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Pipeline Safety Coalition

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January 9, 2014

Environmental Quality Board  
Public Hearing on Proposed Oil and Gas Regulations  
West Chester University  
Sykes Student Union Theater  
110 West Rosedale Avenue  
West Chester, PA 19383

Distinguished Panel,

Pipeline Safety Coalition wishes to thank you for the opportunity to speak at this public hearing for the purpose of DEP accepting comments on the proposed Chapter 78 *Environmental Protection Performance Standards at Oil and Gas Well Sites* rulemaking. We understand the proposed regulation implements consideration of impacts to public resources, such as parks and wildlife areas; the prevention of spills; the management of waste; and the restoration of well sites after drilling, includes standards affecting the construction of gathering lines and temporary pipelines, and includes provisions for identifying and monitoring abandoned wells close to proposed well sites.

PSC's focus in the rulemaking is on pipelines. Although pipelines don't necessarily jump out in this discussion of *Standards at Oil and Gas Well Sites*, we believe they should. The universally inherent problem of secondary consideration of pipelines in Oil and Gas development is outdated and is ironic since drilling wells and producing - gas - oil - water - in most cases starts and ends with pipelines. Chapter 78 offers the venue for such regulatory acknowledgment of pipelines as integral in oil and gas operations.

Industry knows pipelines are foundational in oil and gas development. It is time for our environmental quality reviews to acknowledge this fact. At well sites alone there are various temporary - permanent, freshwater - flowback pipelines; pipelines associated with well installations, containment pit pipes, production and gathering, oil, gas and byproduct pipelines, fluids management, and storage by pipes...to name a few. We assert it is incumbent upon PA DEP to incorporate pipeline regulatory review in stringent, prescriptive terms.

While interstate and some intrastate & gathering pipelines are monitored and/or regulated, many pipelines associated with oil and gas production are not, yet pipeline review, regulation and impacts in well production largely appear non prescriptive in Chapter 78. We offer that Chapter 78 should incorporate more prescriptive language and stringent cumulative impact reviews in regard to pipelines associated with oil and gas well sites.

We offer an example of why regulatory language needs to be prescriptive. During House and Senate debates prior to enactment of ACT 13, PSC discussed pipeline implications of the bills with a PA State Senator who firmly believed that the language of "transportation" was unrelated to pipeline infrastructure; rather he believed transportation referred to transport by vehicle of people and or materials. The point is, if regulatory language is obscure enough to confuse legislators, we cannot

expect meaningful legislative results. If language in Chapter 78 is not prescriptive, we cannot expect meaningful environmental protection in oil and gas development.

In support we note:

- 1) § 78.1: Definitions. Pipeline infrastructure is listed as a subcategory of Oil and Gas Operations:
  - (i) oil and gas pipelines;
  - (ii) natural gas compressor stations; and
  - (iii) natural gas processing plants or facilities performing equivalent functions;

Recommendation: this subcategorizing is incomplete, misleading and a vague representation of pipelines associated with Oil and Gas Operations.

*Although it is perhaps appropriate to include pipeline infrastructure as a subsection of Oil and Gas Operations, Pipeline Infrastructure should be a primary definition in Chapter 78, as was gathering lines. Inclusive and accurate definitions, purpose and function of pipeline infrastructure in oil and gas operations is needed for holistic assessment of cumulative impacts.*

- 2) Recommendation: Chapter 78 could review its definition of a Gathering Pipeline as a pipeline that transports oil, liquid hydrocarbons or natural gas from individual wells to an intrastate or interstate transmission pipeline to a more inclusive definition as used by US DOT PHMSA: "Gathering pipelines transport gases and liquids from the commodity's source - like rock formations located far below the drilling site - to a processing facility, refinery or a transmission line. In the past, most gathering lines were built in minimally populated areas, used smaller-diameter pipelines that operated at lower pressures, and appeared to pose a much lower risk than for other types of pipelines." In Pennsylvania it should be noted that gathering lines in unregulated Class One areas may be sized 20 -60" and operating at a 700-1300 psi, equivalent to transmission lines.

**§ 78.15. Application requirements:**

"An application for a well permit shall be submitted... and contain the information required by the Department to evaluate the application...." appears to be absent of pipeline infrastructure requirements.

Recommendation: include pipelines and infrastructure in application information requirements.

- (g) If the proposed well, well site or access road poses a probable harmful impact to a public resource, the Department may include conditions in the well permit to avoid or mitigate those impacts to the public resource's current functions and uses...to protect against a probable harmful impact of the public resource.

Recommendation: Long term probable harms of pipelines and pipeline infrastructure caused by deforestation and ROW maintenance may pose a more permanent probable harm than access roads. Pipelines should be included for their probable harmful impact .

**§ 78.52a. Abandoned and orphaned well identification.**

Recommendation: Require identification of existing/abandoned pipeline infrastructure

- § 78.53. Erosion and sediment control:** sites activities related to siting, drilling, completing, producing, servicing and plugging the well, constructing, utilizing and restoring the access road and restoring the site..."

Recommendation: Prescriptive language should be included for erosion and sediment control for pipelines and pipeline infrastructure.

Additional Sections that appear to lack appropriate prescriptive pipeline infrastructure review include:

- § 78.56. [Pits and tanks for t]Temporary [containment] storage
- § 78.57. Control, storage and disposal of production fluids
- § 78.58. Existing Pits used for the control, storage and disposal of production fluids.]
- § 78.59b. Freshwater impoundments
- § 78.62. Disposal of residual waste—pits
- § 78.63. Disposal of residual waste—land application
- § 78.64. Containment around oil and condensate tanks
- § 78.65. Site restoration
- § 78.68. Oil and gas gathering lines.
- § 78.68a. Horizontal directional drilling for oil and gas pipelines.
- § 78.68b. Temporary pipelines for oil and gas operations

PSC respectfully recommends that proposed Chapter 78 *Environmental Protection Performance Standards at Oil and Gas Well Sites* rulemaking should:

- 1) incorporate stringent and prescriptive language for environmental protection performance standards for pipelines commensurate to function and cumulative impacts of pipelines in gas and oil development
- 2) include "Pipeline and Pipeline Infrastructure" in the section: Definitions.
  - 1) Pipeline categories, definitions and prescriptive regulatory language should be reviewed
- 3) review Chapter 78 *Definitions* for accuracy and inadequacies
- 4) define provisions for assurance that pipelines used to transport flow back may not be used to withdraw and transport fresh water
- 5) use prescriptive language in categorizing pipelines by what they carry
- 6) define pipeline material requirements in prescriptive language by categorizing pipelines by what they carry (residual waste, production fluids, condensate, oil, gas)

PSC supports public participation in making regulations stronger and more protective of air, water, and health. We therefore request the comment period be extended to 120 days to allow sufficient time for public review and that DEP schedule additional hearings in locations with extensive gas development.

Respectfully submitted,



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