



July 18, 2022

Re: Regulation #7-544

Dear Commissioners,

On behalf of Clean Water Action and our 80,000 statewide members, we are writing to request the Independent Regulatory Review Commission's approval of Regulation #7-544 (Control of VOC Emissions from Unconventional Oil and Natural Gas Sources).

The need to act is clear. Oil and gas operations in Pennsylvania are a substantial source of emissions including 1.1 million tons of methane and 63,000 tons of volatile organic compounds. According to the Department of Environmental Protection (DEP), by finalizing the regulation we will reduce oil and gas air pollution by 12,068 tons per year of VOCs and 221,066 tons per year of methane. In addition, the Commonwealth faces considerable programmatic sanctions and the potential loss of federal funding if it fails to complete this rulemaking before the end of this calendar year.

This rule is long in the making and involved substantial input from stakeholders with more than 38,000 Pennsylvanians providing public comment, including 69 local elected officials, scores of public health professionals, academics, and organizations representing agriculture, recreation, environmental, and community interests.

Claims that the DEP has overstepped its authority regarding the final rulemaking and that these standards are more rigid than other states, are demonstrably false. DEP can use its authority to enact regulations that go beyond the Control Technique Guidelines (CTGs) established by the U.S. Environmental Protection Agency (EPA). CTGs are designed to serve as the threshold standard for determining what control measures should be considered during the rulemaking process. As such, while states cannot create a rule that is less stringent than the EPA baseline, there is no prohibition on enacting rules that go beyond the federal requirements. The CTG-led process is purposefully framed to allow states to tailor their rules to address state-specific needs. States like Colorado, Wyoming and New Mexico have already taken advantage of this by enacting regulations that go beyond current CTG requirements.

Recent EPA action only confirms the reasonableness of DEP's regulation. Since the CTGs were originally promulgated in 2016, EPA has proposed more robust rules to regulate emissions from covered sources. These new standards are required to sufficiently prove that cost and other factors are considered when implementing the "best system of emissions reduction". EPA has further determined that, accounting for

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compliance costs, current work practices can produce even higher emissions reductions than the original CTG requirements. These EPA actions and those taken by other major oil and gas producing states disprove that the DEP rule will overburden small businesses.

Despite our overall support, we remain disappointed that the final rule fails to address emissions from smaller, low-producing wells with leak-prone equipment. We also strongly disagree with the assertion that the rulemaking be bifurcated to separately address unconventional and conventional sources – particularly since it leaves a lot of methane emissions unaddressed and the measures being required are common across the industry, cost-effective, and equally required by Federal law.

This is a necessary, important and long overdue regulation. We respectfully request your approval and finalization of Regulation #7-544.

Sincerely,

Handwritten signature of Myron Arnowitt in black ink.

Myron Arnowitt  
Pennsylvania State Director

Handwritten signature of Steven Hvozdoich in black ink.

Steven Hvozdoich  
Pennsylvania Campaigns Director

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