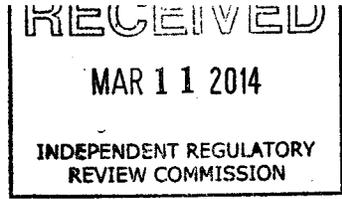


3042



### TESTIMONY FOR NEW DEP REGULATIONS

Our state constitution says (QUOTE) "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." (END QUOTE) While these new DEP proposed regulations we're discussing today are a step forward in protecting that constitutional provision, there still need to be improvements to those regulations.

First on issues related to health, the DEP needs to bypass the so-called Halliburton loophole and force industry to adhere to both state and federal environmental and endangered species laws. Second, there should be complete transparency in DEP's dealing with the public and drilling operations. For example, the reference to "trade secrets" in section 78.122 should be eliminated and instead industry must be required to list ALL chemicals to be used in the drilling process prior to drilling and keep inventories of names and amounts of chemicals used during drilling and extraction.

Next, very extensive independent air and water quality tests related to proposed chemicals and other byproducts to be used in the drilling process should be conducted prior to drilling for all residents near drilling sites and above all proposed horizontal pipelines connected to the well heads on those sites. On the subject of pipe, DEP regulations should require that all pipe must be API standard to avoid the substandard pipe now being imported, used and prone to failure. Since compressor stations are part of gas operations, rules governing these stations must be written and included in these new regulations.

Under Section 78.51, I would suggest that Tier 3 quality water be required for water replacement. On that same subject, it is well known that there is widespread damage caused by the gas industry to water supplies in Pennsylvania. At least 161 such incidents have already been identified. The reason there isn't more information about this problem is because of the industry's common practice of forcing residents to sign non-disclosure agreements before reparations are made. It is also known that industry and the DEP have taken away water replacements without the consent of affected residents. These practices must stop. The new regulations must require industry to replace water supplies in perpetuity or end replacement only with the consent of the affected residents.

Likewise, industry must be held responsible for all damage to water supplies, property, air, and health. DEP must clearly state that fines must be equal to the cost to the environment. Not only must fines be leveled, but in every instance, the violation for which those fines are issued must be stopped immediately. Continued violations by operators should be severely punished as well. I suggest that a three strike and you're out rule be added to the regulations.

Inspections to drilling sites must be done at least once a year by well-trained inspectors without the prior knowledge of the industry operators. It's obvious that with the increase in drilling, a burden will be placed on DEP to increase its numbers of inspectors. I suggest that DEP and its allies push legislative bodies to properly fund inspectors through the taxation of gas produced at the well head (as other states do), fees to operators, and/or through increased fines for violations.

These, then, are my suggestions for tightening up what might be a good set of regulations for this new industry and something that could address DEP's stated mission (QUOTE) "to protect Pennsylvania's air, land and water from pollution and to provide for the health and safety of its citizens through a cleaner environment." (END QUOTE)

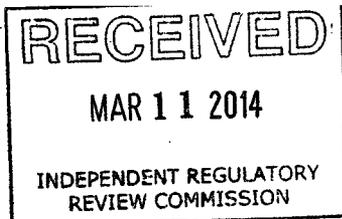
I hate to say this, but it is the impression of many of us, including me, that DEP is not carrying out its stated mission. We believe that instead of doing the job assigned to it, DEP is protecting the industry it is charged with regulating. One has only to look at incidents described in the film "Triple Divide" such as the Atgas blowout, the Birch Run Exceptional Watershed and Big Nelson Run incidents among so many others to know why I and many others have lost our trust in DEP. Because of this, these new regulations are absolutely meaningless unless DEP changes the way it does business. Is it any wonder why we citizens no longer trust the DEP to protect us and the environment.

Having said that, I offer this advice to the DEP. Put your feet on the ground and use state and federal laws along with your own rules and regulations to properly regulate this industry in order to carry out your mission and protect the provisions of our state's constitution. Perhaps then, and only then, you might regain our trust.

Submitted by  
David Weinkauff  
January 15, 2014

3042

Daniel Soltesz – 389 Sabbath Drive, Pittsburgh, PA 15236 – (412) 897-0817



Good evening everyone. I'd like to thank you for allowing me the opportunity to address you this evening regarding oil and natural gas drilling in Pennsylvania and the many benefits that have come with it.

In Pennsylvania alone, we have seen the creation of thousands of jobs, both within the industry itself and outside of the industry in areas you may have never imagined. We have seen new jobs provided by the energy companies that are establishing themselves here, along with more directly related industries such as water recycling, trucking, and steel and pipe manufacturing to name a few. We will also see countless new businesses and industries come to our Commonwealth once the proposed "cracker plant" in Beaver County is constructed. There will also be jobs in areas that many of us would have never even considered. I once had the pleasure of meeting a woman that owns a diner in Washington County and she told me that her diner would do well, but a few years ago when the Marcellus Shale drilling began, her small business was really able to take off. She now provides food on numerous drilling sites for the workers and because of this, she has had to greatly increase the number of people she employs.

