



House Environmental and Natural Resource Protection Committee

Meeting Agenda

Monday, April 27th, 2026

11:00am – 12:00pm

205 Ryan Office Building

Call to Order

Roll Call

[HB 2178; PN 3142 \(Warren\)](#) – Establishes requirements and liability for hazardous spill cleanup.

Any other business before the committee

Adjournment



Environmental & Natural Resource Protection

Committee

State Representative Greg Vitali
Democratic Chairman

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MEMORANDUM

DATE: 4/20/2026

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 27th, 2026

The House Environmental and Natural Resource Protection Committee will hold a voting meeting on **Monday, April 27th, 2026, 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 2178; PN 3142 \(Warren\)](#)** – Provides for requirements and liability for hazardous spill cleanup.

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. 2178 Session of
2026

INTRODUCED BY WARREN, VITALI, WEBSTER, HILL-EVANS, FREEMAN,
KHAN, O'MARA, OTTEN, CEPEDA-FREYTIZ, CURRY AND GILLEN,
APRIL 8, 2026

REFERRED TO COMMITTEE ON ENVIRONMENTAL AND NATURAL RESOURCE
PROTECTION, APRIL 8, 2026

AN ACT

1 Amending the act of October 18, 1988 (P.L.756, No.108), entitled
2 "An act providing for the cleanup of hazardous waste sites;
3 providing further powers and duties of the Department of
4 Environmental Resources and the Environmental Quality Board;
5 providing for response and investigations for liability and
6 cost recovery; establishing the Hazardous Sites Cleanup Fund;
7 providing for certain fees and for enforcement, remedies and
8 penalties; and repealing certain provisions relating to the
9 rate of the capital stock franchise tax," providing for spill
10 response and residential environmental protection; and, in
11 fund, further providing for Hazardous Sites Cleanup Fund.

12 This act may be referred to as the Environmental Cleanup and
13 Responsibility Act.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. The act of October 18, 1988 (P.L.756, No.108),
17 known as the Hazardous Sites Cleanup Act, is amended by adding a
18 chapter to read:

19 CHAPTER 6

20 SPILL RESPONSE AND RESIDENTIAL ENVIRONMENTAL PROTECTION

21 Section 601. Legislative findings and purposes.

1 (a) Findings.--The General Assembly finds and declares as
2 follows:

3 (1) Discharges of hazardous substances, including
4 petroleum and pipeline releases, pose an immediate and
5 serious threat to public health, private drinking water
6 supplies and residential communities in this Commonwealth.

7 (2) Existing State law is not adequate to ensure rapid
8 and mandatory cleanup of active spills in residential areas.

9 (3) Section 27 of Article I of the Constitution of
10 Pennsylvania guarantees the people the right to clean air,
11 pure water and the preservation of the natural, scenic,
12 historic and esthetic values of the environment.

13 (4) In accordance with section 27 of Article I of the
14 Constitution of Pennsylvania, the Commonwealth has a trustee
15 obligation to conserve and maintain public natural resources
16 for the benefit of present and future generations.

17 (b) Purposes.--The purposes of this chapter are to:

18 (1) Establish a clear and enforceable framework for
19 immediate response to discharges of hazardous substances.

20 (2) Require prompt cleanup and removal of contamination
21 that threatens human health or the environment.

22 (3) Authorize the department to act immediately and
23 recover costs from responsible persons.

24 (4) Ensure restoration of environmental conditions
25 consistent with the constitutional rights of the people of
26 this Commonwealth.

27 Section 602. Definitions.

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

1 "Discharge." The spilling, leaking, pumping, pouring,
2 emitting, emptying, escaping, leaching, dumping or disposing of
3 a hazardous substance into the environment, including soil,
4 groundwater, surface water or indoor air.

5 "Hazardous substance." As follows:

6 (1) For purposes of this chapter only, a substance that,
7 when discharged into the environment, presents or may present
8 a threat to public health, safety or the environment,
9 including any of the following:

10 (i) Petroleum, crude oil, gasoline, jet fuel, diesel
11 fuel, fuel oil and petroleum products.

12 (ii) A hazardous substance as defined in 42 U.S.C. §
13 9601(14) (relating to definitions).

14 (iii) A substance designated as hazardous by a
15 regulation promulgated by the department.

16 (2) The term shall not be construed to expand or modify
17 the definition of hazardous substance or hazardous waste
18 under any other provision of this act.

