

3042

**Cooper, Kathy**

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**From:** RegComments@pa.gov  
**Sent:** Friday, January 24, 2014 1:04 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.**

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IRRC  
2014 JAN 24 PM 2:22

**Commentor Information:**

Sally Ann Sims  
Citizen of the Commonwealth of Pennsylvania ([sallysims@earthlink.net](mailto:sallysims@earthlink.net))  
1506 Conifer Dr  
West Chester, PA 19380 US

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**Comments entered:**

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

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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.

One-page Summary: [SASims Summary of Comments on 25 PA Code Chapter 78.docx](#)  
Comments Attachment: [SASims Comments on 25 PA Code Chapter 78.docx](#)

Please contact me if you have any questions.

Sincerely,  
Hayley Book

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PA Department of Environmental Protection  
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RECEIVED  
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January 24, 2014

2014 JAN 24 PM 2: 32  
**SUMMARY OF COMMENTS ON  
25 PA CODE CHAPTER 78—OIL AND GAS WELLS**

The proposed regulations are not adequate to protect the environment and public health in Pennsylvania. To begin to protect Pennsylvania from the harmful effects of extracting this type of energy resource, DEP should provide leadership by zoning using a statewide screen filter, more strongly regulating, and taxing the fracking (unconventional well) industry. I urge the Department of Environmental Protection (DEP) to:

**The Public Comment Process**

1. Extend the public comment period on this rulemaking from 60 to 120 days. These are important regulations, and the public needs more time to study the issue and respond.
2. Run public hearings in all counties directly affected by drilling activities.

**Protected Land Consideration**

3. Our landscapes and ecosystems are precious resources that should be managed for the benefit of all, not just for the profit of a few. The current regulations regarding permitting and public resources are woefully inadequate to protect our natural and cultural resources. I suggest that DEP stop issuing drilling permits until it implements a statewide screening system (as states have done to determine siting for disposal of low-level radioactive waste) to determine areas that could be considered for drilling for natural gas. Eliminate from consideration for drilling in all areas referenced in Subsections 78.15(c) through (f) while also eliminating from drilling the following areas:

- a. Protected land, including federal (e.g., national forests, wildlife refuges, historical and archaeological areas), state (e.g., parks, forests, wildlife/game management areas), county and local parks and protected areas, **private conservation land, lands under a conservation easements, and land enrolled in the PA Clean and Green Tax program.**
- b. Public drinking water supplies, perennial and ephemeral streams, wetlands, and vernal pools.
- c. Land with known or suspected federal or state endangered or threatened species or species of conservation concern in PA.
- d. **Require a buffer of at least 0.75 mile around these sensitive areas. We know that in improper drilling situations, drilling fluid can migrate almost 0.5 mile (2,500 ft). There should be at least a 0.25 mile buffer around that minimal potential migration area for protection of sensitive areas. A buffer of 1 mile would be much better where feasible.**

**Drilling Operations**

4. Drilling companies should be required to disclose the chemicals used in their production processes. Pennsylvanians have a right to know what chemicals are being injected into the earth, waterways, and air via the entire fracking process.
5. Regulate and reduce air emissions from gas drilling.

**Waste Disposal**

6. No drilling waste should be allowed to be buried onsite. We do not need to create thousands of minilandfills across the state. Ban the use of drilling pits to store drilling wastewater for any period or in any location. These pits threaten water resources and can produce air emissions. Underground tanks for managing waste also should be prohibited.

**Impact Fees and Royalties**

7. Increase permit fees and create an escrow account to protect against damages, e.g., two times the value of a home to owners whose wells are damaged by drilling activities. In addition, implementing a fair royalty structure could provide revenue to increase staffing at DEP for regulatory enforcement, research funding, and site remediation in cases in which drillers cannot pay or cease operations.

