



WILLIAMSPORT MUNICIPAL WATER AUTHORITY
253 WEST FOURTH STREET
WILLIAMSPORT, PA 17701
(570) 323-6148

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January 22, 2014

Environmental Quality Board
Pennsylvania Department of Environmental Protection
PO Box 8477
Harrisburg, PA 17101-2301

Re: Proposed amendments to 25 PA. CODE Chapter 78 (relating to oil and gas wells)

Dear Members of the Board:

The Williamsport Municipal Water Authority (WMWA) provides high quality public water supply to a large portion of the residents and businesses of Lycoming County which is a major center of Marcellus shale natural gas development and its associated economic activity within the Commonwealth. As evidenced by the recent events affecting public water supplies using the Elk River in West Virginia, spills from chemicals used in mineral extraction industries can have serious health and economic impacts on the public. Our Authority strongly believes that proactive protection of our drinking water resources should be among the Commonwealth of Pennsylvania's highest priorities.

We are concerned that the current Chapter 78 Environmental Protection Performance Standards for Oil and Gas Well sites which regulate natural gas operations, as proposed, do not provide sufficient protection from potential adverse impacts of gas well drilling and associated activities on the recharge areas associated with our drinking water resources.

With the assistance of the U.S. EPA and the PA Department of Environmental Protection, a Source Water Protection Plan for our public drinking water sources was developed which included Source Water Protection Zones (SWPZs) to delineate sensitive surface supply and groundwater recharge areas which may be vulnerable to contamination. The SWPZs are used to identify and evaluate risks of potential contamination threats to the drinking water supply in order to help prevent and mitigate the impact of any contamination incidents from such identified potential sources.

The relatively new and large-scale development of natural gas drilling and pipeline operations in some of our delineated source water supply areas raise significant risks of contamination to surface and groundwater supplies from activities associated with unconventional gas development including, but not limited to, changes to the land use in sensitive recharge areas, erosion and sedimentation, the potential for aquifer contamination from inadequately cased and cemented well bore holes through fresh water zones and orphaned and abandoned wells, and spills and leakage from well pads, access roads, compressor stations or transmission lines. There have already been such incidents within watersheds which drain to and recharge our drinking water supplies.

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While we support all of the proposed changes in the Chapter 78 regulations which strengthen performance standards for natural gas operations and improve the degree of protection for our water supplies, we believe that the regulations also need to require the Department, as part of the gas well drilling permitting process, to utilize the specific SWPZ delineations for public water supplies, where available and appropriate, to expand the prescribed set isolation distances from public water supply sources used throughout the regulations. These SWPZ delineations were developed by professional geologists, approved by DEP staff, and were mapped in electronic format which could easily be included into the e-Facts system and referenced by Department staff during the permit review process. The regulations should specifically require the use of these delineations and enable the Department staff to condition, deny or modify well drilling permits where necessary to prevent potential contaminants from reaching sensitive surface and ground waters in order to adequately protect drinking water supplies.

There are additional sections of the Chapter 78 regulations which need to be modified to better protect fresh groundwater aquifers and surface sources of public water supplies. The provision in Section 78.15 (f) for a 15 day notification of public water suppliers and requirement for the public water supplier to respond with comments in 15 days is woefully inadequate and places an undue burden of responsibility on the public water supplier. In addition to an increase in the notification periods to at least 30 days, the Department, with or without notice from the public water supplier, needs to proactively identify applicable sensitive delineated SWPZs to the well permit applicant and require the applicant to address any necessary appropriate measures of additional protection. Public water suppliers would need at least 60 days to review and comment on the Department's determinations as provided for in Section 78.15 (g) once made.

We appreciate this opportunity to comment on the proposed Chapter 78 regulations, and urge the Department to carefully consider additional measures to protect Source Water Protection Zones of public water supplies during the permit review process for natural gas wells, pipelines, and associated facilities.

Sincerely,

THE BOARD OF THE WILLIAMSPORT MUNICIPAL WATER AUTHORITY

Douglas E. Keith
Executive Director



c. Marcus Kohl, Regional Director, PADEP



WILLIAMSPORT MUNICIPAL WATER AUTHORITY
258 WEST FOURTH STREET
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January 23, 2014

To the Pennsylvania Environmental Quality Board:

SUMMARY OF COMMENTS ON PROPOSED CHAPTER 78 REGULATIONS

Protection of the high quality surface waters and aquifers which are used as sources of public drinking water supplies needs to be among the highest priorities of the Commonwealth. Great economic and health-related damage can result from contamination of public drinking water supply sources (as illustrated by the recent incident on the Elk River in West Virginia).

The proposed amendments to 25 PA. Code Ch. 78 as published in the PA Bulletin on December 14, 2013 are welcomed as a major step toward responsibly regulating the process of permitting surface activities associated with development of oil and gas wells.

The proposed regulations need to be further strengthened under Section 78.15 to require Department staff reviewing applications and developing permits for oil and gas well drilling and associated activities to

- Utilize delineated Source Water Protection Zones (SWPZs) developed by professional hydrogeologists as part of the creation of Source Water Protection Plans approved by the Department;
- Notify the oil and gas permit applicants of public water supply SWPZs which have been developed in the areas of the proposed oil and gas activities;
- Develop appropriate isolation distances and setback requirements for oil and gas well pads and associated facilities from streams and aquifers, based on published SWPZs information in the areas of those applications, which may be greater than the currently proposed set default isolation distances;
- Set any other reasonable and appropriate permit conditions necessary to proactively protect the sensitive source waters in the delineated SWPZs.

The proposed regulations also need further amendment to

- Increase the time period in Section 78.15(f) for public water suppliers to respond with comments to at least 30 days after receipt of notice from the Department;
- Provide in Section 78.15(g) for public water suppliers, near whose SWPZs a proposed permit is being considered, to respond with comments on the draft permit within 60 days of notice of availability by the Department.

The Board of the Williamsport Municipal Water Authority appreciates this opportunity to comment on this very important rulemaking which needs to be strengthened and adopted to provide significant benefit in protecting the public health and economy of the Commonwealth.