



House Environmental and Natural Resource Protection Committee

Meeting Agenda

Monday, April 7th, 2025
11:00am – 12:00pm
205 Ryan Office Building

Call to Order

Roll Call

HB 109 ; PN 87 (Vitali) – Requires cumulative impacts to be considered when issuing certain environmental permits in environmental justice (EJ) areas.

Amendment A00274 (Vitali) – Updates covered air permits and adds public health to the definition of cumulative impacts.

Amendment A00288 (Kazeem) – Provides for additional review of EJ area designations and an appeals process.

[OVER] ~~HB 969 ; PN 1050 – Reduces light pollution by establishing requirements for installing or replacing light fixtures for Commonwealth entities.~~

HB 1089 ; PN 1206 (Steele) – Prohibits the supply, sale or application of sealants containing polycyclic aromatic hydrocarbons (PAHs) on driveways or parking lots.

Any other business

Adjournment



Environmental & Natural Resource Protection

Committee

State Representative Greg Vitali
Democratic Chairman

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MEMORANDUM

DATE: April 2, 2025

TO: House Environmental and Natural Resource Protection Committee Members

FROM: Representative Greg Vitali, Majority Chairman
House Environmental and Natural Resource Protection Committee

RE: Environmental and Natural Resource Protection Committee Voting Meeting –
Monday, April 7, 2025

The House Environmental and Natural Resource Protection Committee will hold a voting meeting on **Monday, April 7, 2025, at 11:00am in 205 Ryan Office Building.**

The purpose of this voting meeting will be to consider the following legislation and any other business that may come before the committee.

- [HB 109 ; PN 87](#) – Requires cumulative impacts to be considered when issuing certain environmental permits in environmental justice (EJ) areas.
- [HB 969 ; PN 1050](#) – Reduces light pollution by establishing requirements for installing or replacing light fixtures for Commonwealth entities.
- [HB 1089 ; PN 1206](#) – Prohibits the supply, sale or application of sealants containing polycyclic aromatic hydrocarbons (PAHs) on driveways or parking lots.

Please contact Hayley Shupe at 717-787-7647 or hshupe@pahouse.net with any questions. If you are unable to attend this meeting, please submit an Official Vote by Designation Form prior to the start of the meeting.

Thank you,

GV/hs

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 109 Session of
2025

INTRODUCED BY VITALI, RABB, KENYATTA, ISAACSON, FREEMAN,
HOHENSTEIN, HILL-EVANS, KHAN, PROBST, SANCHEZ, SAMUELSON AND
HOWARD, JANUARY 14, 2025

REFERRED TO COMMITTEE ON ENVIRONMENTAL AND NATURAL RESOURCE
PROTECTION, JANUARY 14, 2025

AN ACT

1 Amending Title 27 (Environmental Resources) of the Pennsylvania
2 Consolidated Statutes, providing for issuance of permits in
3 environmental justice areas.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 27 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 43

9 ISSUANCE OF PERMITS IN ENVIRONMENTAL JUSTICE AREAS

10 Sec.

11 4301. Legislative findings and purpose.

12 4302. Definitions.

13 4303. Designation of environmental justice areas.

14 4304. Permit process.

15 4305. Regulations and publication.

16 § 4301. Legislative findings and purpose.

17 The General Assembly finds and declares that:

1 (1) Low-income, low-wealth communities and communities
2 of color have historically borne and currently bear a
3 disproportionate share of environmental degradation.

4 (2) The Department of Environmental Protection is the
5 agency charged with administering the laws and regulations in
6 this Commonwealth to prevent and remedy environmental
7 degradation and is one of the agencies charged with
8 conserving, maintaining and restoring this Commonwealth's
9 public natural resources.

10 (3) Section 27 of Article I of the Constitution of
11 Pennsylvania recognizes that all the people of this
12 Commonwealth have inalienable environmental rights and that
13 the Commonwealth is the trustee of this Commonwealth's public
14 natural resources.

15 (4) All individuals in this Commonwealth should be able
16 to live in and enjoy a clean and healthy environment that
17 includes outdoor spaces, access to clean energy resources,
18 access to public lands and public natural resources.

19 (5) The elimination and restoration of disproportionate
20 environmental degradation is recognized as being directly
21 related to the economic vitality of this Commonwealth.

22 § 4302. Definitions.

23 The following words and phrases when used in this chapter
24 shall have the meanings given to them in this section unless the
25 context clearly indicates otherwise:

26 "Cumulative environmental impacts." The totality of existing
27 and imminent environmental impacts and pollution in a defined
28 geographic area, to land, waters of this Commonwealth or ambient
29 air, and regardless of whether the pollution has been authorized
30 under the laws of this Commonwealth.

1 "Department." The Department of Environmental Protection of
2 the Commonwealth.

3 "Environmental justice area." A geographic area
4 characterized by increased pollution burden and vulnerable
5 populations based on demographic, economic, health and
6 environmental data.

7 "Facility." The site of a department-regulated activity that
8 may lead to significant public concern due to potential impacts
9 on human health and the environment. The term includes sites
10 that involve the following:

11 (1) National Pollutant Discharge Elimination System
12 permits at industrial wastewater facilities that discharge at
13 or above 50,000 gallons per day.

14 (2) Air permits for any new major source of hazardous
15 air pollutants or criteria pollutants.

16 (3) Air permits for any major modification of a major
17 source that are subject to Prevention of Significant
18 Deterioration or Nonattainment New Source Review.

19 (4) Waste permits involving a combined monthly volume in
20 excess of 25 tons, or any major modification of waste
21 permits, including changes that result in an increase in
22 capacity or a facility expansion, for landfills, commercial
23 hazardous waste treatment facilities, storage or disposal
24 facilities and other disposal facilities, including a
25 landfill that accepts ash, construction or demolition debris,
26 medical waste or solid waste, transfer stations, recycling
27 centers, commercial incinerators and other waste processing
28 facilities.

29 (5) Mining permits for bituminous and anthracite
30 underground mines, bituminous and anthracite surface mines,

1 large industrial mineral surface and underground mines, coal
2 refuse disposal, coal refuse reprocessing, large coal
3 preparation facility or any revision of permits under this
4 paragraph that involve additional acreage for mineral removal
5 or use of biosolids for reclamation.

