

3042

Cooper, Kathy

From: RegComments@pa.gov
Sent: Monday, January 13, 2014 11:03 AM
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

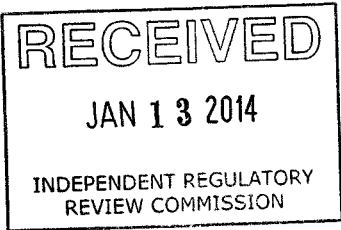


Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

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

Commentor Information:

William Anderson
 (robins45@gmail.com)
 2413 Madison Square
 Philadelphia, PA 19146 US



Comments entered:

Our streams and groundwater should be secure from pollution caused by the storage of wastes and fluids associated with oil and gas production operations. The definitions of "pit" and "freshwater impoundment" raise questions about that objective because they continue to incorporate the concept of "natural topographic depressions" within the definitions. We should not even suggest that Pennsylvania will allow fluids related to oil and gas operations to be managed in "natural depressions." All facilities used to hold fluids that may contain potential water pollutants should be specifically engineered for the task.

Proposed section 78.1 deletes the definition of "seasonal high groundwater table" even though that term is still used throughout the regulations, including in sections 78.56(a)(11), 78.59b(e). This definition should be maintained to ensure clarity and consistent enforcement.

Protecting the habitat and physical safety of vulnerable species is a critical part of ensuring biodiversity and the quality of our environment. The federal Endangered Species Act was designed to achieve these goals by making it unlawful for any person to harass or take a listed species, including adversely affecting the habitat of a listed species in a manner that effects a take. Similarly, state law currently imposes the obligation on operators to ensure that their activities will not adversely affect listed species or their habitat.

The proposed regulations change that obligation by only requiring gas operators to mitigate the impact of their operations on threatened or endangered species if the DEP determines that the well site location will adversely impact species or "critical habitat."

Because an operator proposing an oil or gas project stands to gain financially from the project,

and is in the best position to understand the scope and potential impact of its proposal, the operator (and not the DEP) should have the burden of determining whether its project would affect listed species and their habitat.

The proposed regulations allow for a public resource agency to receive notice of, and submit comments about, a proposed well permit that would affect its resources. The regulations, however, do not require the DEP to respond to those comments. To ensure that comments are adequately considered and that public resources are fully protected, the regulations should require the DEP to respond to comments submitted by public resource agencies.

The DEP is required by the Pennsylvania Constitution to protect the public's right to a clean environment. The proposed regulations provide that even though the DEP determines that a proposed well will have a probable adverse impact on a public resource, the DEP still cannot impose conditions that will prevent or mitigate that harm without first considering the impact of the condition on the individual mineral right owner's ability to "optimally" develop his or her oil and gas rights. This regulation inappropriately places the DEP, whose mission is supposed to be to protect and conserve Pennsylvania's environment, in the position of balancing protection of important public resources against individual property rights. Furthermore, it inappropriately, and potentially illegally, elevates the "optimal" development of oil and gas over the protection of important public resources against likely adverse impacts. These draft regulations do not give proper weight to the DEP's constitutional obligation to protect the environment. So long as the DEP's actions do not affect a taking of private property, the DEP should be obligated to take whatever actions are necessary to condition permits in a manner that protects important public resources.

The Chapter 78 regulations require the DEP to investigate instances of water pollution that occur near oil and gas wells. As part of its investigation, the DEP may determine that water pollution was caused by the "well site construction, drilling, alteration or operation activities." This set of activities is much more limited than the list of activities defined as "oil and gas activities" in Act 13. To ensure maximum protection of water resources, the DEP's investigation should extend to all oil and gas activities.

The current draft regulations prohibit well operators from building "centralized impoundments" for wastewaters within 100 feet of any "solid blue line stream" identified by the United States Geological Survey. Solid blue line streams flow consistently year round. This 100 foot buffer is important, but it should be extended to other streams that do not flow continuously. Although we recognize that Act 13 unwisely referred to "solid blue line streams," intermittent and ephemeral streams need to be protected as well. Some of our most vulnerable waters are intermittent portions of high quality streams. Those waters would not be adequately protected by these regulations. Furthermore, the DEP has an obligation to protect intermittent streams under the Clean Streams Law. Rather than attempt to make that decision on a case by case analysis, the DEP should extend this buffer to all Pennsylvania streams.

