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From: RegComments@pa.gov
Sent: Friday, February 07, 2014 2:41 PM
To: Environment-Committee@pasenate.com; apankake@pasen.gov; IRRRC; 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:

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Comments entered:

I endorse the comments formulated by Berks Gas Truth. Specifically:

The public comment period should be expanded to 120 days minimum and more hearings should be set in affected counties.

1. Pre-drill water testing and the restoration and replacement of contaminated water supplies (Sections 78.51 and 78.52). DEP should require:

Operators to restore contaminated drinking water to a quality that meets Safe Drinking Water Act standards, no matter what the quality of the water prior to drilling. If the quality of a water supply prior to drilling was above these standards, the operator must restore the water to that higher standard; otherwise, good water supplies will be degraded.

All drillers to use a consistent list of parameters for pre-drill water testing, which DEP must establish before the proposed regulatory changes are adopted. The parameters should be as comprehensive as possible, but at a minimum match what DEP uses when it conducts full contamination investigations and to ensure that complete baseline data is available.

All drillers make pre-drill data available to the public, while protecting individual homeowners' privacy, through an online platform, which DEP must establish before the proposed regulatory changes are adopted.

2. Standards for frack pits and impoundments (Sections 78.56, 78.57, 78.58, and 78.59). DEP should:

Prohibit operators from using open pits for storage of regulated substances, including

wastewater, drill cuttings, and substances (like gels and cement) that return to the surface after fracking. Many spills, leaks, and other problems involving pits have occurred statewide that contaminate water, soil and air. Waste should be stored only in closed systems. January 6, 2014 Prohibit the onsite processing of shale drill cuttings, which often contain hazardous substances and radioactive materials and require thorough analysis and special handling.

Define "freshwater" that is used in oil & gas operations. Water leftover from fracking and contaminated fluids being recycled for fracking (such as from mining or sewage) is often mixed with clean water for additional operations. The lack of a clear definition allows operators to avoid regulations on the use and disposal of polluted substances.

3. Disposal of brine, drill cuttings, and residual waste (Sections 78.60, 78.61, 78.62, and 78.63, and 78.70) DEP should:

Prohibit the burial or land application of drill cuttings, which can contain polluting and radioactive substances. DEP proposes different conditions for disposal of drill cuttings from above and below the well casing, but neither makes the practice safe. Cuttings from deep underground may contain more pollutants, but chemical additives and contaminated fluids are also found in drill cuttings from shallower areas.

Prohibit the onsite burial of waste pits. Buried pits can leak and pollute groundwater over time, yet burial allows operators to walk away from any responsibility after completing operations.

Prohibit the use of brine for dust suppression, de-icing, and road stabilization. Stormwater runoff carries brine into nearby waterways and wetlands. Not allowing the use of brine from shale gas wells is a positive step, but brine from conventional wells can also push salinity loads far above any naturally occurring conditions.

Prohibit the land application of tophole water, pit water, fill, or dredged material. These substances can contain chemicals and sediments bound with pollutants that pose risks to water, air and soil.

4. Identification of orphaned and abandoned gas and oil wells (Section 78.52(a)). DEP should expand these changes and require operators to:

Identify existing wells before site and well construction and drilling (not just fracking), so that the location of a new well can be changed if needed. Identified wells should be mapped on a publicly available web platform.

Plug and seal abandoned and orphaned wells according to state safety standards prior to well site construction. The state lacks funding to address the large number of old wells, so drillers should be responsible for preventing pollution of adjacent water wells and air pollution from accidents when they occur.

No attachments were included as part of this comment.

Please contact me if you have any questions.

Sincerely,
Hayley Book

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