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Mountain Watershed Association  
PO Box 408/1414-B ICV Road  
Melcroft PA 15462

January 22, 2014

**Comments of the Mountain Watershed Association, home of the Youghiogheny Riverkeeper, on the proposed revisions to the Chapter 78 Oil and Gas Regulations**

The Mountain Watershed Association (MWA) is a grassroots membership organization dedicated to protecting, preserving and restoring the Indian Creek and greater Youghiogheny River watersheds. In 2003, MWA became home of the Youghiogheny Riverkeeper, expanding our vision into the larger Youghiogheny River watershed. We have a unique approach in that we pursue on-the-ground restoration of past damage while also advocating on local issues as well as regional and national issues that have a local impact. We currently have over 1,000 members, and submit these comments on behalf of our organization and our membership.

First, we believe additional comment opportunities are necessary in order to spur significant public discourse regarding the topic of oil and gas regulations. Notices could and should be sent to every township official in areas where drilling activities are occurring in order to heighten local awareness of the opportunity to comment. The Department has an obligation to ensure meaningful public participation in a way that is inclusive of those who may be most affected. Additional hearings in areas with heavy drilling activity should be scheduled.

We would like to offer our support for the submittal of electronic permit applications. Our organization is located in Fayette County. Travelling to the Southwest Regional Office in order to conduct permit reviews is expensive in terms of staff time and resources. Electronic permit files should be made available to the public upon request to limit the burden on affected citizens and interested organizations.

We likewise support the provision which will require permit applicants to consider the impact of a well site on public resources, including parks, water supplies, and protected species. Tourism is a significant economic driver in our watershed. The Laurel Highlands, Great Allegheny Passage bike trail, and Youghiogheny River draw visitors from all over the world. The consideration of state parks, protected species, natural amenities, and tourism-generating features is quite welcome.

Open storage pits, of any kind, should never be allowed. A pit lined with plastic has an inevitability of failure. For example, WPX contaminated the well water of at least one family in Donegal Twp, Westmoreland County through the tearing, or forming of holes, in the liner of a waste pond. For over a year the impacted family has been utilizing a temporary source of water and the DEP has yet to issue a determination, in spite of having



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ample water tests which show an increase in barium after drilling activities began. From our review of O&G compliance reports, including inspector comments from site visits and violations issued, problems with waste pits are very common. Eliminating these pits would allow inspectors to spend more time monitoring other areas of concern and would remove the waste pit as a source of contamination.

A more complete suite of parameters must be established for baseline testing in order to protect the health of Pennsylvania residents; this suite should be the standard used by all drilling companies across the Commonwealth. A pre-drill test for e-coli and coliform will give the water user important data, but is not testing for parameters that would indicate contamination from industrial activity. Instead, testing for radioactivity, barium, strontium, and commonly used chemicals in the drilling, hydraulic fracturing and completion processes of a well is critical for accountability and for the protection of public health. In a November 2013 meeting with Department of Environmental Protection's (DEP) Oil and Gas staff in Harrisburg, DEP acknowledged water contamination cases are the most serious issue the Department faces. It is also a massive public health risk and as such, DEP should require operators to obtain ample baseline data in order to protect water supplies and public health.

Regarding the restoration of contaminated private water supplies, it is our position that any gas or oil company found to have contaminated a water supply should bear the burden of restoring the water system to Safe Drinking Water Act (SDWA) standards, regardless of whether the previous quality met this standard. Likewise, any water that exceeded SDWA standards prior to contamination should be restored to its previous quality. The contamination of a drinking water supply places an undue burden on those affected, as evidenced by the massive public health emergency which resulted after the recent contamination of drinking water for over 300,000 people in Charleston, WV. To take a company at their insistence of operating "in good faith" and "being a good neighbor" is not enforceable by either the Department or the water consumer, and the track record of every single operator's actions in Pennsylvania shows these statements are distractions and have no factual basis. We can again use the example of WPX's contamination in Donegal Twp. For over a year the company has taken no steps to find a permanent solution for the well water they contaminated and has in public meetings obfuscated the truth by saying there has never been a case of water contamination because of fracking, an irrelevant statement in this case. We have found similar examples of unethical behavior by the operator Chevron in Redstone, Springhill and Dunbar townships in Fayette County. Additionally, in our attendance of meetings we have listened to gas drilling companies use false information as points of pressure. For example, at a meeting in Delmont Twp., Westmoreland County, a Huntley and Huntley landman told a room of prospective lessors that if they did not sign a lease to fill out Huntley and Huntley's units they would take the



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gas anyway. The Commonwealth does not have forced pooling in the Marcellus formation, making this point not only misleading and coercive but also downright intimidation. These are just a few examples of the behavior exhibited by companies profiting from this extraction. Clearly, restoration of contaminated drinking water supplies is not among their major priorities, and thus, the DEP is obligated to provide through regulations the restoration of these supplies at the expense of the companies contaminating them.

Disposal of liquid and solid waste is of major concern. First, the application of brine on roads is a public health issue for those living near where this occurs. Transfer of toxic materials into areas where children and the elderly are exposed will increase their risk of developing illness associated with chemical exposure. Runoff of road salt has always been a concern in many parts of our watershed. In our watershed, tributaries of Indian Creek, Laurel Hill Creek and Jacob's Creek receive a substantial amount of salty runoff each winter due to road salt application on the Pennsylvania Turnpike. The addition of compounds such as barium, strontium, radium 226 and unidentified chemicals used in the gas drilling process only increase the negative impact this runoff has on our rivers and streams. Disposal of brine, drill cuttings and residual waste exclusively in hazardous waste approved facilities is critical to protect public health. DEP's current "beneficial use" policy allowing drill cuttings and residual waste to be solidified and used as odor cover in municipal landfills is an unsafe practice. Allowing toxic materials admittance to a municipal landfill will most certainly lead to negative health impacts for residents on adjacent properties who are breathing the now contaminated air. Additionally, there is potential for contamination of public water from landfill leachate lines which are attached to municipal water authorities. These authorities do not have the proper equipment to filter out contaminants should they enter the leachate. If a landfill liner becomes compromised there is also the potential for private water supplies to become polluted through groundwater contamination. Land application or burial in a location other than a hazardous waste facility should not be allowed for these toxic materials. Already there are a plethora of citizen complaints from municipal landfills receiving this material in Bell Vernon and German Twps., Fayette County.

or waste  
treatment  
facilities

We are supportive of the proposed revisions regarding the documentation of orphaned and abandoned oil and gas wells. The documentation of these wells prior to the commencement of drilling will minimize hazardous incidents. We do, however, encourage DEP to consider expanding the radius for these surveys from 1000' to 2500' from the well bore since there is potential for risk outside of 1000' of the well.

Finally, the southwest region of DEP has a total of twelve Oil and Gas inspectors. These twelve individuals cannot possibly provide adequate oversight of the approximately 30,000 conventional and unconventional gas wells located in the region. DEP should immediately



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halt the issuance of new permits and suspend drilling on existing sites until DEP can effectively monitor existing operations.

Thank you for the opportunity to provide input regarding the proposed revisions to the Oil and Gas Act.

Please feel free to contact us at [mcsp@mtwatershed.com](mailto:mcsp@mtwatershed.com) or 724-455-4200 with any questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "Beverly Braverman".

Beverly Braverman  
Executive Director