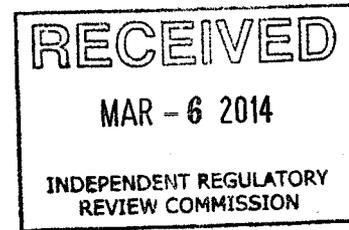


3042

March 6, 2014



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

RE: Chapter 78 Comments

Dear EQB;

The Marcellus Shale and other unconventional gas plays offer an opportunity to reinvigorate our economy and our ability to compete on a global scale. By developing relatively clean domestic natural gas, and I say relatively clean because all energy sources be they fossil fuels or so called renewable energy sources come with an environmental cost, Pennsylvania can again compete as an industrial manufacturing center. The jobs that that have been sent overseas because of our desire to pay American workers a fair and sustaining wage has crippled our ability to compete for many manufacturing jobs and the opportunity is now before us to bring these jobs back to the US and back to Pennsylvania - not by cutting wages and jobs, but by offering safe, reliable and affordable energy. This is the glimmer of hope I see for our children and grandchildren to deal with the debt legacy of my generation and we must not miss this opportunity.

But, and this an important but, we must not squander this opportunity at the expense of clean water, clean air and a healthy environment and that requires a strong and protective environmental regulatory program which I believe now exists in our Commonwealth and it must continue to exist going forward. And I firmly believe that the development of this vast energy resource and the protection of the environment are not mutually exclusive.

Because the Marcellus Shale with the emerging technology to drill long horizontal well bores was new to Pennsylvania it was right and appropriate and necessary to generate new environmental regulations to manage this monster we call the Marcellus. But the regulations must not go so far as to hinder our ability to compete with other states and the rest of the world. We must not drive those that are willing to invest in energy development in Pennsylvania to other parts of the country. We cannot afford to lose this opportunity.

The proposed changes to Chapter 78, Subpart C go a long way to doing this, but in my opinion and in some instances the changes miss the mark and I offer 13 specific comments to improve the regulatory package. I will go through as many here as time allows and others will be submitted as written comments.

Conventional Versus Unconventional

There seems to be a ground swell growing to separate the conventional gas and oil regulations from the unconventional operations. I want to add my vote to encourage this possibility. The proposed new regulations impose requirements on the conventional operations that are excessive and inappropriate and do little to add to the protection of the environment. Shortly you will see proposed new regulatory language to this end and I am proud to have played a part in the drafting of that language.

Section 78.51 Water Replacement.

The requirement to replace water to a condition better than it was prior to drilling is punitive, unfair and open to miss-use. This is an example where overregulation can hurt our ability to compete with other regions of the country.

Section 78.15(f)(iv) PA Natural Heritage Program

The introduction of new terms and conditions for the protection of some species and habitats that have not been fully vetted and formally listed is inappropriate. Although the intentions are good, the Department is overstepping its bounds in this section.

Section 78.62 Drilling Pits

The regulation of a conventional shallow oil drilling pit that is often less than 1/10 of an acre in size in the same manner as a holding pond at an unconventional site that often exceeds several acres in size is inappropriate. This section alone demonstrates the overwhelming need for separating the regulatory requirements of conventional and unconventional operations.

In addition, for small pits it is recommended that the rule simply state that pits be installed above the water table as determined by water entering (or not entering) the pit hole at the time of installation.

Section 78.66 Reporting and remediating releases

This section is too restrictive and needs to be broadened to focus more on spill prevention and the application of appropriate spill remediation and less on notifications and regulatory process. You will soon see suggested complete redrafting of this section.

Section 78.52a Abandoned and orphaned well identification

A search radius of 500 feet is inappropriate for shallow wells drilled on 300 feet centers. For very sound technical reasons and for these type of wells a search radius of 150 feet is appropriate.

Section 78.15 Municipal Notifications

Notification of all municipalities touching the host municipality of a conventional or unconventional well is excessive. Notification of the host municipality and any municipality that will be underdrilled should be sufficient.

Section 78.17 Permit renewal

It is recommended to extend the life of a permit from one year to three years.

Section 78.55 Planning and emergency response

Operators should not be required to submit PPC plans to the PFBC or landowners. These are public documents that are available through DEP and operators should not be required to do the Departments job or transfer implied regulator authority to other entities. This is simply an administrative task that adds an unnecessary and unneeded burden to the operators.

Section 78.67 Borrow pits

Borrow pits need to remain active for the life of a project area, not just a single well pad.

This appears to be another case where the regulations were drafted for unconventional wells and then applied to conventional wells without due consideration in the differences in operation.

Building permits

Operators should be allowed to build locations with or without a drilling permit as long as they abide by the erosion and sedimentation requirements.

Notifications

There are no less than 23 separate notification requirements for the completion of a new well. This is excessive, time consuming and frankly an opportunity for well meaning operators to get caught in non-compliance issues.

Forms

There are 19 separate and new forms referenced in the regulation package and not one of the forms was included in the draft package. This is a significant oversight and does not allow for public comment on the forms.

