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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

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- RULES COMMITTEE

September 13, 2012

George D. Bedwick, Vice Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Dear Vice Chairman Bedwick:

As you are aware, the state Department of Environmental Protection has proposed amendments to 25 Pa. Code Chapter 93 regulations as part of the federally mandated, triennial review of Pennsylvania's water quality standards.

We have spoken to many members of the business community who have raised a number of concerns regarding the proposed aquatic life and human health standards for molybdenum and the proposed aquatic life standards for chlorides and sulfates as contained in the proposed rulemaking.

In regards to the proposed criteria for molybdenum, we are concerned that the Department has based its proposed standards on outdated and insufficient studies and not on sound science. The Department has failed to take into account more recent studies of molybdenum impacts on aquatic life and has instead based the proposed standard on an outdated study. The same studies that the Department relies on to warrant a new human health standard for molybdenum were used in the previous triennial review.

We question why the same human health molybdenum standards that were rejected by the Commission during the previous triennial review are being proposed again absent any recent research or supporting studies relevant to specific conditions within the Commonwealth. As there is no drinking water standard or federal water quality standard for molybdenum, nor has the federal Environmental Protection Agency listed molybdenum as a toxic pollutant or as a carcinogen, it is dubious whether the molybdenum standards should be included in the final rulemaking.

It would also appear that there is insufficient scientific evidence to support the proposed aquatic life standards for sulfates and chlorides, which are based on a review of the Iowa/Illinois standard. Given the differences in the background ionic makeup between

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the waters of Iowa and Illinois and those of Pennsylvania, we believe it is inappropriate to apply the same standards to Pennsylvania.

Moreover, we are concerned about the potential economic impacts to Pennsylvania businesses. It is our understanding that the technologies needed to remove sulfates and chlorides, as well as molybdenum, from water are not currently in commercial use in the United States, and would cause significant financial hardship to many of Pennsylvania's major industries. In these tough economic times, we must preserve each and every job in this Commonwealth.

Because of this lack of scientific justification, the statewide impact to regulated industries and the associated costs of compliance, we find it difficult to support the proposed standards for sulfates and chlorides without adequate research being conducted before their implementation.

Especially in regards to sulfates and chlorides, the time very well may come where burgeoning industries and their impacts necessitate updated standards. That time is not now, when the need and the ability to affect a solution are neither apparent nor proven.

It is for these reasons that we strongly urge you not to include the molybdenum, sulfate, and chloride criteria in the final Chapter 93 rulemaking. Thank you for your consideration.

Sincerely,



State Rep. Camille "Bud" George
Chair (D) House Environmental
Resources & Energy Committee



State Rep. Frank Dermody
House Democratic Leader
D-33, Allegheny County