollution incidents (i.e. fires or industrial-transportation-related releases).

DEP is not alone in the commitment to protect human health and safety from hazardous spills. PEMA's Emergency Operations Center (EOC) is in continuous contact with DEP's ER and provides reports, updates and requests from officials on the scene. In turn, DEP's ER Program

provides PEMA's EOC with on-site hazard analysis, environmental impact assessments, and subject matter expertise during environmental incidents.

As evidenced by the tragedy in Lac Megantic and the derailments and explosions in Alabama, North Dakota and most recently the Schuylkill Arsenal Bridge, accidents on the rail system can be catastrophic. In the wake of these events, DEP supports the recent US DOT Emergency Order requiring stricter standards to transport crude oil by rail. However, we must also recognize that within Pennsylvania rail accidents have been very low when compared with other modes of hazardous material transportation. Since January 2009, there have been 38 reported derailments in the state. Of those, only 14 have included a spill or release of material, most of which were not hazardous. This is in stark contrast to over-the-road-freight transportation which has unfortunately had more than 3,000 accidental spills in the same time period. Regardless of the mode of transportation, DEP stands ready to respond when needed.

I am aware that Mr. Alan Brinser and Mr. Henry Tamanini, of PEMA's Bureau of Planning and Preparedness are working with the rail transportation companies to gather greater knowledge of what is being transported on our rail system to ensure that Pennsylvania is ready to respond should an incident occur.

Respectfully,



E. Christopher Abruzzo
Secretary