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May 18, 2015

Department of Environmental Protection
Policy Office
400 Market Street, PO Box 2063
Harrisburg, PA 17105-2063

To whom it may concern,

Please accept these comments in relation to the revised Environmental Protection Performance Standards at Oil and Gas Well Sites (Chapter 78 and 78a). It is important as a Commonwealth that we continue to strive to protect our residents and environment from the dangers associated with natural gas drilling. I am encouraged by the continued advancement and strengthening of the proposed Chapter 78 Oil and Gas Regulations but believe there are several areas within the latest revisions that require additional improvement.

The revisions to sections 78.57-.59 dealing with open impoundments for the storage of natural gas waste are an improvement, but don't go far enough. I urge you to take the proposed rule a step further such as they have in the state of Illinois by banning the use of all frack pits regardless of size or location. To ban open impoundments for wastewater storage on well sites, but to still allow the industry to use huge open pits off-site to service multiple wells does not make sense. In Pennsylvania, open frack pits have been known to leak when the plastic liner tears. They've also been known to cause spills when they overflow from flooding or other high water events. These issues have led to contaminated surface water and resulted in the Department levying the largest fines against drillers in Pennsylvania, both over \$4 million, to Range Resources and XTO for water contamination due to leaking.

Additionally, all natural gas waste should be stored in completely enclosed tanks. We should take a lesson from the federal Bureau of Land Management who just this year released final rules to support safe, responsible hydraulic fracturing activities on public and tribal lands. One of the new requirements charges operators with the duty to manage recovered fluids in rigid enclosed, covered or netted and screened above-ground storage tanks, with very limited exceptions that must be approved on a case-by-case basis.

Clearly, industry should not be allowed to use tanks that have no lids; this simply creates an above ground impoundment that embodies many of the same concerns like overflowing and evaporation that come with earthen impoundments.

Companies should also be required to immediately close their pits or bring them under the standards of a residual waste permit. The three years from the implementation of the regulations that operators are being given is too long. These open impoundments have a history of incurring violations and a track record of water contamination. We simply can't wait three years to stop or improve this antiquated practice.

The revision to section 78.15 addressing public resources provides an opportunity to better protect the most vulnerable Pennsylvanians. Thus, I was pleased to see the agency's addition of schools and playgrounds to the definition of what is considered a public resource. Given the accidents like explosions and fires that have occurred, and documented water and air pollution from oil and gas infrastructure, it is imperative that we exercise the utmost precaution when making considerations that would allow this industrial operation to operate near areas that are especially vulnerable to environmental hazards. Approval for drilling near such locations warrants added protections as well as the opportunity for the potentially impacted community to weigh in.

However, the 200 foot proximity which triggers the additional requirements and consideration for a public resource is woefully inadequate. To improve protection DEP should require, at minimum, a one-mile setback of oil and gas wells, waste storage facilities, and any other infrastructure from the property boundary of any school property. This setback should also be applied to locations where other vulnerable populations reside, including nursing homes, hospitals, and day care centers.

Thank you for taking the time to review my comments. I appreciate your continued dedicated efforts to keeping our environment and all Pennsylvanians safe and healthy. Please do not hesitate to contact my office if you have any questions or require further information.

Sincerely,

A handwritten signature in cursive script that reads "Steve McCarter".

Steve McCarter
State Representative
Pennsylvania's 154th Legislative District