



SAMUEL H. SMITH
THE SPEAKER

2954

House of Representatives

Commonwealth of Pennsylvania
Harrisburg

September 11, 2012

2012 SEP 12 AM 11:36

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IRRC

Mr. Silvan B. Lutkewitte, III
Chairman
Independent Regulatory Review Commission
333 Market Street
Harrisburg, PA 17101

Dear Chairman Lutkewitte:

I am writing to express my concerns about DEP's proposed rulemaking amending the Commonwealth's water quality standards (25 PA Code Chapter 93; Triennial Review of Water Quality Standards, 42 PA Bulletin 4367, July 7, 2012).

Specifically, I am concerned that the Department has not justified the need for and reasonableness of those elements of the rulemaking that would establish statewide discharge limits for sulfates, chlorides and molybdenum.

The Department fails to demonstrate any chronic water quality problem that would substantiate the imposition of statewide criteria for these constituents nor, based on available data, has it shown any pressing threat to aquatic life.

In addition, its basis for developing chloride and sulfate limits for Pennsylvania is through a literature search of studies and approaches conducted in Iowa and Illinois and not by conducting Pennsylvania-specific water quality sampling and analysis. This is highly inappropriate since it excludes local sensitivities and varying characteristics of Pennsylvania's water bodies and aquatic communities.

Stringent environmental regulations place an undue economic burden on the Commonwealth's regulated community. Before they are imposed, the regulator must ensure that such regulations are needed, based on the most recent and appropriate science, and will derive a measureable environmental benefit. DEP fails to meet each of these tests for these three criteria in its rulemaking.

For these reasons, I strongly urge IRRC to recommend to the EQB that the sulfates, chlorides and molybdenum be removed from the rulemaking package.

Thank you for considering this request.

Sincerely,

Sam Smith
Speaker