

Statement by Richard Martin,

January 16, 2014

740 Oak Hill Drive, Boiling Springs PA PennaHunters@aol.com

The DEP permitting process does not seem to take into account the cumulative effect of the natural gas industry on our environment.

Many of the chemicals used to in hydrofracing are known carcinogens, neurotoxins and endocrine disruptors. These wastes as well as others, are a direct threat to our water supplies, air quality, and wildlife

What is the acceptable risk?

While these chemicals may be beneficial to the gas industry, their use must be tightly regulated so as to prevent harm to us..

DEP should follow the mantra "If you can't measure it, you can't manage it."

Sections 78.60, 78.61, 78.62, and 78.63, and 78.70

Since the gas industry had a hand in drafting these regulations, 'weasel clauses' and other ambiguous language must be eliminated. Flowback water *should be regulated tightly, with documentation via a "cradle to grave" paper trail.*

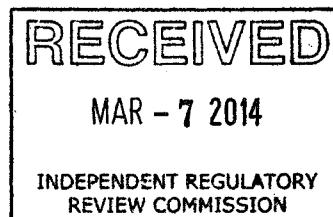
Operators will naturally seek the most cost-effective method of disposal. DEP is not fulfilling its mission of Environmental Protection if operators are allowed to bury drill cuttings [AKA "Toxic Teabags"] on site. On-site disposal is not equivalent to a well-designed and regulated landfill. Disposal of drill cuttings must be treated in the same way as flowback water - Cradle to Grave documentation.

78.60, 78.61, 78.62, and 78.63, and 78.70

U.S. Resource Recovery and Conservation Act standards should be adhered to in order to control the storage, transport, and use of all hazardous materials. The proposed CH 78 changes are inadequate to address the risks.

Section 78.52(a)

I have spent much of my 75 years on the Allegheny National Forest lands. I have seen the effect of operators simply walking away from their responsibilities after wells fail to be economical. I have seen hundreds of orphaned and abandoned gas and oil wells on the ANF. Can't you learn from the "Fed's" mistakes?



Sections 78.51, 78.52

The water sources surrounding my hunting camp in Howe Township, Forest County were polluted with benzene as a result of fracturing an O&G well 990 feet away. No letters were sent to property owners by the driller prior to drilling. Despite the "presumption", DEP was ineffectual in getting replacement water. When asked about suing the driller, the response was "we don't have the budget." One replacement water well for the six camps was drilled. After a few months, the driller cut off the power supply. DEP should require drillers to post a bond, assuring a permanent supply of water that meets Safe Drinking Water Standards.

I have much more, but will elaborate via a separate written testimony.

And I suggest that you extend the public comment period for three months so others can comment.

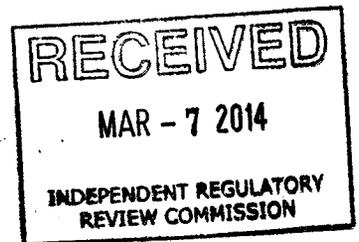
Thank you for your time.

Richard Martin

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Boiling Springs, PA

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Environmental Quality Board
Testimony on Chapter 78 Regulations
Wendi Taylor, 435 Parkview Court, Camp Hill, PA 17011
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The Environmental Quality Board (Board) proposes to amend Chapter 78 (relating to oil and gas wells). The proposed rulemaking would amend Chapter 78 to update the requirements regarding surface activities associated with the development of oil and gas wells. Additionally, the proposed amendments would address recent statutory changes in the act of February 14, 2012 (P. L. 87, No. 13) (Act 13), codified at 58 Pa.C.S. §§ 2301—3504.

Thank you for the opportunity to provide comments on the proposed regulations related to oil and gas wells. While I do not live in the Marcellus Shale region, I am interested in what is happening -- or what will happen -- in that region. I believe that we, the citizens of Pennsylvania, are going to be in the same situation as those in Wyoming. There, the fracking boom has come and gone and according to the New York Times:

"The companies that once operated the wells have all but vanished, ... many seeking bankruptcy protection and unable to pay the cost of reclaiming the land they leased. Recent estimates have put the number of abandoned drilling operations in Wyoming at more than 1,200, and state officials said several thousand more might soon be orphaned by their operators."

