

From: clarionfish73@verizon.net
Sent: Wednesday, January 13, 2010 10:46 AM
To: EP, RegComments
Subject: Chapter 95 comments

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INDEPENDENT REGULATORY
COMMISSION

Dear Sir or Madam,

As president of Iron Furnace Chapter of Trout Unlimited and Vice President of Clarion County Federation of Sportsmen, I strongly urge you to consider some important points as you work on writing the new regs. As a resident of Clarion County, I remember growing up in the era of "Big Coal." To this day we are paying the price for the lack of environmental regulations on the coal industry in the 1950s-1990s. All you need to do is take a look at Toby Creek, Deer Creek, or Paint Creek. You don't need to analyze the water in a lab to know that it is an acid bath that can not support living things. My great grandchildren's grandchildren probably won't see fish living in those streams.

We know that we need the energy, and that natural gas is cleaner than most other forms of fossil energy. However, we can not afford to allow the same thing to happen to our precious soil and water resources that occurred in the era of Big Coal when few profited and many continue to suffer, even to this day. As new issues arise, such as the current Marcellus Drilling boom, we urgently need more stringent regs. We hope that you will pay close attention to impacts of this industry on some of our most pristine countryside that is left in NW PA. In summary, I only ask that you - **WRITE GOOD REGS THAT PROTECT OUR RESOURCES, AND THEN ENFORCE THEM.** We know that many of these companies can and do operate in a responsible way. We are not saying that they should be shut down. We only want to be sure that they operate in an environmentally responsible manner and someone at DEP is responsible for ensuring that they do so.

Our TU chapter and County association endorses the following points that have been discussed already in public fora across the state:

Marcellus "frackwater" must be monitored via a chain of responsibility (cradle to grave) of signed paperwork documenting the origin, use, flowback, transportation, treatment and disposal of all frackwater fluids. This monitoring must include all fluids (aqueous and air) and solids origination in the frackwater.

We must have a standard for Dissolved Solids allowed in our water. A TDS (Total Dissolved Solids) limit of 500 mg/L for TDS and 250 mg/L each for Sulfates and Chlorides is needed to meet Federal drinking water standard. DEP should not weaken their proposed discharge standard for TDS.

The standard for Total Dissolved Solids (TDS) should be stated as a daily maximum, not a monthly average. In addition, there should be a minimum requirement that all discharges not cause background in-stream concentrations of TDS to rise above 133% of background levels (the Delaware River Basin Commission standard).

DEP's proposed definition of large TDS sources is good. Do not change it. That proposed regulation is a good means to prevent impairment and regulation of TDS prior to having to utilize a TMDL process. The only suggestion would be to clearly state the 2,000 mg/L concentration threshold as a daily maximum. That daily maximum should not be allowed to be circumvented by dilution.

All large TDS sources should be covered by the standard. New sources and new discharges at existing sources should be covered immediately. Existing sources of large TDS discharges should be eventually covered through the NPDES permit renewal process. How TDS will be measured and reported by dischargers should also be clarified.

Add discharge standards for bromides, arsenic, benzene, radium, magnesium and Volatile Organic Compounds. Many of these contaminants are toxic to humans and aquatic life and are very difficult for drinking water systems to remove.

Due to the highly varying toxicity of both TDS discharges and especially Marcellus wastewater, Whole Effluent Toxicity (WET) testing should be required utilizing both an acute and chronic toxicity standard.

We need these regulations to be in place as soon as possible to protect aquatic life and drinking water sources. **Stop issuing more drilling permits, which increase existing wastewater loads in Pennsylvania streams, until Chapter 95 revisions are in place.** DEP should also stop allowing existing or proposed wastewater plants to discharge TDS at levels above the standards established in these Chapter 95 revisions. The effective date should not be extended to accommodate the time frame necessary for a new facility to acquire all necessary permits (such as those for air quality).

Wastewater Reuse: DEP needs to ensure that all aspects of the generation of Marcellus wastewater are regulated. Currently there is little oversight over the reuse of Marcellus wastewater and whether in fact this is a waste disposal method as opposed to closed loop water recycling.

Sincerely yours,
Mark Orlic
Clarion, PA