Respectfully Submitted

Burt A. Waite, P.G.
160 East Adams Street
P.O. Box 602
Cochranton, PA 16314

3042

Cooper, Kathy

From: RegComments@pa.gov
Sent: Thursday, March 06, 2014 11:12 AM
To: Environment-Committee@pasenate.com; apankake@pasen.gov; IRRIC;
 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

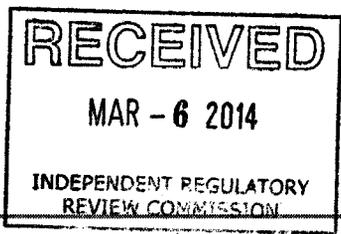


Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

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

Commentor Information:

Carolyn Schellhorn
 (schellho@sju.edu)
 119 E. Montgomery Ave
 Ardmore, PA 19003-2523 US



Comments entered:

Chapter 78 PA DEP Contact
 regcomments@pa.gov

Thank you for considering this comment in the rulemaking process.

Open impoundments that store flowback water used in the fracking process pose a health risk to nearby landowners from pollutants that evaporate or degrade from chemicals in pits, or are released into the environment and vaporized into a community's air. For instance, multiple residents in southwest PA who live near a centralized wastewater impoundment had blood and urine analyzed and were told by doctors that they had chronic exposure to volatile organic compounds (VOCs). Some doctors believed their patients' levels were high enough to advise moving away from the impoundments. I support DEP's ban of central wastewater impoundments, but even so-called temporary impoundments storing hazardous chemicals can still have serious health and environmental impacts, are not needed and should not be allowed. While I believe that no allowances should be made for open storage pits, the suggested 9 months would be far too long to allow for temporary storage at a drilling site.

There are many justifications for why DEP should ban all open wastewater impoundments. The technology exists to properly contain hazardous substances in closed-looped systems and tanks immediately after fracking and completion occurs, as some companies in Pennsylvania are already using it. North Dakota and Illinois have already implemented bans on open wastewater impoundments except for emergency situations. Even the conservative and industry supported

Center for Sustainable Shale Development includes in their standards a condition to use closed-loop systems to eliminate the use of pits for all wells. In addition, DEP should prohibit operators from storing any solid wastes such as drill cuttings in open pits. Drill cuttings can contain radioactive materials that pose serious health risks to workers and nearby residents.

I also urge DEP to more adequately address abandoned and orphaned wells in the proposed Chapter 78 revisions. According to DEP estimates, there are an estimated 200,000 abandoned wells in Pennsylvania. Unplugged wells will continue emitting gases such as methane and VOCs over time and DEP has dealt with dozens of situations in which methane reached the earth's surface through abandoned wells. There have also been cases in Pennsylvania in which companies drilled into abandoned wells, one in particular that resulted in a 30 foot methane geyser and required multiple flares over many days to remediate. Some estimates show old wells in our state alone could be emitting tens of thousands of tons per year of methane, an extremely potent greenhouse gas, and VOCs, which include chemicals known or suspected to cause cancer in humans.

It is critical that DEP require companies to identify existing abandoned wells and to appropriately address these wells before site construction and drilling occurs. Drilling companies must be responsible for preventing pollution and accidents from occurring by correctly plugging, sealing, or otherwise remediating potential issues caused by the presence of old wells. This would save a company time and money from removing the risk of potential accidents and subsequent remediation.

In addition, DEP should require companies to search within a quarter mile radius of a proposed drilling site for potential abandoned wells and to also include other pathways for methane in their search, such as major and minor fault lines and fractures. Companies should be required to contact landowners to ask about any known abandoned wells. The Council urges DEP to update their maps with any new information and make the data available to the public on their website.

I believe that no drilling or fracking should be allowed in or near our parks and forests. DEP's current proposal in the Chapter 78 revisions requires companies to notify relevant agencies when applying for permits within 200 feet of a public resource. This distance and low hurdle for applicants is woefully inadequate to protect public resources from the impacts and nuisances of fracking and flaring. I believe DEP should prohibit drilling on and at least a half mile around key public resources including publicly owned parks, forests, game land or wild life areas, national natural landmarks, or historical or archaeological sites. These special areas belong to the public, provide significant ecological, recreational, and economic benefits, and should therefore be preserved for the enjoyment of present and future generations.

Thank you for the opportunity to comment on the proposed revisions to Chapter 78. Please take the comments in this period into serious consideration.

Carolin Schellhorn
schellho@sju.edu
119 E Montgomery Ave
Ardmore PA
190032523

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

3042

RECEIVED
MAR - 6 2014
INDEPENDENT REGULATORY
REVIEW COMMISSION

**VERY CONCERNED PROPERTY OWNER IN EAST
ARARAT, PA**

**I HAVE BEEN HEARING THAT THE GAS COMPANIES MIGHT
START DRILLING IN THIS AREA IN APPROXIMATELY 2014.
RELIABLE PEOPLE HAVE TOLD ME THERE ARE FAULT LINES IN
THIS AREA SIMILAR TO THE AREA OF ELK MOUNTAIN. ALSO,
THERE ARE AQUIFERS THAT EVENTUALLY FEED HONESDALE
AND FOX LEDGE WATER SUPPLY COMPANY AND OF COURSE
THE SURROUNDING AREA. NOTHING SEEMS TO STOP THE GAS
COMPANIES. IT IS ALL ABOUT MONEY AS YOU KNOW.
MY AREA IS CONSIDERED GOD'S COUNTRY. I AM SURE THAT
DOES NOT MEAN MUCH TO THE GAS COMPANIES.
AS OF NOW, THE AIR AND MY WATER (JUST TESTED
PRIVATELY) IS GREAT. I HOPE WE CAN KEEP IT THAT WAY.
I AM A RETIRED ENGINEER AND MY FAMILY OWNED THIS
PROPERTY FOR OVER FIFTY YEARS.
I AM TRYING TO HEAD OFF A BIG PROBLEM IF THEY START
DRILLING IN THIS AREA. IT APPEARS DRILLING PERMITS ARE
HANDLED OUT TO EASY WITH THE PROPERTY OWNERS LEFT
WITH THE PROBLEMS. THE GAS COMPANIES HAVE TOO MUCH
POWER AND THE PROPERTY OWNERS HAVE VERY LITTLE.**