6 (6) An individual permit for a land application of
7 biosolids.

8 (7) Concentrated animal feeding operations that are new
9 or expanded operations of greater than 1,000 animal
10 equivalent units, concentrated animal operation of greater
11 than 300 animal equivalent units in a special protection
12 watershed or a concentrated animal operation with direct
13 discharge to surface waters.

14 (8) An electric generating facility with a capacity of
15 more than 10 megawatts.

16 (9) A sewage treatment plant with a capacity of more
17 than 50,000,000 gallons per day.

18 (10) Underground injection control wells associated with
19 oil and gas development.

20 (11) Other facilities as designated by the Environmental
21 Quality Board through regulations under this chapter.

22 "Permit." A permit, approval of coverage under a general
23 permit, registration or other authorization issued by the
24 department establishing the regulatory and management
25 requirements for a regulated activity as authorized by Federal
26 or State law.

27 § 4303. Designation of environmental justice areas.

28 (a) Method.--The methods to identify an environmental
29 justice area shall be determined and regularly reviewed by the
30 department.

1 (b) Designation.--No later than 120 days after the effective
2 date of this section, the department shall designate and make
3 publicly available environmental justice areas in this
4 Commonwealth. The department shall update environmental justice
5 area designations every three years.

6 § 4304. Permit process.

7 (a) Department action on permit applications for facilities
8 in environmental justice areas.--Beginning 180 days after the
9 effective date of this section, prior to the department taking
10 an action on an application for a new facility or for the
11 expansion of an existing facility, located in whole or in part
12 in an environmental justice area:

13 (1) The permit applicant shall prepare and submit with
14 the application for facility permit or other authorization, a
15 cumulative environmental impact report assessing the
16 environmental impact of the proposed new facility or
17 expansion of an existing facility, together with the
18 cumulative impacts on the environmental justice area, and the
19 adverse environmental effects that cannot be avoided or
20 mitigated should the permit be granted.

21 (2) Unless a public hearing is otherwise required by the
22 environmental laws and regulations for the permit or
23 authorization, the following shall apply:

24 (i) The department shall organize and conduct a
25 public hearing in a location as convenient as possible to
26 all interested parties and publish public notices of the
27 hearing in at least two newspapers circulating within the
28 environmental justice area and on the department's
29 publicly accessible Internet website not less than 21
30 days prior to the hearing.

1 (ii) At least 14 days prior to the date set for the
2 hearing, a copy of the public notice shall be sent to the
3 clerk of the municipality in which the environmental
4 justice area is located.

5 (iii) At a public hearing, the permit applicant
6 shall provide clear, accurate and complete information
7 about the proposed new facility or expansion of an
8 existing facility and the potential environmental and
9 health impacts of the new or expanded facility. The
10 hearing shall provide an opportunity for meaningful
11 public participation by residents of the environmental
12 justice area.

13 (iv) Following the public hearing, the department
14 shall consider the testimony presented and evaluate
15 revisions or conditions to the permit that may be
16 necessary to reduce the adverse impact to the public
17 health or the environment in the environmental justice
18 area.

19 (b) Decision by department.--The department may not issue a
20 decision on the permit application until at least 60 days after
21 a public hearing.

22 (c) Additional requirements.--The department may require
23 additional conditions or mitigation measures or may deny a
24 permit application in an environmental justice area based on the
25 cumulative environmental impacts.

26 (d) Publication.--The applicant shall provide copies of
27 applications for a permit for a facility located in whole or in
28 part in an environmental justice area to the clerk of the
29 municipality in which the environmental justice area is located,
30 who may recommend to the department conditions upon, revisions

1 to or disapproval of the permit only if specific cause is
2 identified. If the department overrides a municipal
3 recommendation, the department shall be required to transmit
4 notice of the department's justification for overriding the
5 municipality's recommendations to the Legislative Reference
6 Bureau for publication in the next available issue of the
7 Pennsylvania Bulletin. If the department does not receive
8 comments within 60 days of receipt of the applications from the
9 permit applicant by the clerk of the municipality, the
10 municipality shall be deemed to have waived the municipality's
11 right to review.

12 (e) Construction.--The provisions of this section shall be
13 in addition to all requirements under any applicable
14 environmental law.

15 § 4305. Regulations and publication.

16 (a) Promulgation.--The department and Environmental Quality
17 Board shall adopt and promulgate rules and regulations to
18 implement this chapter.

19 (b) Publication of permits.--In addition to publication
20 requirements under law and regulation, the department shall
21 publish all permits granted under this chapter, along with any
22 guidance documents, on its publicly accessible Internet website.

23 Section 2. This act shall take effect immediately.

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HB0109 PN0087	Prepared By:	Andrew McMenamin (717) 783-4043,6941
Committee:	Environmental & Natural Resource Protection	Executive Director:	Evan Franzese
Sponsor:	Vitali, Greg		
Date:	1/14/2025		

A. Brief Concept

Gives burdened communities a voice in the permitting process and requires permittees in environmental justice (EJ) areas to prepare a cumulative environmental impact report.

C. Analysis of the Bill

HB 109 amends Title 27 (Environmental Protection) to add Chapter 47 (Issuance of Permits in Burdened Communities), which provides for additional permit review in environmental justice (EJ) areas.

Designation of EJ Areas

Requires DEP to designate environmental justice (EJ) areas in PA no later than 120 days after the passage of this act.

Requires DEP to update EJ area designations every three years.

Permit Process

Requires permit applicants to prepare and submit the following information for a proposed project located in whole or in part in an EJ area:

- a report assessing the environmental impact of the proposed project,
- the cumulative impacts on the EJ area, and
- adverse environmental effects that cannot be avoided or mitigated should the permit be granted.

Requires applicants to provide copies of the permit applications to the clerk of the municipality in which the EJ area is located.

Public Hearing Requirement

Requires the department to organize and conduct a public hearing in a convenient location to interested parties, with a meaningful public participation component and sufficient public notice. Public notice would be required as follows:

- Published in two newspapers circulating within the EJ area.
- Published on the department's website at least 21 days before the hearing.
- Sent to the clerk of the municipality in which the EJ area is located at least 14 days prior to the hearing.

