



June 5, 2026

The Honorable Greg Vitali, Chairman
House Environmental and Natural Resource Protection Committee
30 East Wing
P.O. Box 202166
Harrisburg, PA 17120-2166

Dear Chairman Vitali:

I write on behalf of the Marcellus Shale Coalition (MSC) to express our opposition to House Bill 84, currently scheduled for consideration on Monday, June 8th by the House Environmental and Natural Resource Protection Committee. This legislation concerns the road spreading of brine from oil and gas operations, amends definitions and imposes limitations on vehicles currently used to safely recycle oil and gas related wastewater.

The MSC sent you a detailed letter outlining concerns last October. Despite multiple requests to discuss these issues (which were also raised with your office during the 2023-2024 legislative session), we have never been afforded the opportunity to do so. In fact, we have never been afforded the opportunity to meet with you on any legislative or regulatory matter during your time in office.


It is already illegal in Pennsylvania to spread unconventional brine upon roadways or elsewhere, and to our knowledge no operator ever engaged in this practice before this prohibition was codified in 2016.

However, other aspects of House Bill 84 pose serious threats to the ability of our operators to safely recycle wastewater on a daily basis. This legislation is poorly drafted and evinces a lack of understanding of basic statutory construction and how the Department of Environmental Protection currently oversees this activity.

I enclose our detailed letter of October 23rd for the benefit of the Committee members. We had hoped that your broad solicitation of input from stakeholders was intended to inform and improve the legislative product. We stand corrected.

We strongly encourage you not to risk an environmental calamity by advancing this legislation.

Sincerely,



Patrick Henderson
Vice President
Government Affairs and Communications

cc: Honorable Jack Rader, Republican Chairman
House Environmental and Natural Resource Protection Committee
Attachment



October 23, 2025

The Honorable Greg Vitali, Chairman
House Environmental and Natural Resource Protection Committee
30 East Wing
P.O. Box 202166
Harrisburg, PA 17120-2166

Dear Chairman Vitali:

The Marcellus Shale Coalition (MSC) is a regional trade association representing over 150 companies engaged in the safe and responsible development of Pennsylvania's unconventional natural gas resources. On behalf of the MSC, I write to express several concerns regarding House Bill 84, which may be considered in the near future by the House Environmental and Natural Resource Protection Committee (Committee).

As you may recall, the MSC shared concerns with the Committee last year regarding House Bill 2384 of the 2023-2024 legislative session. These concerns remain, as the text of House Bill 84 is identical (but for one inconsequential change) to last session's HB 2384.

The MSC offers the following observations and concerns regarding HB 84 for the Committee's consideration:

- **Definition of Residual Waste.** HB 84 amends the Solid Waste Management Act to insert an additional provision within the definition of 'residual waste'. This provision specifies that oil-related and gas-related wastewater is residual waste.

This language is unnecessary as the current definition of residual waste already captures oil and gas related waste, including wastewater. Specifically, the descriptions of waste included in the definition of residual waste under Section 103 (1)(i) and (ii) clearly include waste that would be generated under oil and gas activities. However, by limiting the added definition to 'wastewater', this may raise questions as to the classification of other oil and gas-related wastes which are not wastewater.

The PA Department of Environmental Protection (PA DEP) recognizes that oil and gas-related waste is residual waste and has regulated it as such for years without issue. Regulations related to the operation of unconventional natural gas wells specify that such wastes are subject to the Department's residual waste requirements; such examples are replete throughout the regulations found at 25 Pa. Code Chapter 78a.¹

¹ Examples include but are not limited to: §78a.1; §78a.54; §78a.58; §78a.59(c); §78a.61; §78a.62; §78a.63; and §78a.64

The language in HB 84 establishes a concerning precedent of defining a waste, not by its characteristics, but solely based upon the industry that generates it. This deviates from long held and widely understood practices and regulatory criteria related to waste management.

The current definition of residual waste in the Solid Waste Management Act sufficiently captures the waste generated from oil and gas related activities, and the language contained in HB 84 is incomplete, confusing and unnecessary. This language does not solve a problem with respect to the characterization of waste – as no problem exists – but it creates uncertainty about other wastes and conflicts with long-recognized regulatory language as applied by PA DEP. This additional provision of the definition should be deleted.

- **Prohibition of spreading unconventional brine on roadways.** This language is unnecessary as such application for unconventional operators is already illegal in Pennsylvania. Specifically, 25 Pa. Code §78a.70 prohibits the road spreading of brine from unconventional wells for dust suppression and road stabilization (which includes de-icing). While this specific prohibition was promulgated in October 2016, to our knowledge unconventional operators have never sought to utilize their brine for road application. The MSC and industry supported the promulgation of §78a.70 because it reflected industry practice.
- **Incomplete listing of exceptions.** Section 304 (a)(2) of the bill (page 3 lines 17-20) incorporates exceptions for the land application of brine to certain scenarios already authorized under 25 Pa. Code Section 78a.60. Other exceptions for the handling of drill cuttings are also found within 25 Pa. Code Sections 78a.62 and 78a.63. For clarity, and to ensure that these provisions are not unwittingly being negated, HB 84 should reference these sections to ensure that they are not impacted by the legislation.
- **Prohibition of vehicle equipment.** Section 304 (b) makes it unlawful for a vehicle transporting oil and gas related wastewater to be equipped with a mechanism that allows the vehicle to be used to discharge wastewater in a manner prohibited by this legislation. Clearly, any truck transporting oil and gas related wastewater is going to be equipped with a mechanism to (lawfully) load and unload the waste at its point of origin and its point of unloading for lawful handling. This mechanism would presumably include, at a minimum, hoses and valves to facilitate this loading and unloading. Read literally, however, the prohibition in HB 84 would make such equipment unlawful because it “allows” wastewater to be spread in a manner prohibited by the legislation.

The MSC recognizes that HB 84 utilizes the phrase “allows the road spreading of” which differs from the text of the previous version found in HB 2384, which says “could be used”. However, this change in verbiage provides no material change to its impact. A vehicle which “could be used” and a vehicle whose equipment “allows” something are no different.

Read and applied literally, this provision would shut down the ability of operators to properly handle and transport wastewater in Pennsylvania. Doing so risks an environmental calamity and would pose unnecessary risks to the environment due to the inability to properly handle wastewater.

Moreover, this section would also prohibit trucks that would legally apply non-oil or gas related brine for dust suppression, de-icing or road stabilization from doing so, because such trucks ostensibly would have the same equipment or mechanisms which "allow" the truck to apply prohibited oil and gas related wastewater.

This entire section is unnecessary, has significant and immediate consequences that would shut down all current industry operations related to wastewater handling and transport, and should be deleted from the legislation.

The MSC has consistently raised these issues concerning the drafting of this legislation and offered to discuss these issues in greater detail so that Members better understand how the industry operates and is currently regulated. This offer continues to stand.

Thank you for the Committee's consideration of these comments. We would appreciate the opportunity to meet with you to discuss them in greater detail.

Sincerely,



Patrick Henderson

Vice President

Government Affairs & Communications

cc: Honorable Jack Rader, Republican Chairman