SINCERELY

MIKE ROOME JULY 10, 2013

EMAIL mwroome@yahoo.com

**CC: Rep Sandra Majors
Senator Lisa Baker**

Michael W. Roome
49 May Road
Thompson, Pa.
17465

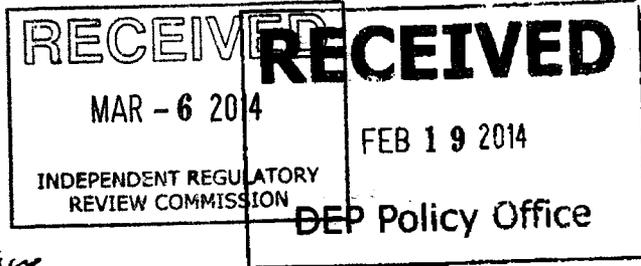
*This kind of sums it up
in my area.*

JAN 8

Michael W. Roome
234 Newark Pompton Trpk
Wayne, NJ 07470

3042

To: Environmental Quality Board
16th Floor, Rachel Carson State Office Building
P.O. Box 8477
Harrisburg, PA 17105-8477



From: Fr Bernard Survel
135 Cleburn Hgts Lane
Greensburg, PA 15601-6665

Re: The following comments are submitted to the Environmental Quality Board's regarding "Proposed Environmental Protection Performance Standards at Oil and Gas Well Sites (25 Pa Code, Chapter 78)" published in the *Pennsylvania Bulletin* on Saturday, December 14, 2013 (43 Pa.B. 7377).

Bernard Survel

1. **Water Used for Fracking** (i.e. water to be sent into well)
 - A. Regulations should not permit open containers or "pits": all fluids should be contained only in closed tanks and closed loop systems.
 - B. The tanks and closed loop systems should be permitted only for a designated, limited time, e.g., during weeks of fracking.
 - C. This water should not be called "fresh water."

2. **Produced Water** (i.e. water returned from fracking well)
 - A. Regulations should not permit any open containers.
 - B. Produced water should be in closed tanks and closed loop systems designed for the broad array of chemicals possible in produced water.
 - C. The tanks and closed loop systems should be permitted only for a designated, limited time, e.g., during weeks of fracking.

3. **Fumes, Mists and Liquids Discharged from Storage Tanks**
 - A. There should be no legally allowed leakage or release of vapors, mists or fluids.
 - B. Containers that might accumulate vapors, such as condensate tanks or produced water tanks, must have vapor capture mechanisms that prevent the escape of any fumes, especially known toxins such as benzene.
 - C. Air quality monitors that operate continuously must be installed to verify and report to the DEP that harmful gases are not escaping from the site.
 - D. Limits for chemical emissions from tanks must take into account
 - (1) the density of tanks in an area as aggregate air pollution sources
 - (2) their proximity to buildings with sensitive populations (e.g., schools, hospitals)

4. **Fluid Storage Set Back Distance**
The prohibition on construction of fluid storage areas within 100 feet of certain water bodies should be extended to all water bodies. (Section 78.59c)

5. **Water Replacement**
Contaminated drinking water should be restored to meet the Safe Drinking Water Act standards. If the quality of water was superior to these standards prior to drilling, the operator must restore the water to that higher standard.

6. **Presumption of Liability**
Presumption should apply to not only site construction but all oil and gas activities.

7. **Disposal of Brine and Drill Cuttings:**
There should be no processing of drill cuttings on site nor should cuttings should be stored in pits. Disposal of brine, drill cuttings, and any residual waste should not be allowed for wells drilled on property not previously designated as a waste site.

No burial of waste should occur on private or public forests, farms, parks, airport buffer, school property, etc. .

Any burial of materials should occur only in sites designated as waste sites and, when burial is thus validated, it should meet the standards of the US Resource Recovery and Conservation Act.

8. Brine:

No brine from hydraulically fracked wells should be used for application on the well pad, industry access roads, private roads or public roads due not only to salinity loads, but to the possible presence of toxic chemicals and radioactive particles that may be contained in flowback water.

9. Land Application of Materials Produced on a Well Site:

No wastewater, drill cuttings, or other substances produced on the well site should be applied to land areas.

10. Air Monitoring

All gas facilities including tanks, pits, wells, and compressor stations should have air monitors designed and operated by a third party, functioning 24 hours a day, and recording findings that are directly available to the DEP and public. Monitors should record substances recognized as harmful to public health and associated with oil and gas operation emissions, e.g., VOC, NOx, Benzene, PM-2.5.

