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Cooper, Kathy

From: RegComments@pa.gov
Sent: Monday, March 10, 2014 3:14 PM
To: Environment-Committee@pasenate.com; apankake@pasen.gov; IRRRC;
 RegComments@pa.gov; eregop@pahousegop.com;
 environmentalcommittee@pahouse.net
Cc: ra-epmsdevelopment@pa.gov
Subject: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

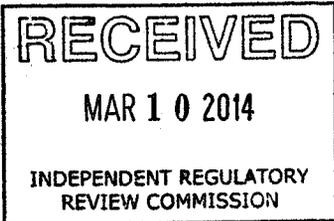


Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

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

Commentor Information:

Emily Kraffjack
C.O.G.E.N.T. (ekraffjack@cogentpa.org)
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Mehoopany, PA 18629 US



Comments entered:

EQB Hearing – Chapter 78 Oil and Gas Surface Activities – February 10, 2014 – Troy, PA - Testimony

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: [Emily Kraffjack.pdf](#)

Please contact me if you have any questions.

Sincerely,
Hayley Book

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Director, Office of Policy
PA Department of Environmental Protection
Rachel Carson State Office Building
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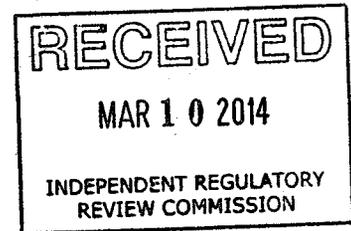
"Connection for Oil, Gas & Environment in the Northern Tier, Inc."

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3042

**TESTIMONY OF
CONNECTION FOR OIL, GAS & ENVIRONMENT IN THE NORTHERN TIER, INC.
(C.O.G.E.N.T.)**

**Presented By:
Emily E. Krajack, President**



**TO
ENVIRONMENTAL QUALITY BOARD
PUBLIC HEARING
ON ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS AT OIL & GAS
WELL SITES
RULEMAKING**

**February 10, 2014
TROY HIGH SCHOOL
TROY, PA**

Good Evening, My name is Emily Krafjack, and I'm providing comments in my purely voluntary, uncompensated role as President of Connection for Oil, Gas and Environment in the Northern Tier, Inc. C.O.G.E.N.T focuses on the five county region of Bradford, Sullivan, Susquehanna, Tioga and Wyoming Counties. C.O.G.E.N.T. is a resource for landowners and communities alike striving to find and advocate for a balance that supports public health and safety, community and the environment with the needs of industry. There are approximately 183,000 souls in our five county region. Unconventional gas well sites and facilities have been located within and around our rural, farmland and forested communities, nearby family homes, schools and local hospitals. Because of these facts, we take a keen interest in this long awaited rulemaking.

Through the 2013 year end, our region hosts 43% of the Commonwealth's unconventional spud wells. Of the total wells inspected in the state, 50% of those are located in our region and are responsible for 54% of the violations recorded by DEP.

This evening, I want to quickly address two items that will be discussed in further depth in our future comprehensive comment.

Multiple Sections: 78.15, 78.52a, 78.73c, 78.56a6, 78.57c, and 78.57e

There have been numerous comments submitted by conventional drillers both during the TAB subcommittee meetings this summer and more recently at every EQB hearing statewide. The rulemaking information that I reviewed stated specifically that there are only 6 sections of the regulation specifically pertaining to conventional operations. Upon further review of these sections, it is apparent that these are needful due to situations experienced in our Commonwealth. While it may be true that these regulations pertaining to conventional drillers are on the coat tails of unconventional drillers, that by no means indicates they are not needful. A review of conventional drillers indicates a spirit of complacency towards the environment in general, and a certain laissez faire attitude whose time is now appropriately at an end. Thirty years' experience with The Oil & Gas Act of 1984 indicates where regulations need tweaking for the conventional drillers. We urge that no alterations be made to lessen the effectiveness of these specific provisions.

Section 78.1 Definitions

This rulemaking has been several years in the making. Beginning with policies from as early as 2010 being codified, to Act 13 of 2012 provisions being adopted, and more recently created provisions addressing important issues; this rulemaking was not done in a vacuum. There have been many opportunities for industry groups to express and even lobby for provisions and yes, definitions. During the Tunkhannock hearing, an industry group testified of their displeasure with at least nine definitions. We are not new to the rulemaking process. We have learned that definitions are a very important part of any legislation, rulemaking, or statute. Therefore, we are very concerned about the advocacy of an industry group lobbying for so many definition changes for important items such as centralized impoundments, gathering pipeline, mine influenced water, temporary pipelines, and watercourse to name but a few. We plan to further detail our concerns with definition changes within our comprehensive written comment.

Changing any definition may weaken the backbone of this rulemaking, let alone nine definitions. We understand that DEP has taken a great deal of painstaking time to draft these definitions. We do not desire to see this rulemaking weakened in any way. Sites and facilities are located near our homes, schools and even local hospitals. We should not lose sight of that fact. We therefore recommend that in the spirit of not seeing these definitions revised to weakened or ambiguous language and thus weakening the framework of this entire rulemaking that any definition revisions be very carefully considered and should there be a tendency to modify, that that modification err on the side of more stringent rather than less.

Policies in place as early as 2010 and Act 13 of 2012 indicate how long we've been waiting for this regulation package to move forward. Our region needs these regulations; current practices are exactly what have created the need for them. We therefore ask that the Department to move forward with this rulemaking package as swiftly as reasonably possible. We do not want any further delays that in fact will place our Northern Tier's public health and safety, environment or communities at any further unnecessary risk.

Thank you for the opportunity to submit public comment at this hearing.