The draft regulations would allow well operators to dispose of residual waste in pits on well sites as long as they comply with certain minimal requirements. Because waste generated at oil and gas sites is exempt from the hazardous waste regulations, the result is that hazardous waste can be managed as residual waste and disposed at well sites with a single synthetic liner and no long-term groundwater monitoring. These minimal protections are inadequate.

As the DEP knows, many well-site disposal pits have leaked in recent years, contaminating surface and groundwater and dotting the Pennsylvania countryside with brownfield sites. Given the high risks of these mini-landfills, and the fact that their one and only advantage is fewer truck trips to landfills (and reduced cost for operators), the DEP should prohibit well site disposal of residual waste entirely. To the extent that the DEP continues to allow this method of waste disposal it should, at a minimum, require long-term groundwater monitoring and public notice of existing and future disposal sites.

Monitoring wells near "centralized impoundments" are essential tools for determining whether the stored fluids are polluting groundwater in the surrounding area. The draft regulations wisely

require three monitoring wells, but give the DEP the discretion to allow the operator to substitute natural springs for monitoring wells. This is inappropriate. Natural springs are not engineered to provide reliable and repeatable data on groundwater conditions because, among other things, they are susceptible to variability based on precipitation events and subject to contamination from surface flow. Monitoring of natural springs down gradient of centralized impoundments is appropriate, but that monitoring should be done in addition to, not instead of, construction and maintenance of monitoring wells

The rulemaking proposes to allow engineer certifications that pits and impoundments have been correctly constructed in lieu of DEP inspections. If the DEP is not itself capable of ensuring proper construction of facilities such as centralized impoundments, these certifications should be submitted under penalty of law for unsworn falsification to authorities (18 P.S. § 4904) so that any intentional falsification can be prosecuted criminally. The DEP should also mandate better self-monitoring by requiring that photographs or video be taken of the finished construction so that there is evidence of the site construction that can be reviewed after the fact.

If waste is disposed at well sites, a sample of the material should be taken and analyzed. This sample should be sent to the agency to demonstrate that drill cuttings are not contaminated, and that any residual waste does not exceed legal limits. The regulations do not currently require that the operator use any scientific methodology to demonstrate compliance.

Collection and analysis of chemical waste samples that are intended to be disposed of onsite needs to be a mandatory requirement. The draft regulations leave this to the discretion of the operator, which should not be permitted. This is particularly important where a disposal site does not need to be inspected by the agency prior to closure, and there is no provision for long term monitoring of ground water.

Section 78.70 of the DEP's proposed oil and gas regulations would authorize the road-spreading of brine from conventional wells for dust control on dirt and gravel roads. Proposed section 78.70a would authorize the road-spreading of brine for de-icing purposes. Both sections would deem any operator that spreads brine on roads to have a "permit-by-rule" for the beneficial use of residual waste as long as the operator complies with the proposed Chapter 78 regulatory scheme.

DEP's approach is troublesome for two reasons. First, because the proposed regulations do not ensure compliance with the DEP's anti-degradation program or contain adequate chain-of-custody requirements, the risks of spreading brine on roads outweigh the benefits, which are largely confined to disposal-cost savings for the industry.

No attachments were included as part of this comment.

Please contact me if you have any questions.