19 "Immediate environmental concern." A condition resulting
20 from a discharge that presents or may present an immediate or
21 substantial threat to human health, safety or the environment,
22 including impacts to residential areas, private drinking water
23 wells, occupied structures or natural resources.

24 "Residential area." An area used or zoned for residential
25 purposes, including areas served by public or private drinking
26 water wells.

27 "Responsible person." A person who has discharged a
28 hazardous substance or is otherwise responsible for a hazardous
29 substance, including an owner, operator, transporter or a person
30 otherwise liable under this act.

1 Section 603. Duty to contain, clean up and remove discharges.

2 (a) Immediate actions.--Whenever a discharge of a hazardous
3 substance occurs, a responsible person shall immediately take
4 all actions necessary to contain, clean up and remove the
5 discharge.

6 (b) Strict liability.--A responsible person shall be
7 strictly liable, without regard to fault, for compliance with
8 the duties and requirements imposed under this chapter. If more
9 than one responsible person is liable, the responsible persons
10 shall be jointly and severally liable for compliance with this
11 chapter.

12 (c) Duration.--A responsible person's duty to contain, clean
13 up and remove a discharge shall continue until the department
14 determines that the responsible person has achieved the cleanup
15 standards specified under this chapter.

16 Section 604. Department authority and spill directives.

17 (a) Directives.--To address a discharge, the department may
18 issue a written or oral directive requiring a responsible person
19 to do any of the following:

20 (1) Perform containment, cleanup, removal, investigation
21 or remediation actions specified by the department.

22 (2) Comply with deadlines and other timelines specified
23 by the department for investigation, containment or
24 remediation.

25 (3) Submit sampling data, plans or reports required by
26 the department.

27 (b) Department access and response.--To respond to a
28 discharge, the department may:

29 (1) enter property to conduct response actions; and

30 (2) undertake cleanup and removal when necessary to

1 protect public health or the environment.

2 (c) Violation.--A responsible person who fails to comply
3 with a directive issued under this section violates this act.

4 Section 605. Cleanup standards.

5 (a) Constitutional standard.--A responsible person shall
6 conduct cleanup and removal to achieve conditions consistent
7 with section 27 of Article I of the Constitution of Pennsylvania
8 to provide for clean air, pure water and the preservation of the
9 natural, scenic, historic and esthetic values of this
10 Commonwealth's environment.

11 (b) Residential cleanup standard.--If a discharge affects or
12 threatens a residential area, a responsible person shall conduct
13 cleanup and removal to achieve standards for unrestricted
14 residential use, including all of the following:

15 (1) Protect potable groundwater.

16 (2) Prevent exposure through direct contact with
17 contaminated soil.

18 (3) Protect indoor and outdoor air from vapor intrusion.

19 (c) Standards established by regulation.--

20 (1) The board shall promulgate regulations establishing
21 cleanup standards under this chapter. The department shall
22 apply the standards in administering this chapter. The
23 standards shall constitute minimum requirements. The
24 department may not waive a standard unless the department
25 issues a written determination that an alternative provides
26 equal or greater protection.

27 (2) In order to facilitate the prompt implementation of
28 paragraph (1), the board shall promulgate temporary
29 regulations that shall expire no later than two years
30 following the publication of the temporary regulations. The

1 board may promulgate temporary regulations not subject to:

2 (i) Section 612 of the act of April 9, 1929

3 (P.L.177, No.175), known as The Administrative Code of
4 1929.

5 (ii) Sections 201, 202, 203, 204 and 205 of the act
6 of July 31, 1968 (P.L.769, No.240), referred to as the
7 Commonwealth Documents Law.

8 (iii) Sections 204(b) and 301(10) of the act of
9 October 15, 1980 (P.L.950, No.164), known as the
10 Commonwealth Attorneys Act.

11 (iv) The act of June 25, 1982 (P.L.633, No.181),
12 known as the Regulatory Review Act.

13 (3) The board's authority to adopt temporary regulations
14 under paragraph (2) shall expire two years after the
15 effective date of this paragraph. Regulations adopted after
16 this period shall be promulgated as provided by law.

17 (d) Limits on institutional or engineering controls.--A
18 responsible person may not rely on institutional or engineering
19 controls as the sole remedy in a residential area unless the
20 department determines both of the following:

21 (1) Complete removal is infeasible.

22 (2) The controls provide long-term protection consistent
23 with subsection (a).