Requires the permit applicant to provide clear, accurate, and complete information about the proposal and potential impacts at the hearing.

Requires the department to consider the testimony presented at the hearing and evaluate revisions or conditions to the permit based on adverse impact to health and the environment in the EJ area.

Permit Decision

Prohibits the department from issuing a permit application decision within 60 days of the public hearing.

Allows the department to require additional conditions or mitigation measures, or deny a permit altogether, in an EJ area based on the cumulative environmental impacts.

Allows the municipality to review the permit application and recommend conditions, revisions, or disapproval of the permit, only if specific cause is identified.

- If the department chooses to override a municipal recommendation, it would be required to publish justification in the PA Bulletin.
- If comments are not received within 60 days of receipt of the permit application, the right to review shall be deemed waived.

Construction

Provides that this section shall be in addition to all requirements under any applicable environmental law.

Regulations

Requires DEP and EQB to promulgate rules and regulations to implement the provisions of this act.

Definitions

Cumulative environmental impacts means the totality of existing and imminent environmental impacts and pollution related to land, water, and air in a defined geographic area.

Environmental justice area means a geographic area characterized by increased pollution burden and vulnerable populations based on demographic, economic, health, and environmental data.

Facility includes, but is not limited to, the following:

- National Pollutant Discharge Elimination System (NPDES) Permits at industrial wastewater facilities that discharge more than 50,000 gallons per day.
- New or modified air permits for a major source of air pollution.
- Waste permits involving a combined monthly volume in excess of 25 tons, or any major modification of waste permits.
- Mining permits for bituminous and anthracite mines, large industrial mineral mines, coal refuse facilities, or any permit revisions that involve additional acreage for mineral removal or use of biosolids for reclamation.
- An individual permit for a land application of biosolids.
- Large concentrated animal feeding operations.
- An electric generating facility with a capacity of more than 10 megawatts.
- A sewage treatment plant with a capacity of more than 50,000,000 gallons per day.
- Underground injection control wells associated with oil and gas development.
- Other facilities as designated by the Environmental Quality Board (EQB) by regulation.

Effective Date:

Immediately

G. Relevant Existing Laws

DEP does not currently consider cumulative impacts or evaluate permits based on environmental justice (EJ) concerns.

DEP's Office of Environmental Justice was established via Executive Order 2021-07 on October 28, 2021 and is a point of contact for Pennsylvania residents in low-income communities. Its primary goal is to increase environmental awareness and involvement by communities in the DEP permitting process.

E. Prior Session (Previous Bill Numbers & House/Senate Votes)

HB 109 was previously introduced as HB 652 (Bullock) during the 2023-2024 Legislative Session. HB 652 was reported as amended from the House ERE Committee on a party line vote (14-11), but received no further consideration.

This document is a summary of proposed legislation and is prepared only as general information for use by the Democratic Members and Staff of the Pennsylvania House of Representatives. The document does not represent the legislative intent of the Pennsylvania House of Representatives and may not be utilized as such.

LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO HOUSE BILL NO. 109

Sponsor:

Printer's No. 87

1 Amend Bill, page 2, line 27, by inserting after

2 "environmental"

3 and public health

4 Amend Bill, page 2, line 27, by striking out "and" where it
5 occurs the second time and inserting

6 of

7 Amend Bill, page 2, line 28, by striking out "to" and
8 inserting

9 including pollution of

10 Amend Bill, page 2, line 28, by striking out "of this
11 Commonwealth"

12 Amend Bill, page 3, lines 14 through 18, by striking out all
13 of said lines and inserting

14 (2) Air permits for any major stationary source of any:

15 (i) volatile organic compound;

16 (ii) pollutant regulated under 42 U.S.C. § 7411

17 (relating to standards of performance for new stationary
18 sources) or 7412 (relating to hazardous air pollutants);

19 or

20 (iii) pollutant for which a national primary ambient
21 air quality standard has been promulgated.

22 Amend Bill, page 3, line 19, by striking out "(4)" and
23 inserting

24 (3)

25 Amend Bill, page 3, line 29, by striking out "(5)" and
26 inserting

1 (4)

2 Amend Bill, page 4, line 6, by striking out "(6)" and
3 inserting

4 (5)

5 Amend Bill, page 4, line 8, by striking out "(7)" and
6 inserting

7 (6)

8 Amend Bill, page 4, line 14, by striking out "(8)" and
9 inserting

10 (7)

11 Amend Bill, page 4, line 15, by striking out "10" and
12 inserting

13 nine

14 Amend Bill, page 4, line 16, by striking out "(9)" and
15 inserting

16 (8)

17 Amend Bill, page 4, line 18, by striking out "(10)" and
18 inserting

19 (9)

20 Amend Bill, page 4, line 20, by striking out "(11)" and
21 inserting

22 (10)

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1089 Session of
2025

INTRODUCED BY STEELE, PIELLI, MADDEN, SANCHEZ, PROBST, GIRAL,
WAXMAN, VITALI, HILL-EVANS, OTTEN, MAYES, CEPEDA-FREYTIZ,
SCOTT, HADDOCK, D. WILLIAMS AND GREEN, APRIL 1, 2025

REFERRED TO COMMITTEE ON ENVIRONMENTAL AND NATURAL RESOURCE
PROTECTION, APRIL 1, 2025

AN ACT

1 Providing for restrictions on the sale and application of high-
2 PAH sealants; establishing the Safer Sealant Fund; imposing
3 duties on the Department of Environmental Protection;
4 authorizing certain municipal ordinances; and imposing
5 penalties.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Safer Sealant
10 Act.

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall
13 have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Department." The Department of Environmental Protection of
16 the Commonwealth.

17 "Fund." The Safer Sealant Fund established under section
18 5(a).

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HB1089 PN1206	Prepared By:	Andrew McMenamin (717) 783-4043,6941
Committee:	Environmental & Natural Resource Protection	Executive Director:	Evan Franzese
Sponsor:	Steele, Mandy		
Date:	4/2/2025		

A. Brief Concept

Prohibits the supply, sale or application of sealants containing polycyclic aromatic hydrocarbons (PAHs) on driveways or parking lots.