I would also like to take a moment to point out that in the last census, we saw growth in many of the counties where there is significant drilling. The fact is over the past few decades, we have seen thousands of Pennsylvanians leave our state for others that have greater job opportunities and more robust economies. The oil and natural gas industry has provided us with one of the best solutions to this problem that we have seen since our population decline began. It is not only bringing new people into Pennsylvania, but keeping Pennsylvanians here by providing them with solid jobs, especially in rural areas where the number of jobs was limited.

We must also look at an issue that is not only important to Pennsylvania, but to the entire United States and even the whole world. Much of the energy produced on Earth is not produced by nations that always have the best interests of Americans and its allies at heart, but rather their own. These nations raise and lower energy production to best serve their own economic and political interests. With Pennsylvania and other states, like West Virginia and North Dakota, seeing such a great increase in energy production, we are able to sell our own oil and natural gas in the United States and to other countries. With continued development, energy independence is a true reality for our nation and the ability to buy energy from allies becomes a more realistic option for many others.

I have listed several of the benefits that the energy industry has provided Pennsylvania and others tonight through the development in the Marcellus and Utica Shale regions. We are seeing new jobs, new people, and a more secure Pennsylvania. We have seen nearly \$2 billion in tax revenues since these developments began and will continue to see even more as the industry continues to develop. This tax money is helping to develop our communities, fund our schools, and fix our roads. We are seeing low energy costs that greatly benefit every Pennsylvanian, especially during our cold winters. I would also like to say that none of us here want to see the industry be allowed to operate unchecked by our lawmakers and regulatory agencies. We all support proper rules and regulations that will ensure the safety of Pennsylvania and its environment, but I will ask that we also work to allow this industry to grow without unneeded restrictions and allow all Pennsylvanians to continue to benefit. I thank you for allowing me to speak tonight regarding this important issue.

Cooper, Kathy

3042

**From:** RegComments@pa.gov  
**Sent:** Tuesday, March 11, 2014 1:54 PM  
**To:** Environment-Committee@pasenate.com; apankake@pasen.gov; IRRC; RegComments@pa.gov; eregop@pahousegop.com; environmentalcommittee@pahouse.net  
**Cc:** ra-epmsdevelopment@pa.gov  
**Subject:** Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

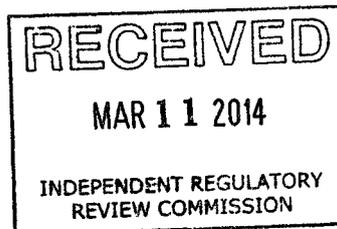


**Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites**

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

Commentor Information:

rebecca burdick  
 (beckyburdick@zoominternet.net)  
 2 seldom seen rd.  
 bradford woods, PA 15015 US



Comments entered:

Please STRENGTHEN standards for tracking. So much is not known about the long-term effects, and the short-term effects in Pennsylvania have been devastating to people and wildlife. Please protect our parks, our communities, our environment, our children from tracking.

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

3042

Cooper, Kathy

**From:** RegComments@pa.gov  
**Sent:** Tuesday, March 11, 2014 1:52 PM  
**To:** Environment-Committee@pasenate.com; apankake@pasen.gov; IRRC; RegComments@pa.gov; eregop@pahousegop.com; environmentalcommittee@pahouse.net  
**Cc:** ra-epmsdevelopment@pa.gov  
**Subject:** Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

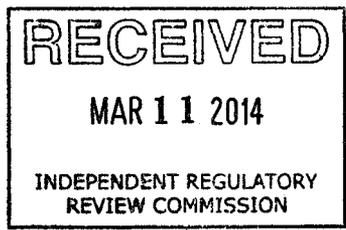


**Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites**

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

Commentor Information:

Doris Fiorentino  
 (dsfiorentino@gmail.com)  
 103 Bryan Circle  
 Lansdale, PA 19446 US



Comments entered:

State and National parks are meant for outdoor recreation and introducing gas drilling will raise potential risks to these public properties. The intent of public space is to reserve it for current and future use. Exploiting resources was not the intent.

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

Cooper, Kathy

3042

**From:** RegComments@pa.gov  
**Sent:** Tuesday, March 11, 2014 1:33 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

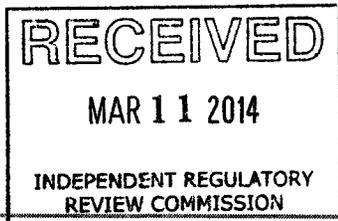


**Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites**

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

Commentor Information:

Mina Donato  
 Ms. ([pepperdonato@hotmail.com](mailto:pepperdonato@hotmail.com))  
 77 s Gallatin ave  
 Uniontown, PA 15401 US



Comments entered:

NO MORE FRACKING!!!!!!!!!!!!!!!!!!!!!!!!!!!!!! Keep our water and environments clean!!!

