

3042

Cooper, Kathy

**From:** RegComments@pa.gov  
**Sent:** Wednesday, March 05, 2014 11:25 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:

Ron Keeney  
(roadroverk@aol.com)  
101 Russell St  
Warren, PA 16365 US



Comments entered:

To the Department of Environmental Protection's Environmental Quality Board:

The following are my comments and concerns regarding the DEP EQB proposed rules regarding performance standards for oil and gas well sites in PA. See also my attached document.:

My name: Ron Keeney

Address: 101 Russell St., Warren, PA 16365

Email: roadroverk@aol.com

1. Pre-drill water testing and the restoration and replacement of contaminated water supplies (Sections 78.51 and 78.52). We learned through DEP's determination letters that natural gas drilling operations have impacted at least 161 water supplies statewide. The natural gas industry has fought to have water restored to only pre-contamination conditions—even if it is not safe to drink. In addition, DEP leaves it up to the driller to decide when, where, and how to conduct water quality tests before drilling starts. 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).

Mounting violations and the potential for water and air pollution have already led some companies to transition away from pits and standardize the use of closed loop systems which utilize tanks to store wastewater. 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) Operators currently escape the strict federal regulation of hazardous substances that other industries have to follow. Yet drilling and fracking generate large amounts of solid and liquid waste that can harm water supplies, air quality, land, health, and wildlife. Pennsylvania should apply U.S. Resource Recovery and Conservation Act standards to regulate all aspects of the storage, transport, and use of hazardous materials contained in pits, centralized impoundments, and tanks. In addition, DEP's proposed Chapter 78 changes don't address the risks posed by hazardous waste and do little to improve current regulations or ensure safe disposal. 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)). This is an important change and should be supported. About 200,000 abandoned wells exist statewide. As drilling spreads and intensifies, so does the chance of accidents, blowouts, and pollution from the intersection of new wells with old ones. 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.

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: [Ron Keeney.pdf](#)

Please contact me if you have any questions.

Sincerely,  
Hayley Book

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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

Environmental Quality Board  
P.O. Box 8477  
Harrisburg, PA 17105-8477  
[RegComments@pa.gov](mailto:RegComments@pa.gov)

**Re: Comment on Proposed Regulations 25 Pa. Code Chapter 78 (Oil and Gas Wells)**

I am providing comment to the Environmental Quality Board regarding the Pennsylvania regulations governing oil and gas wells because the far reaching impacts from oil and gas development are affecting me and my life and in my opinion are having indelible adverse impacts on our Commonwealth.

I am very concerned because the proposed changes do not go far enough to control the damage our communities and environment are experiencing as the gas and oil industry develops its wells, frack pits, impoundments, pipelines, and related operations across the entire state. I support the tighter controls you are proposing but they are too few and simply do not go far enough to make a difference in the harm that is being done.

This is especially true today because of the Pennsylvania Supreme Court ruling that requires government to consider how actions being taken affect the reserved environmental rights of Pennsylvania citizens and public natural resources. (Robinson Twp., Washington Cnty. v. Com., --- A.3d ---, 2013 WL 6687290, \*33 (Dec. 19, 2013)). I believe you must consider how these proposed regulations fulfill Article 1, Section 27 of the Pennsylvania Constitution before you act.

Article I, Section 27 declares:

***The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.***

In my opinion, these Chapter 78 proposed changes do not serve this inalienable right. I ask that you revise the proposed rulemaking to include consideration of how to meet this mandate.

I advocate these changes to the proposed rulemaking, focusing on just a few key areas:

Sections 78.51 and .52:

Pre-drilling water testing and the replacement and cleaning up of contaminated water supplies:

- Operators should be required 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 should be required to use a consistent list of parameters for pre-drill water testing. 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 must make pre-drill data available to the public, while protecting individual homeowners' privacy, through an online platform, which DEP must establish immediately.

Sections 78.56, .57, .58, .59:

Open pits, impoundments and processing of drill cuttings:

- No open pits, or “frack pits”, should be allowed on well sites; no hazardous substances in pits.
- No onsite processing of drill cuttings; these cuttings can contain toxic and radioactive materials.
- No mixing and storage in open impoundments of “reused” or “recycled” water from fracking and drilling with clean water for use in additional operations; “freshwater” is not defined, leading to “freshwater” impoundments with regulations that do not address their hazardous contents.

Sections 78.60, .61, .62, .63 and 78.70:

Disposal of drill cuttings, “brine”, and residual waste:

- No burial or land application of drill cuttings. We are creating the opportunity for thousands upon thousands of future “superfund” sites if we allow this toxic and often radioactive waste to be buried on well sites. I don’t want this hidden pollution buried in my community or my backyard or farm field and not near my water supplies!
- No burial of waste pits for the same reason.
- No spreading of brine or flowback for dust suppression, de-icing or road stabilization. Spreading these dangerous and often radioactive fluids on roads provides a pathway for pollution of our streams and groundwater and can poison wildlife and kill vegetation.
- No land application of tophole water, pit water, fill, or dredged material from drilling and fracking. The chemicals and sediments in this material should not be allowed to emit to the air we breathe, be mixed with the soil we grow our food in and our children play in, or to mix with our drinking water and streams.

Section 78.52(a)

Orphaned and abandoned gas and oil wells:

- I agree these wells should be identified but they must be identified before any site disturbance and recorded publicly, plugged and sealed according to state safety standards PRIOR to well site construction and testing of area water wells and intakes should be done by the operator to assess any pollution caused by the orphaned or abandoned well. These wells are a serious safety hazard in Pennsylvania and there should be every precaution taken to find them, avoid communication between new wells and old to avoid blowouts, accidents and well casing failure. These old wells that are pollution threats should be plugged.

Please consider my input on these important regulatory changes.

