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**House of Representatives**  
 Commonwealth of Pennsylvania  
 Harrisburg

**RECEIVED**  
 May 24 2022  
 CRANBERRY TOWNSHIP MUNICIPAL GOVERNMENT  
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 CRANBERRY TOWNSHIP, PA 17008  
 Independent Regulatory  
 Review Commission  
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ENVIRONMENTAL RESOURCES AND  
 ENERGY COMMITTEE  
 CHAIRMAN

May 24, 2022

Independent Regulatory Review Commission  
 333 Market Street  
 Harrisburg, PA 17101

Dear Commissioners:

As members of the House Environmental Resources and Energy Committee, we write to you to express our concerns with proposed Environmental Quality Board (EQB) Regulation 7-569 (IRRC #3334).

As the standing House Committee with legislative oversight over the Department of Environmental Protection (DEP), it is our role to ensure that regulations proposed by DEP through the EQB are reasonable and will benefit the citizens and businesses in the communities we represent. The Committee voted today, May 24th, in favor of sending you this letter to express our concerns with DEP's pursuit of this regulation, particularly considering the federal government's actions in this area.

It is clear that PFAS contamination in our water has become a serious issue in some areas of our state, particularly in communities near a federal military facility in the Southeastern region of Pennsylvania. There is one agency in our country with the scientific background, technical expertise, and experience to be able to set standards related to PFAS. That is clearly the federal Environmental Protection Agency (EPA) and not our state DEP. As DEP has acknowledged, this would be the first time that they would be setting a maximum contaminant level (MCL) in our state's history. This is an action that has always been taken by the EPA in the past, with Pennsylvania adopting the standards set at the federal level.

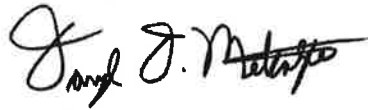
In fact, before the DEP began seriously pursuing this regulation, they stated that they were not planning to set an MCL because the Department lacked the necessary toxicological expertise within their staff to take such an action. The EPA has been developing its own MCL, which it plans to propose in the Fall of this year, with a final standard likely being set in the Fall of 2023. The uncertainty for the regulated community if the EPA settles on an MCL that is different than what DEP has proposed here is not beneficial for our state.

Because DEP admittedly lacks the in-house expertise, they contracted with Drexel University to provide these services. DEP has expended, and continues to expend, a significant amount of taxpayer resources in developing this regulation, both in-house and through this contract. Even despite this expense, the EPA's far greater resources will allow them to more accurately estimate the health impacts of an MCL, more accurately assess the water treatment technologies available to address PFAS, and more accurately estimate the cost of various treatment and monitoring systems to our water providers

throughout the Commonwealth. DEP's analysis on all of these points in the regulatory package seems to be woefully incomplete and inadequate, as a number of other commentators have discussed.

DEP should not be pursuing this regulation in its current form. We urge the EQB and DEP to rethink their approach and to defer to the EPA's experience and expertise to provide certainty to the regulated community. We, the undersigned members of the House Environmental Resources and Energy Committee, write this letter to draw your attention to our concerns with this proposed regulation and respectfully ask for your consideration.

Sincerely,



Daryl D. Metcalfe, Chairman  
Environmental Resources & Energy



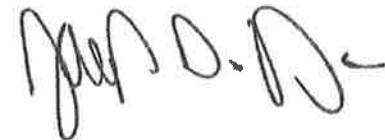
Rep. Mike Armanini  
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Rep. Stephanie Borowicz  
76<sup>th</sup> Legislative District



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49<sup>th</sup> Legislative District



Rep. Joseph Hamm  
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86<sup>th</sup> Legislative District



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52<sup>nd</sup> Legislative District



Rep. Pam Snyder  
50<sup>th</sup> Legislative District

Cc: Environmental Quality Board  
Department of Environmental Protection