11. Abandoned Wells:

Those wells must be identified and sealed prior to any gas wells being drilled. Drillers are financially responsible for protecting the waters of Pennsylvania via the identification and plugging process

12. Radiation Monitoring and Labeling- Testing and Labeling on Site and Transport

All liquid and solid waste must be monitored for all relevant forms of radiation and readings must appear clearly on current labels in at least the following conditions:

- a). All temporary and permanent impoundments, storage tanks, pits, that collect discharges from wells must be tested at least quarterly.
- b) All liquid and solid materials transported to permanent sites such as landfills and injection wells, must be tested and clearly labeled, regardless of whether the destination state requires such labeling.

16. Management of Radioactive Waste – On Site Management

Drill cuttings that are radioactive should not be disposed of, spread on, nor incorporated into the soil 78.61(b) nor in pits §78.62, 78.63.

13. Management of Radioactive Waste - Materials to Disposal Sites

DEP should set standards for radiation monitor alarm set points. Trucks carrying above a certain limit must go to sites designated for radioactive waste. Trucks below a certain radiation limit and volume might be allowed at a landfill site if the landfill meets at least the following features:

- a. the intensity and volume of radioactive substances in the landfill has not already reached a pre-determined limit set by the DEP, and verified by a third independent party.
- b. The amounts of radioactivity and volumes are publically disclosed on a quarterly basis.
- c. Residents within a 5 mile radius of the landfill are informed annually of the radioactivity status
- d. The landfill monitors radiation on landfill perimeters and in storm run-off and streams nearby on at least a quarterly basis.
- e. The landfill leachate does not move the radioactivity to sites other than those designed for radioactivity. For example, the landfill cannot send radioactive leachate to municipal waste water treatment plants.

14. Response to Comments

The DEP should respond to comments received about a permit that may affect an important public resource. (Section 78.15(d))

January 22, 2014

3042

To the Environmental Quality Board:

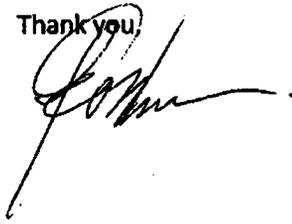
Jim O'Mara, royalty owner in Bradford, McKean County, Pa., submits the following comments regarding proposed new regulations on the production of oil and gas in the Commonwealth. These rules are written to regulate production from both shallow (or conventional) wells and the new shale-gas (unconventional) wells found across the state. The proposed rules outlined in Chapter 78 take a one-size-fits-all approach to DEP regulations that would result in regulatory burdens that are both expensive and unreasonable for conventional producers.

Examples of the new regulations that will have a negative and burdensome impact on conventional oil and gas production are production-water disposal, small quantities of oil discharges, installation of monitoring wells, soil removal, and design requirements for well pads and pits. The list is long, and when the new requirements are added to the recently enacted changes in casing and well-reporting requirements, the cost associated with complying to mandates more aligned with the shale-gas industry threatens the sustainability of current conventional oil and gas production.

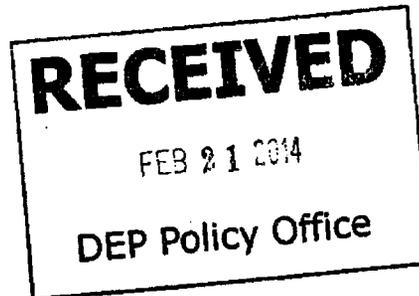
New conventional-well completions are down from more than 4,500 in 2007 to fewer than 1,000 this year. This decline has resulted in less investment in our industry, fewer job opportunities and significant declines in revenues. These declines have impacted the overall economy at state and local levels, and certainly have had a negative impact on the generations of dedicated employees that have supported this industry for more than 150 years.

There are already appropriate and adequate regulations for conventional oil and gas wells that provide effective protection for the environment. As a royalty owner and community member of McKean County, we urge the Environmental Quality Board and the PA DEP to work with the industry to achieve a reasonable and common sense approach to protecting the Commonwealth's natural resources by maintaining the existing regulations in place for conventional oil and gas wells.

Thank you,



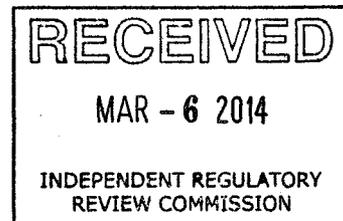
J. O'Mara
Box 72
Bradford, Pa
16701



February 24, 2014

3042

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



To Whom It May Concern:

As an employee of Catalyst Energy, Inc. and as a person who has been involved with the oil and gas industry since 1975, I would like to present some comments on the proposed revisions to Chapter 78 by the PA Department of Environmental Protection.

In the past four decades, I have witnessed many changes in technology and concerns for the environment and safety as it applies to the conventional wells of western Pennsylvania. It has been through new technologies that this business has remained alive. The additional costs of both this technology and the adherence to environmental guidelines have cut into the potential profitability of developing oil and gas reserves.

The Department of Environmental Protection is attempting to put additional restraints on the development of conventional oil and gas reserves that are not justified by a cost to benefit ratio. A good share of the work takes place in remote areas not shared by the general public and the DEP wants to treat these areas like they are a public parks.

The Department of Environmental Protection should be working with the conventional well operators and not creating situations that make the operator work unreasonable. The fate of the industry depends on that.

Sincerely,

James H. Bogdan

A handwritten signature in cursive script that reads "James H. Bogdan".

