

JOHN A. MAHER
MEMBER



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HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA

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March 19, 2015

John Quigley
Acting Secretary
Department of Environmental Protection
Commonwealth of Pennsylvania

Re: Technical Advisory Board

Dear Secretary Quigley:

As we discussed at the House Appropriations Committee budget hearing last week, the Oil and Gas Technical Advisory Board ("TAB") has an important role in the development of related regulations. Through the time of the March 11 hearing, the new membership of the TAB remained secret and you testified that the members were even unknown to you at that point. I am glad that the roster of TAB members was revealed shortly after your testimony.

TAB exists pursuant to statute. That statute rather meticulously establishes the qualifications for Board Members to be appointed by the Governor. The statute does not authorize the creation of additional Board Members by whim of the executive branch. I note that your website roster of TAB members (shortened url -- <http://goo.gl/UGZpSQ>) includes an invention of "Non-Voting Members" that are unauthorized by law. The integrity of TAB's important role in the regulatory process should start with following the law about who is a TAB Board Member.

The invention of additional TAB Board Members by executive fiat at odds with the statute not only undermines the integrity of the process but certainly undermines the Governor's stated goal of transparency as well. This violation of statute serves only to grant superior standings to certain members of the general public while shutting out others. Those who are not bona fide TAB Members in accordance with statute should all have equal standing. Elevating a select handful of individuals to Board level participation, access and prerogatives while restricting all others to a total of 15 minutes of public comment reminds me of Animal Farm's sad devolution to institutionalizing the precept that some are more equal than others. Transparency demands otherwise.

I urge you to embrace integrity and transparency and restore TAB Board Membership to that prescribed by law. The TAB has a very specific design and important technical purpose under statute. If you proceed with corrupting TAB's composition, you will certainly invite litigation from those affected by the regulations TAB is to consider.

Sincerely,

A handwritten signature in black ink that reads "John A. Maher".

John A. Maher

Secretary John Quigley
March 19, 2015
Page 2

Cc: Tom Wolf, Governor
Mike Turzai, Speaker
Dave Reed, Majority House Leader
Nate Spade, Deputy Secretary of
Legislative Affairs

Fred Baldassare, ECHELON Applied Geoscience Consulting
Robert Hendricks, Shell Expoloration and Production Company
Brian McConnell, Tenaska Incorporated
Casey Saunders, CONSOL Energy
David Yoxtheimer, Marcellus Center for Outreach and Research, PSU