Sincerely,
Hayley Book

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

Cooper, Kathy

From: RegComments@pa.gov
Sent: Monday, January 13, 2014 10:49 AM
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

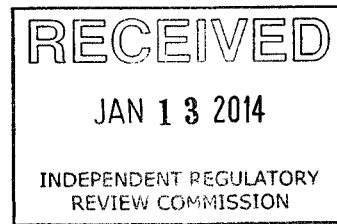


Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

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

Commentor Information:

Sheryl J Keshishian
PA resident and VOTER (thmythe@gmail.com)
1001 City Ave Unit WB 312
Wynnewood, PA 19096 US



Comments entered:

I believe the companies that drill for gas and oil should do so carefully. The ability to drill without checking existing sites can only create a wasteland. No business should be allowed to foul the air or water. If so, they must restore the water to a standard accepted by the Fed. Govt. The land must also be restored to acceptable standards. Hazardous waste must be hauled off the property as hazardous waste and not dumped in a poor neighborhood. In short, since these companies do not live in the neighborhoods they are destroying, they must treat it well. They would not want their families dying from contaminated air and water and neither do we want to be sickened by their sloppy actions. Pennsylvania need not become a superfund type site because of greedy actions of a few companies. Thank you.

No attachments were included as part of this comment.

Please contact me if you have any questions.

Sincerely,
Hayley Book

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
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RegComments@pa.gov

Cooper, Kathy

From: RegComments@pa.gov
Sent: Monday, January 13, 2014 10:38 AM
To: Environment-Committee@pasenate.com; apankake@pasen.gov; IRRRC;
RegComments@pa.gov; eregop@pahousegop.com;
environmentalcommittee@pahouse.net
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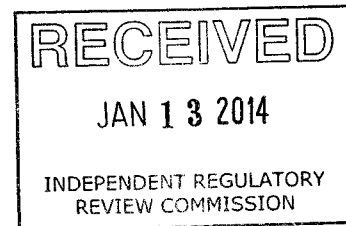


Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

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

Commentor Information:

David Caldwell
(dpcaldwell@burnsandburns.com)
Anonymous
Anonymous, PA 00000 US



Comments entered:

No text comments were provided as part of this comment submittal. Please refer to attachments below.

These links provide access to the attachments provided as part of this comment. You are advised to save the attachments to your local computer or a network share when prompted by your browser.

Comments Attachment: [_0110131317_001.pdf](#)

Please contact me if you have any questions.

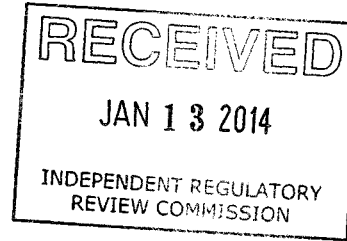
Sincerely,
Hayley Book

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

3042

ENVIRONMENTAL QUALITY BOARD
P.O. BOX 8477
HARRISBURG, PA 17105-8477



Dear Board Members:

I lease my land for oil and gas development; I receive royalty payments for production from conventional oil and gas well. It has come to my attention that the Department of Environmental Protection (DEP) has proposed changes in regulations affecting the oil and gas business.

I understand that these new and modified regulations will unnecessarily increase costs for oil and gas companies, and will be particularly costly for companies operating conventional oil and gas wells. While the regulations will significantly increase costs, the regulations will not result in significant environmental benefits in the conventional oil and gas industry.

The oil and gas industry is vital as an economic engine as well as a job supplier. As a taxpayer, I rely on the money I receive from the oil and gas development on my property, especially during these difficult economic times. The increase in costs for the oil and gas industry directly affects my financial situation and will ultimately lessen my income. Ironically, under existing regulation the conventional oil and gas industry has had a minimal impact on our environmental resources. Why do the new regulations make such significant changes to the conventional oil and gas industry?

I strongly oppose these new regulations. In addition to causing severe economic harm to the oil and gas industry, they will have detrimental effects to the community as a whole. More regulations, at a time when the economy is so unstable, is reckless and will only damage our economy further. And, all of these negative consequences will result from new regulations that will bring insignificant environmental benefits.

For these reasons it is important that these new regulations not be passed in their current form. Please vote "NO" to the current regulations until they are altered to account for the economic well-being of the Commonwealth of Pennsylvania.

Sincerely,

A handwritten signature in cursive script, followed by the date "1/10/14" written in a similar style.