Sincerely,

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Signature

Print Name

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Address

Email address

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**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

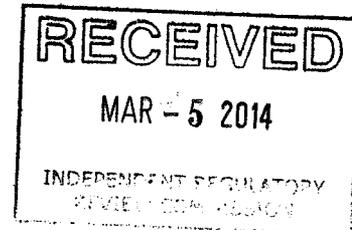


**Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites**

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

Commentor Information:

Tom Ronan  
 (ronan-tom@aramark.com)  
 Not Provided  
 Not Provided, PA 00000 US



Comments entered:

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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.

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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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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  
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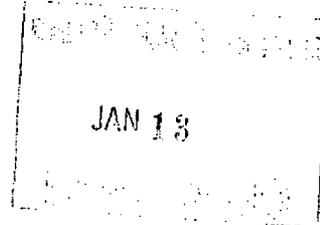
3012

*From the desk of...*

FRANK R. BOYD

January 12, 2014

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



Dear Board Members,

*I am writing to request that the proposed revisions to PADEP's oil and gas rules not be finalized in their current form. I am a property owner who earns royalty revenue from gas activity on my land, and I am concerned that the added burden of as much as \$100 million dollars per year could significantly harm the industry while providing very little or no added benefit to the environment.*

*On a daily basis, I see that Pennsylvania's environment is in good hands with the oil and gas industry. Those who work on my property and others I encounter, work and play in the same areas where the oil and gas industry operate, and they all share a passion for protecting the Commonwealth's natural resources. It is obvious that they like me want to pass on the legacy of a clean, healthy environment to our children and grandchildren.*

*I understand that regulations are necessary and must be updated periodically to match the current laws and industry best practices. At the same time, however, the costs of regulations should not outweigh their benefits. Many parts of these proposed rules go beyond what is called for under existing laws and impose requirements that go further than what is needed to effectively protect our environment. I am concerned that the result will be fewer oil and gas wells drilled, which will mean smaller royalty payments for me and my neighbors. These royalties have been a savior for many of the struggling farmers in my area. Less oil and gas activity will also mean fewer jobs in the industry and in the communities that support it, at a time when we desperately need more jobs. It will also mean less tax revenue for all levels of government, placing even greater burdens on already stressed government services.*

*Please vote "no" to adopting this rule unless it is substantially revised to reflect full consideration of the costs and benefits of the regulation. Show us that the wellbeing of our people and the prosperity of our communities are every bit important as Pennsylvania's natural resources.*

Sincerely,

A handwritten signature in black ink that reads "Frank R. Boyd". The signature is written in a cursive style with a long, sweeping underline.

Frank R. & Linda L. Boyd  
4074 Rt. 819, Box 12  
Salina, Pa. 15680

February 3, 2014

The environment is far more important than royalties.

**Important – Please Join with Us to Help Protect Our Energy Future:**

Over the last couple of years, the Pennsylvania Department of Environmental Protection has been developing and revising laws and regulations that govern the oil and gas industry. We, along with many other individual members and groups, have been working hard to stop the Department from over-regulating our industry, especially the independent conventional well operators like the Kriebel Organization. If enacted, these new regulations will likely have a lasting negative impact on the oil and gas industry, the many businesses that support our industry, and also our energy future.

The process of revising these regulations includes a public comment period for anyone who wants to share comments directly with Pennsylvania's Environmental Quality Board. To join us in trying to protect our energy future, please sign the attached comment letter and use the label provided below to mail it to:

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

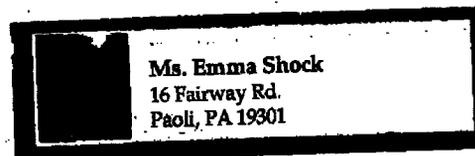
If you would prefer to write your own letter instead of using the attached letter, please feel free to do so. The volume of comments received by the Board matters, therefore your comments are very important. We anticipate that the environmental groups and those who oppose oil and natural gas development will be flooding the Board with comments as well. **We must make our voice heard!**

If you have any questions about the proposed regulations, please call Dave Ochs, Senior Geologist, at 1-800-821-4911. Thank you in advance for your help.

**The deadline for submitting comments is March 14, 2014**

**Mailing Label:**

***Instructions:*** Bend the attached label slightly to make it easier to remove the center label which is the mailing label



3042

# HALCOLM BARD

## CERTIFIED PUBLIC ACCOUNTANT & CONSULTANTS

38 Fraley Street  
Kane, Pennsylvania 16735

FAX (814) 837-2267  
(814) 837-9150

January 10, 2014



Environmental Quality Board  
P.O. Box 84 77  
Harrisburg, PA 17105-8477

Dear Board Members:

**RE: Shallow Oil & Gas – Proposed changes to Chapter 78 Regulations**

The purpose of this letter is to ask you to vote NO on the proposed changes to the oil and gas regulations currently before your committee.

It is my understanding, that for over 150 years the shallow oil and gas industry has had no lasting detrimental effect on our environment. If you are convinced that it is necessary to impose new regulations on drillers and operators of deep, nonconventional wells, shouldn't the proposed regulations just cover that purpose?

As you can see, I am not an oil or gas producer. However, my services are somewhat dependent, in part, on the shallow oil and gas industry. Many of our business and individual clients we provide services to are also dependent, in part, on this industry. It is my understanding that the proposed changes to Chapter 78 regulations would jeopardize many of our clients, be detrimental to our local economy, and harm many businesses and thousands of employees that depend on these producers.

Please consider the above and vote NO to the proposed changes to Chapter 78 regulations.

Sincerely,

A handwritten signature in black ink that reads "Halcolm Bard CPA". The signature is written in a cursive style with a long horizontal line extending to the right.

Halcolm Bard, CPA, CFE

HB/lom