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](mailto:RegComments@pa.gov)

**From:** RegComments@pa.gov  
**Sent:** Tuesday, March 11, 2014 1:27 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

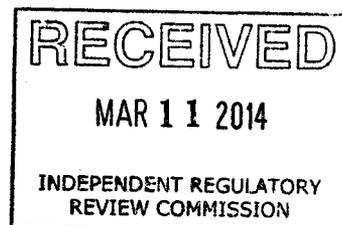


**Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites**

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

Commentor Information:

Janet Ulmer  
 Citizen of the Commonwealth ([julmer@hrmml.com](mailto:julmer@hrmml.com))  
 8967 Kings Highway  
 East Greenville, PA 18041 US



Comments entered:

Please assured us that the proposed regulations will protect our state and national parks from known impacts of fracking, including air and water contamination, wildlife habitat fragmentation, and destruction of our parks' beautiful viewsheds. My understanding is that the current regulations would allow wells to be drilled only 200' away from our parks, and fail to properly address Pennsylvania's 250,000 "orphaned or abandoned" wells.

Plesae, I urge you to strengthen the proposed rules for hydraulic fracturing to protect our water, air, forests, and state and national parks.

The proposed changes to Chapter 78 of the Pennsylvania Code do not do enough to protect Pennsylvania's state and national treasures.

I would ask you to consider the following changes to the draft Chapter 78 rules:

Increase the setback for new wells near a publicly-owned park, forest, gameland, or wildlife area. Two hundred feet is just not enough. Perhaps 2,000 or more would be a better setback for protection for our air, water, wildlife habitat.

Please also include stronger provisions to find and plug off the state's 250,000 "orphaned or abandoned" wells. These wells pose a potential danger for methane release and other chemical contamination.

Finally, please include language specifying that hydraulic fracturing will continue to be banned in the Delaware River Basin until a full environmental impact study is completed.

Thank you for your consideration.

Respectfully submitted,  
Janet G. Ulmer

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No attachments were included as part of this comment.

Please contact me if you have any questions.

Sincerely,  
Hayley Book

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Hayley Book  
Director, Office of Policy  
PA Department of Environmental Protection  
Rachel Carson State Office Building  
P.O. Box 2063  
Harrisburg, PA 17105-2063  
Office: 717-783-8727  
Fax: 717-783-8926  
[RegComments@pa.gov](mailto:RegComments@pa.gov)

**Cooper, Kathy**

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**From:** RegComments@pa.gov  
**Sent:** Tuesday, March 11, 2014 2:23 PM  
**To:** Environment-Committee@pasenate.com; apankake@pasen.gov; IRRC;  
RegComments@pa.gov; eregop@pahousegop.com;  
environmentalcommittee@pahouse.net  
**Cc:** ra-epmsdevelopment@pa.gov  
**Subject:** Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

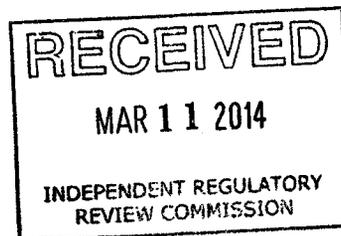


**Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites**

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

Commentor Information:

Anna Kriebel  
([akriebel4@verizon.net](mailto:akriebel4@verizon.net))  
124 Bigley Road  
Shippenville, PA 16254 US



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Comments entered:

No text comments were provided as part of this comment submittal. Please refer to attachments below.

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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: [EQB Board-AK.pdf](#)

Please contact me if you have any questions.

Sincerely,  
Hayley Book

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Hayley Book  
Director, Office of Policy  
PA Department of Environmental Protection  
Rachel Carson State Office Building  
P.O. Box 2063  
Harrisburg, PA 17105-2063

3042

February 28, 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. My Husband's job relies on Pennsylvania having a healthy and robust conventional oil and gas industry, 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.