Cooper, Kathy

From: RegComments@pa.gov
Sent: Monday, January 13, 2014 10:35 AM
To: Environment-Committee@pasenate.com; apankake@pasen.gov; IRRIC;
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

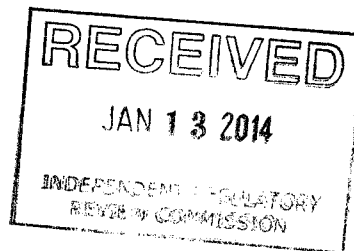


Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

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

Commentor Information:

J. Michael Atherton
(atherton@setonhill.edu)
Anonymous
Anonymous, PA 00000 US



Comments entered:

I oppose fracking and all the pipeline infrastructure it requires for many reasons:

1. Water and air pollution from fracking will decrease my property value. A spill into the Beaver Run Reservoir, where my drinking water is found, may well make it impossible to sell my house.
2. The fracked gas belongs to foreign companies who have no concern for energy in the USA. These companies will take their property, i.e. the fracked gas, turn it into Liquefied Natural Gas (LNG) and sell it to China and India. The companies get all the profits and we in Pennsylvania get nothing but risks.
3. LNG is a prime terrorist target. If one LNG tank is detonated it can have the destructive equivalent of a low yield nuclear device. We already have LNG collection areas in populated areas, such as Philadelphia.
4. Investing in fracked gas distracts our engineers, researchers, and especially investors from exploiting sustainable sources of energy such as solar, wind, geothermal, hydro, and energy efficiency. Fracked fossil fuel is not a "bridge" energy, it is a dead end.
5. Fracking pollutes the air and the water. 5% of the wells fail immediately. Can you imagine NASA telling the public that 5% of our space flights will fail immediately? If it would be insane to court such a high immediate failure rate in space travel, surely it is equally insane to court environmental disasters here on earth.
6. Natural gas pollutes long before we burn it. The drilling pollutes. The gathering of the gas pollutes. The transportation pollutes. "Cleaning" the gas pollutes. It is NOT a clean source of energy.
7. Burning fossil fuel increases our carbon footprint which increases climate change which costs

us money.

8. Burning fossil fuel pollutes which harms our health which costs us money and suffering.

9. Burning fossil fuels is not necessary. Even using the technology we have today, we have enough renewable energy sources to power the economy of the entire USA. Who knows what ingenious changes we will develop in the future if we get our heads out of holes in the ground and look skyward for our future energy.

10. The bulk of fracking jobs are low pay, short term, dangerous and unhealthy. Safe and high paying jobs go to a select few and often to those not from Pennsylvania.

11. Renewable energy technology and expertise is a growth industry, but it will grow only with help and the support for oil and gas distracts money into established companies to the detriment of renewable energy companies.

12. Any one of the 11 points above justifies stopping fracking today. Taken together they condemn fracking for the dangerous, uneconomic, and distracting source of foreign corporate profits that it is.

J. Michael Atherton, Ph.D.

No attachments were included as part of this comment.

Please contact me if you have any questions.

Sincerely,
Hayley Book

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
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RegComments@pa.gov

Cooper, Kathy

From: RegComments@pa.gov
Sent: Monday, January 13, 2014 10:18 AM
To: Environment-Committee@pasenate.com; apankake@pasen.gov; IRRC;
RegComments@pa.gov; eregop@pahousegop.com;
environmentalcommittee@pahouse.net
Cc: ra-epmsdevelopment@pa.gov
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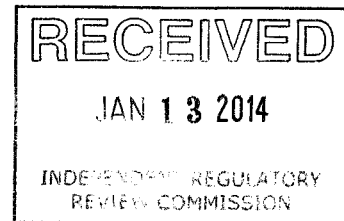


Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

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

Commentor Information:

Kellie O'Heron
(kellie.oheron@gmail.com)
2020 Fairmount Ave Apt. 1
Philadelphia, PA 19130 US



Comments entered:

Thanks for taking public comments on the state's oil and gas regulations, known as Chapter 78 of the Pennsylvania Code. I want to make sure that the new regulations protect the air, water, and health of everyone in PA.