James H. Bogdan
721 Olean Road
Derrick City, PA 16727

3042

RECEIVED
JAN 27 2014
DEP Policy Office

January 14, 2014

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

RECEIVED
MAR - 6 2014
INDEPENDENT REGULATORY
REVIEW COMMISSION

Dear Board Members:

Although I am not oil or gas producer, my job is one that is dependent on the oil and gas industry. I am writing to urge you to vote "NO" on the changes to the oil and gas regulations currently before your committee.

Shallow oil and gas have been produced in our area for over 150 years and has had no lasting detrimental effect on our environment. Putting these people out of business by imposing costly, unnecessary new regulations on them would also jeopardize my job and hurt our local economy.

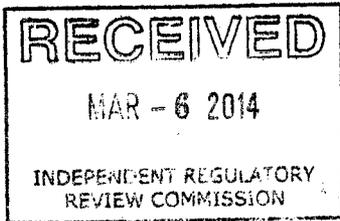
If you think it is necessary to impose new regulations on drillers and operators of deep, nonconventional wells, why weren't the new regulations written for just that purpose? Why were the shallow well drillers and producers included? Why can't they continue to operate under the current regulations, which have done an effective job?

Please vote "NO" to the proposed changes to Chapter 78 regulations so my job, and thousands of other jobs that depend on these producers of shallow oil and gas, is not lost.

Sincerely,



3042



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

Dear Board Members:

I am writing to ask 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 oil and gas activity on my land, and I am concerned that the added burden of as much as \$100 million per year could significantly harm the industry while providing 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 in this industry live, work and play in the same areas where the oil and gas industry operates, 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 current laws and industry best practices. At the same time, however, the costs of regulations cannot 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. For many of us, royalty revenue has breathed new life into family farms and small businesses all across Pennsylvania. Decreased 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,

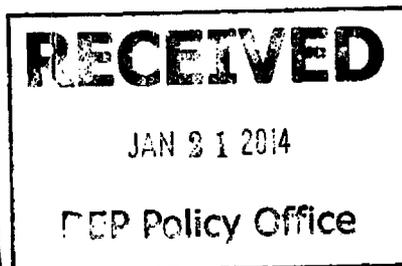
RICHARD REITZ
Print Name *RR*
Richard Reitz
Sign

Environmental Quality Board

P.O. Box 8477

Harrisburgh, Pa 17150

3042



Dear Board Members;

My Name is Margaret Macpherson, a retired nurse and widow. I am writing to express my concern about purposed changes in regulations affecting the oil and gas industry.

I have very little income aside from social security, and I depend on the income from my convential oil well to help pay my bills.

Shallow wells or Conventional wells MUST BE excluded from Act 13 and all regulations of Act 13. As I'm sure you are aware, conventional wells are completely different from Marcellus and Utica wells.

Ergon and American Refining Group depend greatly on the unique sweet crude that comes from our wells. Local wells are paraffin based, and are used in many of the products the we all depend on every day. Shutting down these small well producers will unnecessary regulations will not only me, but many of my neighbors too, just when the we need this money the most during these uncertain economic times. Many others jobs in refining will surely be affected as well.

Since I live in a remote country area, I'm well aware of the enviroment, and charish the clean air and clean water. I go out of my way to live in harmony with the animals and plants who live in the same eco-system as I do. The new rules you are inacting may actually hurt the enviroment. You see when the bills need to be paid, we may have to cut down cherished trees to pay obligations, to fill in for an oil well that is not harming the enviroment. Land that I once planned to turn into a fruit tree forest might be needed to plant corn. I'm sure your well aware of how bad corn, or traditional plow and seed farming is for the soil, causing erosion, and contributing to the algea blooms in the Gulf of Mexico.

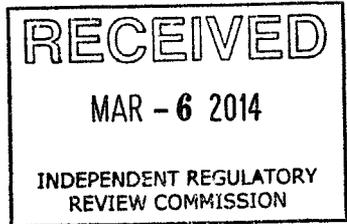
I hope to continue planting fruit and nut bearing trees, grapes, and even allowing fields to turn into forests. However, if the money is needed, it will be earned growing corn, or cutting trees. I do not wish to be forced to be part of our planets problem; I want to be part of the solution. I imagine many of my neighbors are considering the same undesireable actions.

Please take time to consider how these new laws will hurt me, and may even hurt the land.

Margaret Macpherson
Thank You for your time;

3042

February 16, 2014



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

Dear Board Members:

I am writing to ask 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 conventional oil and gas activity on my land, and I am concerned that the added burden of increased regulation and associated costs could significantly harm the industry while providing little or no added benefit to the environment.

From what I see, Pennsylvania's environment is in good hands with the oil and gas industry. Those who work on my property and others I encounter in this industry live, work and play in the same areas where the oil and gas industry operates, 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 current laws and industry best practices. At the same time, however, the costs of regulations cannot outweigh their benefits. It is obvious to me that the onset of Marcellus shale drilling has sparked these proposed changes, so why not concentrate on regulating that portion of the industry and leave the conventional industry as it currently is? When applied to conventional operators, 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 could mean smaller royalty payments for me and my neighbors. For many of us, royalty revenue has breathed new life into family farms and small businesses all across Pennsylvania. Decreased 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. Fewer oil and gas wells will also mean less oil and gas supply which will once again increase our dependence on other countries for our energy needs.

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, the prosperity of our communities, and our energy future are every bit as important as Pennsylvania's natural resources.

