

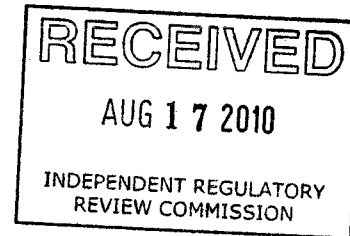
2857

ANNE HARRIS KATZ & HARVEY M. KATZ
PENFFORDD

445 Shady Knoll Road Montoursville, PA 17754-8402 USA
phone: 570.433.4681 email: katzah@verizon.net

August 9, 2010

Via Electronic Mail
Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477
RegComments@state.pa.us



Re: Comments on Proposed Rulemaking, 25 Pa. Code Ch. 78 (Oil and Gas Wells)

Dear Environmental Quality Board Members:

We submit the following comments on the proposed amendments of 25 Pa. Code ch. 78 - 40 Pa. Bull. 3845 (July 10, 2010).

We commend the Environmental Quality Board's (EQB) recognition of the need to update and upgrade requirements for the drilling, casing, cementing, testing, monitoring, and plugging of oil and gas wells in Pennsylvania. Many of the amendments in the Proposed Rulemaking reflect best management practices in the industry; however, we would like to see Pennsylvania's citizens protected by more stringent regulations than those the industry places upon itself. This is particularly important in light of lessons learned from the recent EOG Resources and BP Gulf of Mexico well blowouts. We would like the EQB to incorporate changes in its new regulations that reflect what has been learned from these environmentally and economically damaging occurrences. We believe such incorporation will help the EQB meet its stated goals of minimizing gas migration and increasing protection for both public and private water supplies from other adverse aspects of gas drilling activity.

We support the detailed technical comments that Earthjustice submitted to the PA Department of Environmental Protection's, Bureau of Oil and Gas in connection with the Advance Notice of Proposed Rulemaking for Chapter 78, 40 Pa. Bull. 623 (Jan. 30, 2010). and their letter to the EQB dated August 9, 2010, re: Comments on Proposed Rulemaking, 25 Pa. Code Ch. 78 (Oil and Gas Wells).

We recognize that much of Earthjustice's comments are based on a report, "Recommendations for Pennsylvania's Proposed Changes to Oil and Gas Well Construction Regulations" (dated Mar. 1, 2010), prepared by Susan Harvey. As an experienced petroleum engineer and principal of Harvey Consulting, LLC her report is considered an authoritative source of information by many in the industry and the environmental community. Most of the 47 recommendations in the "Harvey Report" remain relevant to this current Proposed Rulemaking. We support these relevant comments and Earthjustice's additional recommendations beyond those listed in the Harvey Report.

We thank the EQB for this opportunity to comment on the Proposed Rulemaking. We wish to underscore the need to institute regulations that are maximally protective of public health, and safety and of the

environment. Where industry's best management practices do not meet this quality test, we feel it is imperative to strengthen the regulations above those set by industry. That is, adopt the recommendations in the Harvey Report and the additional recommendations provided by Earthjustice. To quote Earthjustice, which has put the matter succinctly and powerfully, "By doing so, the Board [EQB] can transform Chapter 78's outdated regulatory scheme—which has resulted in repeated well failures and tragic contamination of drinking water supplies—into a model for the nation."

Sincerely,

Anne Harris Katz

Anne Harris Katz, Ph.D.

Harvey M. Katz

Harvey M. Katz, Ph.D.

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Anne Harris Katz

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RECEIVED

AUG 17 2010

INDEPENDENT REGULATORY
REVIEW COMMISSION

From: Anne Harris Katz [katzah@verizon.net]
Sent: Monday, August 09, 2010 11:01 PM
To: EP, RegComments
Subject: Comments on Proposed Rulemaking, 25 Pa. Code Ch. 78 (Oil and Gas Wells) - Katz (amended)
Attachments: Letter - AHK&HMK (Ph.D.) to DEP's EQB - Ch 78 proposed rule making 8-9-10 (electronic signature).pdf; ATT00002..htm

Copied below and attached as a pdf is an amended letter from two private citizens, both professional scientists, commenting on Proposed Rulemaking, 25 Pa. Code Ch. 78 (Oil and Gas Wells). The letter sent earlier today was mis-addressed to the Environmental Hearing Board; this letter is addressed to the Environmental Quality Board.

Please enter this submission into the official record.

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Anne Harris Katz
katzah@verizon.net
570.433.4681