

Top-level approval of drilling under fire

DEP now says new policy is temporary

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By Don Hohey and Laura Olson, Pittsburgh Post-Gazette

As state legislators called for investigations and urged the Corbett administration to rescind new procedures that require top political appointees to approve all Marcellus Shale drilling enforcement actions, the Department of Environmental Protection issued a "clarification" that the change will be temporary.

Katy Gresh, a DEP spokeswoman, said the department's regional directors received a directive from Secretary Michael Krancer Thursday telling them the new procedures, put in place on March 23 will last for only three months.

"The procedural change was intended to be a temporary change, a pilot project," she said. "It became clear to us that further clarification of the reasons behind the procedure was necessary and what it will achieve."

The new procedural rules, which require preapproval by Mr. Krancer and other top DEP officials of even routine notices of violation and other actions, set off a storm of complaints that politics would be influencing enforcement of an industry that had contributed almost \$1 million to Gov. Tom Corbett's election campaign.

Sen. Jim Ferlo, D-Highland Park, called on the inspector general and the Senate Environmental Resources and Energy Committee to investigate whether the new procedures centralizing decision-making with political appointees heading the DEP will "have a chilling effect on enforcement."

"This is creating a climate of concern for DEP staff and the public, and I am strongly urging quick, bipartisan oversight of this action," Mr. Ferlo said. "I also will ask the inspector general to review the memos and the statutory regulations that are in place to govern inspections and violations."

Eric Shirk, a spokesman for the governor's office, responded to requests for comment with a copy of a statement from Mr. Corbett's campaign policy paper pledging to ensure consistency in the regulatory process. Mr. Shirk did not respond to questions about whether Mr. Corbett approved the policy change before its implementation, supports it now, or why changes were being made before the Marcellus Shale Advisory Commission finished a review of the industry.

The 30-member panel has 120 days to assess how the state is managing natural gas drilling, as well as find some policy agreement between those skeptical of the booming business and those benefiting from it.

The changes were not publicly announced but were detailed in internal emails to the DEP regional directors on March 23 by John Hines, DEP executive deputy secretary. The emails were leaked to various news outlets Thursday.

Adam Pankake, executive director of the Senate Environmental Resources and Energy Committee, said the panel chairman, Mary Jo White, R-Franklin, will be seeking more information from DEP on the "vague" emails detailing the change, but added that they see no need yet for any hearings.

"We need to talk to DEP and get the basic reasoning behind it," said Mr. Pankake. "From her understanding, they're trying to have consistency across the state, and that consistency is important."

Rep. Dan Frankel, D-Squirrel Hill, echoed Mr. Ferlo's call for more information on why the change was put in place. He said he'll be asking the Democratic chairman of the House Environmental Resources and Energy Committee to push for hearings.

"It just seems like it's a significant departure from policy," Mr. Frankel said. "It needs to be explained. It clearly seems to undermine the ability of inspectors to do their job."

He also questioned why there was not a review of instances where inspectors decided not to issue a citation. The new policy will "encourage folks to be more lenient and overlook minor violations," Mr. Frankel said.

Others, such as Rep. Bill DeWeese, D-Greene, said they were frustrated with a lack of a public decision-making process before the change.