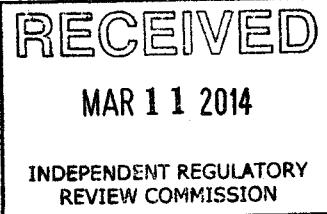


3047



Testimony by Thomas A. Miller
Environmental Quality Board Hearing
Meadville, PA
January 15, 2014

The 153 year old Pennsylvania shallow-well oil production industry is located in some of the most beautiful country in the world. This includes the historic Oil Creek Valley where there was once a forest of derricks in the infancy of the industry. This is fact. If you don't believe me, go visit Oil Creek State Park and see for yourself.

The oil produced by this industry, Penn Grade Crude, found only in PA, NY, WV and Ohio, is the most environmentally-friendly crude oil in the world, being the source for many specialties including personal care products and even food additives.

Besides being the direct employment for thousands in western Pennsylvania, the industry is a very significant economic driver for the whole region. It is responsible for the employment of thousands more who work in other businesses that are providers of services and supplies. This is in addition to the tax base provided by the industry. The elimination of the oil industry would devastate the entire region but the effects would be felt all over the state and into other states as well.

Why should this industry be made extinct by inclusion in a new set of rules designed for a brand new industry (shale gas) that has very little in common with the shallow well industry other than the fact that it produces a resource from the earth? The need for many of these rules, even for the shale industry is suspect.

Many of the rules are actually environmentally counterproductive. For example, why is it necessary to carve a highway into a well location when not much more than a cow path is needed? The enforcers appear to be driven more by the desire to issue citations and show who is boss than anything to do with actual environmental benefit. They will say they are just "doing their job" which is just what the Nazi soldiers said as they marched good people into the concentration camps.

The purpose of the DEP should be to help the industry to operate in an environmentally sound, efficient and productive manner, not to harass it to death.

I understand that this is all being driven by so-called "environmentalists" who get their technical advice from celebrities and media bias and scoff at those who have devoted their entire lives to acquiring genuine expertise. One has to really question the actual motives behind these people. Why should state government give them more credibility than the hard working people who are doing their best to make a living and provide necessary and valuable resources that have made life better for all?

When the big corporations who are no longer in the picture, had large secondary recovery projects in operation they had single point discharges of thousands of barrels a day of produced water. Some of them actually kept the streams flowing in dry weather and some of the streams are renowned for their trout fishing. The government didn't have a problem with that but now a hard-working little guy trying to make a living is a felon for discharging gallons of produced water which is often beneficial to the vegetation by providing traces of nutrients.

In spite of this it is deemed right and proper for the State, itself , by the State itself, to annually dump hundreds of thousands of tons of pure salt on the highways. You don't see or hear the so-called environmental groups up in arms about this but it doesn't bother them to constantly cite untruths, half-truths, misrepresentations and non-disasters to further their goal. Isn't there something wrong with this picture?

If the Penn Grade Crude production industry is destroyed not only will it mean the loss of employment and prosperity to many but a tremendous source of a valuable resource will be lost that may never be regained.

To the members of the Environmental Quality Board I ask that you base your decisions on truth and justice and not on narrow-minded opinion.

Thomas A. Miller
560 Route 16 South
Olean, NY 14760

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MAR 11 2014

INDEPENDENT REGULATORY
REVIEW COMMISSION

3042

William Granche

In Ridgway, PA, there is a well pad located 3300 feet above the reservoir which supplies the community's drinking water. If there is a leak, a spill, a blow out or a casing failure, that reservoir will most likely be contaminated. Then where will their potable water come from, a nearby community? Not likely, since drinking water sources of nearby communities are also in jeopardy, due to drilling activities. With this issue in mind, I address the following:

*You've sat through enough of these to have heard it all of this before,
The DEP should not compromise its obligation to protect the environment by balancing the citizens' constitutionally guaranteed right against private interests in oil and gas. (Section*

*78.15(g))
I know it's in their best interest for the gas + oil industry to do their best.*

Live without the pollution
Gas and oil companies involved in unconventional drilling have repeatedly lied to and bullied citizens and government officials, sickened their own employees and nearby residents with drilling and related activities, robbed people by degrading the value of their land and homes when water and air become polluted, caused farm animals and pets, as well as wildlife to sicken and die, and are contributing to global warming on a scale that some scientists say equals or surpasses that of coal fired power plants. Yet, this DEP is still trying to balance the rights of citizens to a clean environment against the potential for this industry to make a profit.

The DEP is required by the Pennsylvania Constitution to protect the public's right to a clean environment. The proposed regulations provide that even though the DEP determines that a proposed well will have a probable adverse impact on a public resource, the DEP still cannot impose conditions that will prevent or mitigate that harm without first considering the impact of the condition on the individual mineral right owner's ability to "optimally" develop his or her oil and gas rights. This outrageous regulation inappropriately places the DEP, whose mission is supposed to be to protect and conserve Pennsylvania's environment, in the position of balancing protection of important public resources against individual property rights. Furthermore, it inappropriately, and potentially illegally, elevates the "optimal" development of oil and gas over the protection of important public resources against likely adverse impacts. These draft regulations do not give proper weight to the DEP's constitutional obligation to protect the environment. So long as the DEP's actions do not affect a taking of private property, the DEP should be obligated to take whatever actions are necessary to condition permits in a manner that protects important public resources.

Since Act 13 was found unconstitutional,

There must be sweeping changes in staffing, regulations and enforcement in order to protect Pennsylvania's citizens from future harmful effects of unconventional drilling. I agree with former DEP head John Hanger who has written that "the proposed regulations are not adequate and will not strongly protect resources and people." He has recommended that "Protective, strong rules must have enforcement mechanisms like a DEP staff that is big enough to do its job," stating that, "Today, the DEP staff regulating the gas industry is at least 105 positions too small." Instead of subsidizing a multibillion-dollar profitable industry, the money should be used to enforce strict rules and regulations that are needed to protect people and the natural environment.

