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April 1, 2015

John H. Quigley, Acting Secretary
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101

Dear Acting Secretary Quigley:

Pursuant to Act 13 of 2012, the Department is tasked with making revisions to oil and gas regulations under 25 Pa. Code Chapter 78. The proposed rulemaking resulted in an unprecedented nine public hearings and over 24,000 comments from the public. The importance of this package cannot be overstated.

The Department recently released the revised Chapter 78 rulemaking proposal as an Advanced Notice of Final Rulemaking, which is over 160 pages long and contains substantial changes. The Department has only allocated 30 days for public comment, with no public hearings, which – despite being advertised as an unprecedented opportunity for additional comment – is actually the bare minimum required under the law. I believe 30 days would be sufficient if the changes were minor, but that's not the case. The additions include never-before seen concepts such as noise standards, bans of certain drilling practices, new standards for storage tanks, and numerous other changes that were never before contemplated during the Department's development of this regulatory package.

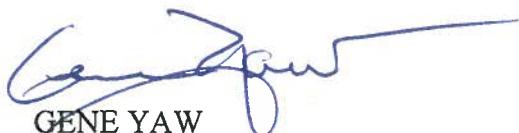
Further, since the Governor took office, the Department has dismissed all members of the Oil and Gas Technical Advisory Board (TAB) and replaced them with new members who lack the historical context of these proposed regulations and are now playing catch-up so that they can provide appropriate technical guidance as provided by law. Therefore, in the interest of openness and transparency, I ask that the Department extend the public comment period to at least 75 days. This would give all interested parties additional time to completely review the regulation and submit comments that can help to guide the Department as it develops the right approach to fulfilling the legislative mandates laid out in Act 13. The changes to the regulation are far too important to only allow for the bare minimum of public comment.

Additionally, at the March 20th TAB meeting, the Department stated that the comment/response document for Chapter 78 was recently completed and a separate document would be done for the additional comment period. Pursuant to Section 5.1 of the Regulatory Review Act, "upon completion of the agency's review of comments, the agency shall submit to the commission and

the committees a copy of its response to the comments received.” It is clear from public statements that the Department has considered and prepared responses to the comments that it received. This document provides critical insight as to why the substantial changes were made and how previously submitted comments were considered, and it will be a useful reference as we enter into this new comment period. I ask that the completed document be shared with the Senate Environmental Resources and Energy Committee, the House Environmental Resources and Energy Committee and the Independent Regulatory Review Commission immediately.

Thank you for your attention to this important matter.

Sincerely,



GENE YAW
STATE SENATOR

Cc: Representative John Maher
IRRC

GY/ap