



Senate Environmental Resources and Energy Committee

Senator Mary Jo White
Chairman

Patrick Henderson, Executive Director

Room 168 • State Capitol Building
Mailing address: Senate Box 203021 • Harrisburg, PA 17120-3021
Phone: 717-787-9684 • FAX: 717-787-6088

October 8, 2008

The Honorable Arthur Coccodrilli, Chairman
Independent Regulatory Review Commission
333 Market St, 14th Floor
Harrisburg, PA 17101

RE: Final Rulemaking – Triennial Review of Water Quality Standards (#7-421)

Dear Chairman Coccodrilli:

We are writing at the direction of the Senate Environmental Resources and Energy Committee to notify the Independent Regulatory Review Commission (IRRC) of the Committee's recommendation that the above-referenced final rulemaking be disapproved by IRRC.

While the majority of the final regulation is acceptable, there are specific concerns regarding the Department of Environmental Protection's (DEP) desire to impose a specific water quality criteria for Molybdenum. At the EQB's September 16th meeting, several amendments were offered to modify or repeal the Molybdenum standard, but these amendments were not adopted. We note that neither the Environmental Protection Agency nor most of our neighboring states have adopted a similar standard, and its inclusion is not required for Pennsylvania to maintain compliance with federal water quality standards.

Several employers who currently discharge Molybdenum have raised persuasive arguments regarding the rationale, cost and appropriateness of this standard. We question whether DEP has offered sufficient justification regarding the specific interest of the Commonwealth to exceed federal water quality standards. Given the complexities of the regulatory review process, we believe a disapproval of this regulation by IRRC will enable the Department to revisit this issue and still proceed with a final regulation in a timely manner.

The recommendation to disapprove was adopted by formal action of the Committee at its October 8, 2008 meeting.

Sincerely,

Mary Jo White, Chairman
Senate Environmental Resources
& Energy Committee

Raphael J. Musto, Democratic Chairman
Senate Environmental Resources
& Energy Committee

cc: Honorable Joseph Scarnati, President Pro Tempore
Honorable Dominic Pileggi
Honorable Robert Mellow
John Hanger, EQB Acting Chairman

INDEPENDENT REGULATORY
REVIEW COMMISSION

2008 OCT -8 PM 4:06

RECEIVED