



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

Prepared Testimony of

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Pennsylvania Department of Environmental Protection

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Good afternoon Chair Harris, Chair Grove, Chair Vitali, Chair Causer, and members. Thank you for the opportunity to present Governor Shapiro's proposed Fiscal Year 2023-2024 budget for the Department of Environmental Protection (DEP).

This has been an exciting year already for the Department, although I have to say that I did not expect to be waking up the Governor at 2 AM my second week on the job. I want to take this opportunity and recognize the tremendous work of the DEP Emergency Response Team and our Southwest Regional Office staff for their continued response to the Norfolk Southern train derailment. They were at the crash site in the immediate aftermath and have been connecting with residents ever since. I am very happy to say that initial water well and soil test results are showing no signs of contamination from the incident. However, due to the hydrogeology of the area, it may take several months before contaminants filter through the ground and into private water wells, so the Department remains steadfast in our continuing commitment to testing to ensure citizens have assurance that their water and soil are safe.

This year, DEP's budget request includes \$199,587,000 from the General Fund and a total spending authorization of \$2.284 billion. The proposal includes \$233.124 million of special fund authorizations as well as \$1.061 billion in Federal spending authority. Federal spending authority reflects \$755.298 million for Infrastructure Investment and Jobs Act (IIJA) and \$53 million for Inflation Reduction Act (IRA).

### **Emergency Preparedness**

As you are aware, late in the evening of February 3, a train carrying cars of hazardous chemicals like vinyl chloride would derail just a few miles from the Pennsylvania border. I want to make one thing very clear: DEP will never abandon Pennsylvanians in a time of crisis. And if a company that has a disaster like the Norfolk Southern derailment, you can rest assured that we will hold them accountable to the fullest extent of the law.

Governor Shapiro has made it clear that Pennsylvania will hold Norfolk Southern accountable for any damages to the communities. DEP staff have collected water and soil samples for Pennsylvania residents near the derailment site and are continuing even today to meet with people and address their concerns.

While this incident was obviously unplanned, this was one of the approximately 1,700 train derailments that happen every year across America, and represents just one of the many possible emergency situations that we could face. Air quality monitoring in the immediate aftermath of a disaster like the Norfolk Southern derailment is critical so that first responders can know when to evacuate residents, or to be able to assure them that the air is safe to breathe. Moreover, this kind of disaster is just one of many that can happen. Stronger storms can cause flooding or dam failure. The Governor's budget calls for \$5.75 million for DEP to improve air quality monitoring capabilities and increase dam safety inspections, as well as expanding oversight capabilities for the agency.

### **Investments in Pennsylvania Communities**

Pennsylvania is the birthplace of commercial oil drilling dating back to Edwin Drake's first well in 1859. That legacy helped industrialize the nation and build the world's leading economy. But it also left a legacy of hundreds of thousands of abandoned oil and gas wells that pose an ongoing threat to Pennsylvania's environment. Too often, these wells pollute groundwater and leak methane into the air. And resources to plug these wells, or even find them, had been scant – prior to the IIJA passed by Congress and signed by President Biden in 2021. That law is providing hundreds of millions in funding for plugging orphaned and abandoned wells, which are the source of 8% of the methane emissions in Pennsylvania. DEP will plug hundreds of wells over the next year with roughly \$25 million in first-year funding under IIJA. For context, DEP spent \$37 million plugging approximately 3,000 wells from 1989 through 2021. We are also eligible and will apply for \$300 million more to address thousands of uncapped wells and to utilize new technology to find additional ones whose records have been lost to history.

Another legacy of Pennsylvania's energy history are the abandoned mine lands and acid mine discharges that impact our landscapes and affect our streams and rivers. Through the IIJA, Pennsylvania will receive \$244.9 million dollars per year for 15 years to clean up these sites and install treatment for these waters. I want to stress that the money is not only putting land back into productive use – it is also money going into the pockets of the hardworking people that are part of making these projects a reality. Heavy equipment operators, truck drivers, professional engineers, and many others are part of these projects, taking home paychecks for restoring our Commonwealth. Those reclaimed lands and cleaned up streams form their own economic engines too; bringing in new businesses to build on the reclaimed land and tourism dollars for people fishing in those restored streams.

Through the IIJA we are also helping to update community water systems and replace lead service lines. DEP is participating in an accelerator program to help small and mid-sized public water systems replace lead service lines in their networks, which will result in cleaner drinking water for those communities. Also, there will be more than \$1.3 billion for water infrastructure upgrades like lead service line replacement and removing emerging contaminants like PFAS that will be administered through PENNVEST; DEP staff are standing by to help with the necessary permits and guidance on how to deliver those projects to our communities.

Through the IRA, there are also many opportunities for climate change mitigation through cleaner vehicles, homes that are more energy efficient, and reductions in greenhouse gases like carbon dioxide and methane. Currently there are programs to reduce energy demand with rebates for electric heat pumps, water heaters, and kitchen appliances, and more opportunities will be available as the federal government finalizes the programs.

