

RECEIVED  
IRRC

2010 NOV 15 P 1: 50



#2857

Citizens for Pennsylvania's Future  
Regional Enterprise Tower  
425 Sixth Avenue, Suite 2770  
Pittsburgh, PA 15219-1853  
P 412.258.6680 / 888.895.4843  
F 412.258.6685  
info@pennfuture.org  
www.pennfuture.org

November 15, 2010

**VIA U.S. MAIL and EMAIL (irrc@irrc.state.pa.us and mtotino@irrc.state.pa.us)**

Independent Regulatory Review Commission  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17101  
Attn: Michael Totino

**Re: Final Amendments to 25 Pa. Code Chapter 78, Oil and Gas Well Technical  
Amendments  
IRRC No. 2857/Reg. No. 7-459**

Dear Ms. Totino:

By this letter, Citizens for Pennsylvania's Future ("PennFuture") states its support for the final-form amendments to 25 Pa. Code Chapter 78 (the "Final-Form Amendments"). PennFuture received notice of the Final-Form Amendments by email dated October 13, 2010.

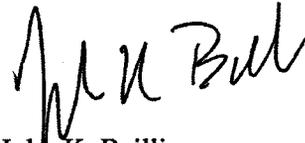
PennFuture is a statewide, public interest, membership organization with offices in Harrisburg, Pittsburgh, Philadelphia, West Chester, and Wilkes-Barre. PennFuture's purposes include advocating and litigating state-wide on behalf of the environment and public health, including water quality issues and issues arising out of coal mining and gas drilling activities. PennFuture's membership includes residents of Pennsylvania who use the Commonwealth's rivers and streams for fishing, boating, and other forms of recreation, as well as Pennsylvanians who rely on the Commonwealth's rivers and streams as sources of drinking and household water.

The Independent Regulatory Review Commission (the "IRRC") should determine that the Final-Form Amendments are in the public interest and approve them. The Environmental Quality Board (the "Board") is correct to recognize the need to update the regulations governing oil and gas drilling to address challenges posed by developments in the gas industry, most particularly the introduction of high-volume hydraulic fracturing and horizontal drilling to Pennsylvania. Failing to amend Chapter 78 to meet those challenges will only lead to more disasters like the ones that occurred at gas wells in Dimock Township, Susquehanna County, in early 2009,<sup>1</sup> and in Clearfield County on June 3, 2010.<sup>2</sup>

<sup>1</sup> In Dimock Township, a well operator's failure to properly case and cement a gas well caused gas migration that affected thirteen water supplies. See Commonwealth News Bureau, DEP Reaches Agreement with Cabot to Prevent Gas Migration, Restore Water Supplies in Dimock Township (Nov. 4, 2009), available at <http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=2418&typeid=1>.

PennFuture is concerned that the Final-Form Amendments may not be as stringent as needed to fully improve workplace safety at drilling sites and protect Pennsylvania's natural resources against damage from drilling activities. Those concerns are fully explained in PennFuture's August 9, 2010 letter to the EQB and the August 9, 2010 letter from EarthJustice to the EQB, which PennFuture co-signed. Notwithstanding those concerns, however, PennFuture strongly supports the Proposed Chapter 78 Amendments and believes that as amended, Chapter 78 will improve workplace safety at drilling sites and better protect Pennsylvania's natural resources, especially the quality of its fresh groundwater resources. Accordingly, PennFuture urges the IRRC to determine that the Final-Form Amendments are in the public interest and approve them.

Very truly yours,



John K. Baillie  
Senior Attorney

cc: Doug Brennan, Director  
DEP Bureau of Regulatory Counsel  
Rachel Carson State Office Building  
Environmental Quality Board  
P.O. Box 8464  
Harrisburg, PA 17105-8464

Scott Perry, Director  
DEP Bureau of Oil and Gas Management  
RCSOB, 5<sup>th</sup> Floor  
400 Market Street  
P.O. Box 8765  
Harrisburg, PA 17105-8461

---

<sup>2</sup> In Clearfield County, a well operator's failure to use proper blowout procedures and equipment caused a blowout that allowed wastewater and natural gas to escape from the well uncontrollably for sixteen hours. See Independent Report Faults Clearfield County Gas Well Operators for June 3 Blowout (July 13, 2010), available at <http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=12818&typeid=1>.