

PA Environment Digest

An Update On Environmental Issues In PA

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DEP Citizens Advisory Council Hears Update On Act 13 Drilling Law Decision

At the [DEP Citizens Advisory Council](#) meeting Tuesday, DEP Secretary Chris Abruzzo announced the department would be holding two more public hearings on the proposed changes to the Chapter 78 drilling regulations in response to requests for more comment opportunities.

This brings the total number of hearings to nine on the Chapter 78 proposal, more hearings than the agency has ever held on a regulatory proposal since its creation in 1971. *(Click Here for related story.)*

At Secretary Abruzzo's request, DEP Chief Counsel Dennis Whitaker provided an update to the CAC on the PA Supreme Court's decision on the Act 13 drilling law in December and how the agency is responding.

Whitaker said the Department's first priority is reviewing the changes that might need to the proposed Chapter 78 regulations now out for public review and Oil and Gas Program procedures since the Court's decision dealt specifically with that program.

He noted the stream and other setback provisions the Court struck down in Act 13 would likely remain in force because the Department has sufficient authority under the Clean Streams Law and other statutes to establish setbacks.

More broadly, Whitaker said his office has started a review of all DEP programs to determine whether the previous harms and benefits tests programs have incorporated into regulations and permit reviews over the years as a result of previous court decisions would need to be changed as a result of the decision.

He also noted the Corbett Administration has asked the PA Supreme Court to [reconsider its decision on Act 13](#) saying there is more to come on this issue.

Secretary Abruzzo extended an invitation to Council to submit suggestions to him on priorities he should address in the coming year, noting Senate and House hearings on the agency's budget will take place in February.

During his remarks, Abruzzo said the most recent State Performance Report showed DEP

reviewed 33,315 permits in 2012-13 and that just over 80 percent of facilities inspected by the agency were in full compliance with environmental requirements. (*Click Here for related story.*)

Abruzzo also reported DEP has responded to all the requests for information the Auditor General's Office as part of its review of the Oil and Gas Program, but did not know when a final report would be issued.

He noted more information on the Department's activities is available in [DEP's monthly report to the CAC](#).

The Council also heard presentation from agency staff on these issues--

-- **PA Climate Action Plan Update:** Vince Brisini, Deputy Secretary for Waste, Air, Radiation and Remediation, provided an overview of the [Climate Action Plan Update](#) submitted to the Governor and the General Assembly on December 31. During the discussion, it was noted the largest single cause of the significant greenhouse gas emission reductions Pennsylvania has experienced in the last few years and will see into the future has been from the dramatic switch from coal to natural gas as a fuel for baseload or near baseload electric power plants. Source of alternative energy like wind and solar are not replacements for baseload power plants and cannot contribute the same sorts of significant reductions. Others on Council expressed concern about the lack of a greenhouse gas reduction goal and a recommendation to expand sources of alternative energy.

-- **GP-8 Stream Crossing General Permit:** Ken Murin, Wetlands, Encroachment and Training Division, gave a presentation on proposed changes to the GP-8 Stream Crossing General Permit that was largely from the [webinars DEP offered](#) on the topic.

During its public comment section of the agenda, the Council heard from--

-- **Roberta Winters, PA League of Women Voters**, who commended DEP for its outreach on the proposed changes to the Chapter 78 drilling regulations, expressed concern that the PA Climate Action Plan did not have a greenhouse gas reduction goal and recommended Council make review of the Act 54 long-wall mining program a priority.

-- **Matt Walker, Clean Air Council**, who also expressed concerns about the PA Climate Action Plan's lack of a reduction goal, the lack of a recommendation to expand the Alternative Energy Portfolio Standards and the over reliance on natural gas as a solution for reducing climate-changing emissions. He also said the Plan did not properly account for growing emissions of natural gas development operations.

The next meeting of the Council will be February 18 in Room 105 Rachel Carson Building, Harrisburg. It will begin at 10:00 not 11:00.

For more information, visit the [DEP Citizens Advisory Council](#) webpage.