Sincerely,

*I believe in regulations,
but regulations have become
aid of control.*

Willa A. White
Signature

44 Whippoorwill St.
Street Address

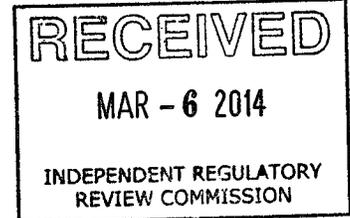
Indiana, Pa. 15701
City, State & Zip Code

3047

FEB 20, 2014

ENVIRONMENTAL QUALITY BOARD
P.O. BOX 8477
HARRISBURG, PA. 17105-8477

RE: PROPOSED CHANGES TO CHAPTER 78 REGULATIONS,
SUB PART C.



DEAR BOARD MEMBERS:

I AM THE OPERATOR OF SHALLOW CONVENTIONAL OIL WELLS IN VENANGO COUNTY, PENNSYLVANIA AND HAVE BEEN MADE AWARE OF THE PROPOSED REGULATIONS CURRENTLY BEING CONSIDERED FOR APPROVAL BY YOUR BOARD. I AM WRITING TO EXPRESS MY OPPOSITION TO THE PASSAGE OF THESE REGULATIONS.

IN 2013 THE AVERAGE PRICE FOR PARAFFIN BASED CRUDE OIL PRODUCED IN WESTERN PA, THE WESTERN TIER OF NEW YORK, EASTERN OHIO, AND WEST VIRGINIA SOLD FOR AN AVERAGE PRICE OF \$95.71 A BARREL. THIS IS THE HIGHEST AVERAGE PRICE IT HAS EVER BEEN FOR A RESOURCE THAT GENERATES HUNDREDS OF BY-PRODUCTS IN ADDITION TO HIGH QUALITY MOTOR OILS, GASOLINE, KEROSENE, DIESEL FUEL, AND FUEL OIL, THE PENNSYLVANIA BASE CRUDE OIL IS DIFFERENT IN COMPOSITION TO MOST OF THE CRUDE OILS FOUND IN THE OTHER

STATES OF OUR COUNTRY AND AROUND THE WORLD. THOSE OTHER CRUDES ARE ASPHALT (TAR BASE) WHICH REPRESENT THE MAJORITY OF THE WORLD'S PETROLEUM SOURCES.

THE LIST OF 134-PRODUCTS DERIVED FROM OUR PARAFFIN (WAX BASED) PETROLEUM CONTRIBUTES HUNDREDS OF PRODUCTS INTO OUR ECONOMY WHICH INCLUDE WAXES USED IN CANDIES AND FOOD ITEMS, COSMETICS, LOTIONS, CREAMS, MEDICATIONS, AND VARIOUS TYPES OF PLASTICS INCLUDING NYLONS AND POLYCARBONATE.

WITH ALL THESE POSITIVE ATTRIBUTES AND DIVERSITY OF USES, AS WELL AS THE HIGHEST AVERAGE PRICE OF ALL-TIME, IT WAS ASTONISHING TO DISCOVER THAT DRILLING PERMITS FELL FROM A NUMBER OVER 4000 (5-6 YEARS AGO) TO LESS THAN 1000 IN 2013. MUCH OF THIS DECREASE CAN BE RELATED TO MORE STRINGENT DRILLING REGULATIONS, SITE PREPARATION, ACCESS ROAD PREPARATION, AND THE EFFORTS OF THE STATE TO IMPRESS THE SAME REGULATIONS ON SHALLOW CONVENTIONAL WELLS AS IS USED ON NON-CONVENTIONAL MARCELLUS TYPE WELLS. THESE NON-CONVENTIONAL WELLS CAN COST UP TO ONE HUNDRED TIMES MORE AND CAN TAKE MONTHS TO DRILL VERSUS DAYS FOR THE SHALLOW.

THE CONVENTIONAL SHALLOW WELL INDUSTRY HAS TRIED TO POINT OUT THAT, "ONE SET OF REGULATIONS DOESN'T FIT ALL!"

THE PROPOSED REGULATION PACKAGE AS IT NOW STANDS IS OVERLY BROAD, BURDENSOME AND TIME CONSUMING WITHOUT ADDING MEANINGFUL PROTECTION TO THE ENVIRONMENT. I URGE YOU TO VOTE "NO" TO THESE REGULATIONS AND ALLOW CONVENTIONAL WELLS TO OPERATE UNDER THE EFFECTIVE REGULATIONS IN PLACE BEFORE THE PASSAGE OF ACT 13 IN FEBRUARY OF 2012.

THANK YOU FOR YOUR CONSIDERATION OF THIS INPUT.

SINCERELY,

~~_____~~
GARY R. HOVIS

5398 SR 308

KEENERDELL, PA 16314

3047

**Comments on the proposed regulatory changes to
25 PA Code Chapter 78 for Oil and Gas Surface**

Commenter: Thomas Norris
1980 Spruce Hollow, Road
Homer City, PA 15748

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MAR - 6 2014
INDEPENDENT REGULATORY
REVIEW COMMISSION

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FEB 21 2014
DEP Policy Office

78.15 Application Requirements

I applaud the addition of the proposed Subsection(d). With gas well drilling occurring in over 60% of the Commonwealth, and oil and gas pipeline activities occurring throughout the entire Commonwealth, the protection of threatened or endangered species is paramount. Hopefully, the misguided attempt by Representative Jeff Pyle, Senator Don White and their colleagues to revise the Pennsylvania Endangered Species Act does not pass through the state legislature.

