

3042

Cooper, Kathy

From: RegComments@pa.gov
Sent: Friday, March 14, 2014 2:59 PM
To: Environment-Committee@pasenate.com; apankake@pasen.gov; IRRC;
RegComments@pa.gov; eregop@pahousegop.com;
environmentalcommittee@pahouse.net
Cc: ra-epmsdevelopment@pa.gov
Subject: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

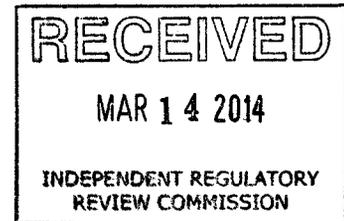


Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

The Environmental Quality Board (EQB) has received the following comments regarding the above-referenced proposed rulemaking.

Commentor Information:

Ron Miller
(rmiller@pahousegop.com)
3rd Street
Harrisburg, PA 17120 US



Comments entered:

March 14, 2014

E. Christopher Abruzzo, Secretary
Department of Environmental Protection
Chairman, Environmental Quality Board
Room 105 Rachel Carson Building
400 Market Street
Harrisburg, PA 17101

Dear Secretary Abruzzo:

As you know, the General Assembly's passage of Act 13 modernized our environmental protections with respect to newer, "unconventional" drilling operations used in the Marcellus and other shale plays. As a result, many provisions relating to our older, conventional well operations were left largely unchanged. Unfortunately, proposed updates to the 25 Pa Code Chapter 78 Oil and Gas Well regulations to implement many of the Act's provisions have become the source of particular concerns within the House Republican Caucus due to the difficulties they present to the industry, and to conventional operators in particular.

For example, while Pennsylvania has proudly protected endangered species, proposals related to "species of special concern" stray from the intent of Act 13 and this undefined list of species will likely generate uncertainty with regard to permit applicants' obligations. Similarly, the proposal

to identify abandoned wells, although critically important, seems to be without a specific scope or limitation on our operators' obligations under this rule.

Concerns have also focused on the department's assessment of the costs of compliance and resulting impacts on small businesses. Our oil and gas industry, and especially our small conventional operators, will face significant impacts from these proposed regulations as provisions related to the use of impoundments and pits, underground storage tanks, abandoned wells, and permit conditions related to species of special concern will result in a certain competitive disadvantage for those operating here, and in many cases these hardships will far outweigh any perceived benefits. The likely resulting hardships do not seem to have been afforded proper consideration per Our Regulatory Review Act.

Moreover, these proposed changes deviate from the very spirit of Act 13 to exempt conventional operations. Members of the Caucus have heard from numerous residents, workers, small business owners, and others who depend upon our conventional industry about this regulatory language and the effects it will have. In fact, our conventional industry differs so significantly that its operators warrant their own set of regulations specific to them, and the difficulties with these revisions further demonstrates this need.

Finally, the recent Pennsylvania Supreme Court decision in *Robinson Township, (et al). v. Commonwealth of Pennsylvania (et al)*, invalidated the Environmental Quality Board's authority to promulgate new regulations pursuant to Section 3215(c) or 3215(e). And, as remaining portions of the law have been remanded back to the Commonwealth Court, the timeline for these regulations is problematic at best.

Accordingly, we greatly appreciate the opportunity to comment on the proposed 25 Pa Code Chapter 78 revisions and respectfully ask that you consider these observations as well as others who have voiced similar concerns throughout the public hearing and comment period. Should you need anything further from us on this matter, please do not hesitate to contact us.

Sincerely,

RON MILLER
Majority Chairman
House Environmental Resources and
Energy Committee

Attachment

Representative Jeff Pyle Representative Garth Everett
60th Legislative District 84th Legislative District

Representative George Dunbar Representative Kathy Rapp
56th Legislative District 65th Legislative District

Representative RoseMarie Swanger Representative Martin Causer
102nd Legislative District 67th Legislative District

Representative Ryan Aument Representative Matt Gabler
41st Legislative District 75th Legislative District

Representative Greg Lucas Representative Bradley Roae
5th Legislative District 6th Legislative District

Representative Mauree Gingrich Representative Eli Evankovich
101st Legislative District 54th Legislative District

Representative Matthew Baker Representative Jerry Stern
68th Legislative District 80th Legislative District

Representative Tim Krieger Representative Stan Saylor
57th Legislative District 94th Legislative District

Representative Mike Reese Representative Michele Brooks
59th Legislative District 17th Legislative District

Representative Robert Godshall
53rd Legislative District

Summary of Comments
Representative Ron Miller, Chairman
Environmental Resources and Energy Committee
And Members of the House Republican Caucus

- Deviation from the scope of Act 13. Several proposal such as those related to "species of special concern" and the identification of abandoned wells stray from the intent of Act 13 and do not include a clear, specific scope or limitation to operators' obligations and responsibilities.
- Cost of compliance and impacts on small business. The costs of compliance and resulting impacts on small businesses have not been accurately assessed. These proposals will impose significant costs on the oil and gas industry, and especially our small conventional operators and the likely resulting hardships do not seem to have been afforded proper consideration per the Regulatory Review Act.
- Regulation of conventional operations. In part, the intention of Act 13 was to exempt conventional operations. Numerous provisions in this proposed regulation affect conventional operations.
- Act 13 invalidation. The recent Pennsylvania Supreme Court decision in Robinson Township, (et

al). v. Commonwealth of Pennsylvania (et al), invalidated the Environmental Quality Board's authority to promulgate new regulations pursuant to Section 3215(c) or 3215(e) and remaining portions of the law have been remanded back to the Commonwealth Court.

No attachments were included as part of this comment.

Please contact me if you have any questions.

Sincerely,
Hayley Book

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