

**From:** Washington County Conservation District [washcood@yahoo.com]  
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The Washington County Conservation District wishes to express our areas of concern for the proposed changes to Chapter 95 of the Pennsylvania Clean Streams Law. Southwestern Pennsylvania is experiencing extensive gas drilling activity. Environmental concerns have already been raised and serious pollution events such as Dunkard Creek in Greene County have already occurred. The DEP has not sufficiently monitored, permitted, inspected nor regulated this tremendously expanded industry in Pennsylvania. The Monongahela River is already at critical TDS levels due to active and past coal mining and industrial discharges. The TDS levels in the Allegheny River are rising. DEP has for years relied on the Allegheny River to provide the necessary dilution of the Monongahela River to preserve the water quality of the Ohio River. Now all three rivers are in danger of serious pollution and drinking water use restrictions and advisories due to the lack of proper regulatory controls and oversight by the DEP. This lack of proper regulatory oversight has destroyed the last remaining habitat for fresh water mussels in the Monongahela River Basin, Dunkard Creek. This lack of proper oversight seriously jeopardizes our drinking water supplies and the health of all Pennsylvania citizens. We strongly encourage the DEP to adopt the following standards for Chapter 95 of the Pennsylvania Clean Streams Law.

### **What Chapter 95 should include:**

- **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
- **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. No new frac water treatment plants should be permitted to go on line unless these plants can completely meet these water quality standards. A three year grace period or ramp up period for these proposed new treatment plants is not acceptable. These proposed treatment plants must be able to properly treat waste frac water and lower the TDS down to the acceptable limits of 500 mg/L for TDS and 250 mg/L for Sulfates and Chlorides prior to discharging to all waters of the Commonwealth.
- **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.
- **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.
- **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. 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).
- **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.

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