

Cooper, Kathy

3042

**From:** RegComments@pa.gov  
**Sent:** Wednesday, January 08, 2014 2:24 PM  
**To:** Environment-Committee@pasenate.com; apankake@pasen.gov; IRRC;  
RegComments@pa.gov; eregop@pahousegop.com;  
environmentalcommittee@pahouse.net  
**Cc:** ra-epmsdevelopment@pa.gov  
**Subject:** Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites



**Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites**

**The Environmental Quality Board (EQB) has received the following comments regarding the above-referenced proposed rulemaking.**

**Commentor Information:**

Martin Resick  
(mresickcabin@yahoo.com)  
Box 249 365 Hemlock Bend  
Emlenton, PA 16373 US

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IRRC

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**Comments entered:**

Dear Sirs,

I am taking advantage of your comment period (by 2-12-14) to add my input regarding Act 13 of Pa. and its fracking consequences. I want to talk about the Act's shortcomings. My comments will fall under (a) water, (b) air, (c) waste disposal, (d) pipelines (which I understand fall under the PUC), and (e) health/administration/political aspects.

(a) Water -- guaranteed pure water by section 27, Pa Const.). The components of frack water that return to the surface (about 20-40% of what goes down the well) include about 150 toxic chemicals. The average weel returns a number of these 150 chemicals to settling pits, and hence also to the air. Four of the chemicals, among many others, have a terrible impact on humans (benzene, toluene, xylene, and various versions of formaldehyde). Benzene is a known carcinogen, as proven by the rubber workers of Ohio over an 80-year period, and more recently proven by a study of the rubber workers of China. There is no safe limit for benzene - a little in the air causes a small cancer spike, while a lot in the air causes a big cancer spike over time. It should never be allowed to be sent down the fracking well site. Toluene is the base for tri-nitro-toluene, or TNT, the explosive. It is a toxin and shouldn't be allowed. Ditto for xylene. There are non-toxic substitute chemicals that can be used, such as Clean-Stim and others. Formaldehyde is toxic (I got a bloody nose in biology lab in high school when we dissected frogs preserved in formaldehyde). If we truly care about what is in the frack waste water, we would be pushing the industry to adopt prevention of toxics at the source -- not putting them in the frack well and thus not having to deal with their health impacts.

Secondly, the casings of the frack wells (steel and concrete) fail anywhere from 5-14% (of all wells drilled) in the FIRST year, and between 10-30% within five years. This is a horribly high

percentage for an industrial process, and indicates a process out of control, and it must be lowered by aggressive action. Otherwise, water contamination complaints will continue to soar (approximately 500 in 2012 in Pa, approx. 400 in 2013 in Pa). If any other industry had a 5-14% failure rating of casings in the first year, that industry would be out of business. If DEP wants to save time, money, complaints, and aggravation of citizens, then this would be a great place to start by putting the spotlight on these failings, and push the industry to improve this dismal record.

(b) Air -- guaranteed clean air by the Pa. Constitution. The same chemicals (about 150 toxics) that are in the returning frack water get into the air, with health effects such as emphysema and skin rashes already showing up in Washington and Greene Counties. Need one mention that it is only a matter of time (5-10 years) before the cancers start showing up ? DEP does very little testing of VOCs (volatile organic compounds) - we apparently don't want to know what is in the air. And we allow fracking sites to be too close to our schools - a potentially disastrous policy, although local zoning might eventually correct this ill-chosen lack of foresight (thank you, Pa. Supreme Court).

(c) Waste Disposal. No one hears much about spills and leaks at fracking sites. They are in reports to DEP, and what is DONE by DEP, after a reported spill or leak, is not very transparent. We hear only about occasional fines. The fracking company also seems to be responsible for containment and cleanup of spills, but their emergency teams are spread throughout the country. Meanwhile, local emergency response teams at the County level have little input from, and no coordination with these company frack spill teams. This is a potential disaster waiting to happen. At least DEP should mandate cooperation and coordination with local county teams in order to be ready for emergencies. This should be in Act 13 and amendments.

