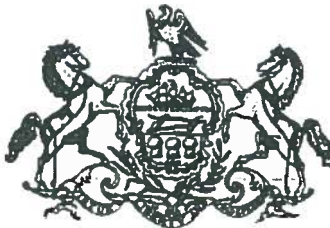


MARY JO DALEY, MEMBER  
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House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

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May 18, 2015

Pennsylvania Department of Environmental Protection  
Policy Office  
400 Market Street  
Harrisburg, PA 17101

Dear DEP:

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 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 you 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. 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.

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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.

I appreciate your continued dedicated efforts to keeping our environment and all Pennsylvanians safe and healthy.

Sincerely,

A handwritten signature in cursive script that reads "Mary Jo Daley".

Mary Jo Daley  
State Representative  
148<sup>th</sup> Legislative District