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INDEPENDENT REGULATORY
REVIEW COMMISSION

Karen Granche' 24 Lincoln St., Ridgway, PA 15853

Tens of thousands of people in West Virginia still don't have water because of the coal chemical spill that happened last Thursday, January 9. Now officials in Ohio and Kentucky are preparing for the 60-mile long chemical plume, as it flows downstream, fouling air and water. According to an NPR News report, there are around 2000 leaks every year of above-ground storage tanks. In 2001, more than 1 million gallons of sulfuric acid spilled from an above-ground storage tank in Delaware. In 2008, 2 million gallons of fertilizer spilled in West Virginia. In another accident involving an above-ground storage plant at a Bayer pesticide plant, 2 workers were killed. The Chemical Safety Board which has been investigating chemical spills and accidents has concluded that there are too many gaps in rules and regulations governing the storage of chemicals. After thousands of incidents, no one has made any effort to close this gap, so the leaks continue. Public health specialists and some government officials say the consequences for violating existing rules and regulations for above ground storage tanks amounts to almost nothing.

This sounds all too familiar with regard to leaks and spills stemming from natural gas activities. In 2012, according to a report delivered to New York state regulators by Cornell engineering professor, Anthony Ingraffea, inspection data from the state indicate that over 150 Marcellus shale wells in Pennsylvania had severe flaws that have led to sometimes large leaks, and yet the operators of those wells were never issued violations by regulators for these breaches of state law. In light of this, I wish to address 2 major concerns.

Standards for frack pits and impoundments (Sections 78.56, 78.57, 78.58, and 78.59)

- 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.
- Prohibit 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.
- Section 78.59c, of the current draft regulations, prohibit well operators from building "centralized impoundments" for wastewaters within 100 feet of any "solid blue line stream" identified by the United States Geological Survey. Having a fluid storage area as close as 100 feet of ANY stream, whether the Allegheny River or an intermittent seasonal stream, is way too close. If there's a leak, the 100 foot buffer could be completely inadequate to assure that the leakage does not enter the stream. Even if it's a dry creek 364 days a year, once leaked frac fluid gets into it, it becomes a stream and that frac fluid will flow downhill, eventually to a solid blue-line stream. A dry creek bed is a channel into the water system and frac fluid must be kept out of it. Even 1000 feet is too close if the impoundments are at a higher elevation than freshwater sources.

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 contained in pits, centralized impoundments, and tanks. Additionally, 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 on-site burial of waste pits. These can leak over time and pollute ground water.
- Prohibit the use of any brine for dust suppression, de-icing, and road stabilization. Storm water runoff carries brine into nearby waterways and wetlands. Not allowing the use of brine from shale wells is a positive step, but brine from conventional wells can also push salinity levels far above naturally occurring conditions.
- Prohibit the land application of tophole water, pit water, fill or dredged material.

Rules are effective only if they are enforced so that penalties for violations are severe enough to discourage and prevent industries from violating them. It is obvious that the DEP doesn't have enough staff to do this job. Pennsylvania must hire at least 100 more staff, and the oil and gas industry should fund the inspections as well as their enforcement.

It has been stated that without oil and gas industries, we could not have the lifestyle we enjoy today. The continuance of oil and gas activity will ensure that we will not continue to have the life style that we have today, as it is putting us in the fast lane to global warming and all the catastrophes that come with this.

3042

Cooper, Kathy

From: RegComments@pa.gov
Sent: Tuesday, March 11, 2014 11:48 AM
To: Environment-Committee@pasenate.com; apankake@pasen.gov; IRRC;
RegComments@pa.gov; erekop@pahousegop.com;
environmentalcommittee@pahouse.net
Cc: ra-epmsdevelopment@pa.gov
Subject: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

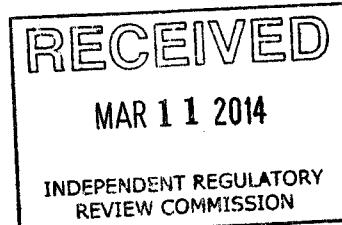


Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

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

Commentor Information:

LOUIS EASTON
(MAROON17@COMCAST.NET)
414 CHATHAM PARK DR
PITTSBURGH, PA 15220 US



Comments entered:

FRACKING DOES NOT PROTECT THE ENVIRONMENT.

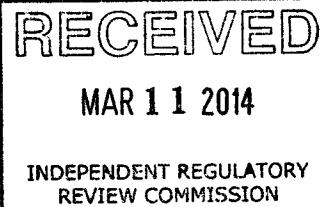
No attachments were included as part of this comment.

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



Hi, my name is Michael Brown and I would like to thank you for this opportunity to speak at this hearing. I work with my brother and father at Clint Brown and Sons, an excavation company that does all kinds of construction related activity for oil and gas companies and has done so for many years. At our business we build well pads and roads, install pipelines and tank batteries and install oil and gas pipelines, as well as other work for those companies. We employ 6 other people that we work with on a daily basis. Much of our business comes from the conventional oil and gas industry and for this reason I am writing to express my concern about the proposed changes in regulations affecting the oil and gas business.

The proposed regulations will result in increased costs for oil and gas companies. The conventional oil and gas companies I work with will suffer significantly from these added costs. The profit margins in conventional oil and gas wells is low. The difficult economics are reflected in shrinking conventional oil and gas production; new conventional well completions have dropped from nearly 5000 wells six years ago to less than 1000 this past year. The conventional oil and gas industry is already in difficulty.

As conventional oil and gas activity shrinks, my business is hurt. In turn, the cost of the proposed regulations will further hurt my business. The state has not done an adequate job of analyzing this harmful economic impact. Sadly, this harmful impact is being proposed even though the conventional oil and gas industry has had a very small impact on the environment. The proposed regulations do not take into account the small footprint, the minimal truck traffic, and small volumes of fluids involved in the conventional oil and gas industry. The cost of the proposed regulations is not justified.

Every day I see how important the oil and gas business is to our local economy. This includes the restaurants that we eat at in the various towns that we work, our fuel supplier for our equipment and trucks, the gas stations that we use in the different towns that we work, the parts and filter suppliers that we use to keep our business operating, and all of the other places that our employees and ourselves spend our income. The proposed regulations are going to unnecessarily hurt our local economy. It is important that these new regulations not be passed in their current form. Please vote "NO" to the current regulations until their harmful economic impact is properly analyzed and until the regulations are altered to support the economic well-being of the Commonwealth of Pennsylvania. Thank you again for this opportunity to address this hearing.