## COMMENTS ON 25 PA CODE CHAPTER 78—OIL AND GAS WELLS

The proposed regulations are not adequate to protect the environment and public health in Pennsylvania. To begin to protect Pennsylvania from the harmful effects of extracting this type of energy resource, DEP should provide leadership by zoning using a statewide screen filter, more strongly regulating, and taxing the fracking (unconventional well) industry. I urge the Department of Environmental Protection (DEP) to:

### **The Public Comment Process**

1. Extend the public comment period on this rulemaking from 60 to 120 days. These are important regulations, and the public needs more time to study the issue and respond.
2. Run public hearings in all counties directly affected by drilling activities.

### **Protected Land Consideration**

3. Our landscapes and ecosystems are precious resources that should be managed for the benefit of all, not just for the profit of a few. The current regulations regarding protected areas are woefully inadequate to protect our natural resources.

I suggest that DEP stop issuing drilling permits until it implements a statewide screening system (as states have done to determine siting for disposal of low-level radioactive waste) to determine areas that could be considered for drilling for natural gas as follows. Eliminate from consideration for drilling in all areas mentioned in Subsections 78.15(c) through (f) while also eliminating from drilling the following areas:

- a. Protected land, including federal (e.g., national forests, wildlife refuges, historical and archaeological areas), state (e.g., parks, forests, wildlife/game management areas), county and local parks and protected areas, private conservation land, lands under a conservation easements, and land enrolled in the PA Clean and Green Tax program.
- b. Public drinking water supplies, perennial and ephemeral streams, wetlands, and vernal pools.
- c. Land with known or suspected federal or state endangered or threated species or species of conservation concern in PA.
- d. Require a buffer of at least 0.75 mile around these sensitive areas. We know that in improper drilling situations, drilling fluid can migrate almost 0.5 mile (2,500 ft). There should be at least a 0.25 mile buffer around that minimal potential migration area for protection of sensitive areas. A buffer of 1 mile would be much better where feasible.

Without these provisions, DEP cannot claim as in Section F, Benefits, that “The proposed process for identifying and considering the impacts to public resources will ensure that any probable harmful impacts to public resources will be avoided or mitigated while providing for the optimal development of oil and gas resources.” These regulations need to be strengthened to effectively provide this benefit to lands of natural resource, conservation, and public recreation value.

In addition, municipal governments should have the right to zone areas for natural resource extraction within their jurisdiction. I applaud the Pennsylvania Supreme Court December 2013 decision restoring this right to municipalities.

### **Drilling Operations**

4. Drilling companies should be required to disclose the chemicals used in their production processes. Pennsylvanians have a right to know what chemicals are being injected into the earth, waterways, and air via the entire fracking process. The oil industry making claims about the proprietary nature of the chemicals is not acceptable justification for this practice when the health of our citizens and the environment is at risk. Repeal the ‘medical gag order’ on doctors in the Commonwealth.

5. Regulate and reduce air emissions from gas drilling. Best practices and air emissions controls should be mandated for drilling rigs, compressor stations, trucks, fracking pumps, and engines and other sources of air pollution. Technology now exists that can cut air emissions by 90%.

### **Waste Disposal**

6. No drilling waste should be allowed to be buried onsite. We do not need to create thousands of minilandfills across the state. Ban the use of drilling pits to store drilling wastewater for any period or in any location. These pits threaten water resources and can produce air emissions. It is past time to ban them. Underground tanks for managing waste also should be prohibited.

### **Impact Fees and Royalties**

7. Increase permit fees and create an escrow account to protect against damages, e.g., two times the value of a home to owners whose wells are damaged by drilling activities. In addition, implementing a fair royalty structure could supply needed funds for:

- a. Much needed increase in staffing at DEP for enforcement of regulations, continuing to identify and map abandoned wells, and making well location and fracturing chemical information available on the DEP website.
- b. Research funding—To investigate:
  - i. What are the impacts of water is taken out the ecosystem through fracking?
  - ii. What are the cumulative effects of gas and oil drilling, including public health, biodiversity conservation, and ecosystem function?
  - iii. What technologies can improve environmental protection and public health in the fracking process?
- c. Site remediation in instances of land and water contamination where drillers cannot pay or cease operations.