C. Analysis of the Bill

HB 1089 prohibits the supply, sale or application of high-PAH sealants on driveways or parking lots. A person may not:

- After December 31, 2025, supply, sell or offer for sale a high-PAH sealant.
- After December 31, 2026, apply or solicit the application of a high-PAH sealant.

Penalties

A person in violation of this act shall be subject to a civil penalty of \$2,500 for each violation. Civil penalties collected by the department would be deposited into the newly created Safer Sealant Fund within the State Treasury.

Municipal Ordinances

A municipality may enact an ordinance that provides:

- A person may not supply, sell or offer for sale a high-PAH sealant in the municipality.
- A person may not apply or solicit the application of a high-PAH sealant in the municipality.

Nothing in this act shall be construed to:

- prohibit a municipality from enacting an ordinance that is more stringent; or

- affect an ordinance enacted by a municipality prior to enactment that is at least as stringent.

A municipality adopting an ordinance may collect and use civil penalties, the amount of which may be determined by the municipality.

DEP shall draft a model ordinance that municipalities may use.

Rules and Regulations

The Environmental Quality Board may adopt or promulgate any rules or regulations necessary for the administration of this act, including the use and disbursement of money from the fund.

Definitions

High-PAH sealant refers to sealant product containing more than 0.1% PAHs by weight.

Effective Date:

Immediately

G. Relevant Existing Laws

Pennsylvania does not currently regulate PAH sealant, though contamination by PAH compounds is monitored by the department, with a maximum contaminant level (MCL) of .0002mg/L.

E. Prior Session (Previous Bill Numbers & House/Senate Votes)

HB 1089 was previously introduced as HB 1166 during the 2023-2024 Legislative Session. HB 1166 was reported as amended 14-11 (party line) on March 19, 2024. HB 1166 passed the House on a party line 102-98 vote on April 30, 2024.

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1 "High-PAH sealant." A sealant product containing more than
2 0.1% polycyclic aromatic hydrocarbons by weight.

3 "Municipality." A county, city, borough, incorporated town
4 or township.

5 Section 3. Restrictions on use of high-PAH sealants.

6 (a) Prohibitions.--

7 (1) A person may not supply, sell or offer for sale a
8 high-PAH sealant for application on a driveway or parking
9 area after December 31, 2025.

10 (2) A person may not apply or solicit the application of
11 a high-PAH sealant to a driveway or parking area after
12 December 31, 2026.

13 (b) Civil penalty.--A person violating subsection (a) shall
14 be subject to a civil penalty not exceeding \$2,500 for each
15 violation.

16 Section 4. Municipal ordinances.

17 (a) Authorization.--A municipality may enact an ordinance
18 that provides:

19 (1) A person may not supply, sell or offer for sale a
20 high-PAH sealant for application on a driveway or parking
21 area in the municipality.

22 (2) A person may not apply or solicit the application of
23 a high-PAH sealant to a driveway or parking area in the
24 municipality.

25 (b) Construction.--Nothing in this act shall be construed
26 to:

27 (1) prohibit a municipality from enacting an ordinance
28 that is more stringent than the ordinance authorized under
29 subsection (a); or

30 (2) affect an ordinance enacted by a municipality prior

1 to the effective date of this section that is at least as
2 stringent as the ordinance authorized under subsection (a).

3 (c) Collection of civil penalties.--A municipality enforcing
4 an ordinance under this section may collect and use a civil
5 penalty the amount of which may be determined by the
6 municipality.

7 (d) Model ordinance.--The department shall draft a model
8 ordinance that municipalities may use under this section.

9 Section 5. Fund.

10 (a) Establishment.--The Safer Sealant Fund is established
11 within the State Treasury which, along with interest earned,
12 shall be used by the department to further the purposes of this
13 act.

14 (b) Deposits.--Civil penalties collected by the department
15 under section 3 shall be deposited into the fund.

16 Section 6. Administration.

17 (a) Enforcement.--The department shall enforce the
18 provisions of section 3.

19 (b) Rules and regulations.--The Environmental Quality Board
20 may adopt or promulgate any rules or regulations necessary for
21 the administration of this act, including the use and
22 disbursement of money from the fund.

23 Section 7. Effective date.

24 This act shall take effect immediately.

TO: Members of the House Environmental & Natural Resource Protection Committee

FROM: Grant Gulibon, Regulatory Affairs Specialist

RE: Opposition to House Bill 109

Date: April 4, 2025

Pennsylvania Farm Bureau, the largest general farm organization in the Commonwealth, opposes House Bill 109, as we did its precursor of the 2023-24 session, House Bill 652.

Our organization's vision statement declares that "we are people united around food, environment, and community." Farm Bureau members take each of those commitments very seriously. We believe that enhancing conservation, making wise use of the natural resources under our care, and providing food, fuel and fiber for a growing global marketplace requires a consistent, long-term statewide conservation and environmental policy that balances economic and social costs with real environmental benefits and ensures that agriculture be exempt from any "environmental justice" policies.

In that context, the content of House Bill 109, which would add another layer to an already saturated permitting framework (one which the governor, state agency leaders, and legislators of both parties have repeatedly, and correctly, characterized as too complex and taking too much time to navigate) is particularly troubling. Specifically, it is difficult to understand why more regulation and bureaucratic involvement would be considered necessary when an intensive process already exists to govern environmental decisions regarding the agriculture industry in Pennsylvania.

For example, anyone operating a concentrated animal feeding operation, or CAFO, in Pennsylvania must obtain a National Pollutant Discharge Elimination System (NPDES) permit, which is administered by DEP. As part of an agreement with the federal Environmental Protection Agency (EPA), CAFOs must maintain adequate manure storage, raw material storage, and waste containment areas, along with proper setbacks and buffers. All these requirements are reviewed and reported under terms ultimately approved by EPA. As CAFOs (like all farms) do not come into existence overnight, public engagement and notification are already a part of that process. Failing to comply with these requirements, and/or a failure to maintain proper nutrient, sediment, and odor management plans results in penalties that no farmer can afford to incur.

As stated in Pennsylvania's Right to Farm Act, "it is the declared policy of the Commonwealth to conserve and protect and encourage the development and improvement of its agricultural land for the production of food and other agricultural products." The Right to Farm Act does not inhibit farmers from growing or expanding their businesses. Likewise, Pennsylvania's ACRE (Agriculture, Communities, and Rural Environment) law ensures that local government cannot restrict or limit the ownership structure of a normal agricultural operation.