3042

David C. Dean

Corry, PA 16407

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MAR 11 2014

INDEPENDENT REGULATORY
REVIEW COMMISSION

Liberty lies in the hearts and minds of the citizens of Pennsylvania. Our inalienable rights to life, liberty, and the pursuit of happiness is the bedrock of our nation and our commonwealth. The CITIZENS COMMONWEALTH ! Responsible, representative government for the people's best interest was born here. Our forefathers blood spilled and our veterans sacrifice through the ages have made this liberty, and this government of popular consent a reality for our families.

Penn's Woods was founded as a refuge for settlers seeking religious freedom and the sacred right to the ownership of private property, which is pursuing happiness. This is our understanding, these are our constitutionally guaranteed rights. Owning a home, raising a family, and enjoying one's property free from contamination or nuisance is our dream. This is the true economy that builds this commonwealth and will see it well into the future.

But today the actions of our assembly and our governor have denied us these rights. Public Health, private property rights, and the right for families to enjoy the resources of the Allegheny River, Tamarack Swamp, Edinboro Lake, and the farms and woodlands and streams of all of Pennsylvania is being summarily pushed aside and ignored for quick profit.

As a registered Republican, I stand in disbelief and remorse over what the assembly and governor have done to citizens through Act 13, and continue to do through acts that force the pooling of private property with decades old leases for unconventional drilling units, and bills that

permit the use of coal mine waste run-off across the state to further degradation of our water, and a bill to remove the power of the expertise of the Fish and Game commission from listing animals as endangered. This is not compassionate conservatism, it is the result of rampant crony capitalism.

Chief Justice Ronald D. Castille, a Marine and Vietnam Veteran who understands true sacrifice, got it right. Act 13 is unconstitutional. The blatant removal of local self-governance, removal of zoning, permitting waivers of environmental laws and property boundaries, and the removal of physicians rights to serve public health is unconstitutional.

Article I Section 27 of the Pennsylvania Constitution states:

**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.
ALL the people !**

This is our Rule of Law. Stop wasting our time and our future and start to enforce this right.

Since unconventional drilling began in Pennsylvania, citizens Ron Gulla, Crystal Stroud, Jared McMicken, Joe Giovaninni, and Jim Harkins have been forced from their homes. Farmers Terry Greenwood, Carol French, Don Johnson, and Wayne Smith have had their cattle and calves poisoned.

Twelve families in Dimock, 50 families in the Woodlands of Connoquenessing, four families in Pulaski Township in Lawrence County, and families south of the city of Warren have had their rights to clean air and pure water denied due to unregulated oil and gas

development. You have obviously not protected the people and the families of this Commonwealth.

Registered Nurse Stacey Haney should never have had her children poisoned and forced to enter into a lawsuit against the very agency meant to protect her water and air on her farm. Chris and Stephanie Hallowich should not have lost their dream home and worry about their children's future. David and Linda Headley should not have to worry about their children's health and future. The DEP has failed all of these families and many more.

Permitting the dumping of radioactive waste in the Allegheny and Monongahela Rivers is unacceptable. The Duke study shows this is occurring at the Josephine Treatment plant and the Center for Disease Control clearly shows the radium will bio-accumulate. Our fisheries, dairy cattle, milk, and aquifers deserve much better protection.

The citizens of Pennsylvania need the following changes and consistent enforcement by the DEP:

Unconventional wells should never be permitted under 1 mile from any school or college.

Flaring of wells should not be permitted as this pollutes the air and wastes the resource.

Releasing contents of holding tanks into the atmosphere should be outlawed as it harms the air families breathe.

Permitting the drilling and operation of unconventional drilling between 9 pm and 7 am within 1 mile of residential neighborhoods or homes needs to end completely as the stress this places on families who cannot sleep is uncalled for.

Tier -3 testing of water wells and streams on private property must be done before, during, and after production of a well. The testing must be done for every homeowner within no less of a one mile

radius for the entire length of each and every horizontal well bore. The hydrogeologic test company must be the choice of these homeowners, and the entire fee must be paid by the oil and gas company. All results must be delivered first to the homeowners without exception.

Compressor stations for unconventional gas wells must not be permitted less than one mile radius from family homes or farms.

The use of pits, ponds for storage of fracturing fluid or waste needs to end completely as these leak and flood into the water table.

Burying of frac waste on site or of drill cuttings should end completely and carry a fine of no less than \$ 500,000.

Impacting the quality of water in a homeowners water well should carry a mandatory fine of no less than \$500,000. The time frame for impact should be no less than 18 months after completion of a gas well. And the distance to homes should be no less than a 1 mile radius from each horizontal well bore.

Illegal dumping of well pad waste into any river, stream, or waterway should carry a mandatory fine of two million dollars. The company responsible should lose their license.

The use of “lab error”, “naturally occurring”, “migration from pre-existing salt or coal mines or vertical wells” by the DEP in their findings must be followed up by no less than three hydrogeologic tests that are tier 3.

The use of any “suite code” keeping the complete results of water well quality from homeowners must be outlawed.

The number of DEP well inspectors should triple and the number of inspections at all drill sites or compressor stations must be no less than 10 visits annually, completely unannounced.

We demand that you follow through on your mission.
Protect the people and their natural resources before permitting.
Adhere to Article 1 Section 27 and follow the sacred words from
Leviticus enshrined on Our Liberty Bell:

“ Proclaim Liberty unto the Land unto ALL the inhabitants thereof...”