### **Permitting Efficiency and Center for Environmental Excellence**

The Governor's proposed 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 \$4 million for the Clean Water Fund will support staff as well as important safety and water quality monitoring tools like the Water Quality Network.

Our prior investments into electronic permit submission and additional tools for inspectors continue to pay dividends. In the 2022-23 fiscal year, DEP has conducted more than 71,000 inspections, taken final action on more than 27,000 permit applications and authorizations, and responded to 173 environmental emergencies so far. To take a broader look, in the 2021-22 fiscal year, DEP conducted more than 97,000 inspections, took final action on over 40,000 permit applications, and responded to 238 environmental emergencies. I would also like to note that, despite staff shortages, existing permitting staff committed just short of 18,000 hours of overtime in the 2022 calendar year to eliminate permit application backlogs across the different program areas. Those hours equate to 10.8 full-time equivalent staff.

I would also like to highlight a new initiative at DEP: the Center for Environmental Excellence. This effort is geared towards achieving tangible goals across the organization, from permitting efficiency that is a perennial concern to tracking our success reaching environmental justice goals, as well inspections, enforcements, and other DEP activities. The goal is to improve efficiency across the board and to identify needs that are holding us back. Some of those needs are going to be fiscal, so I will be back next year requesting more resources to make sure that DEP is giving the people of Pennsylvania our best work. However, I also look forward to being back here next year talking about the improvements we have achieved. The Administration understands the importance of proactively addressing the permitting process and we are working internally to reduce backlog and deficiencies, permitting wait times, and communication between businesses and the Department.

### **Furthering Environmental Justice**

DEP has long worked with communities around Pennsylvania, large and small, rural and urban, to further environmental justice in line with the statutes and authorities under the jurisdiction of the Department. DEP's work has been guided, in part, by an Environmental Justice Policy adopted in 2004. DEP aims to improve the Environmental Justice Policy to make it more expansive, implementable, and understandable.

A key part of that effort includes considering where in Pennsylvania DEP should concentrate our Environmental Justice work. DEP can now look at more expansive models and have more regularly updated data than was available in 2004. We aim to look at a variety of factors, using the latest models, to focus on the communities most impacted by environmental concerns. Improving our mapping and understanding of environmental concerns does not mean increasing the percentage of Pennsylvania that is included, but instead focusing in on those areas, urban and rural, that are facing the most overlapping issues. DEP's extensive analysis and tool will be available publicly to partners to help them further environmental justice goals.

Both the plan and mapping efforts include public engagement throughout the process, but we know we can do even better. DEP aims to increase outreach around Pennsylvania and build long-lasting relationships with communities. Too often, DEP has only been able to reach out to communities when they are facing an environmental crisis or dealing with the addition of a permitted facility. DEP plans to reach out proactively to communities to help understand their concerns before there is a specific permitted facility and provide communities with the tools to help address environmental issues in advance of a crisis.

With the increased interest on the federal government in meeting environmental justice goals, there are many opportunities to leverage federal funding to meet the needs of Pennsylvanians. DEP is tracking these available resources, applying for funding where appropriate, and sharing opportunities with businesses, nonprofits, community-based organizations, and municipalities where state entities cannot apply. We aim to continue to take advantage of outside funding opportunities wherever possible and to better position non-Commonwealth agency partners to take advantage of opportunities as well.

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

The reality of climate change is here for Pennsylvania. Warmer winters, hotter summers, stronger storms, and other impacts of a global climate change are already being felt across the Commonwealth. They are here, now, today. Confronting it is the challenge of our time.

DEP is rising to meet that challenge, and we will continue to do so. Decades ago, we faced a similar crisis, though on a smaller scale, in the form of sulfur dioxide pollution and the acid rain it caused. Now, thanks to the efforts of industry, government, and stakeholders that problem is so far in the rearview mirror that no one even remembers it. We can and must do the same with climate change.

I noted that there are resources from the IRA to address greenhouse gas mitigation and methane reduction, including rebates for home electrification and energy efficiency retrofits. Plugging the abandoned oil and gas wells helps get us there by reducing 8% of the methane emissions from Pennsylvania.

We will continue to transition to a clean energy economy that creates good paying, family supporting jobs. Those jobs I talked about earlier related to mine reclamation? Those are climate jobs. So are the jobs plugging abandoned wells.

### **Conclusion**

I have only scratched the surface on what DEP will accomplish. Even though my tenure has just begun, I have already met so many dedicated staff that are here to make a difference for Pennsylvania. This Department is here to get results, and to fulfill our mission to protect Pennsylvania's air, land, and water from pollution, providing for the health and safety of its citizens through a cleaner environment. We will work as partners with individuals, organizations, governments, and businesses to prevent pollution and to restore our natural resources.

Pennsylvania is unique: we have a right to clean air and pure water enshrined in our Pennsylvania Constitution. I have that amendment on the wall in my office – it is the first thing I see when I walk in the door in the morning and the last thing I see when I leave at night. It is the lodestar for the Department, and I look forward to working with each of you and the rest of the legislature to fulfill the promise that our Constitution makes.

