

Somerset County Conservancy
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INDEPENDENT REGULATORY
COMMISSION

1. **DEP** needs to remember the lessons of early coal mining in Pennsylvania. Lets not repeat the lack of regulation and insufficient bonding that many people have been working for years to clean up.
2. **We need safe drinking water!** DEP's proposal of 500 mg/L for Total Dissolved Solids (TDS) and 250 mg/L each for Sulfates and Chlorides will go a long way towards ensuring that our drinking water supplies will not have unsafe levels of TDS and these other contaminants. **DEP should not weaken their proposed discharge standard for TDS.**
3. **We need these regulations to be in place as soon as possible to protect our rivers and drinking water.** DEP should stop giving out more drilling permits until wastewater rules are in place. DEP should also stop allowing existing or proposed wastewater plants to pollute our rivers unless they follow these new rules.
4. **DEP should add discharge standards for those contaminants that are frequently found in Marcellus Shale gas drilling wastewater.** These would include bromides, arsenic, benzene, radium, magnesium, and possibly others. Many of these contaminants are toxic to humans and very difficult for drinking water systems to remove.
5. **DEP needs to ensure that all aspects of the generation of Marcellus wastewater are regulated.** Currently there are no requirements to track wastewater from drilling sites to treatment plants, and there is no oversight over the reuse of Marcellus wastewater.
6. **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
7. **Our streams cannot be dumping grounds for 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.
8. **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).

9. **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.
10. **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.
11. **DEP has not proposed standards** for a number of contaminants that are frequently found in Marcellus wastewater. DEP should 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.
12. **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.
13. **We need these regulations to be in place as soon as possible** to protect aquatic life and drinking water sources. DEP should 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).
14. **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.

James Moses, President Somerset County Conservancy