3042
Cooper, Kathy

From: RegComments@pa.gov
Sent: Tuesday, March 11, 2014 10:55 AM
To: Environment-Committee@pasenate.com; apankake@pasen.gov; IRRC;
RegComments@pa.gov; erekop@pahousegop.com;
environmentalcommittee@pahouse.net
Cc: ra-epmsdevelopment@pa.gov
Subject: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

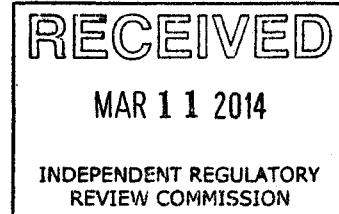


Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

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

Commentor Information:

Tom Maslanka
(tom.maslanka@genesishcc.com)
34 Wellington Rd.
Ardmore, PA 19003 US



Comments entered:

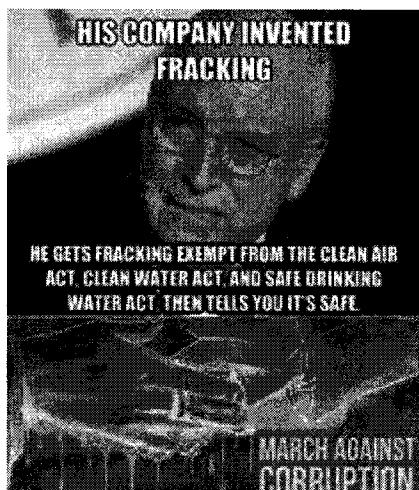
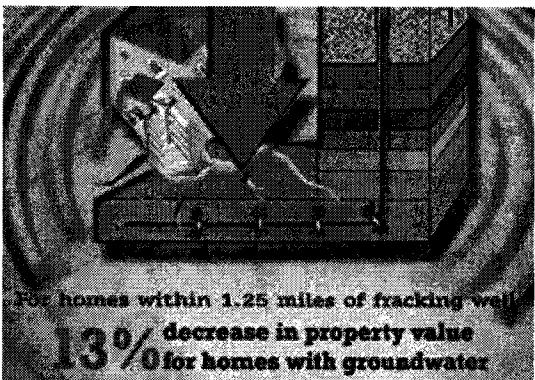
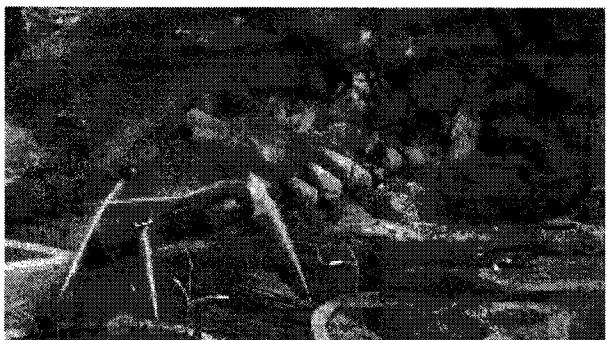
Fracking must be controlled. It will ruin our water and air if the job is not done properly. There doesn't seem to be any rules or restrictions with fracking . The companies just drill and leave. What happens to the abandoned wells? If the company ruins the town water as in Texas, does the drilling company have to pay for the towns water forever? And what is the benefit to Pennsylvania? Ours gas rates are going up not down. Where is the gas going? To Frackin' NORWAY!!! So we risk our air and water so some company that does not live here can have gas in that Whale Killing country Norway?! How much are they contributing to Corbett's reelection campaign? We are being sold out so that A Hole can get reelected! Show some courage and put some rules and regulations in place as if it was 100 ft. away from your property! Please look at my attachment. Thank you.

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: [What Pa will become .doc](#)

Please contact me if you have any questions.

Sincerely,
Hayley Book



3047

February 8, 2014

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

Dear Board Members:

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MAR 11 2014

INDEPENDENT REGULATORY
REVIEW COMMISSION

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.

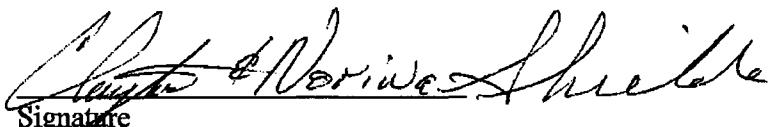
From what I see, Pennsylvania's environment is in good hands with the oil and gas industry. Those who work on my property and others I encounter in this industry live, work and play in the same areas where the oil and gas industry operates, and they all share a passion for protecting the Commonwealth's 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.

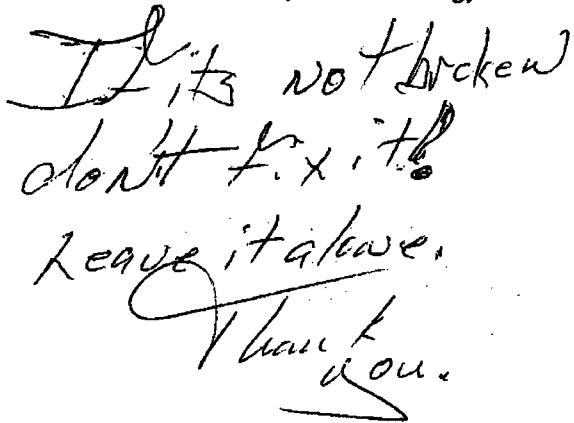
Please vote "no" to adopting this rule unless it is substantially revised to reflect full consideration of the costs and benefits of the regulation. Show us that the wellbeing of our people, the prosperity of our communities, and our energy future are every bit as important as Pennsylvania's natural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

Sincerely,


Signature

Street Address


City, State & Zip Code


It's not broken
don't fix it.
Leave it alone.
Thank you.

3047

My Voice Pt.

Date: 3-2-14

RECEIVED

MAR 11 2014

INDEPENDENT REGULATORY
REVIEW COMMISSION

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

Dear Board Members:

I am a concerned citizen writing to voice my **opposition** to the proposed changes to the oil and gas regulations currently being considered by your board.

My community cannot afford to lose any more jobs!

Shallow oil and gas wells have operated in my area for over 150 years and their footprint on the environment has been minimal. As I understand the proposed regulatory changes, they would be very detrimental and too costly for the operators of shallow wells to comply with.

If we lose our local oil and gas producers, it would cause an increase in unemployment, loss of production vital to our local refinery, and take millions of dollars out of our already suffering local economy.

