



Senate Environmental Resources and Energy Committee

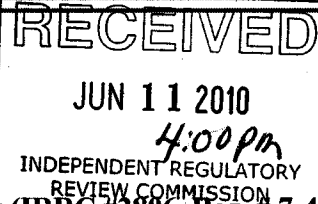
Senator Mary Jo White # 2806
Chairman

Patrick Henderson, Executive Director

Room 169 • State Capitol Building
Mailing address: Senate Box 203021 • Harrisburg, PA 17120-3021
Phone: 717-787-9684 • FAX: 717-787-6088 • energy@pasen.gov

June 11, 2010

Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101



**Re: Final EQB Rulemaking (IRRC #2806, Reg. # 7-446) Wastewater
Treatment Requirements**

Dear Honorable Board of Commissioners:

I am writing to urge you to consider the following issues when evaluating the above-referenced rulemaking, which is currently scheduled for consideration at the Board's June 17th meeting.

In the final Environmental Quality Board rulemaking, the regulation crafted by the Department of Environmental Protection (DEP) makes a distinction between permit conditions based on the generator of the wastewater rather than on focusing on the quality of the water to be discharged. I urge the Commission to have DEP adequately demonstrate why different industries should be held to different discharge standards. It is important that any final regulation withstand legal scrutiny, and DEP must be able to sufficiently defend the apparent inequity which exists in the final rulemaking.

I also urge the Commission to inquire as to whether any facilities have been permitted to discharge, and are actually discharging, treated natural gas production wastewater that meets the 500 mg/l standard for Total Dissolved Solids (TDS). Additionally, it is my understanding that the standard arrived at by DEP for the final rulemaking is based upon a secondary drinking water standard utilized by the Environmental Protection Agency. I encourage the Commission to carefully examine DEP's data to ensure that any standards are based upon levels necessary to protect public health and aquatic life.

Finally, DEP has acknowledged that there are numerous contributors to TDS levels within the Commonwealth's waterways. The final rulemaking uses a watershed-based approach for permit conditions for numerous contributors, while imposing an end-of-pipe standard for wastewater which originates from natural gas operations. Additionally, unregulated discharges such as acid mine drainage contribute significantly to current TDS levels in waterways. It is important, therefore, that DEP provide evidence that imposition of these new standards for new and expanded discharges will actually result in the water quality attainment benefits that have been advertised.

Thank you for your consideration of my comments as you undertake your review of this final rulemaking.

Sincerely,

Mary Jo White, Chairman
Senate Environmental Resources
& Energy Committee