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**Senate of Pennsylvania
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August 1, 2018

Mr. George Hartenstein
Deputy Secretary for Waste, Air, Radiation & Remediation
400 Market Street
P.O. Box 2063
Harrisburg, PA 17101

RE: Proposed Changes to the Commonwealth's Management of Fill Guidance

Dear Deputy Secretary Hartenstein:

We want to take the opportunity to thank you for your testimony on behalf of the Department of Environmental Protection (DEP) at the recent Senate Majority Policy Committee hearing regarding the Commonwealth's clean fill and regulated fill standards. Your willingness to share your professional perspective and background on the state's fill policies is greatly appreciated.

During the hearing, you indicated that the DEP is in the process of conducting its triennial update to the Statewide Health Standards and toxicity values for fill material. **Please accept this letter as our official request for the DEP to strengthen our state standards for allowed contaminants (PCB's) as they relate to clean fill and regulated fill.**

As indicated throughout the hearing remarks, the Northeast Region of Pennsylvania is home to the highest concentration of Exceptional Value and High Quality watersheds in the state. It is also the region that receives the highest volume of out-of-state fill material in the Commonwealth, due to its close proximity to New York and New Jersey. Much of this fill is deposited into abandoned slate quarries in the Slate Belt region of Northampton County, in addition to various other sites throughout Monroe, Carbon and Lehigh Counties.

Over the past three years, we have had numerous meetings with concerned citizens, local officials and the DEP regarding these fill activities. During these meetings, one question has arisen again and again: "If it's not good enough for New York and New Jersey, why do we allow it here?"

Through our discussions with DEP, information was provided that indicated Pennsylvania's standards for the vast majority of PCB's are much less stringent than our neighboring states. We share the same concerns throughout our respective districts that Pennsylvania's lesser standards incentivize the dumping of contaminated fill within our region, jeopardizing our clean water, pristine environment and health of our residents.

In addition, representatives from the U.S. Environmental Protection Agency (EPA) indicated that Pennsylvania is the *only* state whose PCB standards differ from those of the EPA. Our companies deserve consistent regulatory standards, our residents deserve protection from these contaminants and our state needs more vigorous environmental standards.

While some companies engaging in fill activities follow the EPA standard, our concern is over those entities who may see PA as a fertile dumping ground for contaminated dirt. With the incredible volume of fill activity occurring in the Northeast Region, we are not convinced DEP has the ability to certify that all fill material is ascribing to required environmental standards.

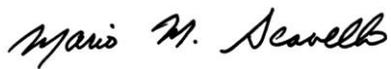
As the DEP continues its updates to the Commonwealth's Management of Fill Guidance, we ask that you make it a priority to 1) increase the standards for clean fill and regulated fill to the same levels as our nearby states and 2) bring our PCB standards into uniformity with those of the EPA.

We remain open to any further discussion on this issue and hopeful for changes that safeguard the health of our citizens and create a consistent regulatory environment for all fill activity in the Commonwealth.

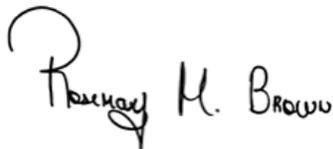
Please feel free to reach out to us directly at our respective offices if you would like to discuss further.

Thank you in advance for your consideration of our request.

Sincerely,



Mario M. Scavello
PA State Senator
40th Senatorial District



Rosemary M. Brown
PA State Representative
189th Legislative District



Joe Emrick
PA State Representative
137th Legislative District



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