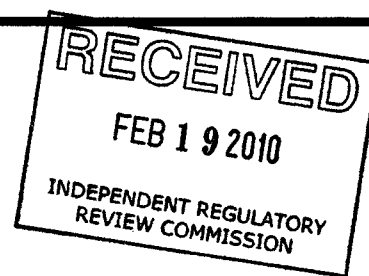


**From:** Steven Schwartz [smsinc@panix.com]  
**Sent:** Friday, February 05, 2010 12:22 PM  
**To:** EP, RegComments  
**Subject:** Comment Chapter 95 Water Regulations



Dear DEP,

The gas drilling of Marcellus Shale pose a serious threat to our aquatic habitat, our environment and our drinking water in NE Pennsylvania. Thousands of Marcellus wells are planned for Pennsylvania in the decade ahead. Regulation of drilling activities, and concerted, active, intensive oversight of the activities at all levels of government and by all stakeholders is mandatory to mitigate the multiple potential threats from gas drilling in the region.

The Water Regulations Chapter 95 now before us for comment must be strengthened to set a standard for dissolved solids allowable in our water that meet Federal drinking water standard. 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 should also 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.

Marcellus "frackwater" should not be left in open lagoons, even lined ones, during any stage of the drilling process as is being done now. All wastewater should be stored on a temporary basis on site in rated stainless steel tanks. Millions of gallons of contaminated water left standing indefinitely sets the stage for long term environmental contamination.

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.

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.

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.

I ask that you consider stopping the issuing of drilling permits until we know what long and short term effects will have on our waterways, and until Chapter 95 revisions have been carefully reviewed and strengthened in a manner that protects the integrity of our waterways and drinking water supplies.

Thank you for this consideration!

Respectfully,

Steven Schwartz  
Equinunk, PA