24 Section 606. Mandatory timelines.

25 (a) Required time frames.--Upon identification of an
26 immediate environmental concern, the department shall require a
27 responsible person to do all of the following:

28 (1) Immediately undertake containment actions.

29 (2) Complete a preliminary site assessment within 30
30 days.

1 (3) Complete a remedial investigation within 90 days,
2 including the delineation of the nature and extent of
3 contamination.

4 (4) Implement remediation in accordance with a schedule
5 approved by the department.

6 (b) Extensions.--The department may extend a time frame
7 under subsection (a) for good cause based on site conditions.
8 The department shall provide written justification for an
9 extension under this subsection.

10 Section 607. Department cleanup and cost recovery.

11 (a) Department action.--If a responsible person fails to
12 comply with this chapter or a directive issued under section
13 604, the department may undertake cleanup and removal.

14 (b) Recovery of costs.--A responsible person shall be liable
15 to the Commonwealth for all costs the department incurs under
16 this section, including all of the following:

17 (1) Cleanup and removal costs.

18 (2) Investigation and monitoring costs.

19 (3) Administrative, legal and oversight costs.

20 (4) Costs associated with providing alternative water
21 supplies or other permanent or interim protective measures.

22 (c) Treble damages.--If the department undertakes cleanup
23 and removal under subsection (a) due to a responsible person's
24 failure to comply with a directive issued under section 604, the
25 responsible person shall be liable to the Commonwealth for
26 punitive damages in an amount not to exceed three times the
27 costs incurred.

28 Section 608. Spill response funding and deposits.

29 (a) Use of Hazardous Sites Cleanup Fund.--The department may
30 use the Hazardous Sites Cleanup Fund to pay the costs of

1 cleanup, removal, investigation, oversight and emergency
2 response actions undertaken under this chapter.

3 (b) Deposits.--Money collected or recovered by the
4 Commonwealth under this chapter, including amounts recovered
5 under section 607 and civil penalties assessed for violations of
6 this chapter, shall be deposited into the Hazardous Sites
7 Cleanup Fund.

8 (c) Preservation of other remedies.--Nothing in this section
9 shall limit the Commonwealth's authority to pursue other
10 remedies, penalties or damages available under this act or any
11 other State law.

12 Section 609. Public information portal.

13 (a) Establishment.--The department shall establish and
14 maintain an information portal to provide residents with current
15 information regarding a discharge that results in an immediate
16 environmental concern.

17 (b) Contents.--To the extent practicable, the department
18 shall include all of the following information in the portal:

19 (1) The location of the discharge and the area affected,
20 including the residential area the department identifies.

21 (2) A plain-language summary of the nature and extent of
22 contamination known to the department.

23 (3) A summary of response actions the department
24 requires or undertakes under this chapter, including a
25 directive issued under section 604.

26 (4) The status of investigation, cleanup, removal and
27 remediation activities, including a time frame or extension
28 issued under section 606.

29 (5) Information on protective measures the department
30 recommends, including the provision of an alternative water

1 supply or other permanent or interim protective measure.

2 (6) Department contact information for complaints,
3 reports and requests for information regarding the discharge.

4 (c) Updates.--The department shall update the portal when
5 the department receives information reflecting a material change
6 in status.

7 Section 610. Relationship to other laws.

8 (a) Supplemental authority.--This chapter shall be construed
9 as supplemental to other provisions of this act. Nothing in this
10 chapter shall be construed to limit the department's authority
11 under this act or any other State law pertaining to the
12 environment.

13 (b) Land Recycling and Environmental Remediation Standards
14 Act.--Compliance with the act of May 19, 1995 (P.L.4, No.2),
15 known as the Land Recycling and Environmental Remediation
16 Standards Act, shall not relieve a responsible person of a duty
17 imposed under this chapter.

18 (c) No liability protection.--Cleanup conducted under this
19 chapter shall not confer liability protection. A responsible
20 person may claim liability protection based solely on cleanup
21 conducted under this chapter only if the department expressly
22 approves the cleanup for that purpose.

23 Section 2. Section 901(c) of the act is amended by adding a
24 paragraph to read:

25 Section 901. Fund.

26 * * *

27 (c) Funds.--Money from the following sources shall be
28 deposited in the fund:

29 * * *

30 (8.1) Money collected or recovered by the Commonwealth

1 under Chapter 6.

