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MEHOOPANY CREEK WATERSHED ASSOCIATION
PO BOX 73
MEHOOPANY PA 18629

March 12, 2014

Environmental Quality Board
P. O. Box 8477
Harrisburg, PA 17105-8477
RegComments@pa.gov

RECEIVED

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INDEPENDENT REGULATORY
REVIEW COMMISSION

RE: *Environmental Protection Performance Standards at Oil and Gas Well Sites Comment - Summary*

The Mehoopany Creek Watershed covers 134.5 square miles that encompasses Bradford, Luzerne, Sullivan and Wyoming Counties. Our comments are based on what our members discussed as being necessary to ensure that our watershed's integrity and that our greater community remains a healthy place to fish, hunt, recreate and raise our families. Below are just some of our concerns.

- **78.15** We support protections for species of special concern and the PNHP process. The notification zone 200' and 15 day comment period is inadequate.
- **§78.51** We support the guarantee provided by Act 13 for replacement and restored quality to either SDWAS or the quality of the predrill superior supply quality.
- **§78.52a.** We recommend the area of review be revised to 1,400'.
- **§78.56** Pits containing contaminated substances need to be eliminated.
- **§78.59c Centralized Impoundments** After lengthy discussion, our members determined that this is a method that needs to be prohibited; mandate 100% closed loop systems.
- **§78.61 §78.62 and § 78.63** Contaminated drill cuttings and contaminated residual waste must only be disposed of at landfills properly permitted for such substances.
- **§78.68** We recommend that the DEP be more involved in the stream crossing issues related to glacial till streams such as Mehoopany Creek. Riparian buffers need to be replaced 1:1 as wetlands are replaced.
- We recommend the adoption of corrosion control requirements. We also recommend that all gathering line classes - 1-2-3-4 for both unconventional and conventional wells are mandated to participate in PA ONE CALL.
- **§78.121** Many of our members are also royalty owners. We recommend that the production reporting change to a monthly reporting basis. It is well needed.
- **Subchapter G. BONDING REQUIREMENTS** - We realize the bonding revision was established by Act 13. However, based on the recent development in the State of Wyoming with a new inventory of abandoned wells [1,200] we are concerned the present schedule is inadequate.
- None of the municipalities are zoned within our watershed. Some of our members live very near well sites and have had intolerable impacts from noise, and some from lighting. The DEP needs to create some reasonable guidelines for operations which will assist folks that find themselves in such situations when the county and local governments are ill-equipped to respond.
- We recommend that the DEP create well pad spacing regulations.

Sincerely,

Roy "Rusty" Bennett
President



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RE: *Environmental Protection Performance Standards at Oil and Gas Well Sites*

Dear Environmental Quality Board Members:

The Mehoopany Creek Watershed covers 134.5 square miles that encompasses Bradford, Luzerne, Sullivan and Wyoming Counties. The Association has done several stream restoration projects through Growing Greener Grants over the last several years. The natural stream restoration projects we've completed improve fish, fowl and animal habitats along with stream stabilization reducing sedimentation run-off issues. Our members monitor stream water quality, participate in litter pickup days and lime the South Branch usually at least annually if not semi-annually. Our members also participate in habitat improvement activities jointly with a local deer quality management group. We've pruned apple trees and planted food plots within SGL57. We also hold an Annual Trout Day Fundraiser and assist with the North Branch Trout Derby for our area's young and upcoming anglers.

The South Branch Mehoopany Creek is currently designated as a High Quality-Cold Water Fishery, Migratory Fishery.

Our association takes a keen interest in the various issues that have the propensity to affect our watershed. Our monthly meetings include discussions on not only water quality issues and trout habitat, but also flooding, Marcellus Shale and invasive, threatened, endangered, rare and candidate species and believe it or not air quality issues along with the prevalence of cancer within our watershed. It is through our member's water quality monitoring that we've seen a correlation with air quality issues related to coal fired power plants and stream ph levels. Our local environment is only as healthy as the health of our watershed. Our watershed currently has grown to include an ever increasing number of well sites, wells, access roads, impoundment, compressor station, gathering lines of many sizes including many stream and wetland crossings including that of high quality and exceptional value designations. Because of these changes, and our concerns regarding the health of our watershed where many of our members also live and raise their families, we submit comments on this important rulemaking. Our comments are based on what our members discussed as being necessary to ensure that our watershed's integrity and our greater community remain a healthy place to fish, hunt, recreate and raise our families.

§78.15 Definitions - provide the substance around which a rulemaking is created. Therefore, we recommend at a minimum the adoption of all definitions as proposed.

78.15 We are interested in these particular provisions because the Mehoopany Creek Watershed is home to such species. The fact that our watershed is home to these species attests to the healthy environment

of our region, and part of what makes it a healthy place to live and raise families. By providing concern and consideration for these species extends to maintaining the healthy character and environmental integrity of where we live. Also, there have been pads, access roads and gathering lines all constructed within or near areas where these species have been cataloged either through our watershed assessment or the PNHP mapping.