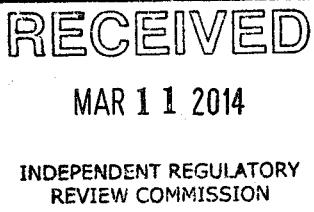
Please vote "NO" on the proposed changes to regulations as they apply to conventional oil and gas wells. Allow the shallow wells to operate under the regulations in place before passage of Act 13 of 2012 and instruct the DEP to apply changes to nonconventional, deep wells ONLY.

Sincerely,

Elizabeth Slicks
5 Apple Rd
Brayford, Pa. 16101

*My vote is No
on the proposed changes
to regulations that
apply to conventional
oil and gas wells*

3042



Jane Bollinger
P.O. Box 122
Prompton, PA

SECRETARY'S OFFICE

MAR 10 2014

Honorable E. Christopher Abruzzo, Chairperson
Secretary of Environmental Protection
16th Floor, Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

March 8, 2014

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,

Jane Bollinger

Bollinger
PO Box 122
Prompton, PA
18456

3047

Cooper, Kathy

From: RegComments@pa.gov
Sent: Tuesday, March 11, 2014 9:49 AM
To: Environment-Committee@pasenate.com; apankake@pasen.gov; IRRC;
RegComments@pa.gov; erekop@pahousegop.com;
environmentalcommittee@pahouse.net
Cc: ra-epmsdevelopment@pa.gov
Subject: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

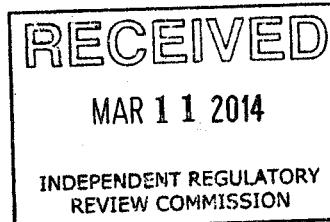


Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

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

Commentor Information:

Gregory Peterson
(gregoryhpeterson@gmail.com)
2648 McMorrran Road 323 bakerstown PA.
Bakerstwon, PA 15044 US



Comments entered:

Oil and gas wells have no place in Pennsylvania's Parks and forests.

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

Cooper, Kathy

From: RegComments@pa.gov
Sent: Tuesday, March 11, 2014 10:12 AM
To: Environment-Committee@pasenate.com; apankake@pasen.gov; IRRC;
RegComments@pa.gov; erekop@pahousegop.com;
environmentalcommittee@pahouse.net
Cc: ra-epmsdevelopment@pa.gov
Subject: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

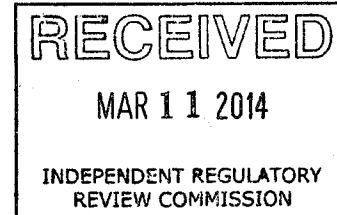


Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

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

Commentor Information:

Donald Imler
(dirtydon@verizon.net)
227 Liberty Lane
Duncansville, PA 16635 US



Comments entered:

Don't allow Pa. parks to be ruined by big oil and gas.

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

Cooper, Kathy

From: RegComments@pa.gov
Sent: Tuesday, March 11, 2014 10:15 AM
To: Environment-Committee@pasenate.com; apankake@pasen.gov; IRRC;
RegComments@pa.gov; erekop@pahousegop.com;
environmentalcommittee@pahouse.net
Cc: ra-epmsdevelopment@pa.gov
Subject: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

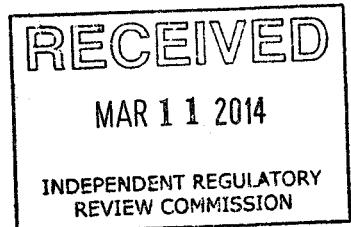


Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

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

Commentor Information:

Bill Deutschlander
(billastt@gmail.com)
7 solar drive
new providence, PA 17560 US



Comments entered:

Until we can determine the effects of fracking fluids on our underground water quality we must place severe limits on fracking.

There is also unanswered questions related to air quality when tremendous explosions are set off deep underground which in turn allow air contaminates to be released into the atmosphere.

We also must be vitally concerned about the cumulative effects of setting off thousands of explosions deep in the earth is going to do regarding the stability of the earth over time.

Air QUALITY and water QUALITY are vital to the survival of humans and animals, oil and natural gas are not vital, clean renewable energy is vital.

The interests that are pushing for fracking are driven by the greed for short term profit, not the best interests of the earth, human kind or animal kind.

No attachments were included as part of this comment.

Please contact me if you have any questions.

Sincerely,
Hayley Book

RECEIVED

MAR 11 2014

INDEPENDENT REGULATORY
REVIEW COMMISSION

Members of the panel, thank you for letting me share my thoughts about these proposed DEP regulations and the impact the gas industry is having on all of us here in this state we love. In my testimony, I want to talk about how these proposed regulations relate to my own experiences as a former worker on the gas rigs. When I started in the industry, I thought this was the best thing to happen here ever! They paid great money, and I was thankful for the job I had. Only after leaving the industry and dealing with health issues from working in the fields, did I see what this industry was really all about. But for me, and countless others who are discarded by the industry, life goes on, and the gas continues to flow. The gas industry destroyed the entire area of Towanda, Pennsylvania where I was working, and the devastation it brought to that region should be a wake up to everyone considering letting these companies come to your town. We are told by the industry that unconventional drilling can be done safely. Having worked on the rigs, I can tell you this notion is completely false! Not only can it not be done safely under the best of conditions, but, in actual practice, it is not being done safely. I started working as a truck driver hauling water from the impoundments to the rigs. In doing that work, I knew first-hand that DEP regulations were a joke to the operators of the rigs, were not being enforced, and that things were covered up constantly when spills and other environmental damage occurred. The order of the day was to turn a blind eye. While working for the gas industry, I was promoted to Environmental Clean-up, then Environmental Supervisor in charge of many rigs. My thoughts and desires to live up to these titles were shattered when spills and cover-ups became part of the job dictated by operators who ruled with a heavy hand making sure we did not dare to question what was being done or said. The only thing that mattered was getting the gas. We were told to "be as safe as you can, but get the gas". That's just the way it was! We made up our own rules on the pads, and were not subject to any enforcement what so ever. If we were to be inspected, the operators knew of the inspection well in advance, giving us time to cover things up so that everything during the inspection went without incident. I think many of the proposed regulations before us have value, but they will not be enforceable without drastic changes to the way things are done. Corruption is common and rampant throughout the industry. Letting this industry police itself is not only asking for trouble, but inviting it. Any legislation has to be enforced by sources completely independent of the gas industry. There was a saying we were always used to repeating - ram and cram - get the gas! We were drilling in Wyalusing just outside of Towanda, Pennsylvania. One night, the crew fell asleep, no doubt exhausted from the long hours working on the rigs - ninety to one hundred twenty hours a week was not uncommon. That night, flow-back and other compounds from drilling left the containment, and untold amounts of fluids went into the Wyalusing creek for hours, before anyone discovered this. I don't know

