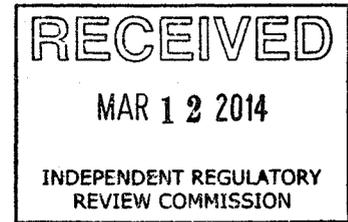


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Clark Oil Co LLC.
80 Dillon Drive
Youngsville, PA 16371



February 12, 2014

Environmental Quality Board

P.O. Box 8744

Harrisburg, PA 17105-8477

Dear Board Members,

My name is David Clark and I am a second generation Oilman. I am writing to express my opposition to the passage of the Chapter 78 regulations as proposed. I urge you to vote NO to these regulations as proposed and allow conventional wells to operate under the effective regulations in place before the passage of Act 13 of 2012. You have heard and will hear more facts that delineate and clearly define TWO completely different industries with a need for TWO different sets of regulations so both can continue to flourish in an environmentally sound manner.

With the passage of the Regulatory Review Act also known as the Small Business Act last year by the legislature the regulators by statute must do the hard and arduous work of determining the economic impact of the proposed Chapter 78 regulations on small businesses like ours in the state of Pennsylvania. It is CLEAR that the necessary level of due diligence to comply with this new statute was not done. I urge this board NOT TO BE APART OF ANY REGULATION THAT BREAKS THE EXISTING LAWS OF PENNSYLVANIA. Conventional operators that by definition are a small business and are now protected by law against additional regulations without all possibilities being explored, including exemption from these proposed regulations. We would have every reason to expect the DEP and this board to desire to be in compliance with this Act and be willing to fully comply with the Laws of Pennsylvania as we the conventional operators have been expected to do for decades. The only reasonable course of action due to your own non-compliance with this statute would be to exempt all conventional activities from these proposed regulations.

Next I would like to talk to you about the new standard for reporting brine spills under the proposed Chapter 78 regulations. The proposed reportable spill quantity for production water would be 42 gallons. Assuming a weight of brine at 11 pounds per gallon this would make the reporting requirement of non-hazardous production water at 462 pounds. This is an unjustifiable, ridiculous standard in light of the fact that Penn-Dot spreads salts and brines in both granular and liquid forms on

our roads and over our bridges in quantities that can only be measured in hundreds of thousands of tons every year. This fact is compounded with a look at that The Code of Federal Regulations concerning reportable spill quantities of hazardous substances. The Code states in their reportable spill quantity tables that the reportable spill quantity of Hydrochloric Acid is 5000 pounds and the reportable quantity of Sulfuric Acid is 1000 Pounds. A conversion of those weights calculate that the reportable quantity of Hydrochloric Acid at a concentration of 38% is 505 gallons, at a concentration of 10% is 780 gallons. Now, let's talk about Sulfuric Acid for a moment, a normal concentration has a density which is very similar to fresh water. An average concentration for use in a battery will weight about 10 lbs. per gallon and that would yield a reportable quantity of 100 gallons. How did the DEP ever come up with mandatory reporting requirements for our **non-hazardous production water** from conventional wells' that is ten times more stringent than that of the EPA's requirements for hydrochloric acid and twice as stringent as that of battery acid? Where is the science behind this ridiculous standard? Who were the original drafters of this obscene requirement and WHY did they do it? Why would anyone try to give production water the same **apparent** level of toxicity as the worst listed on the hazmat table? Who are those in our government that have abused and misused the power granted them to such an outrageous extent? They were granted power to promulgate needful regulations that protect our environment using science and nonbiased professionalism. Instead they have betrayed their office to produce these proposed regulations with no basis in fact or in law to decimate an industry they deem unwanted. I would suppose they are still proud of their work, even though they should be ashamed.

In closing, I ask that you assure that the full economic impact of the proposed rule is properly analyzed and that the final regulations fully comply with the Regulatory Review Act. Don't put your good name and reputation on the line for those who have not done their job.

Respectfully,



David Clark, Member

Clark Oil Co. LLC.