(d) Pipelines. We know that intrastate pipeline inspection is under the PUC, while interstate pipeline inspection is under the feds. The PUC has too few inspectors to keep up with the vast expansion of the pipeline network within Pa. In addition, their inspections tend to be paperwork shuffling, rather than checking for leakage at pipelines and compressor stations. It is estimated that if methane leaks along pipelines and compressors that CURRENTLY show up and are not corrected, then the long-range impact of deep gas wells (over 100 years) is worse for global warming than coal. In other words, we might as well stay with coal if the leaks aren't corrected (methane is 95 times greater than CO<sub>2</sub> as a global warming gas, tho it dissipates quicker than CO<sub>2</sub>). And all these documented leaks have an explosive potential both in the countryside and near our cities. Amendments to Act 13 need to identify the pipeline problems (see the League of Women

Voters proposals) and give the public the assurance that this huge safety and environmental problem is being dealt with.

(e) Health/Administrative/Political issues. It does not help the situation that 4 of the last 4 Governors and at least 5 out of the last 6 DEP Secretaries have had ties to the oil and gas industry before, during, or after their terms of office. This is like the farmer asking the fox to guard the chicken coop ! We in Pa. have to take steps to reverse the revolving door, and to appoint knowledgeable non-gas and oil administrators. Of course, much of this falls on the voting public. We are becoming a state like the 1880's Pennsylvania, in which Standard Oil Company and JD Rockefeller did everything to the State and the Pa. Legislature, but refine it ! A couple of examples of our poor politics and administration:

- 1) the Health Dept. gets no new staff to follow up on health complaints near fracking sites - don't we want to learn what health problems might be arising, and thus help PREVENT them ?
- 2) the \$160,000 maximum fee for each wellsite over its lifetime is way below average when compared to other states - we are practically giving away our natural resources when you consider the costs in roads, bridges, and health that the fracking industry causes. \$160,000 over

the \$3-\$5 million profit from each well over its lifetime is 5% to 3%, or an average of 4% that returns to the state and local bodies. That might sound good, BUT West Virginia gets 6.5%, Texas gets 7.5%, and Oklahoma gets 7%. We are giving away our gas - we can do better! (We can't be that bad in negotiating?)

3) Pa. was cited in a 2011 study (League of Women Voters) as one of two states (the other was Alaska) which has totally ineffective gas line regulation and inspection, mainly because the laws are weak or non-existent. We can do better than this!

4) Oil and Natural Gas should be regulated like any other industry, and not be given special exemptions under the law, which of course the industry takes advantage of. We got suckered by the economic threat that the oil and gas industry will go elsewhere. Why would they need to go elsewhere,

when they only pay about 4% of profits, and have a friendly Governor and Legislature?

5) Not checking health effects in Pa. will come back to haunt us, and could cause huge liability problems for a Legislature and Governor(s) that were too quick to buy the line that "fracking has been proven to have no health effects". All of these companies know about their toxics, and their impacts, and that is why their list of chemical additives is kept as a "trade" secret.

Thank you for the opportunity to comment on changes to Act 13. Please take these in the spirit that they are given -- many improvements are needed in a very imperfect Act 13, and we should be working toward a world-class system, rather than an example of what not to do.

Sincerely, Martin J. Resick  
Box 249, 365 Hemlock Bend  
Emlenton, Pa. 16373  
814-358-2695  
mresickcabin@yahoo.com

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No attachments were included as part of this comment.

Please contact me if you have any questions.

Sincerely,  
Hayley Book

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Hayley Book  
Director, Office of Policy  
PA Department of Environmental Protection  
Rachel Carson State Office Building  
P.O. Box 2063  
Harrisburg, PA 17105-2063  
Office: 717-783-8727  
Fax: 717-783-8926  
RegComments@pa.gov