how much went down the creek, but it stunk to high heaven for almost a week, and the drivers were fired on the spot. This is what happens on the pads. We're told that if you can make the problem go away, do it! If not, cover it up. That was when I started to see what this game was about and decided to leave the industry to deal with my own shattered job expectations and chronic health problems caused by that industry! Once again, these proposed DEP regulations have value but won't mean anything without very strong enforcement. I love Pennsylvania and I want to save it for future generations. Thank you.

Mac Sawyer
former gas worker

30472

Cooper, Kathy

From: RegComments@pa.gov
Sent: Tuesday, March 11, 2014 10:37 AM
To: Environment-Committee@pasenate.com; apankake@pasen.gov; IRRC;
RegComments@pa.gov; erekop@pahousegop.com;
environmentalcommittee@pahouse.net
Cc: ra-epmsdevelopment@pa.gov
Subject: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

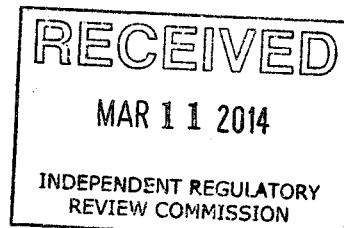


Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

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

Commentor Information:

Gregg Buchanan
(satisfiedmind@peoplepc.com)
370 Wasser Bridge Rd
Greenville, PA 16125 US



Comments entered:

EQB Hearing - Chapter 78 Oil and Gas Surface Activities – January 15 – Meadville 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: [Gregg Buchanan.pdf](#)

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

3047
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MAR 11 2014

INDEPENDENT REGULATORY
REVIEW COMMISSION

January 15, 2014

Environmental Quality Board Public Comment on Proposed Oil and Gas Regulations
Public Hearings in Meadville

Gregg Buchanan Testimony

My testimony is concerning possible wellbore damage caused by natural occurrences like earthquakes and un-natural occurrences caused by inferior products used in the wellbore and human error that lead to oil and or gas leaks below the surface.

We are all too familiar with the BP Gulf disaster undersea and the damage that leaking wellbore caused. At least, that leak was able to be cleaned up over time.

If we experience something of that magnitude underground we may be looking at something that can never be cleaned up for obvious reasons and it may affect whole communities not just wildlife.

I am asking that this board give lots of consideration to requiring blowout preventers or B-O-Ps also be operational in the wellbore under the surface in the construction of the wellbore if aquifers or water sources are nearby. A B-O-P is already required at the wellhead under certain conditions as written in PA Code Title 25 Chapter 78 Section 72. Use of safety devices—blow-out prevention equipment. I provided this as an attachment.

Oil and gas blowout preventers or B-O-Ps should be required in the wellbore and checked regularly for good operational state to prevent disasters from happening later down the road should a leak occur when normal means of controlling a leak underground would not be sufficient. This B-O-P should be placed in the wellbore below known water levels and left as long as the well exists. The oil industry developed this kind of safe guard after the BP Gulf disaster and now we have the chance to prevent this kind of disaster in Pennsylvania. This should be added to PA Code Title 25 Chapter 78 Section 72. Use of safety devices—blow-out prevention equipment.

I have attached a documented underground leak that occurred just days ago in Canada and thank God there was no aquifers in the area of that leak.

I quote former General Norman Schwarzkopf: "You can't help but... with 20/20 hindsight, go back and say, Look, had we done something different, we probably wouldn't be facing what we are facing today."

Thank You.

§ 78.72. Use of safety devices—blow-out prevention equipment.

(a) The operator shall use blow-out prevention equipment after setting casing with a competent casing seat in the following circumstances:

- (1) When drilling a well that is intended to produce natural gas from an unconventional formation.
 - (2) When drilling out solid core hydraulic fracturing plugs to complete a well.
 - (3) When well head pressures or natural open flows are anticipated at the well site that may result in a loss of well control.
 - (4) When the operator is drilling in an area where there is no prior knowledge of the pressures or natural open flows to be encountered.
 - (5) On wells regulated by the Oil and Gas Conservation Law (58 P. S. §§ 401—419).
 - (6) When drilling within 200 feet of a building.
- (b) Blow-out prevention equipment used must be in good working condition at all times.
- (c) Controls for the blow-out preventer shall be accessible to allow actuation of the equipment. Additional controls for a blow-out preventer with a pressure rating of greater than 3,000 psi, not associated with the rig hydraulic system, shall be located at least 50 feet away from the drilling rig so that the blow-out preventer can be actuated if control of the well is lost.
- (d) The operator shall use pipe fittings, valves and unions placed on or connected to the blow-out prevention systems that have a working pressure capability that exceeds the anticipated pressures.
- (e) The operator shall conduct a complete test of the ram type blow-out preventer and related equipment for both pressure and ram operation before placing it in service on the well. The operator shall test the annular type blow-out preventer in accordance with the manufacturer's published instructions, or the instructions of a professional engineer, prior to the device being placed in service. Blow-out prevention equipment that fails the test may not be used until it is repaired and passes the test.
- (f) When the equipment is in service, the operator shall visually inspect blow-out prevention equipment during each tour of drilling operation and during actual drilling operations test the pipe rams for closure daily and the blind rams for closure on each round trip. When more than one round trip is made in a day, one daily closure test for blind rams is sufficient. Testing shall be conducted in accordance with American Petroleum Institute publication API RP53, "API Recommended Practice for Blowout Prevention Equipment Systems for Drilling Wells," or other procedure approved by the Department. The operator shall record the results of the inspection and closure test in the drillers log before the end of the tour. If blow-out prevention equipment is not in good working order, drilling shall cease when cessation of drilling can be accomplished safely and not resume until the blow-out prevention equipment is repaired or replaced and retested.
- (g) All lines, valves and fittings between the closing unit and the blow-out preventer stack must be flame resistant and have a rated working pressure that meets or exceeds the requirements of the blow-out preventer system.

