

April 11, 2016

Re: Opposition to Senate Bill 1011 and Senate Bill 1195 (and other legislation with similar environmental provisions)

Dear Senate Committee Member:

The undersigned organizations write to express our strong opposition to Senate Bill 1011 and Senate Bill 1195, both under consideration by the Senate Environmental Resources and Energy Committee on April 12, 2016. We oppose these bills because they will make it harder for the Commonwealth to tackle the pressing issues of climate change and pollution from conventional oil and gas well operations. Because these bills would adversely harm public health and the environment and are contrary to the public's will, we urge you to vote against SB 1011 and SB 1195 *and any other legislation that may come before the Senate with similar language or intent.*

Senate Bill 1195

SB 1195 is a solution without a problem. Proponents of this legislation believe that the General Assembly should be able to review Pennsylvania's implementation plan for the Clean Power Plan (CPP) prior to submission to the U.S. Environmental protection Agency (EPA). Yet the General Assembly already addressed this issue in the last session, passing Act 175 of 2014, the Greenhouse Gas Regulation Implementation Act. Act 175 gives the Legislature a full 100 days to review Pennsylvania's state plan. SB 1195 will make it more difficult for the Department of Environmental Protection (DEP) to develop and implement a timely, state-based plan, and in turn will increase regulatory uncertainty and could make it harder for Pennsylvania to participate in economically beneficial incentive programs under the CPP and make it more difficult for Pennsylvania's power sector to efficiently plan further investments in capacity and infrastructure.

The DEP conducted an extensive public process last fall seeking input on how Pennsylvania should implement the CPP. That process included 14 listening sessions in every part of the state and a 60-day written comment period. Based on a review of the comments received by the DEP (in the interest of transparency, the DEP has posted them online),¹ the great majority of Pennsylvania's citizens, electricity generators, trade associations, environmental organizations, and other interested parties want the Commonwealth to submit a strong state plan emphasizing clean energy to the EPA as quickly as possible.

Senate Bill 1011

SB 1011 would prohibit the Environmental Quality Board (EQB) from promulgating critical updates to the DEP's drilling regulations currently codified at 25 Pa. Code Chapter 78. As a result, Pennsylvania would have to oversee today's drilling operations with obsolete standards that largely date to the 1980s and 1990s. Ironically, most of these updates were required by the General Assembly itself in Act 13 of 2012.²

¹ See <http://bit.ly/1mQ3WDz>

² See, e.g., section 3215(e), which requires regulations for the permitting of wells, and section 3218(a), which requires the development of measures to protect public and private water supplies.

In addition to endangering the Commonwealth's water and land resources, SB 1011 would throw away thousands of hours of work and millions of dollars the state has spent developing new standards over the last three years. The DEP has conducted an extensive public input process to gather ideas and comments from the regulated community and the general public. The Chapter 78 process started in August 2012 with a request for input on a "Summary of Proposed Conceptual Changes" and after that included 12 public hearings and two written comment periods. During the main comment period in 2014, the DEP received more than 24,000 comments, and they overwhelmingly supported stronger regulations for both conventional and unconventional oil and gas drilling operations.

Conclusion

Pennsylvanians clearly want both modern-day gas drilling regulations and a timely state carbon reduction plan customized for the state's unique power sector. Both SB 1195 and SB 1011 are bad policy and run counter to public opinion as expressed during the rulemakings. After unsuccessfully advancing similar provisions through the Fiscal Code bill (HB 1327), this is simply the latest attempt to derail strong policies for protecting our air, water, public lands, and climate. For all these reasons, we strongly urge you to OPPOSE SB 1195 and SB 1011 and any other legislation that contains that similar language concerning the Clean Power Plan and regulations for conventional gas drilling activities.

Sincerely,

PennFuture

Sierra Club

PennEnvironment

Natural Resources Defense Council

Conservation Voters of Pennsylvania

ACTION United

Partnership for Policy Integrity

Moms Clean Air Force

League of Women Voters of Pennsylvania

Energy Coordinating Agency of Philadelphia

Delaware Valley Green Building Council

Sustainable Pittsburgh

Physicians for Social Responsibility – Philadelphia

Urban League of Philadelphia

Pennsylvania Interfaith Power and Light

Clean Water Action

Mid-Atlantic Renewable Energy Association