Pennsylvania farmers are fully integrated into the communities in which they live and work. They serve their neighbors, and indeed all Pennsylvanians, wherever they may reside, not only by providing them with the aforementioned food, fuel and fiber, but also by protecting the land, air and water in those communities by following the prescribed laws and policy processes governing those resources. Please recognize the work Pennsylvania farmers are already doing to protect their communities and vote NO on House Bill 109.



April 4, 2025

**Pennsylvania House Environmental and Natural Resources Protection Committee
Pennsylvania Chemical Industry Council Comments: House Bill 109**

Chairman Vitali, Chairman Rader and members of the committee:

On behalf of the Pennsylvania Chemical Industry Council, I am writing to express our opposition to House Bill 109 PN0087, which requires cumulative impacts to be considered when issuing certain permits in environmental justice – EJ – areas.

For the past 30 years, PCIC has served as the industry trade group representing Pennsylvania chemical and plastics manufacturers. Our members are committed to safety, communities and the environment. Industry-led initiatives such as Community Advisory Panels and the [Responsible Care®](#) program demonstrate our industry's commitment to the health and safety of employees, the communities of operation, and the Commonwealth's environment.

Our members invest significantly in new and innovative technologies to improve operational efficiencies and sustainable manufacturing. These investments include emissions reduction technologies, advanced recycling innovations to reduce plastic waste, and increased circularity. These are all administration priorities that improve the environment for all Pennsylvanians, including in EJ-designated areas, that could be delayed or denied depending on how these proposed policies are implemented.

PCIC member companies are committed to EJ engagement and believe that regulators and regulated industries should collaborate to protect vulnerable communities. However, we believe the proposed legislative changes present challenges that run counter to the administration's priority of improving permitting predictability and consistency in Pennsylvania.

The Pennsylvania Department of Environmental Protection has already implemented an environmental justice policy, which made changes and additions regarding enhanced public engagement. This legislation goes beyond the scope of existing EJ policy and generates regulatory roadblocks related to permitting decisions and cumulative impacts.

A. Ensure Consistent Implementation Across Regions

- A) Cumulative Impacts: The requirement for the regulated community to prepare and submit cumulative impacts in EJ areas to make site-specific permitting decisions based on existing conditions that do not result from a facility is inconsistent with the permitting approach taken by surrounding states and the EPA. It would not be practical or appropriate for an applicant to be responsible for emissions of other surrounding operations and emissions sources over which the applicant has no control. Furthermore, the concept of a “defined geographic area” is unclear and will create uncertainty for the regulated community and PADEP.

- B) Permit Decision Changes: Creating a 60-day permit application delay following a public hearing will further delay Pennsylvania’s already lengthy permitting process. Additionally, allowing the municipality to provide conditions or deny a permit undermines the role of the PADEP and the Commonwealth’s regulatory permitting process. While municipalities should be included in project development discussions, it’s unreasonable to expect a municipality to have the resources or expertise to make these types of determinations. Furthermore, requiring additional conditions or mitigation measures or denying a permit based on cumulative environmental impact assessments is unreasonable because the applicant cannot control the emissions of surrounding operations or other sources such as transportation emissions.

- C) Regional operational inconsistencies: Regional autonomy in the EJ process is causing inconsistencies across the Commonwealth, especially for multi-location companies. PCIC recommends centralized oversight to provide consistent and predictable implementation.

- D) EJ Area Changes and Updates: We appreciate that the three-year EJ area designation update requirement establishes a clear and predictable schedule. However, the criteria for new designations and the lack of notification requirements create investment risk and unpredictability that could lead companies to steer investments away from EJ-designated jurisdictions. Furthermore, companies that invest in new or expansion capital projects could be added to a new EJ area designation through this process.

- E) Public Meetings and Impacts on Permit Decisions: While we appreciate that the legislation clarifies the timeline for enhanced public participation, we disagree that the required public hearing should impact the department’s permitting process and decision-making. Pennsylvania’s regulatory process already has clear parameters for

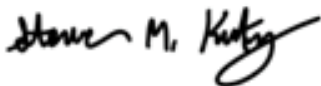
public participation in the permitting process. Issuing and enforcing the permit, not the permitting process, is what protects the public and the environment.

Permit revisions and conditions should not be influenced by department-run public hearings that have no parameters regarding individuals or outside groups who can testify. Public hearings in EJ areas should focus on community residents, not individuals or groups who do not live or work in or near the impacted community.

- F) Lack of Industry Collaboration and Input: The EJ Advisory Board itself has zero representation from the very industries that will be most significantly affected by these proposed regulatory changes. To foster environmental protection and economic growth, we encourage PADEP to collaborate with all stakeholders to develop workable solutions for EJ communities.

In closing, PCIC appreciates the opportunity to provide comments in response to House Bill 109, PN 0087. We believe Pennsylvania's EJ approach needs to strike a proper balance to ensure that efforts in EJ communities do not limit opportunities for economic growth. We respectfully encourage the Commonwealth to develop a clear, growth-enabling EJ policy that protects human health and the environment.

Steven Kratz, President

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Pennsylvania Chemical Industry Council



April 4, 2025

**Pennsylvania House Environmental and Natural Resources Protection Committee
Pennsylvania Chemical Industry Council Comments: House Bill 109**

Chairman Vitali, Chairman Rader and members of the committee:

On behalf of the Pennsylvania Chemical Industry Council, I am writing to express our opposition to House Bill 109 PN0087, which requires cumulative impacts to be considered when issuing certain permits in environmental justice – EJ – areas.

For the past 30 years, PCIC has served as the industry trade group representing Pennsylvania chemical and plastics manufacturers. Our members are committed to safety, communities and the environment. Industry-led initiatives such as Community Advisory Panels and the [Responsible Care®](#) program demonstrate our industry's commitment to the health and safety of employees, the communities of operation, and the Commonwealth's environment.

Our members invest significantly in new and innovative technologies to improve operational efficiencies and sustainable manufacturing. These investments include emissions reduction technologies, advanced recycling innovations to reduce plastic waste, and increased circularity. These are all administration priorities that improve the environment for all Pennsylvanians, including in EJ-designated areas, that could be delayed or denied depending on how these proposed policies are implemented.