(h) When a blowout preventer is installed or required under subsection (a), there shall be present on the well site an individual with a current certification from a well control course accredited by the International Association of Drilling Contractors or other organization approved by the Department. The certification shall be available for review at the well site. The Department will maintain a list of approved accrediting organizations on its web site.

(i) Well drilling and completion operations requiring pressure barriers, as identified by the operator under § 78.55(b) (relating to control and disposal plan), shall employ at least two mechanical pressure barriers between the open producing formation and the atmosphere that are capable of being tested. The mechanical pressure barriers shall be tested according to manufacturer specifications prior to operation. If during the course of operations the operator only has one functioning barrier, operations must cease until additional barriers are added and tested or the redundant barrier is repaired and tested. Stripper rubber or a stripper head may not be considered a barrier.

(j) A coiled tubing rig or a hydraulic workover unit with appropriate blowout prevention equipment must be employed during post completion cleanout operations in horizontal unconventional formations.

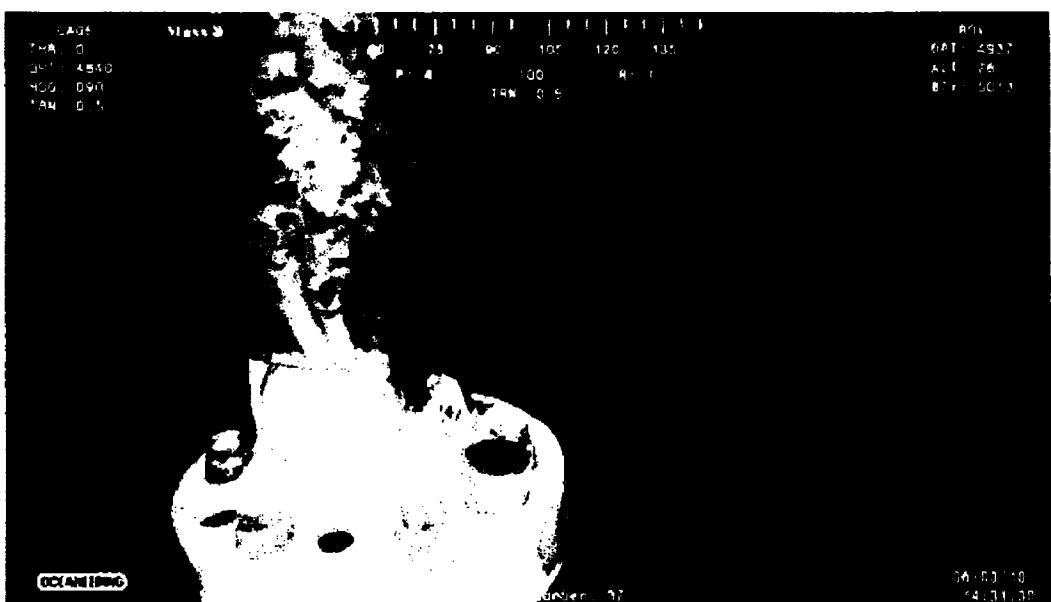
(k) The minimum amount of intermediate casing that is cemented to the surface to which blow-out prevention equipment may be attached, shall be in accordance with the following:

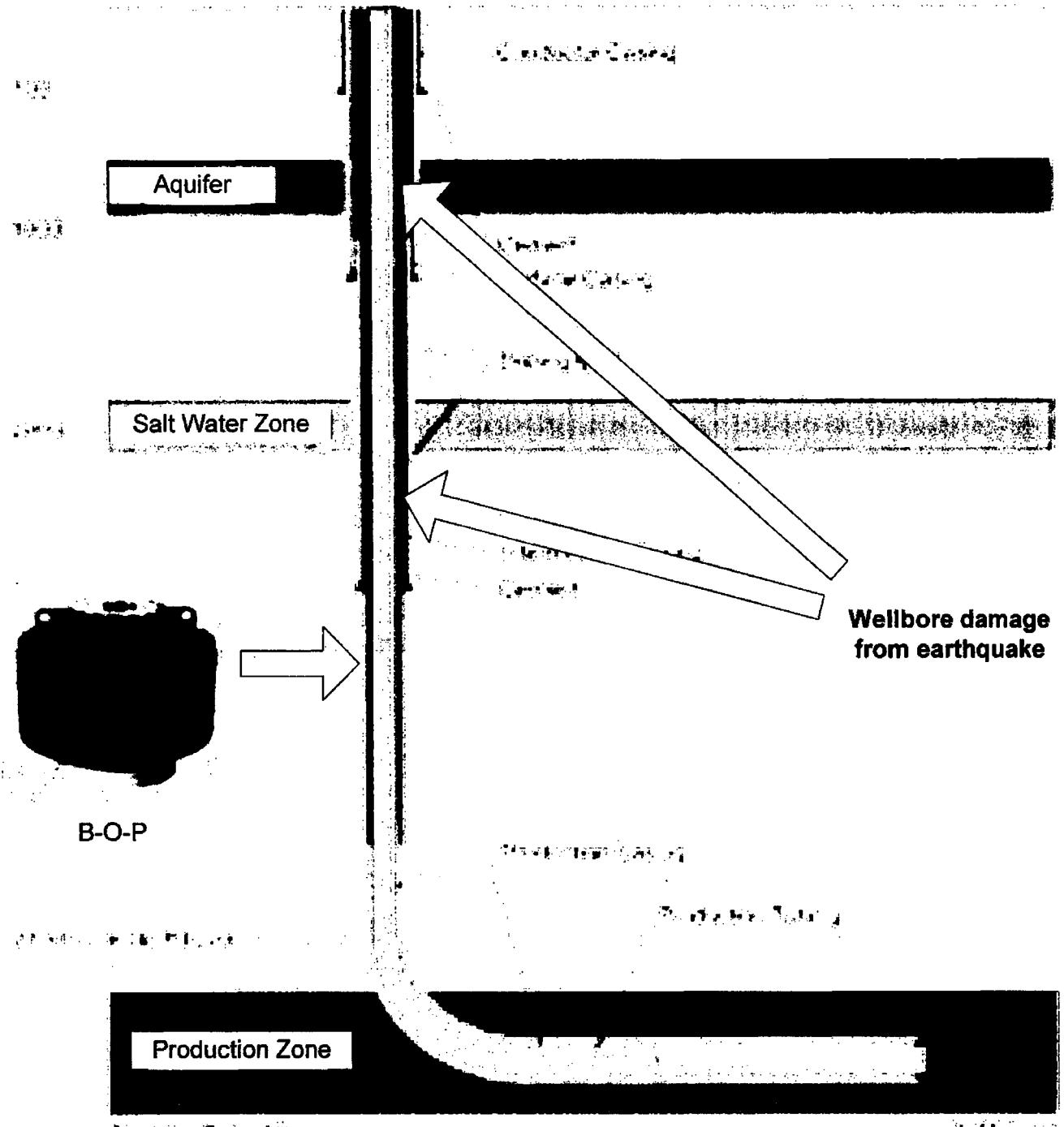
<i>Proposed Total Vertical Minimum Cemented Casing</i>	
<i>Depth (in feet)</i>	<i>Required (in feet of casing cemented)</i>
Up to 5,000	400
5,001 to 5,500	500
5,501 to 6,000	600
6,001 to 6,500	700
6,501 to 7,000	800
7,001 to 8,000	1,000
8,001 to 9,000	1,200
9,001 to 10,000	1,400
Deeper than 10,000	1,800

