

3042

Cooper, Kathy

**From:** RegComments@pa.gov  
**Sent:** Tuesday, January 21, 2014 4:32 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:

Laurie Plank  
(lauriep@juno.com)  
122 Shetland Dr  
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2014 JAN 22 AM 9:53

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IRRC

Comments entered:

I don't know if you believe you are here on this planet to fulfill a purpose, but I hold such a belief. I know my purpose is to be a voice for the earth. In fact I have a master's degree in the little known field of ecopsychology which believes that our psyches are intimately connected to the natural world, and our mental, physical and spiritual health depend upon our honoring and nurturing this connection. I grew up walking barefoot through the south central Pennsylvania mountains and fields, and dangling those same feet in the icy cold waters of her creeks and rivers. I love my home, and I believe you do too.

You won't be surprised when I say I am opposed to any of our current methods of obtaining shale gas. I don't believe it can be done without harming our environment and ourselves. That is, the cost:benefit ratio is unacceptably high. Among other things, fracking releases significant amounts of methane(CH4) into the atmosphere. According to the U.S. Environmental Protection Agency, "Pound for pound, the comparative impact of CH4 on climate change is over 20 times greater than CO2 over a 100-year period (<http://www.epa.gov/climatechange/ghgemissions/gases/ch4.html>). A better solution might aim toward limiting our growth and conserving our precious resources. With this said, I resign myself to addressing the specifics of current regulatory proposals.

In section 78.1, brine is defined to be a regulated substance, spillages of which are to be reported. Then later in section 78.70 operators are given permission to spray brine on road surfaces. It should be needless to say that this use of brine is unacceptable and dangerous. Section 78.56 allows open pits to be used as temporary storage structures for containment of wastes used in the hydraulic fracturing process. Open pits are not acceptable as either temporary or permanent storage structures. Heavy precipitation or earth movement such as

from earthquakes or nearby fracking operations could cause wastes in open pits to be released into the surrounding environment including the groundwater. Potentially dangerous substances should be stored in closed containers that have been designed to safely sequester such substances. These containers should be approved by the DEP or engineers hired by DEP at the expense of the well drilling company.

Section 78.15 discusses the actions that must be taken if the well will be located in an area which will impact endangered species, or will pose a "probable harmful impact to a public resource." The actions, which include submitting a plan that shows how the impact will be lessened or mitigated, are unacceptable. No permit should be given to an operator who is proposing to install a well in these sensitive areas. I find it especially egregious that section 78.15 (g) contains the following wording: "The Department shall consider the impact of any potential permit condition on the applicant's ability to exercise its property rights with regard to the development of oil and gas resources and the degree to which any potential condition may impact or impede the optimal development of the oil and gas resources." The DEP's mandate should be to protect the environment. It is in no way obligated to "be fair" to the landowner/operator, and requiring it to be so would cause a conflict of interest.

Section 78.59(c) prohibits building impoundments for wastewaters within 100 feet of "solid blue line" streams, but does not extend the 100 foot buffer to intermittent and seasonal streams. Obviously, this oversight must be corrected.

Section 78.62 allows the operator to store residual waste at the drill site. Considering the increasing number of brownfields that have been created by leaking disposal pits, this practice should be disallowed entirely.

In section 78.65 it states that a well site will be considered restored if it is returned to its "approximate original conditions," and if it can support the original land uses to the extent practicable." This language is vague, and as such, "practically meaningless." I would like to see specific rules, guidelines, and definitions regarding the restoration of a site. Exactly how will DEP determine if a site has been restored? Does approximate mean 90%? How will site restoration be measured?

Section 78.65 also states that a site will be considered restored if the landowner gives written consent. The landowner is not likely an expert on what constitutes a healthy, restored ecosystem. The regulations should require written testimonies by experts in the area of environmental restoration as well as consent of the landowner.

In general, I think more meaningful penalties should be in place for well operators who fail to follow any of DEP's regulations, including criminal penalties for intentional disregard of regulations.

We abuse land because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we may begin to use it with love and respect. ~Aldo Leopold, A Sand County Almanac

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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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**Cooper, Kathy**

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**From:** RegComments@pa.gov  
**Sent:** Wednesday, January 22, 2014 10:02 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:

JUDE VAVALA  
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4 RAILROAD ST  
STMARYS, PA 15857 US

2014 JAN 22 AM 10:00

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Comments entered:

I am writing to the EQB board to object to the proposed regulations in the new Oil and Gas Act. Conventional well operators in Pa. cannot survive using the same rules and regulations as the unconventional operators. Our company has 2 owners and 2 employees. We would not be able financially to hire a compliance officer and environmental engineer to comply with all of these regulations. It would make more sense to leave the regulations already in place for small operators and require the horizontal shale play people to have their own dep regulations. Many of us small well operators will be forced (regulated) out of business. This will have a greater than you realize economic effect on the entire area. People will lose jobs. Please repeat this phrase over and over---People will lose jobs. I implore the board to use their expertise in these matters and also to use common sense to modify the proposed oil gas act by making changes we can all live with. Thank you for reading this. Jude Vavala

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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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