2 * * *

3 Section 3. This act shall take effect in 60 days.

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HB2178 PN3142	Prepared By:	Evan Franzese (717) 783-4043
Committee:	Environmental & Natural Resource Protection	Executive Director:	Evan Franzese
Sponsor:	Warren, Perry		
Date:	4/9/2026		

A. Brief Concept

Establishes requirements and liability for hazardous spill cleanup.

C. Analysis of the Bill

HB 2178 amends the Hazardous Sites Cleanup Act (Act 108 of 1988) to provide for responsibility and liability for persons responsible for a hazardous spill. This bill may also be referred to as the Environmental Cleanup and Responsibility Act.

Duties of responsible person

Requires a responsible person to immediately take all actions necessary to contain, clean up and remove a hazardous substance when a discharge occurs.

- The duty to contain, clean up, and remove a discharge shall continue until the Department of Environmental Protection (DEP) determines that cleanup standards under this act have been achieved.

Holds a responsible person strictly liable for compliance under this act, without regards to fault.

- If more than one responsible person is liable, the responsible persons shall be jointly and severally liable for compliance.

Department authority

Allows DEP to issue a written or oral directive requiring a responsible person to do any of the following to address a discharge:

- Perform containment, cleanup, removal, investigation or remediation actions.
- Comply with deadlines and other timelines for investigation, containment or remediation.
- Submit sampling data, plans or reports.

Allows DEP to do the following when responding to a discharge:

- Enter property to conduct response actions.
- Undertake cleanup and removal when necessary to protect public health or the environment.

Establishes a violation for a responsible person who fails to comply with a department directive under this act.

Cleanup standards

Provides that a responsible person shall conduct cleanup and removal to achieve conditions consistent with section 27 of article I of the PA Constitution, also known as the green amendment.

For a spill affecting or threatening a residential area, a responsible person is required to achieve standards for unrestricted residential use, which includes:

- Protecting potable groundwater.
- Preventing exposure through direct contact with contaminated soil.
- Protecting indoor and outdoor air from vapor intrusion.

Prohibits a responsible person from relying on institutional or engineering controls as the sole remedy in a residential area, unless DEP determines:

- Complete removal is infeasible, and
- The controls provide long-term protection consistent with environmental protections in the PA Constitution.

Regulations

Requires DEP/Environmental Quality Board (EQB) to promulgate regulations establishing cleanup standards under this chapter.

Provides for temporary regulations.

Mandatory timelines

Requires a responsible person to do all of the following if DEP identifies an immediate environmental concern:

- Immediately undertake containment actions.
- Within 30 days, complete a preliminary site assessment.
- Within 90 days, complete a remedial investigation.
- On a schedule determined by DEP, implement remediation.

Allows DEP to extend these time frames for good cause based on site conditions, with a written justification.

Department cleanup and cost recovery

Allows DEP to undertake cleanup and removal, if a responsible person fails to comply with this chapter or a department directive.

Makes a responsible person liable to the Commonwealth for costs incurred by DEP, including:

- Cleanup and removal costs.
- Investigation and monitoring costs.
- Administrative, legal and oversight costs.
- Costs associated with providing alternative water supplies or other permanent or interim protective measures.
- Three times the costs incurred by DEP, if the responsible person fails to comply with a department directive.

Funding

Allows DEP to collect and deposit funds under this chapter into the Hazardous Sites Cleanup Fund.

Allows DEP to use the Hazardous Sites Cleanup Fund for costs related to cleanup, removal, investigation, oversight and emergency response actions under this bill.

Public information portal

Requires DEP to establish and maintain a publicly accessible information portal with current information related to a discharge, including the following information, to the extent practicable:

- The location of the discharge and the area affected.
- A plain-language summary of the nature and extent of contamination.
- A summary of response actions required.
- The status of investigation, cleanup, removal and remediation activities, including a time frame or extension.
- Information on recommended protective measures, including the provision of an alternative water supply or other permanent or interim protective measure.
- DEP contact information for complaints, reports and requests for information regarding the discharge.

Requires DEP to update the portal when there is a material change in status.

Miscellaneous provisions

Provides that compliance with the Land Recycling and Environmental Remediation Standards Act does not relieve a person of duties under this chapter.

Provides that cleanup conducted under this chapter does not confer liability protection, unless expressly approved by DEP.

Nothing in this chapter shall be construed to limit DEP's authority under existing state law.

