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STATE GOVERNMENT COMMITTEE
CHAIRMAN

February 10, 2017

The Honorable Patrick McDonnell
Acting Secretary of Environmental Protection
16th Floor Rachel Carson State Office Building
Harrisburg, PA 17105

SECRETARY'S OFFICE

FEB 13 2017

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Dear Acting Secretary McDonnell:

I appreciate your staff offering the legislature a courtesy notification of the new comprehensive methane regulations that the department has published in the *Pennsylvania Bulletin*. However, as chair of the State Government Committee, which oversees the Regulatory Review Act and legislation amending this statute, I believe that this courtesy obscures the larger issue, which is that these new regulations are being offered not through adherence to the Regulatory Review Act but through the issuance of general operating permit revisions.

I believe that the formation of methane limits -- absent a federal standard or statutory authority to establish them -- as well as required control devices and extensive new reporting requirements, among other provisions, deviate significantly from minor permit revisions and constitute significant changes that are the equivalent of regulatory action. Additionally, the aforementioned press release indicates that the intent of the new GPA/GP-5A proposals is to regulate:

"Facilities that would be *regulated* under the new GPA/GP-5A proposals include unconventional natural gas well site operations and remote pigging stations which are used for maintenance on pipelines and are not located on a well site."

Instead of following the statutorily prescribed protocol for regulatory promulgation, it seems the department has made a unilateral decision that these new regulations should not be subject to the review process for which the legislature has provided, including multiple public comment periods, legislative review and the involvement of the Independent Regulatory Review Commission. Further, it appears that, in issuing these permit revisions, the department fails to outline the following data, which are vital to any rulemaking and would be part of the regulatory review process:

The Honorable Patrick McDonnell

February 10, 2017

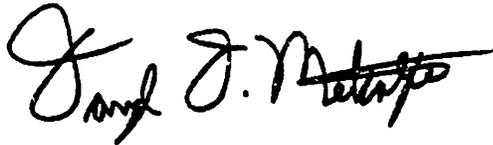
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- A statement of the need for the regulation;
- A cost – benefit analysis; and
- A description of the data upon which these regulations are based, with a detailed explanation of how the data was obtained and why the data is acceptable data.

The General Assembly specifically enacted the Regulatory Review Act in 1982 to address precisely what your agency is embodying right now as it seeks to advance complex and costly new regulations through as permits: lack of transparency, accountability and judicious use of regulatory authority.

I would invite you to share with me and my colleagues at your earliest convenience your plan to rectify this blatant disregard for the law.

Sincerely,

A handwritten signature in black ink, appearing to read "Daryl D. Metcalfe". The signature is stylized with a large initial "D" and a long horizontal stroke at the end.

Daryl D. Metcalfe
Chairman
House State Government Committee

cc: Honorable Tom Wolf
Honorable Mike Turzai
Honorable Dave Reed
All Republican House Members