

3042



**Greene County Conservation District**

Fort Jackson Building, Mezzanine – 19 South Washington Street – Waynesburg, PA 15370-1839

Phone 724-852-5278 – Fax 724-852-5341

E-Mail: [gccd@co.greene.pa.us](mailto:gccd@co.greene.pa.us) -- Website: <http://www.co.greene.pa.us/gccd>

February 11, 2014

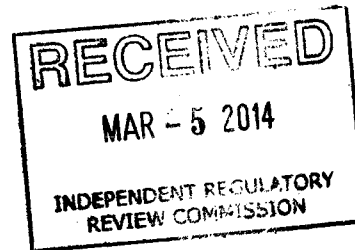
Pennsylvania Department of Environmental Protection  
Environmental Quality Board

Honorable E. Christopher Abruzzo, Chairperson  
Secretary of Environmental Protection

16th Floor, RCSOB

P.O. Box 8477

Harrisburg, PA 17105-8477



**RE: Proposed Regulation For Oil and gas Surface Activities  
Amendments to Title 25 Pa. Code Chapter 78  
Subchapter C. Environmental Protection Performance Standards**

Honorable E. Christopher Abruzzo,

The Greene County Conservation District Board of Directors (GCCD) would like to thank the Pennsylvania Department of Environmental Protection (PADEP) for putting forth updated regulatory revisions that reflect the true nature of the natural gas industry of today. We appreciate the effort that the Department undertook to ensure the safety and welfare of the citizens of Pennsylvania.

The GCCD Board of Directors would like to offer the following comments and recommendations concerning the following updated regulations:

**78.51. Protection of water supplies**

*The proposed amendments clarify that the presumption of liability established in 58 Pa.C.S. § 3218(c) (relating to protection of water supplies) does not apply to pollution resulting from well site construction activities.*

*Act 13 established a new provision that specifies a restored or replaced water supplies must meet the standards in the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) or be comparable to the quality of the water supply before it was affected if that water was of a higher quality than those standards. This section is proposed to be amended to reflect this statutory language.*

It is appreciated that PA DEP has clarified that well site development was added to the language under presumption of liability. The District would also like to encourage PA DEP to establish standard pre-drill water testing parameters and reporting to landowners.

*78.52a. Abandoned and orphaned well identification*

*This proposed section requires operators to identify orphaned and abandoned wells in proximity to the vertical and horizontal well bore prior to hydraulically fracturing a well. The section outlines how operators shall conduct this identification, including consulting with the Department's database, farm line maps and submitting a questionnaire to surface landowners. The results of this survey shall be provided to the Department.*

Abandoned and orphaned well identification is very crucial to the development and protection of surrounding resources. GCCD is concerned that these wells could lead to potential risks to the natural resources surrounding areas under deep well drilling development. We encourage the development of reporting these well sites and would like to see monitoring conducted over a period of time within the 1,000ft. and 500ft. ranges that ensures the safety of development activities associated with potential groundwater compromises. A rigorous plugging and sealing of abandoned and orphaned well program should then be implemented by the Department or required of the industry as the wells are identified.

*§ 78.53. Erosion and sediment control*

The proposed amendments to this section cross reference the requirements of Chapter 102. This section also specifies that best management practices for erosion and sediment control for oil and gas activities are listed in the Erosion and Sediment Pollution Control Program Manual, Commonwealth of Pennsylvania, Department of Environmental Protection, No. 363-2134-008, as amended and updated, and the Oil and Gas Operators Manual, Commonwealth of Pennsylvania, Department of Environmental Protection, Guidance No. 550-0300-001, as amended and updated.

Erosion and sedimentation Control is at the forefront of our service to Greene County residents. We appreciate that the updated Chapter 102 regulation has been addressed in the regulation update.

*78.56 Pits and tanks for temporary containment and storage*

The proposed amendment defines storage structures for regulated substances and wastes from drilling operations.

Mounting violations and potential for water and air pollution have already led some companies to transition away from pits and standardize the use of closed loop systems. GCCD recommends that this regulation prohibit operators from using open pits for the storage of regulated substances. Wastes should only be stored in closed systems.

*78.61. Disposal of drill cuttings*

The proposed amendments to this section would specify the loading and application rate for the land application of drill cuttings. Additionally, this section provides that the Department will maintain a list of approved solidifiers for the disposal of uncontaminated drill cuttings in pits. Further, this section specifies that the operator shall notify the Department prior to disposing drill cuttings under this section.