Generally, I would urge this board to do three things: provide more public disclosure, limit the use of grandfathering, and adopt the most stringent regulations that the law will allow. As the Pennsylvania Supreme Court pointed out in its recent decision on Act 13, Pennsylvania lawmakers have a poor record of protecting its citizens from the many problems created by industries, such as the timber and coal. Now we are making the same mistake with the natural gas. You see, these regulations are about five years too late.

This industry has been able to avoid regulation. They have gotten key exemptions from the federal Safe Drinking Water Act, the Clean Air Act, Clean Water Act, the Emergency Planning and Community Right-to-know Act and the Resource Conservation and Recovery Act.

We need stringent state regulations that will be strictly enforced by the Pennsylvania Department of Environmental Protection. As the board reviews Chapter 78, please do all you can to give citizens the regulations that reflect their right to clean air and clean water. For instance,

Pre-drilling water testing should be comprehensive (Section 78.52)

The Pennsylvania Department of Environmental Protection should determine the chemicals and contaminants to be included in pre-drilling water tests, not the drillers. Further, the testing should be done in independent labs and the results should be available to DEP, landowners and the public. Too often chemicals and methane gas show up after drilling and because those specific chemicals or contaminants were not included in the pre-drilling tests, no one can prove if the water was degraded by fracking.

Open pits for storing wastewater should be prohibited (Section 78.56)

DEP regulations continue to allow the storage of wastewater in open pits or impoundments. Open pits are a recipe for disaster and the state needs to ban them altogether. Existing impoundments should be cleaned up and closed. Hydraulic fracturing fluid, flowback, and produced water at well sites should be stored in above-ground tanks during all phases of drilling and treated as the hazardous waste that it is.

The proposed rules do not address stray gas migration (Section 78.52a and Section 78.73)

Stray gas migration has been a problem in Pennsylvania in some measure due to old unplugged and abandoned wells, whose gas can migrate into groundwater during drilling operations. Before drillers do anything, they should be required to survey the site to identify orphaned wells that may not be known or mapped. If discovered, the driller should cap the well before they begin construction. Further, drillers should be required to provide the results of the site surveys to DEP.

Water supplies should be restored to an equal or better condition (Section 78.51)

Act 13 requires water supplies that have been contaminated by drilling to be restored or replaced to meet Pennsylvania's Safe Drinking Water Act. The regulation should specify that those that had high quality water before drilling should have it restored, not merely replaced with water that meets minimum safe standards.

I urge you to consider all the comments from these hearings that call for more protection of our environment because contamination can last far longer than the jobs the industry creates.

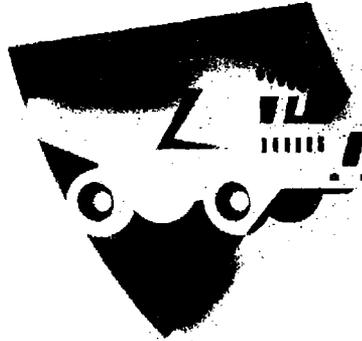
I thank you for your attention.

Wendy J Taylor

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INDEPENDENT REGULATORY
REVIEW COMMISSION



**TESTIMONY FOR PUBLIC HEARING
JANUARY 16, 2014**

BY

TANYA S. WAGNER, R.N., M.Ed.

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Mechanicsburg, PA 17050

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**SUBJECT: Proposed Regulations for Oil and Gas Surface Activities
(Amendments to 25 PA Code Chapter 78, Subchapter C)**

Good evening, I'm Tanya Wagner from Hampden Township.

I assumed that most testimony given tonight would be empirical in nature. So, I choose to speak more philosophically, because actions are guided by values, and legislation is crafted not just from knowledge, but influenced by attitude and moral integrity. That said, it's time we undertake bolder efforts to put tougher, more specific language in these proposed regulations. If we can't balance public health needs and land stewardship properly with economic growth and the search for new energy sources, Pennsylvanians will pay a price that we and our offspring will sorely regret.

I speak with confidence because, as 300,000 West Virginians were learning of a chemical spill that rendered their water virtually untouchable, the U.S. House of Representatives was hard at work gutting the Federal Hazardous-waste Cleanup Act. How ironic! If this bill becomes law, it will seriously erode the federal government's ability to help us if a similar disaster were to happen here. We could be in dire straits unless we get our own house in order, and fast.

