

Cooper, Kathy

3042

**From:** RegComments@pa.gov  
**Sent:** Thursday, February 06, 2014 9:48 AM  
**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:**

Lisa C. McManus  
([lisa.mcmanus@mcmanuslaw.net](mailto:lisa.mcmanus@mcmanuslaw.net))  
616 Sherry Rd  
Saint Marys, PA 15857 US

**Comments entered:**

Attached please find a letter opposing new regulations. Thank you.

Lisa C. McManus  
Attorney at Law

616 Sherry Road  
Saint Marys, PA 15857  
Office: 814.781.1319  
Mobile: 814.594.7690

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.

Comments Attachment: [Lisa McManus.pdf](#)

Please contact me if you have any questions.

Sincerely,  
Hayley Book

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IRRC

Hayley Book  
Director, Office of Policy  
PA Department of Environmental Protection  
Rachel Carson State Office Building  
P.O. Box 2063  
Harrisburg, PA 17105-2063  
Office: 717-783-8727  
Fax: 717-783-8926  
[RegComments@pa.gov](mailto:RegComments@pa.gov)

3042

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February 5, 2014

Environmental Quality Board  
P.O. Box 8477  
Harrisburg, PA 17105-8477

Dear Board Members:

I am writing because I am worried about the harmful effect that the DEP's proposed oil and gas regulations will have on the oil and gas industry and, in turn, on our local economy.

I understand the proposed regulations will increase costs for oil and gas companies. This will be particularly hard for the conventional oil and gas companies that are in my area. These companies are small businesses and the conventional wells they produce do not make large volumes of oil and gas. I am worried about how they will be able to pay for compliance with these new regulations.

The increase in costs to the conventional oil and gas companies will tighten an already tight situation for those companies and their employees. This will cause a decrease in business for companies in our community. Many businesses rely heavily on donations and /or patronage of the owners and employees of the conventional oil and gas industry. Given the recession and our shrinking population such decreases can have a devastating ripple effect.

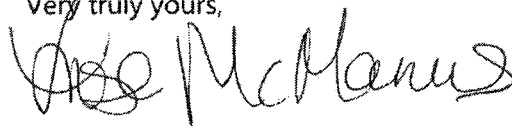
I am also worried about the lack of balance between the need for change and the cost. The conventional oil and gas industry has been in our community for over a century and the environmental impact is small. We live and work in the presence of the industry without incident. In making regulatory changes that include large unconventional wells with small conventional operations the DEP did not properly analyze the costs to the small conventional oil and gas businesses. I believe that other alternatives should have been considered.

2014 FEB -6 11:10:02

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The conventional oil and gas industry is vital to our community as a job supplier and as a patron of many businesses. It is important that these new regulations not be passed in their current form. Please vote "NO" to the current policies until they are altered to support the economic well-being of the Commonwealth of Pennsylvania.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lisa C. McManus". The signature is fluid and cursive, with the first name "Lisa" written in a more compact, stylized manner compared to the last name "McManus".

Lisa C. McManus

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**Cooper, Kathy**

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**From:** RegComments@pa.gov  
**Sent:** Wednesday, February 05, 2014 11:10 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:**

Harry Hochheiser  
Dr. ([hshoch@gmail.com](mailto:hshoch@gmail.com))  
5742 Woodmont ST  
Pittsburgh, PA 15217 US

**Comments entered:**

In developing performance standards for oil and gas well sites the Department of Environmental Protections Environmental Quality Board should begin with Pennsylvanians' constitutional rights to a clean environment as their primary concern. All drilling activities must be conducted with a clear understanding of the critical and irreplaceable nature of fresh water, wetlands, and other resources that are vital to our way of life.

To that end, EQB activities for oil and gas drilling must protect natural resources, and provide means for monitoring and enforcing compliance with all relevant regulations:

Fluids related to wells should be contained in man-made facilities that prevent these fluids from contaminating groundwater (78.1, 78.56, definitions of "pit", etc). The allowance of "natural depressions" presents the possibility of liquid being stored in holes that are insufficient protected from leakage.

Requirements for liners for containment facilities should be increased and applied uniformly. Requirements specified in 78.56 for liners are not applied consistently in other sections, such as 78.56(a)(8)-(19).

Clear definitions of terms like "seasonal high groundwater table" must be provided. Ambiguity in such vital terms is very dangerous. Clear definitions will be needed to facilitate enforcement. Specified distances between the bottoms of storage pits and seasonal high groundwater tables are insufficient. Instead of 20", these distances should be at least 4-5 feet.

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Requirements for consultation with the natural heritage program (78.15) place inappropriate burden on the DEP. Consultation with the DEP should be accompanied by public notice and review, with sufficient time (at least 45 days) for affected parties to respond. The burden should be on operators to ensure compliance and respect of natural resources.

The DEP should not be required to consider the rights of the applicants: The DEP's mission is to uphold citizens' constitutional right to a clean environment. Abrogating these rights through consideration of the rights of applicants would be unconstitutional.

Distances separating impoundments from wetlands, dwellings, and other vital resources are too small.

The response times for the DEP to investigate claims of pollution are too long. The DEP should conduct investigations within 15 days. Affected persons should be provided with mechanisms for submitting their own evidence.

Emergency plans (78.55) should include notification of affected individuals, including landowners and those who might be impacted by difficulties with water supplies.

Disposal of residual waste at well sites should not be allowed (78.82). Instead, operators should be required to provide and comply with plans for off-site residual waste disposal.

180 days is too long of a time to wait for characterization of spills or releases (78.66). . Reports should be provided within 45 days.

Road spreading of brine (78.70) should not be allowed. This process might spread pollutants that should be properly handled.

Bonding regulations (G) are inadequate. Although the DEP may be limited by Act 13's bonding requirements, regulations should ensure that operators are not released from liability for wells until the sites are fully restored.

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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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Director, Office of Policy  
PA Department of Environmental Protection  
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