Here are my recommendations:

The DEP should require drilling company operators to restore contaminated drinking water to a quality that meets Safe Drinking Water Act standards, no matter what the quality of the water prior to drilling.

Drilling company operators should be prohibited from using open pits for storage waste. Many spills, leaks, and other problems involving open pits have occurred statewide that contaminate water, soil and air.

When it comes to waste disposal, drilling company operators should follow the federal regulation of hazardous substances that other industries have to follow.

Drillers must identify existing wells before site and well construction and drilling (not just fracking), so that the location of a new well can be changed if needed. Drillers should then be responsible to plug and seal or otherwise appropriately address abandoned and orphaned wells according to state safety standards prior to well site construction.

Sincerely,
Kellie

No attachments were included as part of this comment.

Please contact me if you have any questions.

Sincerely,
Hayley Book

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

Cooper, Kathy

From: RegComments@pa.gov
Sent: Monday, January 13, 2014 12:30 PM
To: Environment-Committee@pasenate.com; apankake@pasen.gov; IRRC; RegComments@pa.gov; eregop@pahousegop.com; environmentalcommittee@pahouse.net
Cc: ra-epmsdevelopment@pa.gov
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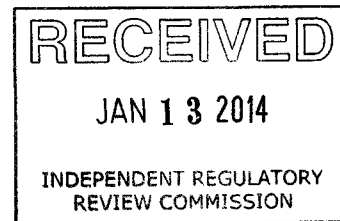


Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

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

Commentor Information:

Caitlin Sullivan
(CSullivan@communityenergyinc.com)
810 E Hector Street
Conshohocken, PA 19428 US



Comments entered:

Thanks for taking public comments on the state's oil and gas regulations, known as Chapter 78 of the Pennsylvania Code. I want to make sure that the new regulations protect the air, water, and health of everyone in PA.

Here are my recommendations:

- The DEP should require drilling company operators to restore contaminated drinking water to a quality that meets Safe Drinking Water Act standards, no matter what the quality of the water prior to drilling.
- Drilling company operators should be prohibited from using open pits for storage waste. Many spills, leaks, and other problems involving open pits have occurred statewide that contaminate water, soil and air.
- When it comes to waste disposal, drilling company operators should follow the federal regulation of hazardous substances that other industries have to follow.
- Drillers must identify existing wells before site and well construction and drilling (not just fracking), so that the location of a new well can be changed if needed. Drillers should then be responsible to plug and seal or otherwise appropriately address abandoned and orphaned wells according to state safety standards prior to well site construction.

No attachments were included as part of this comment.

Please contact me if you have any questions.

Sincerely,
Hayley Book

Hayley Book
Director, Office of Policy
PA Department of Environmental Protection
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RegComments@pa.gov

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Cooper, Kathy

From: RegComments@pa.gov
Sent: Monday, January 13, 2014 10:29 AM
To: Environment-Committee@pasenate.com; apankake@pasen.gov; IRRC;
 RegComments@pa.gov; eregop@pahousegop.com;
 environmentalcommittee@pahouse.net
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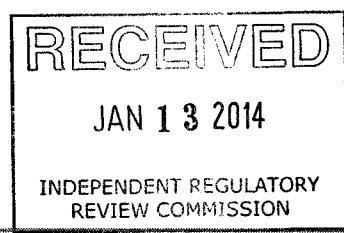


Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

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

Commentor Information:

Janet Heinaman
 Crosbys S Bradford (oasis86@atlanticbbn.net)
 Anonymous
 Anonymous, PA 00000 US



Comments entered:

The new Chapter 78 regulations should not be passed into law until the conventional producers are excluded. Small producers can not afford to comply and will be forced out of business which will affect many other business in our community including ours.

Please take the time to consider the impact on our community.

Thank you,

Janet Heinaman
 Crosbys S Bradford
 Store 86
 814-362-7425

No attachments were included as part of this comment.

Please contact me if you have any questions.

Sincerely,
 Hayley Book

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
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