



# Senate Environmental Resources and Energy Committee

Senator Mary Jo White  
Chairman

*Patrick Henderson, Executive Director*

Room 168 • State Capitol Building  
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September 7, 2007

Jeff Schmidt  
Sierra Club – PA  
300 North Second Street, Suite 601  
P.O. Box 663  
Harrisburg, PA 17108-0663

Dear Mr. Schmidt:

I am writing to correct misstatements contained in your summer 2007 newsletter with regards to Senate Bill 354. I introduced this bill to better define the parameters concerning rulemaking petitions submitted to the Environmental Quality Board (EQB).

Your newsletter states that a stream re-designation petition allows the EQB to impose new standards on unregulated discharges, and therefore would be precluded should SB 354 be signed into law. This is patently false - as you no doubt know. The higher level of waterway protection does not require or even permit the Department of Environmental Protection (DEP) to begin regulating and limiting new classes of discharges which were not previously regulated, as you allege. Rather, the stream re-designation process, which results in a higher level of protection of waterways (i.e. from High Quality to Exceptional Value), could potentially require DEP to hold future permit applicants to a more stringent standard with regard to a specific pollutant that is being discharged. There is a significant difference between the two scenarios.

Regardless, SB 354 clearly would permit stream petitions seeking changes to existing or designated uses to proceed, since the protection of existing uses and the accompanying stream re-designation process is both a requirement of federal law (Clean Water Act) and state regulations governing water quality. Consequently, your claim that SB 354 would prohibit, much less alter in any manner, the right of a citizen to petition the EQB regarding a stream re-designation is demonstrably false.

While you certainly have the right to oppose SB 354, that does not give license to knowingly misrepresent the impact of this legislation. I request that you correct your inaccurate statement to your members immediately.

Sincerely,

A handwritten signature in cursive script that reads "Mary Jo White".

Mary Jo White, Chairman  
Senate Environmental Resources  
& Energy Committee