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INDEPENDENT REGULATORY
REVIEW COMMISSION

Greene County Conservation District

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February 11, 2010

Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477

Dear Board Member:

We are writing concerning the Pennsylvania Department of Environmental Protection's (DEP) proposed rulemaking to the Environmental Quality Board for changes in Chapter 95 primarily concerning effluent limits for total dissolved solids (TDS), sulfates and chlorides. As written, the proposal will amend Chapter 95 (Regulations on Wastewater Treatment Requirements) of the Pennsylvania Code (Title 25) to establish a statewide limit of 500mg/l for TDS and a 250mg/l limit for sulfates and chlorides.

As the Board of Directors of the Greene County Conservation District, we felt it was necessary to weigh in during the written comment period. As we are sure you are aware, coal mining and gas drilling in Greene County are major industries. Our economy depends on well-paying jobs to support our local government, businesses and non-profits, and recreation and the arts. We have a long history of working closely with industry to provide a stable job climate and a robust community for our citizens. Additionally, we are proud to say that while some instances of excessive water pollution have occurred due to extractive industry activities, those responsible have dealt with them rapidly and professionally and, because of this, Greene County has for decades been the destination of fishermen and aficionados of all forms of water-based recreation.

Recently, however, Greene County has been heavily impacted by the growth of another extractive industry, the exploitation of the huge reserves of natural gas found in the Marcellus Shale Formation. Although the extraction of coal bed methane (CBM) occurs here to a significant extent, the typical Marcellus well is drilled much deeper (around 4500' deeper), requires far more water to perform the fracturing process (1 million to 7 million gallons), generates far more waste brine (roughly 40% of the fracturing volume) and this waste brine has a much higher TDS content (up to 200,000mg/l). Although the energy production and economic development potential of this resource is nothing short of staggering, it came as a great disappointment to discover that this industry was allowed to enter the state with no plan in place to adequately address either the water consumption demand or the special wastewater treatment needs of the industry. Indeed, the industry was well established here before the contents of the waste brine were even known to DEP.

We are not scientists. The veracity and applicability of testing done to determine whether or to what extent TDS or any of its components affects the aquatic ecosystem we humbly leave to the experts. What we believe, as a Conservation District Board of Directors, follows:

- Whether legally or illegally disposed of, Marcellus waste brine generated in Greene County since the industry's entrance here in 2007 has not been properly treated. Millions upon millions of gallons of waste brine entered our surface waters laden with extremely high concentrations of dissolved solids. We believe it safe to say that while we cannot quantify the specific deleterious effect contributed, this industry certainly did the coal extraction industry no favors.
- Greene County and neighboring West Virginia lost 43 miles of a warm water fishery, Dunkard Creek, completely devastated by toxins produced by a species of golden algae previously unheard of locally and known to prefer saline or brackish aquatic environments much higher in TDS content than local streams exhibit. This organism is now present regionally and it is anyone's guess as to whether another disaster will occur when water temperatures favor the organism's return to active life. Should this devastation occur regionally, it would be an economic disaster of incalculable proportion. This event alone compelled the Greene County Conservation District (the Board of Directors of which contains two current Greene County Commissioners) to officially recommend that DEP address dissolved solids in its wastewater treatment regulations.
- Section 27 of the Pennsylvania Constitution guarantees its citizens the right to clean water. The addition of dissolved solids to our waters, when artificial, should be accompanied by very strong scientific evidence that neither public health nor the quality of the water resource base is being compromised. The fact that this research should have been proactive as opposed to reactive in no way diminishes the necessity for its undertaking.
- It is true that Greene County is and will be largely dependent on the coal and gas industries for economic sustenance. It is equally true that DEP is an environmental agency not required to employ the science of economics in its decision making process. Nevertheless, it must be recognized that everything from culpability to problem solution can be seen to involve all the players here. All have contributed to the problem and all must contribute to the solution. It will not be enough to merely regulate and leave industry to absorb the cost of complicity. More must be done. We understand that the Greene County Board of Commissioners have submitted comments regarding this proposed rulemaking and have offered to conduct a series of meetings to bring appropriate parties to the table to develop realistic solutions to this serious problem. We completely agree, a summit must take place with representation from DEP, the coal industry, the natural gas industry, the power, generation industry, educational institutions, financial resource agencies and the government of Greene County. The objective of this summit and meetings to follow must be the improvement of our water quality with the retention of a prosperous industrial base. All avenues have not been explored; the concerns of all parties have not been entertained. The solution to this problem must be a holistic one to stand the test of time.

In closing, we believe that action taken on the proposed changes to Chapter 95, if taken without consideration of the contents of this letter, will not provide for meaningful change, will not stand the

test of time and will not foster the interface, compromise and innovation necessary to provide co-existential harmony between industry and our natural environment.

We also request a copy of the Comment/Response document, the Notice of Final Rulemaking and a copy of the Final Rulemaking Package. You may direct any inquiries to me at (724) 852-5278 or lsnider@co.greene.pa.us. Thank you for your consideration.

Sincerely,

GREENE COUNTY CONSERVATION DISTRICT



Lisa Snider, District Manager

cc: The Greene County Conservation District Board of Directors

Bradley Eisiminger, Chair

Archie Trader, Vice Chair and County Commissioner

Jim Cowell, Secretary

Tom Headlee, Treasurer and County Recorder and Register of Wills

Jim Kenney

Theresa Matscherz, PA Cleanways, Executive Director

Dave Coder, Commissioner Representative

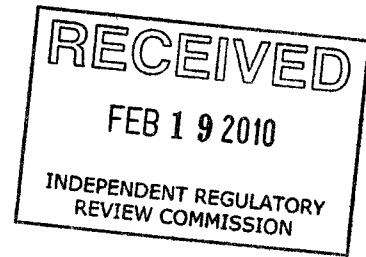
Robbie Matesic, Executive Director, Greene Co Department of Economic Development

From: Lisa Snider [lsnider@co.greene.pa.us]
Sent: Thursday, February 11, 2010 4:37 PM
To: EP, RegComments; Tate, Michele
Cc: Dave Coder Email; Archie Trader; Elizabeth Witte; Robbie Matesic; Martin Niverth
Subject: Wastewater Treatment Requirements Comments-TDS
Attachments: EQB Comments Chapter 95-TDS-Final.pdf

Good afternoon,

Attached are comments from the Greene County Conservation District Board regarding the Pennsylvania Department of Environmental Protection's proposed rulemaking to the Environmental Quality Board for changes in Chapter 95 of the Pennsylvania Code.

Respectfully submitted by:
Greene County Conservation District
19 South Washington Street
Suite 150
Waynesburg, PA 15370



Thank you.

Lisa Snider
Manager
Greene County Conservation District

Greene_County_Disclaimer:

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