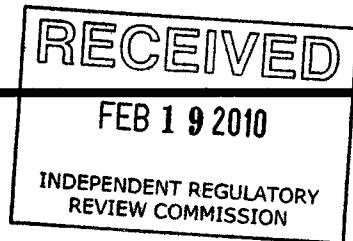


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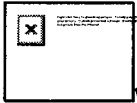
From: Joyce E. Stone [jbstone@epix.net]
Sent: Friday, February 12, 2010 2:15 PM
To: Tate, Michele; EP, RegComments
Cc: Brady Russell; agarber@pennenvironment.org
Subject: Proposed DEP REGS
Attachments: Final Proposed DEP Regs on Wastewater Treatment - One Page.doc; Final Proposed DEP Regs on Wastewater Treatment - Submitted.doc

Dear Michele,

I have attached a one page summary for the EQB and the more detailed list of our recommendations for changes to the proposed Wastewater Regulations on behalf of the environmental group called R.E.S.C.U.E. - Return Susquehanna Country Under Ecology, Wayne/Susquehanna Chapter, of which I am a Board Member. I have distributed these points, that I prepared, to other contacts as well so you might hopefully hear from other individuals who support these changes as well.

Thank you to the DEP and to the EQB for your consideration.

Joyce E. Stone
For myself - Wetland Consultant & Educator,
and for Wayne/Susquehanna R.E.S.C.U.E.
RR#6, Box 6229
Montrose, PA 18801
rescuenepa@yahoo.com



www.rescue-nepa.org

----- Original Message -----

From: Tate, Michele
To: 'Joyce E. Stone'
Cc: Brady Russell ; agarber@pennenvironment.org
Sent: Tuesday, February 02, 2010 12:52 PM
Subject: RE: proposed regs

Ms. Stone:

Thank you for contacting me. No, there is no limit to the number of pages of comments you may provide to the EQB on a proposed rulemaking. However, if you wish that the EQB review your verbatim comments, you may also supply (in addition to your comments) a one-page summary of your comments, which will be distributed to the EQB at the meeting in which the Board will take action on the final rulemaking.

Thank you for your questions and for your interest in this rulemaking. If you have any questions concerning the proposal or its status, please contact me.

Thank you.

Michele L. Tate | Regulatory Coordinator
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 2063
400 Market Street | Harrisburg, PA 17105-2063
Phone: (717) 783-8727 | Fax: (717) 783-8926
mtate@state.pa.us
www.depweb.state.pa.us

-----Original Message-----

From: Joyce E. Stone [mailto:jbstone@epix.net]
Sent: Monday, February 01, 2010 2:20 PM
To: EP, RegComments
Cc: Brady Russell; agarber@pennenvironment.org
Subject: proposed regs

Do the public's comments have to be limited to one page for the Chapter 95 proposed regs on Wastewater Treatment? I am planning to attend the Hearing on these that the Clean Water Action group is arranging in Wysox. Also want to submit written testimony.

Thank you
Joyce Stone
Dimock

Return Susquehanna Country Under Ecology (R.E.S.C.U.E.) supports the following changes to the Proposed DEP's Chapter 95 Regulations - Wastewater Treatment Requirements:

1. There should be a mandated 1,000 foot buffer between a well site and a private drinking water source and a 1/2 mile buffer between a gas well and any public drinking water supply.
2. Marcellus "frackwater" should not be left in lined lagoons during any stage of the process.
3. No well site should be prepared or well drilled within 300 (instead of 100') feet from any stream, spring or body or within 300 feet of any wetlands" The qualifier "greater than one acre in size" should be eliminated.
4. Marcellus "frackwater" must be monitored via a chain of responsibility.
5. A TDS (Total Dissolved Solids) limit of 500 mg/L for TDS and 250 mg/L each for Sulfates and Chlorides is needed.
6. The standard for (TDS) should be stated as a daily maximum, not a monthly average.
7. DEP's proposed definition of large TDS sources is good.
8. All large TDS sources should be covered by the standard.
9. DEP should add discharge standards for bromides, arsenic, benzene, radium, magnesium and Volatile Organic Compounds.
10. Due to the highly varying toxicity of both TDS discharges and especially Marcellus wastewater, Whole Effluent Toxicity (WET) testing should be required.
11. DEP should stop issuing more drilling permits until Chapter 95 revisions are in place.
12. DEP needs to ensure that all aspects of the generation of Marcellus wastewater are regulated.
13. Any oil and gas development should be prohibited in Exceptional Value (EV) watersheds, Wilderness Trout Stream watersheds, EV wetlands or areas containing threatened or endangered species.
14. In High Quality-Coldwater Fishery (HQ-CWF) watersheds, PA DEP should, at minimum, require individual permits for gas development.
15. Water withdrawal permitting by SRBC, DRBC and PA DEP must be closely monitored. Namely, flows from the permitted watershed need to be documented at the time of withdrawal to assure that the stream uses are protected.
16. PA DEP is obligated to consider the cumulative impacts these drilling sites will pose in a watershed.

