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Sent: Wednesday, March 12, 2014 11:35 AM
To: Environment-Committee@pasenate.com; apankake@pasen.gov; IRRRC; EP, RegComments; eregop@pahousegop.com; environmentalcommittee@pahouse.net
Cc: EP, MS Development
Subject: RE: Proposed Rulemaking 7-484 - Chapter 78 Form Letter #21
Attachments: Form Letter #21.pdf

Good Morning,

Attached is a form letter DEP has received regarding the Proposed Rulemaking 7-484 - Chapter 78 Environmental Protection and Performance Standards at Oil and Gas Well Sites. We have labeled this one "Form Letter #21". To date, we have received 2 copies of this letter. My apologies for the lateness of this one, it was mixed in with another form letter that was similar.

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January 21, 2014

Re: Comments Concerning Oil and Gas Regulations

To Whom It May Concern:

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DEP Policy Office

As a resident of northwestern Pennsylvania, I am very concerned about continued drilling and hydraulic fracturing for oil and gas in our area. I urge you to enact a moratorium on fracking until more research has been conducted on the environmental impact of the practice. At the least, please extend the period of public comment for an additional 120 days beyond the February 12, 2014 deadline.

Specifically, I am concerned about the following points:

1. Pre-drill water testing and the restoration and replacement of contaminated water supplies (Sections 78.51 and 78.52). Natural gas drilling operations have impacted at least 161 water supplies statewide. The natural gas industry has fought to have water restored to only pre-contamination conditions—even if it is not safe to drink.

DEP should require:

Operators 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 must use a consistent list of parameters for pre-drill water testing, that DEP must establish before the proposed regulatory changes are adopted.

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 before the proposed regulatory changes are adopted.

2. Standards for frack pits and impoundments (Sections 78.56, 78.57, 78.58, and 78.59). Mounting violations and the potential for water and air pollution have already led some companies to transition away from pits and standardize the use of closed loop systems which utilize tanks to store wastewater.

DEP should:

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 the 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.

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3. **Disposal of brine, drill cuttings, and residual waste (Sections 78.60, 78.61, 78.62, and 78.63, and 78.70)** Operators currently escape the strict federal regulation of hazardous substances that other industries have to follow. Yet drilling and fracking generate large amounts of solid and liquid waste that can harm water supplies, air quality, land, health, and wildlife. 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. In addition, DEP's proposed Chapter 78 changes do not address the risks posed by hazardous waste and do little to improve current regulations or ensure safe disposal.

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 the onsite burial of waste pits. Buried pits can leak and pollute groundwater over time, yet burial allows operators to walk away from any responsibility after completing operations.

Prohibit the use of brine for dust suppression, de-icing, and road stabilization. Stormwater runoff carries brine into nearby waterways and wetlands. Not allowing the use of brine from shale gas wells is a positive step, but brine from conventional wells can also push salinity loads far above any naturally occurring conditions.

Prohibit the land application of tophole water, pit water, fill, or dredged material. These substances can contain chemicals and sediments bound with pollutants that pose risks to water, air and soil.

4. **Identification of orphaned and abandoned gas and oil wells (Section 78.52(a))**. This is an important change and should be supported. About 200,000 abandoned wells exist statewide. As drilling spreads and intensifies, so does the chance of accidents, blowouts, and pollution from the intersection of new wells with old ones.

DEP should expand these changes and require operators to:

Identify existing wells before site and well construction and drilling (not just fracking), so that the location of a new well can be changed if needed.

Plug and seal or otherwise appropriately address abandoned and orphaned wells according to state safety standards *prior* to well site construction. The state lacks funding to address the large number of old wells, so drillers should be responsible for preventing pollution of adjacent water wells and air pollution from accidents when they occur.

To reiterate, Pennsylvania should place a moratorium on fracking such as New York has implemented, but if that does not happen, the above regulations need to be enforced. Above all, the industry must remain responsible for any deleterious health or environmental impact. Thank you for your time.

Sincerely,



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