Shallow oil and gas wells have been drilled and operated around where we live for many years and their footprint on the environment has been minimal. From what I see, Pennsylvania's environment is in good hands with the oil and gas industry. Those that work 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 will 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

124 BIGLEY RD

Street Address

SHIPPENHOLE PA 16254

City, State & Zip Code

**Cooper, Kathy**

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**From:** RegComments@pa.gov  
**Sent:** Tuesday, March 11, 2014 12:23 PM  
**To:** Environment-Committee@pasenate.com; apankake@pasen.gov; IRRC;  
RegComments@pa.gov; eregop@pahousegop.com;  
environmentalcommittee@pahouse.net  
**Cc:** ra-epmsdevelopment@pa.gov  
**Subject:** Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites



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

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

Commentor Information:

Marlene Bertke  
Benedectine for Peace ([benedectine@igc.org](mailto:benedectine@igc.org))  
6101 East Lake Rd  
Erie, PA 16511 US

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Comments entered:

EQB Hearing - Chapter 78 Oil and Gas Surface Activities - January 15 - Meadville PA -  
Testimony

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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: [Marlene Bertke.pdf](#)

Please contact me if you have any questions.

Sincerely,  
Hayley Book

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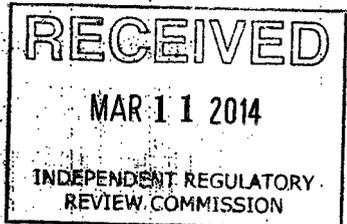
Hayley Book  
Director, Office of Policy  
PA Department of Environmental Protection  
Rachel Carson State Office Building  
P.O. Box 2063  
Harrisburg, PA 17105-2063

3042

I am going to attempt to show how fracking endangers our water supply—water being our most valuable and scarce natural resource.

Peak oil—the point at which we have reached the highest point of oil production possible—has generated headlines in recent years, but the real threat to our future is peak water—when we have reached the point at which there is no more fresh water available for us. There are substitutes for oil, but not for water. We can produce food without oil, but not without water. There is a vast amount of water on the planet but sustainably managed water is becoming scarce.

Fracking a single well can require up to 5 million gallons of water. This depletes local groundwater and can dry up nearby creeks.



In 2012, PA used about **15 million gallons of water a day for fracking**—this is about 5-8% of the total **9.5 billion gallons** of water the state uses daily.

Roughly 65% of that water comes from our rivers, creeks and lakes. The other 35% is purchased from municipalities by drilling companies. **This is water that is lost to us because of the chemicals that are put into the 5 million gallons of water being forced down the well—it becomes wastewater.** The chemicals are put there to dissolve minerals, kill bacteria that might plug up the well and insert sand to prop open the fractures in the shale. The fracking industry produced **2 billion gallons of toxic wastewater a day** in 2012 alone—water that is no longer available for us to use.

The Marcellus Shale formation under PA is naturally high in radioactive material so the wastewater picks up radioactive material as well as barium, magnesium and various other volatile organic compounds. Because of this, no suitable treatment for making the wastewater safe for human or animal consumption has been found, so the industry has become increasingly dependent on underground injection wells—forcing the fluid deep underground and permanently taking the water out of its natural cycle. Usually the water we use is returned to its source to be used over again—not so with fracking wastewater.

About half of the wastewater returns to the surface and the other half stays underground. No one is entirely sure what happens to that half of the toxin-laced water that remains underground but there are strong indications that at least some of this toxic cocktail makes its way back into the water supply.

This happens in several ways. If the well casing that penetrates the aquifer is not well sealed, chemicals can leak into the aquifer and make the water not fit for us to use. And over time, most well casings fail. When fracking fluids seep from them to connect with underground fissures, previously abandoned wells and natural faults and fractures, the contaminants can readily migrate over long distances into underground water ways and fresh drinking water sources.

**There goes more of our potable water.**

Trucking and storage accidents have spilled fracking fluids and brine leading to contamination of water and soils.

Accidental spills, explosions and improper disposal of wastewater have polluted streams and rivers.

There is one bit of good news however, since 2011 PA companies are re-using the some of the wastewater that came back to the surface to frack more shale.

Most of water treatment plants cannot remove enough of the radioactive material to meet federal drinking-water standards before discharging the wastewater into rivers, sometimes just miles upstream from drinking-water intake plants.

As I mentioned, in addition to the chemicals used in fracking, the wastewater that is a byproduct of the drilling process picks up salts, naturally occurring radioactive material, barium, magnesium and various other volatile organic compounds, which are also carcinogenic. It has been definitively concluded that the wastewater contains radioactivity and other toxic materials at levels that are frequently much higher than the level that federal regulators say is safe for wastewater treatment plants to handle.

In Pennsylvania, these treatment plants have discharged waste into some of the state's major river basins. Great amounts of the wastewater went to the Monongahela River, which provides drinking water to more than 800,000 people in the western part of the state, including Pittsburgh, and to the Susquehanna River, which feeds into Chesapeake Bay and provides drinking water to more than six million people, including some in Harrisburg and Baltimore.

I will always choose water over shale gas.

Most of the material I used in compiling this came from the Pacifica Institute, Food and Water Watch, Earth Policy Institute and the Duke University Study regarding fracking.