



May 15, 2017

Attention: Docket ID No. EPA-HQ-OA-2017-0190

To whom it may concern:

The Pennsylvania Department of Environmental Protection (PA DEP) appreciates the opportunity to provide comment on the President's Executive Order 13777, "Enforcing the Regulatory Reform Agenda." As a partner to the United States Environmental Protection Agency (EPA), PA DEP is dedicated to our mission to protect Pennsylvania's air, land and water from pollution and to provide for the health and safety of its citizens through a cleaner environment. The legal framework of federal environmental laws and regulations establishes the foundation for the Commonwealth to ensure that Pennsylvania's 12.8 million citizens and visitors to the Commonwealth have clean water to drink, recreate in and around, and clean air to breathe, while allowing for a robust economy.

PA DEP acknowledges that there may be federal regulatory provisions that are outdated, inconsistent, or unnecessary, and requests that EPA conduct a full public participation process on each regulatory change. We also ask that you particularly engage and consider comments from states that incorporate federal regulations by reference into state regulatory programs. The Commonwealth is interested in engagement across all regulatory programs, this letter highlights some issues that are of particular interest to Pennsylvania.

**Developments in Science and Technology.** While we understand that the Administration has a "Back to Basics" goal for the EPA, PA DEP asks the Task Force to please consider that many of the United States' environmental laws were developed in response to catastrophic environmental disasters and conditions decades ago. Most, if not all, environmental statutes were designed with significant scientific support to protect the health of the citizens of this country from pollution and other environmental impacts. The Clean Air Act was signed into law in 1963, with major amendments in 1970, 1977, and 1990 – all in response to developments in science, enhanced toxicological data, and technology innovation. Similarly, the Clean Water Act was enacted in 1972, with major amendments in 1977 and 1987 – also passed by Congress in response to developments in aquatic, environmental and toxicological science, and technology innovation. Even since these last amendments, science, engineering, and technology related to environmental protection, environmental controls, toxicology and public health, have evolved exponentially. It is vital that we retain current and relevant elements of our national regulatory framework so that we do not revert to obsolete or out-of-date concepts, scientific theory and policy.

**Climate Change.** When the foundational federal statutes were first developed and later amended, they did not anticipate that greenhouse gas emissions would linger in the atmosphere for decades causing the Earth's climate to change patterns. They also did not contemplate acidification of the Earth's oceans, or the need for global environmental policy. Scientific data continues to show undeniably that the Earth's climate is changing and comprehensive environmental controls must be applied to slow the pace of the changing atmosphere. Therefore,

rescinding programs and regulations that address the most critical and current environmental threats to our country, national security, our environment, and our citizens would be short-sighted and contrary to the mission of environmental protection.

The changing climate is the most significant environmental and social threat facing the world. Emissions from the United States are a significant cause of the changing climate. Pennsylvania has already experienced a long-term warming of nearly two degrees over the past century, and this trend is expected to accelerate. By 2050, Pennsylvania is predicted to be an average of 5.4°F warmer than it was in 2000. The impacts of climate change are already occurring in Pennsylvania and will cause more significant and intense negative impacts to our citizens, environment and our economy in the future.

Executive Order 13783 directs EPA to review the Clean Power Plan and New Source Performance Standards (NSPS) for Oil and Gas, regulations that could be viewed as an opportunity for material air quality improvement in Pennsylvania – while also helping us to address our largest environmental threat. The Clean Power Plan provides states like Pennsylvania with flexible options within their existing energy mix to reduce climate change causing carbon dioxide emissions. Similarly, the NSPS for Oil and Gas limits methane emissions from operations, a greenhouse gas that is at least 27 times more potent than carbon dioxide. Both of these federal rules give states the tools to protect air quality and enables them participate in global policy, in a way that is appropriate, to protect future generations from severe life, economic, and environmental changes. If the Task Force recommends rescission of these rules, it is imperative that replacement regulations that minimize greenhouse gas emissions from methane and carbon dioxide be implemented immediately.

**PCB-Containing Materials.** [40 CFR §761.(b)(2)] The Toxic Substance Control Act regulations concerning regulated PCB-containing materials requires soil with concentrations at 1 or 2 ppm to be landfilled through a self-implementing cleanup or through an EPA-approved cleanup using a risk-based approach. The 1 to 2 ppm requirement is not included in the regulation, but is found in guidance provided to regulated entities. Moreover, this concentration level is not based on human health or environmental risk data. EPA should: (1) revise the self-implementing option to require cleanup of PCB-containing soils to a risk-based cleanup standard established by EPA; and (2) allow states to approve PCB soil cleanups under approved state brownfield voluntary cleanup programs.

Should you have any questions or need additional information on any of these topics, please contact Kelly Means, Executive Deputy Secretary, by email at [kmeans@pa.gov](mailto:kmeans@pa.gov) or by telephone (717) 787-6490.

Sincerely,



Patrick McDonnell  
Acting Secretary