

21ST SENATORIAL DISTRICT  
SCOTT E. HUTCHINSON

HARRISBURG OFFICE  
SENATE BOX 203021  
HARRISBURG, PA 17120-3021  
(717) 787-9684  
FAX (717) 787-6088  
TTY (800) 354-1561

shutchinson@patesen.gov  
senatorscoathutchinson.com



Senate of Pennsylvania

July 24, 2020

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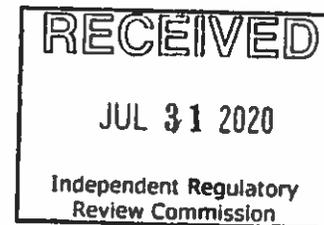
PA GRADE CRUDE DEVELOPMENT  
ADVISORY COUNCIL

PA HARDWOODS DEVELOPMENT COUNCIL

MAJORITY POLICY COMMITTEE

Submitted at <http://www.ahs.dep.pa.gov/eComment> and  
Via email to [RegComments@pa.gov](mailto:RegComments@pa.gov)

Environmental Quality Board  
P.O. Box 8477  
Harrisburg, PA 17105-8477



Re: Proposed Rule for Control of VOC Emissions from Oil and Natural Gas Sources. IRRC  
No. 3256

Dear Environmental Quality Board:

I am stunned and perplexed, but also truly disappointed by the actions of the Department of Environmental Protection and the Environmental Quality Board in putting forward the above referenced Proposed Rule for the control of VOC emissions as they pertain to the conventional oil and gas industry here in Pennsylvania.

As the author of Act 52 of 2016 and several other pieces of legislation signed into law by the Governor that make it **emphatically** clear that the Pennsylvania conventional O & G industry is unique and must be treated as a **completely** separate, independent industry from the unconventional O & G industry, I was distressed to find out that these proposed rules not only break that law but also contradict public verbal assurances by Department representatives that any regulatory changes would most certainly follow the correct and separate legal procedure irrespective of unconventional O & G emissions proposals which were being discussed internally at DEP.

My legislative focus has always been championing the causes of small businesses and entrepreneurs. Having lived my entire life in Oil City, which is about 15 miles from the birthplace of the world's petroleum industry 161 years ago at Drake's (conventional) Oil Well. I have witnessed the safe operation of the conventional industry over decades. I personally appreciate, and much of my life revolves around the beautiful, clean natural surroundings in this outdoor-lovers paradise where I have raised my family. I also have developed a close working relationship with many conventional O & G producers in my community. They have detailed for me the dubiously effective, unnecessary burdens and unknown financial impacts that these

proposed rules will mandate upon their “Mom and Pop”, family-owned businesses operating here in Western Pennsylvania. The legislature put into place strict legal protections and processes precisely to try to eliminate these types of non-sensical burdens. Many would say that Pennsylvania’s conventional O & G industry is in an economic death throes even without further government fiat. Now more than ever it is imperative that legislated procedures be strictly adhered to in order to eliminate additional government-imposed oppressive regulations which will have no practical, beneficial effect.

As an appointed voting member of the Pennsylvania Grade Crude Oil Development Advisory Council (or CDAC, a body formed as an important functional component of my Act 52) I was present at the January 2019 meeting referenced in the rulemaking where the DEP representatives informed CDAC that the upcoming emissions rule would not affect conventional operations. Those comments by DEP are recorded in the minutes of the meeting. Rather than satisfying a required “solicitation of input”, this misinformation is either shoddy communication (which could have been corrected at subsequent CDAC meetings) or purposeful misdirection, neither of which is acceptable. The Department never altered or updated this communication, and never revisited the VOC rule with CDAC. The formal legal forum of stakeholders in the conventional O & G industry has been shunted to the sidelines and used in the opposite intent envisioned in Act 52.

Act 52 is clear, and the failure of the board to comply with that directive (which would have further necessitated CDAC involvement along a unique separate track and detailed economic analysis among other considerations), suggests only one just and prudent course of action: every portion of this proposed rule must be withdrawn in every respect where it may be applicable to conventional oil and gas wells.

Sincerely,



Scott E. Hutchinson  
PA State Senator—21<sup>st</sup> District

Cc: Department of Environmental Protection