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Summary of Comments by Northeast Pa. Audubon Society to the Environmental Quality Board
Re: proposed amendments to Pa. Code 25 Chapter 95

Dear Sirs:

We are responding on behalf of our members of the Northeast PA Audubon Society, which has had a long record of supporting protection of the natural resources of the Commonwealth for the benefit of its residents and the environment.

We applaud your initiative in addressing the wastewater issues that will be exacerbated by the development of the Marcellus Shale by the gas industry, the vast quantities needed for drilling, and the treatment of the wastewater which can contain as many as 40,000 gallons of "fracing" chemicals. The DEP has already analyzed the high levels of Total Dissolved Solids in the rivers and streams of the state, identifying the toxics affecting aquatic life, as well as an increased risk of human bladder cancers. Because of this situation, strong action must be taken to curb any further increase of these compounds in our waterways. Thus, we support the proposed changes.

We are dismayed that the Water Resources Advisory Committee (WRAC) would consider further delaying of implementation of these rules by suggesting that a group of state-wide stakeholders develop appropriate solutions in lieu of rule-making. Past experience demonstrates that strong enforceable rules are the most effective way to cut pollution.

We believe that the DEP should, along with the new rules, tell the gas industry to adopt other better methods. These include:

- Using less toxic "fracing" chemicals by implementing best practices identified by researchers at Texas A&M University's Global Petroleum Research Institute, as a start.
- Using the methods of the offshore oil and gas drilling in European waters where chemicals must be non-toxic in case of spills into the waters.
- Mandating closed loop systems for managing wastewater, as well as steel tanks to contain the concentrated leftovers. The EPA is on record stating that closed loop systems can reduce the volume of drill fluids and chemicals by 90 percent.

The citizens and wildlife of this state must have a clean and reliable drinking water supply. Many of us in rural areas rely upon private wells for our water. We recognize the potential economic opportunities that the Marcellus Shale offers, but those opportunities should carry a responsibility by lessees and lessors and the government to ensure no harm to the surrounding environment they share with others. DEP has a responsibility to see that all necessary regulations are in place *and strictly enforced* for the best outcome. We are very concerned that without the very strongest regulation of the drilling process, our region and its people and wildlife will suffer irreversible harm, and that much of the environment of our state forests will be permanently disturbed, and that the wonderful diversity of wildlife will be changed forever.

Please take under consideration these comments and continue to develop the necessary rules that are allowed under The Clean Streams Law (35P.S. Paragraph 691.5)

This statement was approved by our board members for submission on December 24th, 2009.

Sincerely,


Katharine Dodge
President, Northeast Pa. Audubon Society

Northeast Pa. Audubon Society
Box 711, Honesdale, PA 18431
(570) 253-9250

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ENVIRONMENTAL QUALITY BOARD

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INDEPENDENT BOARD OF
SUPERVISORS



December 24, 2009

Environmental Quality Board
PO Box 8477
Harrisburg, PA 17105-2301

Re: proposed amendments to Pa. Code 25 Chapter 95

DearSirs:

This letter is in response to a request from the Environmental Quality Review Board, for comments on the proposed changes to the Wastewater Treatment Requirements contained in Chapter 95. We are responding on behalf of our members of the Northeast PA Audubon Society, which has had a long record of supporting protection of the natural resources of the Commonwealth for the benefit of its residents and the environment.

The changes are obviously being proposed to manage the wastewater generated from the development of the Marcellus Shale by the gas industry. We applaud your initiative in addressing the problem in light of the lack of foresight by the legislature and your predecessors at DEP.

The issues surrounding the water supply include the vast quantities needed for drilling, and the treatment of the wastewater which can contain as many as 40,000 gallons of "fracing" chemicals. Your department has already analyzed the high levels of Total Dissolved Solids in the rivers and streams of the state, particularly in the Monongahela River, and in the Beaver, Shenango and Neshannock Rivers. You have identified the issues of sulfates, chlorides, and bromides affecting aquatic life, as well as an increased risk of human bladder cancers. Because of this situation, strong action must be taken to curb any further increase of these compounds in our waterways. Thus, we support the proposed changes.

We are somewhat dismayed that the Water Resources Advisory Committee (WRAC) would consider further delaying of implementation of these rules by suggesting that a group of state-wide stakeholders develop appropriate solutions in lieu of rule-making. It is well known that, without the strength of strong rules, the U.S. Bureau of Land Management would not have succeeded in making companies agree to reduce their emissions in Sublette County, Colorado, before more permits would be allowed for the Jonah Field. We believe that the DEP should, along with the new rules, tell the gas industry to adopt other better methods. These include:

- Using less toxic "fracing" chemicals by implementing best practices identified by researchers at Texas A&M University's Global Petroleum Research Institute, a government and industry-funded program, as a start.
- Using the methods of the offshore oil and gas drilling in European waters where chemicals must be non-toxic in case of spills into the waters.
- Mandating closed loop systems for managing wastewater, as well as steel tanks to contain the concentrated leftovers. The EPA is on record stating that closed loop systems can reduce the volume of drill fluids and chemicals by 90 percent.

The citizens and wildlife of this state must have a clean and reliable drinking water supply. Many of us in rural areas rely upon private wells for our water. We recognize the potential economic opportunities that the Marcellus Shale offers, but those opportunities should carry a responsibility by lessees and lessors and the government to ensure no harm to the surrounding environment they share with others.

DEP has a responsibility to see that all necessary regulations are in place *and strictly enforced* for the best outcome. We are very concerned that without the very strongest regulation of the drilling process, our region and its people and wildlife will suffer irreversible harm, and that much of the environment of our state forests will be permanently disturbed, and that the wonderful diversity of wildlife will be changed forever.

Please take under consideration these comments and continue to develop the necessary rules that are allowed under The Clean Streams Law (35P.S. Paragraph 691.5)

This statement was approved by our board members for submission on December 24th, 2009.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katharine Dodge', with a long, sweeping horizontal line extending to the right.

Katharine Dodge
President, Northeast Pa. Audubon Society

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Box 711, Honesdale, PA 18431
(570) 253-9250