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Regarding proposed rule making (25 Pa. CODE CH. 78)  
Oil and Gas Wells.  
(40 Pa. B. 3845)

ENVIRONMENTAL QUALITY BOARD

To Whom It May Concern:

Although there are many concerns about deep drilling and Fracking, I realize that the gas industry cannot, and probably should not be stopped. This industry has a long history of environmental destruction and refusal of responsibility for the damage it causes. They will also avoid and ignore as many regulations and standards as possible despite the best efforts of the regulators. Although many of them may be honorable, there are enough abusers in the field that the proposed regulations need to very motivating.

My specific concern relates to 78.51: protection of water supplies. I live on the largest natural lake in the state (by volume). It is spring fed. My residential water source is a well. When the drilling and fracking procedures contaminate my well and lake, there will be no way to remediate. Additional concern lies in the creek that drains Harveys Lake and feeds the Ceasetown reservoir that supplies water for the city of Wilkes-Barre and surrounding communities. When the lake goes, the reservoir will follow.

I would suggest using the regulations to motivate the oil companies to comply and protect the water supply by giving the residents and industries recourse without the expense and delay of litigation. Specify the amount of time the drillers have to restore temporary water (1 day after notification?) and for a permanent resolution (30 days). There should be a fine payable to the property owner on a weekly basis for each day the standard is not met (\$1000 per day) with a 10% handling fee for DER. The homeowner should have a contact officer in DER to file the original complaint and should not have to identify the specific drilling company. Should there be more than one possible offending drilling company, they shall be held jointly and severally responsible, apportioned as determined by DER without litigation.

Failure of the drilling company to provide adequate water within 90 days will make them responsible to the property owner for an amount equal to twice the assessed value of the

property rendered unusable/uninhabitable by the lack of water plus relocation expenses

for the property owner. If there is a business/manufacturer involved, they should be reimbursed for 10 years of income including moneys to be paid to the employees who are unemployed secondary to the loss of water.

The potential loss to the oil companies should make them pay a lot of attention. When the anticipated contamination occurs, they will be held accountable by rule, fined with award to the landowner, and given an end game for failure to restore the water supply that will allow the injured property owner to survive and relocate.

Lessors may be considered to have contractually relieved the drilling companies of the above obligations.

Extracting energy from the earth has always been hazardous and despoiling and extremely profitable. At this time in our history, it would be nice if the regulations would give some protection to those who will not profit from the activity, but stand to lose a great deal should the foreseeable/inevitable happen. If the industry is as safe and responsible as they claim, they should have no hesitation in agreeing to a scheme resembling the one I have suggested.

Thank you for your consideration,



John A. Rothschild