PCIC member companies are committed to EJ engagement and believe that regulators and regulated industries should collaborate to protect vulnerable communities. However, we believe the proposed legislative changes present challenges that run counter to the administration's priority of improving permitting predictability and consistency in Pennsylvania.

The Pennsylvania Department of Environmental Protection has already implemented an environmental justice policy, which made changes and additions regarding enhanced public engagement. This legislation goes beyond the scope of existing EJ policy and generates regulatory roadblocks related to permitting decisions and cumulative impacts.

A. Ensure Consistent Implementation Across Regions

- A) Cumulative Impacts: The requirement for the regulated community to prepare and submit cumulative impacts in EJ areas to make site-specific permitting decisions based on existing conditions that do not result from a facility is inconsistent with the permitting approach taken by surrounding states and the EPA. It would not be practical or appropriate for an applicant to be responsible for emissions of other surrounding operations and emissions sources over which the applicant has no control. Furthermore, the concept of a “defined geographic area” is unclear and will create uncertainty for the regulated community and PADEP.

- B) Permit Decision Changes: Creating a 60-day permit application delay following a public hearing will further delay Pennsylvania’s already lengthy permitting process. Additionally, allowing the municipality to provide conditions or deny a permit undermines the role of the PADEP and the Commonwealth’s regulatory permitting process. While municipalities should be included in project development discussions, it’s unreasonable to expect a municipality to have the resources or expertise to make these types of determinations. Furthermore, requiring additional conditions or mitigation measures or denying a permit based on cumulative environmental impact assessments is unreasonable because the applicant cannot control the emissions of surrounding operations or other sources such as transportation emissions.

- C) Regional operational inconsistencies: Regional autonomy in the EJ process is causing inconsistencies across the Commonwealth, especially for multi-location companies. PCIC recommends centralized oversight to provide consistent and predictable implementation.

- D) EJ Area Changes and Updates: We appreciate that the three-year EJ area designation update requirement establishes a clear and predictable schedule. However, the criteria for new designations and the lack of notification requirements create investment risk and unpredictability that could lead companies to steer investments away from EJ-designated jurisdictions. Furthermore, companies that invest in new or expansion capital projects could be added to a new EJ area designation through this process.

- E) Public Meetings and Impacts on Permit Decisions: While we appreciate that the legislation clarifies the timeline for enhanced public participation, we disagree that the required public hearing should impact the department’s permitting process and decision-making. Pennsylvania’s regulatory process already has clear parameters for

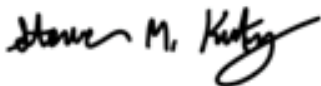
public participation in the permitting process. Issuing and enforcing the permit, not the permitting process, is what protects the public and the environment.

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Pennsylvania Chemical Industry Council



March 26, 2025

Clean Water Action and our roughly 90,000 statewide members support HB 109 and encourage legislators to vote YES on it when it comes before them for consideration.

Roughly 2.3 million people live in 1,965 identified Environmental Justice areas according to the Pennsylvania Department of Environmental Protection's (DEP) PennEnviro Screen tool which uses 32 determination indicators, including exposure to pollution and toxic emissions, traffic volume, proximity to oil and gas wells, race, age, income, graduation rates, and unemployment.

HB 109 would end the perpetuate cycle these areas face of being disproportionately exposed to additional hazardous conditions that only further poison their water and air, degrade their health, and drive down their property values- creating undesirable living conditions that prevent communities from growing and truly flourishing.

It would accomplish this by requiring select known polluting facilities seeking permits to build or expand in these already vulnerable areas to prepare a cumulative environmental assessment that includes potential negative impacts their operations may have on the broader area they're operating in and empowers the DEP to deny a permit application or require added stipulations for approval if it finds those impacts would further harm the health and environment of the community. The legislation's language was developed over past sessions with the help of Clean Water Action and is modeled after successful policies adopted in New Jersey, Minnesota and Massachusetts.

HB 109 is also the perfect complement to the 2023 revisions DEP made to their Environmental Justice Public Participation Policy which improved the previous iteration of the PennEnviroScreen, enhanced opportunities for community participation in the permitting process, and prioritized inspection and monitoring for certain sites within EJ communities. Yet at the DEP's own admission the policy is not without its limitations because according to Fernando Treviño, Special Deputy Secretary for Environmental Justice, "DEP is limited in its ability to enact regulations because the department isn't a legislative body. In order to make it enforceable with rules, it's up to the legislature to pass bills that will make some of this stuff mandatory." HB 109 is the best vehicle to create the needed additional statutory authority DEP is referencing and advocating for.

HB 109 is an opportunity to finally move proactively toward creating meaningful avenues that assure the fair treatment of all people, regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Please further partner with us to help pass HB 109.

Sincerely,

Steven Hvozdvich
Pennsylvania Campaigns Director

1315 Walnut Street, Suite 1650, Philadelphia, PA 19107 | Tel. 215.545.0250
Diamond Building, 100 Fifth Avenue, Suite 1108, Pittsburgh, PA 15222 | Tel. 412.765.3053
CleanWaterAction.org/pa | Facebook: [CleanWaterActionPA](https://www.facebook.com/CleanWaterActionPA) | X: [@cleanH2OPA](https://twitter.com/cleanH2OPA)



To: Pennsylvania State House Environmental and Natural Resource Protection Committee
From: Tracy Carluccio, Deputy Director, Delaware Riverkeeper Network tracy@delawareriverkeeper.org
Date: April 4, 2025
Re.: House Bill 109

Delaware Riverkeeper Network supports House Bill 109, the “cumulative impacts” bill. The bill would require PA Department of Environmental Protection (DEP) to assess the cumulative impacts of pollutants released into the water and air in environmental justice communities when a polluting project is proposed. This is a much-needed and long overdue requirement. It is essential that DEP require that the totality of the impacts from a proposed project be considered when a permit is proposed so that areas that are already overloaded with pollution will not be subjected to more harmful releases and discharges that negatively impact air and water quality. Currently, DEP does not consider the existing underlying conditions that a community is subjected to when deciding on a new or expanded permit, which has led to degraded environmental quality in defined areas, unjustly burdening people with higher levels and/or concentrations of pollutants than people in other areas.