I applaud the addition of the proposed Subsection(g). This addition will help maintain the integrity of Act 13 Section 3215(e), which directs the Board to promulgate regulations for the Department to condition a well permit based on its impact to public resources. The only part of this proposed change I see fault with is the potential for the well permit applicant to under-identify public resource impacts. Hopefully, all applicable jurisdictional agencies provide the needed amount of oversight to curtail potential under-identification of public resource impacts submitted by an applicant.

78.52a Abandoned and orphaned well identification

I applaud the addition of the proposed 78.52a. With an estimated 250,000 wells that were not properly plugged, this addition will help to identify these wells and encourage mitigation efforts in this regard. The 1,000 foot identification distance should remain as the minimum identification distance. Reduction of this distance should not be approved. Regarding the visual monitoring of identified orphan wells, I would suggest language be added to include required recordkeeping by the operator of such monitoring. As I am not an expert in what parameters should be monitored, I would leave it to the Board to further define the proper required recordkeeping.

78.56 Temporary Storage

Regarding the monitoring requirements for 'Temporary Storage' at unconventional well sites, it appears that potential pollution from air emissions has not been adequately addressed. These pits and tanks have the potential to emit air pollutants, such as Volatile Organic Compounds, Hazardous Air Pollutants and Greenhouse Gases, uncontrolled into the outdoor atmosphere. As with existing regulations for conventional permitted compressor stations, monitoring and reporting of tank emissions occurs. I would recommend that language be added to include monitoring, and reporting to the Department, of air pollutants from all applicable storage sources, be they temporary or permanent. As it is, these sites do not require Air Quality permits and the Departments Air Quality Program does not monitor these air pollutants. Inspections of these sites are conducted by the Departments Oil & Gas Bureau which do not adequately address air quality concerns. Charged with protecting the air quality of the Commonwealth, the Department should require owners and/or operators to monitor and report air pollutant emissions throughout all aspects of well development and maintenance. With the current inventory, and expected increase in inventory, of these types of sources, the emission of air pollutants is of great concern and should be the duty of the Department to monitor.

As currently stated within 78.56(a)(1) The pit, tank or series of pits and tanks shall be constructed and maintained with sufficient capacity to contain all pollutional substances and wastes which are used or produced during drilling, altering, completing and plugging the well.

Owners/operators of wells are currently unable to be within 100% compliance with this requirement due to evaporative and fugitive air emission processes that occur from, but not limited to, pits and tank pressure relief valves. As written, it provides protection from water and soil pollution but does not provide adequate protection from air pollution. Language should be added to adequately include air pollution concerns. This same issue would apply if/when the language is changed to 'Temporary Storage'.

Additional comments:

Upon review of 25 PA Code Chapter 78 it appears that attention to air quality emissions has been sorely overlooked. The Department, being charged with protecting the air quality of the Commonwealth, should incorporate language within all applicable parts of 25 PA Code Chapter 78 to adequately regulate air pollution emissions. Owners/operators of wells should be required to identify and report all air pollution sources, be they temporary or permanent, along with estimated Potential To Emit emission calculations, during the application process and subsequent correspondence with the Department. Upon the Departments discretion, monitoring and reporting of air pollutant emissions should be incorporated into 25 PA Code 78. Processes to determine and report fugitive emission estimates already exist and are currently being used throughout the Commonwealth within other industries, including the conventional well industry. This same standard should be applied to the unconventional well industry as well.

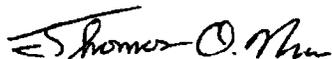
Additionally, as required within the 2013 revision to the Departments Air Quality General Permit 5 (2700-PM-AQ0205) Natural Gas Production Facilities:

Section H Requirements for Equipment Leaks

- (1) The owner or operator of the natural gas compression and/or processing facility shall, at a minimum, on a monthly basis perform a leak detection and repair program that includes audible, visual, and olfactory ("AVO") inspections.
- (2) Within 180 days after the initial startup of a source, the owner or operator of the facility shall, at a minimum on a quarterly basis, use forward looking infrared ("FLIR") cameras or other leak detection monitoring devices approved by the Department for the detection of fugitive leaks. The Department may grant an extension for use of FLIR camera upon receipt of a written request from the owner or operator of the facility documenting the justification for the requested extension.
- (3) If any leak is detected, the owner or operator of the facility shall repair the leak as expeditiously as practicable, but no later than fifteen (15) days after the leak is detected, except as provided in 40 CFR 60.482-9. The owner or operator shall record each leak detected and the associated repair activity. These records shall be retained for a minimum of five (5) years and shall be made available to the Department upon request.

The Department should incorporate, or at least review the possibility of incorporating, language within 25 PA Code 78 to include equipment leak detection monitoring and recordkeeping similar to that within General Permit 5. Again, if the conventional well industry is subject to this requirement, so too should the unconventional well industry.

Thank You.



###END COMMENTS###

3047

Feb 10 - 2014

Environmental Quality Board

P.O. Box 8477

Harrisburg Pa 17105-8477

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MAR - 6 2014

INDEPENDENT REGULATORY
REVIEW COMMISSION

Dear Board Members,

Even though I'm returning this form bitter, I want you to know I agree whole heartedly with the gas & drilling company. They are protecting our land while bring much needed money to our area.