In regards to the notification zone and comment period, we have concerns. Four townships within our watershed plus the local athletic association all own our Creek Junction Park. Our park is very busy during ball season and the summer months with family gatherings and other activities. Our townships all function with part time employees and supervisors. In the case of needing to evaluate our park as a public resource in the event of a nearby well site, 15 days is totally inadequate. The most reasonable time that all five entities could meet to discuss the matter would possibly be 30 days. In our case, a 200' notification zone is inadequate based alone on the activity that occurs at the park. Ideally, the park needs to be involved anytime the SR3001 would be subject to industry traffic. The community may require safety mechanisms in place to ensure our children and young families are safe while recreating at the park.

We recommend that the PNHP process stand as proposed and that the notification zone and comment period be revised to a more workable solution based on the information provided.

§78.51 Act 13 guarantees us that our water supplies in the event of an impact are permanently replaced at either the superior pre-drill water quality we had, or in case of a supply not meeting SDWAS that the supply is restored to SDWAS.

§78.52a. There are old wells, many not identified within our watershed that actually date back to 1881 [Report of Progress ... By Geological Survey of Pennsylvania, Pennsylvania. State Geologist (1874-1890), Pennsylvania. Board of Commissioners for the Second Geological Survey http://books.google.com/books?id=XXMMAAAAYAAJ&pg=PA149&dq=mehoopany+oil+company&hl=en&sa=X&ei=iKcgU8yKIM3F0AGZ_4CIBA&ved=0CEUQ6AEwAA#v=onepage&q=mehoopany%20oil%20company&f=false]. Drilling in our watershed also occurred during the late 1940's-1950's with the John Sheehan well [Mehoopany Township, Wyoming County] and other wells including one near the environs of the current Chesapeake Energy ROUNDTOP location in Colley Township, Sullivan County. Additional natural gas wells were drilled in North Branch Township, Wyoming County during the 1970's of which the rigging remains in place in the woods and abandoned pipelines run through some of our member's properties. So, we are concerned about possible environmental impacts, especially knowing that some of these older casings have been removed. Therefore, we recommend the area of review be revised to 1,400'.

§78.56 We want all pits, especially regarding the use of contaminated substances to be eliminated. Pits do not provide for adequate environmental protection in watershed such as the Mehoopany Creek. We do support the use of modular aboveground storage structures. We also support fencing as proposed.

§78.57 We recommend the adoption of the improvements regarding secondary containment.

§78.58 While we are favorable to industry recycle/reuse, we are also cautious about onsite processing. We are aware that the TAB meetings revealed the industry is interested in doing more processing at sites, potentially located within our watershed and near our homes. We

request that DEP be very clear on both the OG071 and WMGR123 permits such that the most stringent requirements be in place when operating within watersheds such as Mehoopany and near our homes. In the long run centralized processing facilities are the preferred option over sites located too close to homes.

§78.59 Impoundments - We are interested in these particular provisions because FWIs are becoming more common in our rural, farmland and forested communities. The water contained within the FWI may not in all cases be similar to that of the local aquifer. We need to ensure that our groundwater is adequately protected maintaining the integrity of our private water supplies. FWIs are a large part of the industry recycling methods. FWIs also provide water storage areas to prepare for seasonal low water periods. We certainly want to encourage recycling. In some cases where waterlines connect water source withdrawals with FWIs local residents greatly benefit from reduced truck traffic. While it is understood why the proposal includes regulation for centralized impoundments, after lengthy discussion, our members determined that this is a method that needs to be prohibited. Our watershed has been fortunate to this point, to not have flowback centralized waste impoundments. The primary operator uses 100% closed loop system. However, we have a new operator in town; Southwestern now owns many former Chesapeake Energy leases. Chesapeake did not utilized centralized flowback impoundments in our watershed. However, Southwestern we've discovered does have permits for such facilities in both Bradford and Susquehanna Counties. We do not desire to see this practice in our watershed or anywhere in Pennsylvania for that matter when superior practices are available. DEP needs to have an inventory of these CI's and inspect them for compliance with the upgraded regulations. Any deficient CI needs to be closed post haste, followed by soil and water sampling for nearby homeowners.

§78.61 Contaminated drill cuttings must only be disposed of at landfills properly permitted for such substances. We are favorable to beneficial use of non-contaminated drill cuttings. But, we do not want to see random, non-monitored locations throughout rural Pennsylvania landfilling contaminated drill cuttings. The proper burial place for contaminated drill cuttings is a permitted landfill authorized for such residual waste.