Definitions

Hazardous substance means a substance that presents or may present a threat to public health, safety or the environment when discharged into the environment. This definition is for this chapter only, and includes any of the following:

- Petroleum, crude oil, gasoline, jet fuel, diesel fuel, fuel oil and petroleum products.
- A hazardous substance as defined in 42 U.S.C. § 9601(14) (relating to definitions).
- A substance designated as hazardous by a regulation promulgated by the department.

Immediate environmental concern means "a condition resulting from a discharge that presents or may present an immediate or substantial threat to human health, safety or the environment, including impacts to residential areas, private drinking water wells, occupied structures or natural resources."

Residential area means "an area used or zoned for residential purposes, including areas served by public or private drinking water wells."

Responsible person means "a person who has discharged a hazardous substance or is otherwise responsible for a hazardous substance, including an owner, operator, transporter or a person otherwise liable under this act."

Effective Date:

60 days

G. Relevant Existing Laws

State Law

Title 25, section 91.33 (Incidents causing or threatening pollution) of the PA Code requires a responsible person to notify DEP immediately upon spill of a hazardous substance.

The **Land Recycling and Environmental Remediation Standards Act** (Act 2 of 1995) establishes remediation standards for responding to the release of regulated substances.

Attainment of these standards is based on concentrations of the regulated substance. Act 2 also provides for liability relief if remediation standards are met.

The **Hazardous Sites Cleanup Act** (HSCA, Act 108 of 1988) provides DEP with the funding and authority to conduct cleanup actions at sites where a hazardous substance that poses a danger to public health, safety, or the environment has been released or is threatening to be released. HSCA also provides DEP with enforcement authority to compel responsible persons to conduct cleanup actions or repay public funds spent on a DEP-funded cleanup action. Under the provisions of HSCA, most sites involve bankrupt facility owners, abandoned facilities and inappropriate disposal of hazardous substances. As a general rule, HSCA sites do not include active facilities with financially viable owners.

Section 902(a)(4) of HSCA allows Fund expenditures for "emergency responses, including response to spills and other uncontrolled releases and their cleanup."

Both Act 2 and HSCA define *responsible person* to mean "a person responsible for the release or threatened release of a hazardous substance." In no case shall a financial institution or its affiliate or a corporate instrumentality of the Federal Government be deemed to be a responsible person or to be jointly or contingently liable for the actions of a responsible person by virtue or supervision of, or other involvement with, the finances and operations of a responsible person in connection with a loan, obligation or other service provided.

The **Storage Tank and Spill Prevention Act** (Act 32 of 1989) requires owners of aboveground storage tank facilities with capacity greater than 21,000 gallons of regulated substances to develop and submit a Spill Prevention Response (SPR) Plan to DEP. Regulated substances include petroleum products and hazardous substances.

In addition, the **Hazardous Material Emergency Planning and Response Act** (Act 165 of 1990) also establishes hazardous material response, emergency planning, and reporting requirements.

Federal Law

The **Comprehensive Environmental Response, Compensation, and Liability Act** (CERCLA), passed in 1980 and amended in 1986 and also known as Superfund, provides for response to releases or threatened releases of hazardous substances into the environment. Similar to HSCA, CERCLA's major emphasis is on the cleanup of inactive hazardous waste sites and the liability for cleanup costs on arrangers and transporters of hazardous substances and on current and former owners of facilities where hazardous substances were disposed.

The **Resource Conservation and Recovery Act** (RCRA) gives the EPA the authority to control hazardous waste from cradle to grave and provides a framework for managing hazardous waste in PA and throughout the country. This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. More information on DEP's Hazardous Waste Program [can be found here](#).

42 U.S.C. § 9601(14) defines hazardous substance to mean:

- (A) any substance designated pursuant to section 311(b)(2)(A) of the Federal Water Pollution Control Act [33 U.S.C. 1321(b)(2)(A)],
- (B) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of this title,
- (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act [42 U.S.C. 6921] (but not including any waste the regulation of which under the Solid Waste Disposal Act [42 U.S.C. 6901 et seq.] has been suspended by Act of Congress),
- (D) any toxic pollutant listed under section 307(a) of the Federal Water Pollution Control Act [33 U.S.C. 1317(a)],
- (E) any hazardous air pollutant listed under section 112 of the Clean Air Act [42 U.S.C. 7412], and
- (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act [15 U.S.C. 2606]. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph, and the term does not

include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

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

This legislation has not been introduced in previous sessions.

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.