Health studies have shown over and over that people who live in overburdened communities pay for it through their health and quality of life. For instance, as far back as 1983, a [Government Accounting Office report](#) revealed that most of the hazardous waste landfill sites in eight states were located in primarily low-income communities, populated mostly by people of color. Many other reports and studies followed over the years, confirming that environmental injustices were being carved in stone by polluting projects and government agencies’ approvals for them.

In 2018, scientists from EPA’s National Center for Public Health [published a report](#) that showed that Particulate Matter (PM)2.5 air pollution disproportionately plagued people of color and low income communities – “those in poverty had 1.35 times higher burden than did the overall population, and non-Whites had 1.28 times higher burden. Blacks, specifically, had 1.54 times higher burden than did the overall population.” Since then hundreds of studies have been done documenting that the impacts from these heavy exposures is higher rates of many illnesses, including [asthma](#) and [heart disease](#) and people’s [lives being cut short](#) for those who live in environmental justice areas.

Most recently, a report was issued by Johns Hopkins looked at Southeastern Pennsylvania, to understand how people are affected cumulatively by pollution sources. [An article published April 2 stated:](#)

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“Regulators typically measure community risk by looking at the primary health effects of individual chemicals, an approach that often fails to address their combined risks, said Keeve Nachman, the study’s senior author. Residents in disadvantaged communities are exposed to a toxic stew of chemicals daily, and they “don’t just breathe one at a time, [they] breathe all the chemicals in the air at once,” said Peter DeCarlo, another of the study’s authors.

“Very little has happened to protect these people. And one of the major reasons for that is that current approaches have not done a good job showing they’re in harm’s way,” Nachman said.

“When we regulate chemicals, we pretend that we’re only exposed to one chemical at a time,” Nachman continued. “If we have each chemical and we only think about the most sensitive effect, but we ignore the fact that it could potentially cause all these other effects to different parts of the body, we are missing protecting people from the collective mixture of chemicals that act together.”

Clearly, it is well past due that Pennsylvania addresses the disparities of environmental racism through regulating pollution impacts cumulatively. HB109 is an important start towards that goal.

DRN supports HB109.

Regarding the Amendment A20074 that has been introduced, DRN supports the expansion of the definition of “cumulative environmental impacts”. It more accurately defines the impacts by including public health.

DRN also supports the lowering of the trigger for review of an electric generating facility with a capacity of more than ten to nine megawatts. This more accurately will capture pollution levels and is going in the right direction. DRN supports all electric generating facilities, regardless of the generating capacity, to be required to be subject to DEP review under this bill, however, and advocates for that expansion. Some of the most dangerous and toxic pollutants such as NO_x, PM, sulfur dioxide, mercury, and VOCs, are emitted by electric generating stations of any size. When an area is overburdened with these pollutants, there should be zero tolerance for even one molecule more.

Regarding the proposed amendment (as outlined in A00274) of the definition of “Facility”, there are two changes about which we have concerns. First, we oppose the change that the bill would apply to sites that are “stationary” only. This will remove mobile sources that are significant sources of pollution – for example, diesel fueled and gas-powered mobile vehicles. DRN considers this step backwards. We do recognize, however, that the law specifically allows, but does not guarantee, for additional facilities, such as highways or other motor vehicle traffic-driven sources, to be added by the EQB.

Secondly, the type of pollutants is being narrowed in the proposed amendment. There are many dangerous air pollutants that are not classified as hazardous or that do not have established national ambient Air Quality Standards. Examples of contaminants that are not classified as hazardous are the many per- and polyfluorinated compounds – except for PFOA and PFOS which are, at least presently, classified as hazardous by the USEPA (unfortunately, this could change under the new federal Administration). Many of these PFAS compounds are known to be toxic to humans and wildlife. An example of a pollutant that does not have a national ambient Air Quality Standard is formaldehyde, a known toxin and carcinogen. Under the text of the proposed amendment, it seems as if formaldehyde may be included if DEP recognizes it as hazardous, but this is not clear. DRN does not support this narrowing of the definition of Facility that is proposed in this Amendment.

DRN additionally advocates that under Section 4304(C), the bill be improved by stating that DEP “SHALL” rather than “MAY” deny a permit application in an environmental justice area based on the cumulative environmental impacts. It is critical that DEP be required to deny a permit when the cumulative analysis shows it will worsen the environmental conditions of a community by increasing the pollution burden.

Thank you for the opportunity to provide Delaware Riverkeeper Network’s position on HB109.

TO: Members of the House Environmental & Natural Resource Protection Committee

FROM: Grant Gulibon, Regulatory Affairs Specialist

RE: Opposition to House Bill 109

Date: April 4, 2025

Pennsylvania Farm Bureau, the largest general farm organization in the Commonwealth, opposes House Bill 109, as we did its precursor of the 2023-24 session, House Bill 652.

Our organization's vision statement declares that "we are people united around food, environment, and community." Farm Bureau members take each of those commitments very seriously. We believe that enhancing conservation, making wise use of the natural resources under our care, and providing food, fuel and fiber for a growing global marketplace requires a consistent, long-term statewide conservation and environmental policy that balances economic and social costs with real environmental benefits and ensures that agriculture be exempt from any "environmental justice" policies.

In that context, the content of House Bill 109, which would add another layer to an already saturated permitting framework (one which the governor, state agency leaders, and legislators of both parties have repeatedly, and correctly, characterized as too complex and taking too much time to navigate) is particularly troubling. Specifically, it is difficult to understand why more regulation and bureaucratic involvement would be considered necessary when an intensive process already exists to govern environmental decisions regarding the agriculture industry in Pennsylvania.

For example, anyone operating a concentrated animal feeding operation, or CAFO, in Pennsylvania must obtain a National Pollutant Discharge Elimination System (NPDES) permit, which is administered by DEP. As part of an agreement with the federal Environmental Protection Agency (EPA), CAFOs must maintain adequate manure storage, raw material storage, and waste containment areas, along with proper setbacks and buffers. All these requirements are reviewed and reported under terms ultimately approved by EPA. As CAFOs (like all farms) do not come into existence overnight, public engagement and notification are already a part of that process. Failing to comply with these requirements, and/or a failure to maintain proper nutrient, sediment, and odor management plans results in penalties that no farmer can afford to incur.

