



September 21, 2018

To: Members of the Pennsylvania Senate Environmental Resources and Energy Committee
Re: Opposition to House Bill 2154 (P.N. 3477)

Dear Senators:

The Environmental Defense Fund (EDF) and Pennsylvania Environmental Council (PEC) urge you to vote NO on House Bill 2154 (P.N. 3477), which will be considered by the Senate Environmental Resources and Energy Committee in an off the floor vote on Tuesday, September 25th.

At the start, we wish to express our deep concern over the stated intent for this legislation. It is our position that common-sense, practical solutions exist to address the concerns of small company operators. However, HB 2154 is a wholesale unraveling of protections that were established with the bipartisan enactment of Act 13 of 2012. In fact, this legislation would result in a law even weaker than the 1984 Oil and Gas Act in many important respects.

Considering that the Department of Environmental Protection's recent 2017 Oil and Gas Report findings that the number of conventional oil and gas well violations more than tripled between 2015 (1,024) and 2017 (3,273), the timing and design of this legislation is ill-advised. If this legislation were to pass, Pennsylvania would have the discreditable distinction of being the only state to significantly reduce environmental protection, best practices and the use of new technology related to oil and gas development in the modern era, walking back decades-old protections and operating standards that are accepted by both the industry at large and other oil and gas producing states.

Just some of the provisions of this legislation include:

- Complete removal of the requirement to analyze potential impacts to Public Resources. This requirement was established in the 1984 law, expanded by Act 13, and validated by the Pennsylvania courts.
- Complete removal of the requirement for operators to disclose chemicals used in fracturing. Disclosure – for both conventional and unconventional operators – is currently required practice in Pennsylvania as well as in virtually all other jurisdictions in the United States.
- Removing containment, as well as spill and leak prevention and reporting provisions, despite the documented fact that conventional sites present threats similar to unconventional operations.
- Exempting certain existing wastewater treatment facilities from state water protection requirements.
- Weakening protections for impacted drinking water supplies, including failure to ensure that, in all instances, replacement supplies meet the standards of the Safe Drinking Water Act.
- Weakening well integrity standards that are critical for groundwater protection.
- Preserving woefully inadequate bonding and other financial assurance requirements, which threaten to leave Pennsylvania on the hook for costly remediation work in the decades to come.

House Bill 2154 is a wholesale weakening of necessary protection standards; standards that are already the law in Pennsylvania, and that are accepted common practice in the industry and other oil and gas producing states. We strongly urge you to oppose this bill.

Thank you for your consideration.

Sincerely,

Andrew Williams
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Environmental Defense Fund

John Walliser
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