§78.62 and § 78.63 Again, residual contaminated waste is only properly disposed of at centralized permitted landfills. We need to have our environment protected from multiple mini contaminated landfills. Contaminated wastes need to be properly monitored for leaching and affecting private rural water supplies. That is best done at centralized landfill locations.

§78.65 We are concerned about site restoration. There needs to be a better process involved to ensure that preconstruction contours are properly documented. DEP needs to do site visits when reviewing E&S permits. We are aware of a few locations in our watershed where this did not occur. One, CAPPUCCI had a waiver signed after the fact, the pad was built within 100' of a pond and FALCONERO had no details of the pre-existing diversion ditch in any of their plans including the PCSM plan. FALCONERO has been restored [dry hole].

§78.66 As a watershed association we strongly support this section related to reporting and remediating releases. We need to provide for necessary, reasonable and adequate protections for our water resources.

§78.67 Our watershed has had new burrow pits and others expanded to service the gas industry. We recommend the adoption of this section as it will benefit our watershed.

§78.68 We are interested in these particular provisions because earth disturbance activities regarding pipeline construction have resulted in many acres of land that have not been consistently restored to the degree that provides for prior land-use. In other words, farmers have loss tillable acreage. We recommend that the DEP be more involved in the stream crossing issues related to glacial till streams such as Mehoopany Creek. Our watershed association met with a midstream operator to advocate for a crossing change to HDD because of the fact that we'd be losing additional riparian buffer. Riparian buffers need to be replaced 1:1 as wetlands are replaced. We are having continual erosion issues that may be exacerbated by pipeline easements destroying riparian buffers in these critical areas. Our watershed association may not always have the opportunity to advocate for a stream crossing change with an operator. Other watersheds may not have opportunities to advocate on such issues. Therefore, the DEP needs to take a greater role.

We recommend the adoption of corrosion control requirements. We also recommend that all gathering line classes - 1-2-3-4 for both unconventional and conventional wells are mandated to participate in PA ONE CALL. That is just a common sense environmental and safety matter.

§78.678b Temporary pipelines transporting residual waste or partially treated water have the potential for leaks. Temporary pipelines run long distances and if not properly monitored and maintained can create at risk situations for water resources and private water supplies.

Our soils are also at risk. This section adequately addresses such issues and we recommend its adoption.

§78.70 Use of brine in all road applications needs to be specific to just conventional wells. There are too many variables with unconventional wells that create concerns. We need to protect our streams and private water supplies, often both are within 100' of a dirt and gravel or paved road.

§78.73 Industry needs to take advantage of all available technologies when monitoring orphaned or abandoned wells. The operators need to be responsible for all impacts to such wells.

§78.75a The February, 2011 created this provision that creates another layer of water protections for those living both in our watershed and region. To our knowledge, this provision has not yet been employed. We urge the DEP to use all necessary means at their disposal to protect our water supplies. We continue to have pads built and wells drilled and probably will for decades to come. We need to have the benefit of all available protections for our water supplies. The employment of an alternative method avoiding an impact is preferable to the employment of a water treatment system post-impact.

§78.121 Many of our members are also royalty owners. They pull and review production data hoping to make some sense out of their royalty checks. We recommend that the production reporting change to a monthly reporting basis. It is well needed.

§78.122 We recommend the addition of the new provisions. We request that any corresponding centralized waste impoundment also be included in the reporting.

Subchapter G. BONDING REQUIREMENTS - We realize the bonding revision was established by Act 13. However, based on the recent development in the State of Wyoming with a new inventory of abandoned wells [1,200] and considering the magnitude of the BP Gulf spill, we are concerned the present schedule is inadequate. BP took a big financial hit with that incident, how is Pennsylvania protected in the event of an incident of a large magnitude such as the BP spill, especially if the operator is too small to bear it?

None of the municipalities are zoned within our watershed. Some of our members live very near well sites and have had intolerable impacts from noise, and some from lighting. The DEP needs to create some reasonable guidelines for operations which will assist folks that find themselves in such situations when the county and local governments are ill-equipped to respond.

Finally, we recommend that the DEP create well pad spacing regulation. There needs to be an overview of the development in a planning module that only DEP can play that role. If we are to ensure the integrity and flavor of our watersheds and our rural areas, the Commonwealth needs to be guiding the development rather than being driven by it.

We appreciate the opportunity to participate in the rulemaking process. Our members have a variety of concerns related to Marcellus Shale operations within the watershed. There are concerns related to variations between operators and subcontractors, water resources, gathering lines, and the fact that these operations are sited near our

water resources and homes. Therefore, we recommend the rulemaking move forward considering our comments as stringent as possible with an eye to balancing the exploitation of the Marcellus Shale.

Sincerely,

A handwritten signature in black ink, appearing to read "Rusty Bennett". The signature is written in a cursive style with a long horizontal stroke at the end.

Roy "Rusty" Bennett
President