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**Senate of Pennsylvania**

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THE CENTER FOR RURAL PENNSYLVANIA  
CHAIRMAN



April 19, 2023

Independent Regulatory Review Commission  
333 Market Street  
14th Floor  
Harrisburg, PA 17101

Dear Commissioners:

We, the undersigned members of the Senate Environmental Resources and Energy (ERE) Committee, write to you to express our concern and opposition to the emergency final-omitted Environmental Quality Board (EQB) Regulation #7-580/ IRRC #3363.

Clearly, the emergency rulemaking process was undertaken deliberately on the last day of the 2021-2022 legislative session to hamstring the general assembly on our statutory obligation to review regulations. It is an abuse of the emergency rulemaking process – an emergency created not because the House Environmental Committee exercised its prerogative, but because the Wolf Administration's management of DEP allowed it to go six years – including two years since put on notice by EPA – to promulgate a rulemaking that complies with both the EPA requirements and Pennsylvania's own statutory standards.

This regulation remains in violation of Act 52 of 2016, requiring regulations concerning conventional wells be "undertaken separately and independently" from unconventional wells. It is difficult to make the claim that this regulation has been separate and independent when the regulation remains essentially identical to the unconventional regulation previously adopted by the Board. We are unaware of any precedent for pulling a final-omitted regulation out of a different proposed regulation, while relying so heavily on the proposed stage of the separate regulation. The committee feels that this would set a concerning precedent as far as Pennsylvania's regulatory process if this regulation would be allowed to move forward unchecked and we do not believe that this meets the proper purposes of the final-omitted process discussed in statute.

The procedural flaws during this regulatory process are enough for our disapproval and for us to request your disapproval as well. We are respectfully asking that IRRC examine the issues not only procedurally, but also statutorily, that have been raised numerous times by various parties throughout this process.

Sincerely,

Senator Gene Yaw  
Chair, Environmental Resources and Energy



Senator Ryan Aument



Senator Elder Vogel



Senator Kim Ward  
President Pro Tempore



Senator Scott Hutchinson  
Vice Chair



Senator Scott Martin



Senator Chris Gebhard



cc: The Honorable Josh Shapiro, Governor  
Mike Vereb, Secretary of Legislative Affairs  
Rich Negrin, Chairman of the Environmental Quality Board