(l) Upon completion of the drilling operations at a well, the operator shall install and utilize equipment, such as a shut-off valve of sufficient rating to contain anticipated pressure, lubricator or similar device, as may be necessary to enable the well to be effectively shut-in while logging and servicing the well and after completion of the well.

Source

The provisions of this § 78.72 adopted July 28, 1989, effective July 29, 1989, 19 Pa.B. 3229; amended February 4, 2011, effective February 5, 2011, 41 Pa.B. 805. Immediately preceding text appears at serial pages (276323) to (276324).





G. Buchanan Testimony 1/15/14

Well bore fault blamed for underground leak

BY SHEILA PRATT, EDMONTON JOURNAL JANUARY 10, 2014

EDMONTON - Canadian Natural Resources was alerted to an underground leak in one of its wells by seismic equipment on the Primrose site near Cold Lake, says the Alberta Energy Regulator.

A fault in the cement casing in the well allowed 27,000 litres of bitumen to seep into the adjacent rock layer on Jan. 3, and no bitumen came to the surface, said Darin Barter, AER spokesman.

There are no underground aquifers in the area, so there are no concerns bitumen leaked into the groundwater, said Barter.

"We are taking this very seriously," said Barter. "We need to have confidence the company can resume production without problems."

Company spokesperson Zoe Addington said the well bore fault occurred at 440 metres below surface at Pad 30 in the Primrose South area.

In addition to the repair work, the company is also doing an investigation to determine cause of the event, she said.

"We anticipate finding that the casing parted at a collar connection joint," Addington said.

The AER will be investigating whether the company's high-pressure, cyclic steam process is implicated in the well bore failure, said Barter.

"Our investigation will look into that," he said.

In this incident, the underground leak was stopped when the well was shut in.

That's not the case at four leaking sites discovered on the CNRL Primrose field last spring where bitumen continues to come to the surface through deep fissures, albeit more slowly in the cold weather, noted Barter.

The company has said those four surface leaks — one into a small lake — are also caused by well bore failure.

But the regulator is looking into whether the company's high pressure steam process is a factor, causing cracks in the caprock that allow bitumen to flow uncontrolled to the surface.

In its process, CNRL pumps high temperature steam into the ground for weeks to soften the bitumen, which is then brought to the surface through the same wells.

Mike Hudema of Greenpeace questioned whether CNRL should be allowed to continue to operate on Primose lease given there were also leaks in 2009. The regulator should consider suspending the operation, he said.

Meanwhile, in a second incident in the Cold Lake area, about 2,000 litres or two cubic metres of water-based "drilling mud" spilled outside a lease area operated by Cenovus Energy, said Barter.

The spill wasn't near wildlife or water, he added. The exact makeup of the substance is not yet known, though it's not believed to have any contaminants.

"It's been cleaned up, scraped, and samples have already been taken to a lab," said Barter. "We're just awaiting results of the sampling."

Cenovus spokesman Reg Curren said the spill occurred when the company was drilling a type of exploratory well. The company cleaned up the spill with a vacuum truck.

With files from Brent Wittmeier

spratt@edmontonjournal.com

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Cooper, Kathy

From: RegComments@pa.gov
Sent: Tuesday, March 11, 2014 10:30 AM
To: Environment-Committee@pasenate.com; apankake@pasen.gov; IRRC;
RegComments@pa.gov; erekop@pahousegop.com;
environmentalcommittee@pahouse.net
Cc: ra-epmsdevelopment@pa.gov
Subject: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

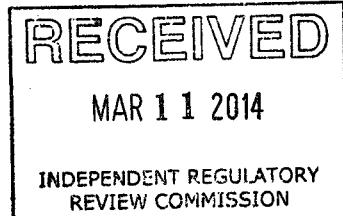


Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

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

Commentor Information:

Nancy Juskowich
(njj4katz@hotmail.com)
1617 Smith Creek RD
Waynesburg, PA 15370 US



Comments entered:

I would just like to make an appeal concerning drilling/fracking, in our national forests and parks. Those areas are about as hallow as can be. They should be left in the natural state and preserved. They are not about making greedy money. They are our natural resources to be protected, preserved and respected. Just think about it and anyone with a true love of nature and a compassionate moral heart would leave drilling and fracking to other land, not our precious forest and parks. Thank you

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