Prepared for R.E.S.C.U.E. by Board Member, Joyce E. Stone, RR#6, Box 6229, Montrose, PA 18801

Proposed DEP's Chapter 95 Regulations - Wastewater Treatment Requirements:

What Chapter 95 should include:

- 1. There should be a mandated 1,000 foot buffer between a well site and a private drinking water source and a 1/2 mile buffer between a gas well and any public drinking water supply.**
- 2. Marcellus "frackwater" should not be left in open lagoons, even lined ones, during any stage of the drilling process as is being done now. Liners and cement currently used as methods to contain fracking chemicals in lagoons are highly susceptible to cracking and eventually leaking fracking chemicals into our ground water. Frackwater that is removed from the wells should be pumped directly into metal tanks to be either reused or transported to a certified frack treatment plant.**
- 3. DEP's position on location of well sites should be changed to read that "No well site may be prepared or well drilled within 300 (instead of 100') feet measured horizontally from any stream, spring or body of water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geological Survey or within 300 feet of any wetlands." The qualifier "greater than one acre in size" should be eliminated.**
- 4. 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.**
- 5. 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.**
- 6. 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).

7. 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.

8. 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.

9. 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.

10. 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.

11. 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).

12. 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.

13. Any oil and gas development should be prohibited in Exceptional Value (EV) watersheds, Wilderness Trout Stream watersheds, EV wetlands or areas containing threatened or endangered species.

Increased oversight should be applied in High Quality-Coldwater Fishery (HQ-CWF) watersheds. We do not see how the existing Best Management Practices (BMPs) for sediment and erosion control, given the significant earth disturbances associated with road and pad construction, can comply with the anti-degradation standards required under the Clean Streams Law.

14. In High Quality-Coldwater Fishery (HQ-CWF) watersheds, PA DEP should, at minimum, require individual permits for gas development.

Individual permits assure that the public has an opportunity to review, object to, or request a public meeting on, the proposed drilling operation and its associated discharges prior to the issuance of the permit. These options are not available with the present practice of issuing general permits pursuant to Chapter 102. Appeal rights, under the general permit, are limited to a short window after issuance of the permit. We find this practice unacceptable.

15. Water withdrawal permitting by SRBC, DRBC and PA DEP must be closely monitored. Namely, flows from the permitted watershed need to be documented at the time of withdrawal to assure that the stream uses are protected. This will require that flow monitoring devices are part of the permit, thus assuring that the Q-7/10* is not violated.

16. PA DEP is obligated to consider the cumulative impacts these drilling sites will pose in a watershed. In addition, resource agencies should evaluate the overall impacts to groundwater and surface flows and place a cap on permits to prevent Total Maximum Daily Loads (TMDLs) from being reached. While any one project may do minimal damage, the cumulative impacts from multiple projects could cause significant damage.

*Q-7/10 is defined as a consecutive 7- day low streamflow during a ten year drought. Water quality modeling is based on this low flow condition to assure that stream uses are maintained.

Many thanks to the following organizations for their expertise in the technical aspects of these regulations: Pennsylvania Campaign for Clean Water (www.CleanWater.org), Pennsylvania Council of Trout Unlimited (www.patROUT.org), PennEnvironment, (www.PennEnvironment.org) and to the PA Sierra Club (pennsylvania.sierraclub.org).

Public Hearings on the DEP wastewater regulation proposal have concluded, but you can send written comments by Feb. 12th to:

Prepared for R.E.S.C.U.E. by Board Member, Joyce E. Stone, RR#6, Box 6229, Montrose, PA 18801