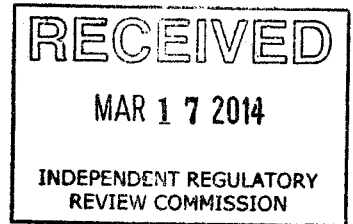


3042

**Comments on Proposed Act 13 Regulations  
State Rep. Steve McCarter  
March 14, 2014**



I appreciate the opportunity to offer comments on proposed regulations for Act 13 of 2012, to the Pennsylvania Department of Environmental Protection's Environmental Quality Board on the proposed revisions to 25 Pa. Code Chapter 78 (Oil and Gas Wells). The proposed regulations are necessary because our current regulations for drilling are outdated and inadequate given the large amount of land and water used, as well as the amount of waste and pollution produced in shale gas development. While critical, the regulations as proposed are nonetheless insufficient in properly regulating unconventional gas drilling in Pennsylvania. With that in mind, I would like to offer input on one critical aspect of the proposed regulations, the disposal and storage of drilling fluids and waste (Sections 78.56, 78.57, 78.58, and 78.59).

The DEP should prohibit operators from using all open waste pits, both temporary and permanent, for the storage of regulated substances; including wastewater, drill cuttings, and substances (like gels and cement) that return to the surface after fracking. Many spills, leaks, and other problems involving pits have occurred statewide that contaminate water, soil and air. Instead, the DEP should require that produced wastewater, flowback, and other contaminated fluids are stored in closed loop systems, with a secondary containment, and a leak detection system, in accordance with best industry standards.

Wastewater from fracking operations contains toxic chemicals that have been linked to a variety of negative health effects. The chemical components of

fracking fluids, for example, have been linked to cancer, endocrine disruption, and neurological and immune system problems. Wastewater brought to the surface by drilling can contain substances such as volatile organic compounds (VOCs) with potential impacts on air quality and human health. The practice of storing such substances in open air pits is a threat to the environment and our health. These wastewater pits can, and do fail. When they do, they may put the quality of our drinking water at risk, and present hazards to wildlife and our environment. In some cases, they are so volatile that they may catch on fire or explode, putting the lives of nearby residents and their property in danger. Best industry practices use closed loop systems which utilize tanks to store wastewater. The DEP can, and should, hold the industry to this same standard.

Thank you for your consideration, and the opportunity to comment on the proposed regulations.