

Testimony of
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Good morning, Chair Miller, Senator Malone, and members of the Pennsylvania Senate Democratic Policy Committee. On behalf of the Pennsylvania Department of Environmental Protection (DEP), I want to thank you for the opportunity to discuss the work of DEP in safeguarding our Commonwealth's water and private wells.

Pennsylvania has a long history of protecting our waters through legislative and regulatory action. Going back to the early 1900s with the "Purity of Waters Act", which then was amended in 1937 to become the Clean Streams Law, legislators and residents of the Commonwealth understood the value of clean water. Later, the Pennsylvania Sewage Facilities Act (also known as Act 537) was enacted in 1966, followed by the Dam Safety and Encroachments Act, Stormwater Management Act, and the Floodplain Management Act in 1978. The complementary federal and state Safe Drinking Water Acts were passed in the 1970s and early 1980s, with the Nutrient Management Act (Act 6 of 1993 and as amended by Act 38 of 2005) and the Water Resources Planning Act (Act 220 of 2002) ensuing in subsequent years. Under the authority of compacts enacted jointly in Pennsylvania and other jurisdictions, DEP also works collaboratively to protect water resources that Pennsylvania shares with neighboring jurisdictions, including the Great Lakes, the Delaware River, the Susquehanna River, the Ohio River, and the Potomac River. All of the above laws are implemented by DEP through regulations and programs administered in partnership with other state and local municipalities, agencies, and organizations.

In addition to administering state laws to protect Pennsylvania waters, DEP also implements many federal requirements under the Clean Water Act (CWA). The National Pollutant Discharge Elimination System (NPDES) permitting and compliance program, identified in Section 402 of the CWA, is delegated by the U.S. Environmental Protection Agency (EPA) to DEP. Under the CWA, DEP also develops water quality standards to protect surface waters for uses including water supply, recreation, and aquatic life. Additionally, in accordance with Section 319 of the

CWA, DEP is required to develop and implement a five-year Nonpoint Source Management Program Plan and report annually on the Commonwealth's progress in reducing nonpoint source pollution. DEP also maintains primacy of the federal Safe Drinking Water Act in Pennsylvania, providing for the protection of drinking waters for over 8,000 Public Water Systems that serve more than 11 million Pennsylvania residents.

The above is a high-level overview of state and federal laws that are intended to ensure safe, reliable, and clean water. Narrowing in the focus for today's session on protection and safeguarding of residential wells, the laws administered by DEP that most directly impact residential wells and groundwater are: the Clean Streams Law, the Sewage Facilities Act, the Nutrient Management Act, the Solid Waste Management Act, the Water Resources Planning Act, and the regulations authorized by these statutes.

Before discussing the programs administered by DEP under these laws, we should consider the pollutants that commonly impact private drinking water wells. High nitrate levels are known to cause health concerns in pregnant women and babies. Drinking water with nitrate levels of 10 parts per million (ppm) or higher is considered unsafe. A common source of nitrates is nitrogen fertilizers, like animal manure. Sewage can also be a source of nitrate pollution. Pathogens, like *E. coli* and *Giardia*, can come from animal and human wastes as well.

The Clean Streams Law requires that any person proposing a discharge of pollutants to waters of this Commonwealth must apply for and obtain a permit from DEP. This includes the requirement to obtain a permit from DEP prior to the construction of infrastructure that is used to treat or convey sewage and industrial wastes and for discharges to groundwater through the application of pollutants to land or to the subsurface environment. Chapter 91 of DEP's regulations establish the rules relating to these activities, which regulate potential sources of pollution such as agricultural operations and other activities that may require a Water Quality Management (WQM) permit from DEP.

Chapter 91 includes requirements for land application of manure from agricultural operations; in lieu of a WQM permit, the regulations allow agricultural operations to have and implement a current Manure Management Plan, meeting the standards in the DEP *Manure Management Manual*. Some agricultural operations are regulated under the Nutrient Management Act as Concentrated Animal Operations (CAOs), which then requires a Nutrient Management Plan written by a certified planner and approved by a certified reviewer. Other agricultural operations meet the animal number or density threshold to be considered a Concentrated Animal Feeding Operation (CAFO), permitted and inspected by DEP under the federal NPDES program, also requiring an approved and implemented Nutrient Management Plan. DEP jointly administers the Nutrient Management Act with the State Conservation Commission (SCC), through delegation to participating county conservation districts, who perform plan reviews

and on-site status reviews. The DEP Agricultural Advisory Board (AAB) and the SCC Nutrient Management Advisory Board (NMAB) advises the agencies on these and other regulations, permits, and guidance that would affect the agriculture industry.