Thank you
Richard + Diane Fausch

3047

1-14-2014

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

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JAN 21 2014
DEP Policy Office

To Whom It May Concern,

It has come to my attention that the DEP is proposing onerous changes in regulations that will affect my royalties from a gas and oil well (Conventional). I have a very minor stake, however, it does bring in enough that I have some discretionary income. I am a widow and this royalty is a big help. My discretionary income helps the economy. The new rules and regulations will harm it.

ENOUGH is ENOUGH. It is no longer a helpful government. It is an interfering government.

Please think of the people and businesses you will be hurting. Weigh it carefully and you will come out on the side of the royalty holder.

I appreciate you taking my thoughts into consideration.

Sincerely,

Patricia Cosgrove Glenn
35 Starling Drive
Harrisburg PA 17331
717-632-3326

COPY TO:

Senator P. Toomey
Rep. Scott Perry
PA Senator Richard Rothman
PA Rep. Don Mouton

RECEIVED
MAR - 6 2014
INDEPENDENT REGULATORY
REVIEW COMMISSION

3047

Cooper, Kathy

From: RegComments@pa.gov
Sent: Thursday, March 06, 2014 11:55 AM
To: Environment-Committee@pasenate.com; apankake@pasen.gov; IRRIC; 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

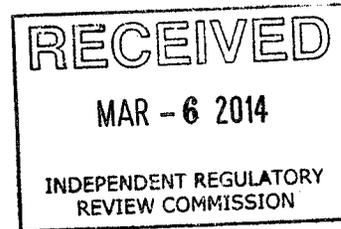


Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

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

Commentor Information:

Barbara Ruppert
 (barb.ruppert@gmail.com)
 271 Crum Rd.
 Fairfield, PA 17320 US



Comments entered:

As a citizen wishing to protect and enhance the soil and water quality in our state, I have the following comments regarding proposed changes to Pennsylvania's oil and gas regulations. We have to take a long-term view and protect our health and safety instead of simply looking at economic returns; what good is more money if we all get sick because we contaminated the environment so badly?

1. Pre-drill water testing and the restoration and replacement of contaminated water supplies (Sections 78.51 and 78.52). I urge DEP to require:
 - All drillers to use a consistent, comprehensive list of parameters for pre-drill water testing, which DEP must establish before the proposed regulatory changes are adopted.
 - All drillers to make pre-drill data available to the public through an online platform.

2. Standards for frack pits and impoundments (Sections 78.56, 78.57, 78.58, and 78.59). I urge DEP to:
 - Prohibit operators from using open pits for storage of regulated substances, and require that all waste be stored only in closed systems.
 - Prohibit the onsite processing of shale drill cuttings, which often contain hazardous substances and radioactive materials.

3. Disposal of brine, drill cuttings, and residual waste (Sections 78.60, 78.61, 78.62, and 78.63, and 78.70) Pennsylvania should apply U.S. Resource Recovery and Conservation Act standards to regulate all aspects of the storage, transport, and use of hazardous materials. In addition, I

urge DEP to:

- Prohibit the burial or land application of all drill cuttings, which can contain polluting and radioactive substances.
- Prohibit the onsite burial of waste pits, which can leak and pollute groundwater over time.
- Prohibit the use of brine for dust suppression, de-icing, and road stabilization. Stormwater runoff carries brine into nearby waterways and wetlands.
- Prohibit the land application of topsoil water, pit water, fill, or dredged material. These substances can contain chemicals and sediments bound with pollutants.

4. Identification of orphaned and abandoned gas and oil wells (Section 78.52(a)). About 200,000 abandoned wells exist statewide. I urge DEP to require operators to:

- Identify existing wells before site and well construction and drilling (not just fracking), and map them on a publicly available web platform.
- Plug and seal abandoned and orphaned wells according to state safety standards prior to well site construction.

Thank you for doing all you can to protect the environment and health in our state.

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.

One-page Summary: [Environmental Protection at Well Sites.docx](#)

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

One-Page Summary of Comments From Barbara Ruppert, Fairfield, PA, 3/6/14

As a citizen wishing to protect and enhance the soil and water quality in our state, I have made comments regarding proposed changes to Pennsylvania's oil and gas regulations. We have to take a long-term view and protect our health and safety instead of simply looking at economic returns; what good is more money if we all get sick because we contaminated the environment so badly?

I urge DEP to require that all drillers use a consistent, comprehensive list of parameters for pre-drill water testing, which DEP must establish before the proposed regulatory changes are adopted.

I urge DEP to prohibit the use of open pits for storage of regulated substances, rather than merely writing rules for the use of these dangerous pits. I also urge DEP to prohibit the onsite processing of shale drill cuttings, which often contain hazardous substances and radioactive materials.

I urge DEP to apply U.S. Resource Recovery and Conservation Act standards to regulate all aspects of the storage, transport, and use of hazardous materials. In addition, I urge DEP to prohibit the burial of drill cuttings and waste pits, which can leak and pollute groundwater. DEP should also prohibit the use of brine, which can be carried into nearby waterways and pollute them, as well as prohibiting the land application of water and fill from operations, which can contain pollutants.

I urge DEP to require operators to identify and publicly map existing wells before site and well construction and drilling (not just fracking), and to plug and seal abandoned and orphaned wells according to state safety standards prior to well site construction.

Thank you for doing all you can to protect the environment and health in our state.