*§ 78.62. Disposal of residual waste—pits*

The proposed amendments to this section clarify that solid waste generated by hydraulic fracturing of unconventional wells or processing wastewater under § 78.58 (relating to onsite processing) may not be disposed of in a pit on the well site. However, residual waste, including contaminated drill cuttings, can be disposed of in a pit on the well site. Additionally, the proposed amendments require the operator to notify the Department prior to disposing residual waste. This section also proposes a requirement that operators determine that the pit bottom is 20 inches above

the seasonal high groundwater table prior to using the pit and that the determination be certified by a soil scientist or other similarly trained person using accepted and documented scientific methods. Compliance with this section shall be documented and made available to the Department upon request, as well as submitted in the well site restoration report.

*§ 78.63. Disposal of residual waste—land application*

The proposed amendments to this section clarify that solid waste generated by hydraulic fracturing of unconventional wells or processing fluids under § 78.58 may not be disposed of by land application at the well site. However, residual waste, including contaminated drill cuttings, can be disposed of on the well site by land application. The amendments to this section include a new provision that requires the operator to notify the Department 3 business days prior to land application. This notice shall be submitted electronically to the Department through its web site and include the date the residual waste will be disposed. Compliance with this section shall be documented and made available to the Department upon request as well as submitted in the well site restoration report.

The GCCD Board of Directors do not approve of the use of land application and or disposal of drilling waste at well sites. PA DEP neglected to allow the surface owner to reject this practice on property that is only being leased. Land application should only be allowed if the surface property owner fully agrees with the practice. Please include landowner agreements as part of this practice. It is our understanding that many different constituents are found within each step of gas well development and all waste should be handled according to contaminated conditions. Landowners are not allowed to contaminate their property in fear of health reasons, nor should the oil and gas industry be allowed to do the same. These practices lead to diminished land values and use.

*§ 78.68. Oil and gas gathering lines*

This proposed section contains requirements regarding the construction and installation of gathering pipelines, including a limit on the extent of associated earth disturbance, flagging requirements and topsoil/subsoil standards. In accordance with Act 13 requirements, this section also contains corrosion control requirements for buried metallic gathering lines.

We recommend adding language that requires that all gathering lines should be mapped and the mapping should be updated and submitted annually to the Department for PA One Call purposes.

*78.69. Water management plans*

This proposed section addresses posting, monitoring and reporting in the Ohio River Basin; reuse planning requirements; and Water Management Plan (WMP) expiration and renewals. This proposed section also outlines the circumstances under which the Department may deny a WMP application or suspend, revoke or terminate an approved WMP.

The Greene County Conservation District fully supports WMP that require posting of signs, monitoring of water withdrawals, and reporting of withdrawal volumes, in-stream flow measurements, and water source purchases as does the Susquehanna River Basin Commission. Western Pennsylvania has lacked oversight on water withdrawals over the years. It is our hope that all gas drilling activities both conventional and unconventional shall be held to these standards.

Please further define the term "Freshwater" that is to be used in oil and gas activities.

We commend you for this effort to update the regulations of the oil and gas industry in Pennsylvania. We further encourage you to write into this document that you will revisit the regulations every three years so that Pennsylvania citizens can be insured that the state regulations are keeping up with the fast changing technologies of unconventional gas drilling.

Thank you for allowing our organization to comment on this proposed regulation change and keeping the health, safety and interests of the citizens of Pennsylvania at the forefront of the regulations developed.

Sincerely,

**GREENE COUNTY**

Conservation District Board of Directors

---

Bradley Eisiminger, Chairman

Cc:

Greene County Commissioner, Chuck Morris, Chairman

Greene County Commissioner, Archie Trader, Vice Chairman

Greene County Commissioner, Blair Zimmerman

Robbie Matesic, Executive Director, Greene County Department of Economic Development

Jim Cowell, Secretary, GCCD

Tom Headlee, Treasurer, GCCD

Jim Kenney, Director, GCCD

Edward Deter, Director, GCCD

Greg Hopkins, Director, GCCD

Robert Rice, Director Emeritus, GCCD

William Wentzel, Associate Director, GCCD

Gay Thistle, Associate Director, GCCD

Glodenna Halsted, Associate Director, GCCD

Sandy Theis, Associate Director, GCCD

Jeanne William, Associate Director, GCCD

William A. Cree, Jr, Associate Director, GCCD

Frank O'Leary, Associate Director, GCCD