

From: RegComments@pa.gov
Sent: Monday, March 03, 2014 8:29 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

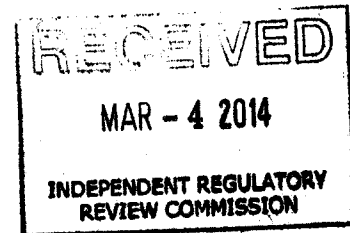


Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

The Environmental Quality Board (EQB) has received the following comments regarding the above-referenced proposed rulemaking.

Commentor Information:

Peter Norman
Citizen (Pete80a@yahoo.com)
1820 Buttonwood Way
Warrington, PA 18976 US



Comments entered:

Dear Board Members,

Congratulations on your decision to update Chapter 78 of the PA Code issued under the Oil & Gas Act, but we need to strengthen some of the provisions. Please make these changes to the policies:

1. Prohibit the use of open-air frac pits and impoundments and require a closed system that utilizes above ground storage tanks for storing wastewater;
2. Mandate baseline testing of local ground and surface water that meet a minimum standard, and make that data available to the public;
3. Require drilling companies to remediate contaminated water supplies to Safe Drinking Water Act standards;
4. Compel companies to identify existing wells before new well construction;
5. Make companies appropriately address abandoned and orphaned wells according to state safety standards prior to new well site construction.

I appreciate your consideration of these rule changes and your efforts to keep all Pennsylvanians safe and healthy.

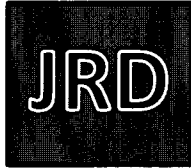
Sincerely
Peter Norman
Pete80a@yahoo.com
1820 Buttonwood Way
Warrington, PA 18976

No attachments were included as part of this comment.

Please contact me if you have any questions.

Sincerely,
Hayley Book

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



James R. Daley
249 Jaclyn Drive
Cranberry Township, PA 16066
jimdaley@zbzoom.net
March 3, 2014

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

Re: Comments on Proposed Amendment to 25 PA Code Chapter 78, EQB's Proposed Oil & Gas Regulatory Amendments;
Submitted at RegComments@pa.gov

Ladies and Gentlemen:

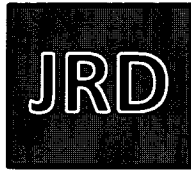
Thank you for the opportunity to provide feedback on the proposed Chapter 78 regulations. Rather than dissect the entire proposal and provide lengthy comments, I have elected to provide high-level comments with my most pressing concerns:

- Much of the impetus and much of the proposed language stems from the passage of Act 13 in 2012. However, with the Commonwealth Court ruling and subsequent PA Supreme Court ruling that found several sections of the Act unconstitutional, and questioned the entire Act pending a severability ruling, the regulatory process should be suspended.
- DEP had tasked the TAB to evaluate four key issues during the rulemaking process, yet elected to propose regulations before these workgroups finished their evaluations. This again says the rulemaking is rushed and should be suspended.
- The regulations do not clearly distinguish provisions applicable only to unconventional oil and gas, creating unintentional consequences to conventional oil and gas operations.
- DEP has way overstepped its boundaries with reference to public resources and special concern species. DEP seems to have little understanding of property rights and government takings which must be compensated. Public lands where surface facilities are sited already require leasing and approvals from the affected public agency; which should be the full extent of the public resources issue unless the government wants to pay surface owners and lease holders for property rights they infringe upon. Act 13 and the Oil & Gas Act of 1984 both addressed "critical communities," yet DEP has attempted to equate those to "Species of Special Concern." That is a false equivalency in that there is no true regulatory definition of species of special concern, a term first coined in a Carnegie Museum book of 297 species. The PA Natural Heritage Program uses this loose term to list 1,616 "species" (some are communities, landforms and geologic features). Clearly DEP has unilaterally expanded the intent, maybe by a factor of 5.5.
- DEP's regulations requiring site restoration within 9 months of well permit expiration or drilling the last well makes no sense in shale plays where multiple formations and infill drilling are practiced. The regulations should stress site stability and adequate E&S controls for long term operations vs. the requirement to rapidly restore sites that will be used again and again in the future.
- Stringent requirements to line and fence **FRESH** water impoundments really are counterproductive as these site features would be great for long-term post development use as farm ponds, irrigation ponds, and fire water supply ponds if not lined and made useless for such uses.

Respectfully submitted,

A handwritten signature in black ink that reads "James R. Daley".

James R. Daley, PMP



James R. Daley
249 Jaclyn Drive
Cranberry Township, PA 16066
jimdaley@zbzoom.net
March 3, 2014

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