The Elk River spill in WVA, while not due to fracking, is a cautionary tale, because the CEO of the company responsible is considering bankruptcy; so he won't be paying for cleanup, and in PA, we've not required drillers to establish a remediation fund for accidents that may well devastate our water supply. Yes, we have an impact fee, but that's simply for mitigating day-to-day wear and tear on a community's infrastructure.

It's reported that a legislative plan is evolving to entice drillers to substitute "mine-influenced water" for their fracking process in place of clean water. While that sounds like a tantalizing concept on its face, a tricky use of the term "beneficial" in the plan's text, and a proposal to exempt companies from liability who would agree to use this stuff clearly doesn't.

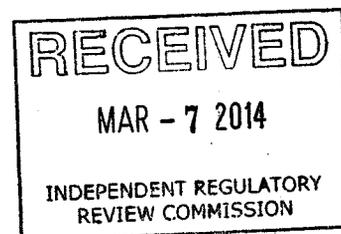
While much is promised by operators and legislators, and agency spokesmen assure us that all is well, I suffer cognitive dissonance when reviewing information that contradicts the pro-fracking message; like countless violations, token penalties, inadequate rules for safe use and disposal of hazardous substances, danger from orphan and abandoned wells, methane migration, and wording in laws that smacks of bias favoring mine operators over public health and environmental safety. Just one issue I shudder to think about is: what happens if we permit long-term burial of waste pits and toxic or radioactive materials like drill cuttings? Why, we could create sites like the infamous Love Canal, which, quoting NY's health commissioner "remains as a national symbol of failure to exercise concern for future generations" Is that how we want to be remembered?

I'm no expert, but distance and location limits listed in these proposed regulations seem uncomfortably close to areas they're designed to protect, accompanied by vague enforcement language. Won't such a laissez-faire approach just invite less safety and more risk?

I'm troubled, too, when many people (including elected officials) willingly accept drillers' assurances of safety. For me, their credibility sank after hearing that the industry hired the same public relations firm tobacco executives employed back in 1994: the ones who raised their hands at a congressional hearing, and under oath, stated "I believe that nicotine is not addictive".

On that note, I'll close by sharing 2 wise and very relevant proverbs: first, it seems the only thing we've learned from history is that we don't learn from history at all, and second, humans come to their moment of clarity only through pain and humiliation. Sadly, their own, and not someone else's. My hope is that these tendencies can be reversed at this crucial time; and that wisdom, foresight, and courage will prevail over greed and expediency. Our land, our citizens...and... even mine operators, will be the better for it. Thank you.

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JANUARY 17, 2014

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

Dear Board Members:

My land is under lease for oil and gas development. I receive royalty and fuel to heat my home.. It has come to my attention that the DEP has proposed regulations adversely affecting the economical operation of these wells.

The modified regulations will unnecessarily increase the operating costs for conventional oil and gas wells, and will definitely not result in any significant environmental benefit.

The oil and gas industry is vital to the economy of this state, providing jobs, etc. Also being at retirement age, AND a lifetime tax payer her in PA, I am very dependant upon this income especially during these difficult economic times we find ourselves in. Besides, under the current regulations, the conventional oil and gas wells have had no significant adverse impact on our environmental resources.

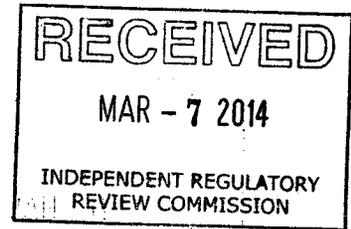
I am very strongly opposed to any new, additional regulations being imposed on any well that is already existing. It's like "changing the rules after the game is started". After plans and projections and investments were made and set into motion, all of a sudden, costs that never existed, appear, and all of the income plus additional investment is consumed in complying with rules, to the point where it will be less costly to just shut down operations. This would be a detriment to the entire state.

PLEASE VOTE NO to the current proposed new regulations in favor of the economic well-being of the Commonwealth of Pennsylvania.

Sincerely,

Victoria A. Wadding
Victoria A. Wadding

HAL B. WADDING
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hwad1@comcast.net



JANUARY 17, 2014

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

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PLEASE VOTE NO to the current proposed new regulations in favor of the economic well-being of the Commonwealth of Pennsylvania.

Sincerely,

A handwritten signature in black ink, appearing to read "Hal B. Wadding".

Hal B. Wadding