DEP's municipal and residual waste regulations require permits and plans for the land application of biosolids and food processing residuals (FPRs). Biosolids are land applied on agricultural operations and abandoned mine lands or are otherwise transported to landfills. Biosolids and FPRs have nutrients much like animal manure, which aid in crop growth.

Pennsylvania has no statewide construction standards or construction regulations for private water wells, although water well permitting and licensing is generally governed by the Water Well Drillers License Act. Land application setback requirements for manure, biosolids, and FPRs are instituted to help ensure the prevention of contamination of wells, nearby springs, and other sensitive areas. These areas include streams, rivers, lakes, ponds, reservoirs, wetlands, sinkholes, and channels. The requirements also include restrictions on winter land application. More information on land application setback requirements can be found in [this comparison table](#)^[OB]. Specific to private drinking water wells, the application setback is 100 feet for manure, 300 feet for biosolids, and 300 to 1,000 feet for FPRs.

DEP implements the Sewage Facilities Act through three primary regulations: Chapters 71, 72, and 73. Chapter 71 covers planning for sewage facilities. Chapter 72 covers permitting of sewage facilities. And Chapter 73 provides standards for on-lot sewage disposal. These three chapters work together to ensure protection of groundwater and surface water. In an effort to modernize the regulations and better clarify existing rules and standards, DEP is currently in the early phases of revising these three chapters. The DEP Sewage Advisory Committee (SAC) informs and advises DEP on matters related to sewage planning and on-lot systems. DEP also works closely with municipalities and local agencies, as they directly implement the Sewage Facilities Act. Local agencies also employ Sewage Enforcement Officers (SEO), which DEP trains and certifies. SEOs are contracted or employed by local agencies to review and issue permit applications and conduct investigations and inspections of on-lot sewage systems.

The Water Resources Planning Act is implemented by DEP through the convening of State Water Planning Committees and the development and update of the [State Water Plan](#). The latest update of the State Water Plan was published in 2023 and is intended to inform leaders' decision making and educate all Pennsylvanians on the sustainable use and stewardship of our lakes, rivers, streams and groundwater. The plan recommends 100 actions to be continued, expanded on, or initiated in floodplain and stormwater management; water withdrawal; water efficiency; legacy impacts from coal mining and oil and gas wells; drinking water and wastewater treatment; contaminants of emerging concern; agricultural nonpoint source pollution; and waterway navigability. The State Water Plan is divided into six regions,

identifying unique needs such as a better understanding of how land use affects water resources and climate change resiliency. While the development and update of the State Water Plan is mandated by statute, the implementation of it is voluntary. DEP is currently convening State Water Planning Committees to update the State Water Plan in accordance with the Act.

To protect Pennsylvania's water resources and provide for the health and safety of Pennsylvania's residents and visitors, DEP works to safeguard Pennsylvania waters through regulatory and financial and technical assistance programs. The DEP Growing Greener Plus Grants Program, funded by the Environmental Stewardship Fund, and the Nonpoint Source Management Grants Program, funded by EPA under Section 319 of the CWA, are two foundational financial assistance programs that aim to protect, restore, and improve the Commonwealth's water resources. DEP also partners with the Pennsylvania Infrastructure Investment Authority (PENNVEST) to provide crucial funding and technical assistance to help communities across the Commonwealth maintain and improve water infrastructure and implement best management practices to restore and protect Pennsylvania's watersheds.

In closing, DEP recognizes that protection and restoration of water resources is fundamental to environmental sustainability and economic development in Pennsylvania's communities. As authorized by the many comprehensive statutes noted in my testimony, DEP is committed to implementing and continuously improving the regulations, policies, and programs to ensure clean water for all Pennsylvania residents and visitors. I look forward to answering any questions that you may have.

Thank you for your interest and engagement.