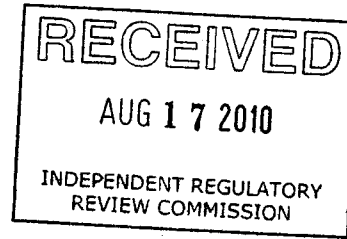


2857



Lycoming Audubon Society  
PO Box 4053  
Williamsport, PA 17701  
August 8, 2010

Chairperson John Hanger  
Environmental Quality Board  
P.O. Box 8477  
Harrisburg, PA 17105-8477

Dear Mr. Hanger:

We appreciate the opportunity to provide comment on the proposed revisions and additions to Chapter 78 of the Department's Rules and Regulations (25 PA Code 78.1 et seq.) We are a chapter of the National Audubon Society, representing Audubon members in Lycoming and Clinton Counties in the beautiful northcentral Pennsylvania.

We appreciate the difficulty in developing regulations that cover all aspects of the potential impacts by the oil and gas industry working in Pennsylvania, striving to protect the air, land and water and yet not imposing an unnecessary burden on that industry. We do believe, however, that a conservative approach is critical to protecting Pennsylvania natural resources, and that it is better to err on the side of caution rather than choose a position favoring that industry. We will refer several times to the report "Recommendations for Pennsylvania's Proposed Changes to Oil and Gas Well Construction Regulations" by Harvey Consulting, LLC, which was previously submitted to you by Earth Justice and the Sierra Club, and will reference that report as the "Harvey Report".

Our comments are as follows:

1. The regulations attempt to cover the very different types of oil and gas wells presently being constructed in Pennsylvania. We think a separate section should be provided in the regulations for those different types of wells, such as shallow gas wells, oil wells, and Marcellus shale wells. Some repetition would result, but overall the regulations would be more clear to both the regulated community and other interested parties.

2. The definition of “cement” includes the requirement of “a 24-hour compressive strength of at least 500 psi”. We believe a greater compressive strength is appropriate for all Marcellus shale wells, especially due the huge pressures placed on the wells by hydraulic fracturing, and suggest as a minimum the 1,200 psi value recommended by the Harvey Report.
3. Proposed section 78.51 (4)(h) requires an operator to report the receipt of notice that a water supply has been affected to the Department within 10 calendar days. This is too long a delay. The operator merely has to make a telephone call, one would think, and 24 hours is more than enough time.
4. Section 78.82 (2) is ambiguous, and as written protects infiltration of only that surface water or fluids emanating from the operation. The conductor pipe should protect groundwater from any infiltration, regardless of the source.
5. Section 78.84 (c) requires testing of used casing after cementing and before continuation of drilling, but this section does not require notification of the Department or repairs of the failing casing string. This is odd, in that very specific testing and repair requirements (when the tests are failed) are provided for blow-out preventers and related equipment in Section 78.72.
6. Section 78.85 (c) prohibits certain activities that may damage the casing cement for a period of time. We believe the words “may not be disturbed for a period of \_\_\_\_ hours by any activity including, but not limited to the following:” and where the blank space above refers to the time required by the cement to reach a fully set stage.
7. Section 78.89 (a) states that an operator must “immediately” notify the Department of a gas migration incident. What is “immediately”? Is this an hour or 24 hours? We believe a specific time requirement is needed.
8. Section 78.91 through 78.98 refer to “nonporous material” for filling wells as part of a plugging operation. This fairly non-specific term should be made more definitive with a scientifically described value used to describe what is meant by “nonporous”.
9. Section 78.122 should include a prohibition in any aspect of well drilling, stimulation or production of the use of any chemical for which effective treatment and / or disposal cannot be guaranteed by the operator.

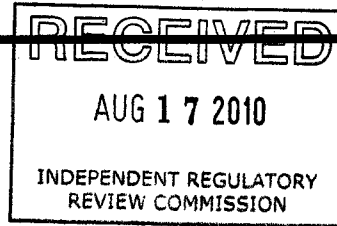
We appreciate the opportunity to comment, and trust our comments are useful and constructive.

Sincerely,

Daniel L. Alters, President  
Lycoming Audubon Society

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**From:** LycomingAudubonS@aol.com  
**Sent:** Sunday, August 08, 2010 11:24 PM  
**To:** EP, RegComments  
**Subject:** Regulations - Chapter 78 - Oil and Gas  
**Attachments:** Ch 78 Comment.doc



Attached are comments from the Lycoming Audubon Society regarding the proposed revisions to chapter 78 of DEP's rules and regulations, 25 PA Code Chapter 78.

Our address is PO Box 4053, Williamsport, PA 17701. Our contact person is Daniel L. Alters, President.