As stated in Pennsylvania's Right to Farm Act, "it is the declared policy of the Commonwealth to conserve and protect and encourage the development and improvement of its agricultural land for the production of food and other agricultural products." The Right to Farm Act does not inhibit farmers from growing or expanding their businesses. Likewise, Pennsylvania's ACRE (Agriculture, Communities, and Rural Environment) law ensures that local government cannot restrict or limit the ownership structure of a normal agricultural operation.

Pennsylvania farmers are fully integrated into the communities in which they live and work. They serve their neighbors, and indeed all Pennsylvanians, wherever they may reside, not only by providing them with the aforementioned food, fuel and fiber, but also by protecting the land, air and water in those communities by following the prescribed laws and policy processes governing those resources. Please recognize the work Pennsylvania farmers are already doing to protect their communities and vote NO on House Bill 109.



April 2, 2025

The Honorable Greg Vitali, Chairman
House Environmental & Natural
Resource Protection Committee
30 East Wing
Harrisburg, PA 17120

The Honorable Jack Rader, Republican Chairman
House Environmental & Natural
Resource Protection Committee
423 Irvis Office Building
Harrisburg, PA 17120

Dear Chairman Vitali and Chairman Rader:

The Marcellus Shale Coalition (MSC) represents the operators, professional service firms, skilled building trades and supply chain companies engaged in safely and responsibly developing Pennsylvania's unconventional natural gas resources. On behalf of the MSC, I write to express our concerns regarding House Bill 109, which is slated for Committee consideration on April 7th.

House Bill 109 seeks to impose conditions on certain permits for facilities to be located in designated environmental justice areas. While mindful of and sensitive to the importance of working with residents in any area of the Commonwealth that our member companies do business, as currently drafted House Bill 109 creates significant ambiguity and confusion for permit applicants, lengthens the permitting process at a time that Governor Shapiro and the General Assembly are working to enhance permit predictability, and provides nearly unfettered discretion to the Department of Environmental Protection (PA DEP) to implement this act.

With these overarching concerns in mind, the MSC also offers the following specific concerns for the Committee's consideration:

- The definition of "environmental justice area" references a geographic area characterized by both an increased pollution burden and vulnerable populations. However, PA DEP's implementation of its own environmental justice policy to date – despite similar constraints – includes geographic areas that meet *either* the pollution or population description, rather than both.
- Section 4303 of the bill defers entirely to PA DEP to both identify the method of designating environmental justice areas and the actual designation of said areas. No constraints are offered to guide the Department in this process, to provide for legislative or public review of the method or designation, or to provide any continuity between state-designated environmental justice areas and others that the regulated community must currently navigate. For example, the U.S. Environmental Protection Agency, Federal Energy Regulatory Commission and other federal agencies have designated environmental justice areas which currently have little if any similarity to the PA DEP's current designated environmental justice areas.

- Similar concerns to the above were shared with PA DEP during the public comment period of the Department's interim-final environmental justice policy. Despite receiving this public input and detailed concerns, the Department has yet to revise its environmental justice policy to address any of these concerns nearly 500 days after the close of the comment period. It is unclear how the Department is anticipated to be able to implement this proposed Act when it has struggled to implement its own policy
- Section 4304(b) states that PA DEP may not issue a permit decision until at least 60 days after a public hearing. This date is arbitrary with no rationale offered and simply ensures that permit decisions will be further delayed at a time that policymakers ought to be focused on increasing the Commonwealth's competitiveness.
- Section 4304 (d) authorizes the Clerk of a municipality which is in an environmental justice area to recommend conditions to PA DEP on the pending permit. There is no rationale for authorizing an unelected municipal official with little if any environmental expertise to recommend conditions on a state-issued permit. Furthermore, the requirement for PA DEP to justify its response to the recommended conditions and publishing said response in the *Pennsylvania Bulletin* is entirely unnecessary. PA DEP – not municipal employees – are charged with administering the state environmental laws of the Commonwealth.
- Section 4305 states that *"The Department and Environmental Quality Board shall adopt and promulgate rules and regulations to implement this chapter."*
 - It is unclear if the method of designating environmental justice areas and the actual designation of said areas are required to be promulgated by regulation.
 - We are unaware of other instances when both "the Department and Environmental Quality Board" are charged with promulgating regulations, or how such a process would work. Typically, the Environmental Quality Board is charged with promulgating regulations under state environmental laws.

Thank you for your consideration of these comments. Should you have any questions, please do not hesitate to reach out.

Sincerely,



Patrick Henderson
Vice President

Government Affairs & Communications





March 26, 2025

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HB 109 would end the perpetuate cycle these areas face of being disproportionately exposed to additional hazardous conditions that only further poison their water and air, degrade their health, and drive down their property values- creating undesirable living conditions that prevent communities from growing and truly flourishing.

It would accomplish this by requiring select known polluting facilities seeking permits to build or expand in these already vulnerable areas to prepare a cumulative environmental assessment that includes potential negative impacts their operations may have on the broader area they're operating in and empowers the DEP to deny a permit application or require added stipulations for approval if it finds those impacts would further harm the health and environment of the community. The legislation's language was developed over past sessions with the help of Clean Water Action and is modeled after successful policies adopted in New Jersey, Minnesota and Massachusetts.

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From: Tracy Carluccio, Deputy Director, Delaware Riverkeeper Network tracy@delawareriverkeeper.org
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- Section 4305 states that *"The Department and Environmental Quality Board shall adopt and promulgate rules and regulations to implement this chapter."*
 - It is unclear if the method of designating environmental justice areas and the actual designation of said areas are required to be promulgated by regulation.
 - We are unaware of other instances when both "the Department and Environmental Quality Board" are charged with promulgating regulations, or how such a process would work. Typically, the Environmental Quality Board is charged with promulgating regulations under state environmental laws.

Thank you for your consideration of these comments. Should you have any questions, please do not hesitate to reach out.

Sincerely,



Patrick Henderson
Vice President

Government Affairs & Communications

