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Clean Air Council Testimony on Proposed Revisions to Chapter 78 Oil and Gas Regulations

My name is Matt Walker and I am the Community Outreach Director for Clean Air Council, a member-supported Pennsylvania environmental-health organization with the mission to protect everyone's right to breathe clean air. The Council has members throughout Pennsylvania impacted by oil and gas operations.

Clean Air Council has several recommendations for the Pennsylvania Department of Environmental Protection's (DEP) proposed revisions to Chapter 78, three of which I will highlight tonight. The Council is calling for a complete ban on open wastewater impoundments, more rigorous standards to address abandoned wells, and a ban on drilling near public resources such as parks and forests.

Open impoundments that store flowback water used in the fracking process pose a health risk to nearby landowners from pollutants that evaporate or degrade from chemicals in pits, or are released into the environment and vaporized into a community's air. For instance, multiple residents in southwest PA who live near a centralized wastewater impoundment had blood and urine analyzed and were told by doctors that they had chronic exposure to volatile organic compounds (VOCs). Some doctors believed their patients' levels were high enough to advise moving away from the impoundments. The Council supports DEP's ban of central wastewater impoundments, but even so-called temporary impoundments storing hazardous chemicals can still have serious health and environmental impacts, are not needed and should not be allowed. While the Council believes that no allowances should be made for open storage pits, the suggested 9 months would be far too long to allow for temporary storage at a drilling site.

There are many justifications for why DEP should ban all open wastewater impoundments. The technology exists to properly contain hazardous substances in closed-looped systems and tanks immediately after fracking and completion occurs, as some companies in Pennsylvania are already using it.¹ North Dakota and Illinois have already implemented bans on open wastewater

¹ http://www.chiefog.com/marcellus_shale_best_practices.html

impoundments except for emergency situations. Even the conservative and industry supported Center for Sustainable Shale Development includes in their standards a condition to use closed-loop systems to eliminate the use of pits for all wells.² In addition, DEP should prohibit operators from storing any solid wastes such as drill cuttings in open pits. Drill cuttings can contain radioactive materials that pose serious health risks to workers and nearby residents.

The Council also urges DEP to more adequately address abandoned and orphaned wells in the proposed Chapter 78 revisions. According to DEP estimates, there are an estimated 200,000 abandoned wells in Pennsylvania. Unplugged wells will continue emitting gases such as methane and VOCs over time and DEP has dealt with dozens of situations in which methane reached the earth's surface through abandoned wells. There have also been cases in Pennsylvania in which companies drilled into abandoned wells, one in particular that resulted in a 30 foot methane geyser and required multiple flares over many days to remediate. Some estimates show old wells in our state alone could be emitting tens of thousands of tons per year of methane, an extremely potent greenhouse gas, and VOCs, which include chemicals known or suspected to cause cancer in humans.

It is critical that DEP require companies to identify existing abandoned wells and to appropriately address these wells before site construction and drilling occurs. Drilling companies must be responsible for preventing pollution and accidents from occurring by correctly plugging, sealing, or otherwise remediating potential issues caused by the presence of old wells. This would save a company time and money from removing the risk of potential accidents and subsequent remediation.

In addition, DEP should require companies to search within a quarter mile radius of a proposed drilling site for potential abandoned wells and to also include other pathways for methane in their search, such as major and minor fault lines and fractures. Companies should be required to

² <https://www.sustainableshale.org/wp-content/uploads/2013/09/Performance-Standards-rev.-8.19.13.pdf>

contact landowners to ask about any known abandoned wells. The Council urges DEP to update their maps with any new information and make the data available to the public on their website.

Lastly, the Council believes that no drilling or fracking should be allowed in or near our parks and forests. DEP's current proposal in the Chapter 78 revisions requires companies to notify relevant agencies when applying for permits within 200 feet of a public resource. This distance and low hurdle for applicants is woefully inadequate to protect public resources from the impacts and nuisances of fracking and flaring. The Council believes DEP should prohibit drilling on and at least a half mile around key public resources including publicly owned parks, forests, game land or wild life areas, national natural landmarks, or historical or archaeological sites. These special areas belong to the public, provide significant ecological, recreational, and economic benefits, and should therefore be preserved for the enjoyment of present and future generations.

Thank you for the opportunity to comment on the proposed revisions to Chapter 78. Please take the comments you hear tonight into serious consideration.