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Environmental Quality Board  
P.O. Box 8477  
Harrisburg, PA 17105-8477

**Robert Phillips**  
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Form Letter (R)  
**RECEIVED**  
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FEB 12 2010

RE: 25 PA. CODE CH. 95 Wastewater Treatment Requirements

ENVIRONMENTAL QUALITY BOARD  
RECEIVED  
10 MAR -4 AM '10  
INDEPENDENT REGULATORY  
REVIEW COMMISSION

Dear Board Member -

I am writing concerning the Department of Environmental Protection (DEP) proposed rulemaking to the Environmental Quality Board for changes in Chapter 95 primarily concerning effluent limits for total dissolved solids (TDS), sulfates, and chlorides. As written, the proposal will amend Chapter 95 of the PA Code to establish a statewide limit of 500 mg/l for Total Dissolved Solids (TDS) and a 250 mg/l limit for sulfates and chlorides.

As an employee of a company that will be severely impacted by your proposal, I felt it was necessary for me to weigh-in during the written comment period. During the last few months supporters of the regulation have made one claim "we deserve clean water and this regulation is justified to fill that claim." While there will be no argument from me that all Pennsylvanians deserve clean water, this proposed rulemaking has offered no scientific data or justification for imposing such severe limits nor has DEP shown, by monitoring or sampling data, that our water resources are at any sustainable risk from TDS concentrations.

I believe it is clear that the proposed rulemaking is, by DEP's own admission, predicated on very limited sampling in the Monongahela River between October and December 2008 when river levels were at historical lows and there were high dissolved solids concentrations entering the Commonwealth from West Virginia. I know the regulated industries have requested additional data that will support the need for this proposal, but those requests have gone unanswered. How can the Department continue to pursue these limits without fully supporting its need?

Furthermore, I do not feel that DEP fully understands the economic impact this regulation has on industries in Pennsylvania. To my point, sewage treatment plants, meat packers, food processors, pharmaceuticals, paper production plus many other companies will be impacted. Does the Department know the financial impact to these industries? I suspect the statewide impact will be in the billions of dollars to comply and will put companies of the Commonwealth at a disadvantage with its competitors. In this economic environment I do not support handcuffing companies that are providing healthcare, wages, and employment for families in our State. Additionally, most of the impacted companies support local charities, education for children, and the local supermarket.

Finally, I understand the only possible proven treatment would be reverse osmosis. At what cost are we going to require companies to experiment with a new treatment when the data DEP provided does not scientifically support these regulations? What are the costs associated with this type of treatment and how do we ensure TDS does not reenter the waterways from another point source?

In closing, it is in the best interest of the citizens of the Commonwealth and the integrity of future proposals from DEP to fully grasp all aspects of the impacts. With that said and the lack of data and understanding the Department has demonstrated related to this issue, I request the proposal be withdrawn. I look forward to hearing from you on the concerns I presented.

Sincerely, 