



3047  
**Pennsylvania Fish & Boat Commission**

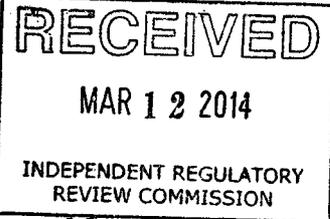
**Division of Environmental Services**

450 Robinson Lane

Bellefonte, PA 16823

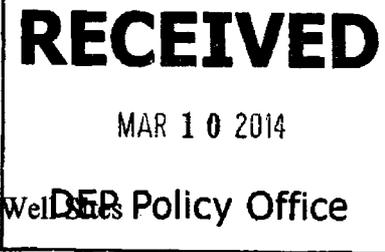
Phone: 814-359-5115

Fax: 814-359-5175



March 3, 2014

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



Re: Environmental Protection Performance Standards at Oil and Gas Well Sites  
(25 Pa Code Chapter 78, Subchapter C)  
Proposed Rulemaking

Dear Board Members,

This letter serves as Pennsylvania Fish and Boat Commission's (PFBC) comments on the proposed recommended amendments to Chapter 78 Subchapter C, relating to Oil and Gas Exploration and Production Activities. We fully support the Department of Environmental Protection's (DEP) efforts towards amending the current regulations in order to strengthen environmental protection measures at oil and gas sites within Pennsylvania. For the most part, the PFBC concurs with the proposed amendments however; we offer the following specific comments for the Board's consideration:

**§ 78.15. Application requirements:**

**78.15 (d)**

PFBC supports requiring well permit applicants to consult with the Pennsylvania Natural Diversity Inventory and we strongly recommend that the DEP Policy for Coordination During Permit Review and Evaluations (Document Number 021-0200-001) be followed during this environmental review process.

**78.15 (f)(1)**

This section states that the applicant is to contact the resource agency if the well is within 200 surface feet of a well. The 200 feet from a well will often not take you off of the well pad. Consider changing the well to well site or well pad.

**78.15 (f)(2)**

PFBC is extremely concerned that the 15-day timeframe would not allow sufficient time for agencies to respond with written comments to the Department regarding possible impacts a

**Our Mission:**

[www.fish.state.pa.us](http://www.fish.state.pa.us)

*To protect, conserve and enhance the Commonwealth's aquatic resources and provide fishing and boating opportunities.*

proposed well site or access road may have on a listed public resource. Thirty (30) days would be a more reasonable timeframe to adhere to.

**78.15 (g)**

PFBC has concerns about how DEP will decide mitigation for impacts to public resources? We recommend that the Department be required to consult with the agency that oversees the public resource in question.

**§ 78.59c. Centralized impoundments:**

**78.59 (c)(5)**

It is common knowledge that not all streams are depicted as a blue line on a 7.5 minute topographic quadrangle map of the United States Geologic Survey. PFBC recommends changing the language in this item from "*Within 100 feet measured horizontally from any solid blue line stream, spring or body of water*", to "*Within 100 feet measured horizontally from the bank of any watercourse or body of water or wetland*" as defined in 25 Pa Code § 105.1 Dam Safety and Waterway Management.

**§ 78.66. Reporting and remediating releases:**

**78.66 (a)(2)**

The PFBC should be notified "of a regulated substance causing or threatening pollution of the waters of this Commonwealth." We recommend that our agency be included in this Section to be notified of a release. Our statewide pollution number is 1-855-347-4545.

**§ 78.69. Water management plans:**

**78.69 (b)**

Water Management Plans are an important component of oil and gas production activities and it seems that this section is too vague. The applicant should be referred to the requirements imposed by the Susquehanna River Basin Commission regulation 18 CFR § 806.30, which describe in more detail the requirements for signage, monitoring of water withdrawals, and the reporting. Water withdrawals shall also be in accordance with Act 220 and 25 Pa. Code Ch. 110.

Thank you for providing us the opportunity to comment on the proposed Oil and Gas Regulations. Specific questions concerning our comments may be directed to Heather Smiles at (814) 359-5194 or [hsmiles@pa.gov](mailto:hsmiles@pa.gov).

EQB  
March 3, 2014  
Page 3

Sincerely,

A handwritten signature in black ink that reads "David E. Spotts". The signature is written in a cursive style with a large, prominent "D" and "S".

David E. Spotts, Chief  
Division of Environmental Services

c: PFBC – Young, Smiles, Britcher, Urban