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**LEAGUE OF WOMEN VOTERS®
OF PENNSYLVANIA**

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**League of Women Voters of Pennsylvania
Public Comment to the
Environmental Quality Board
Regarding the
Proposed Oil and Gas Regulations
Meadville, PA
January 15, 2014**

Good evening. I am Bonita McManus, a leader in the League of Women Voters of Pennsylvania on whose behalf I am speaking. We appreciate this opportunity to provide input in these proposed regulations that will shape our future as individuals and communities across the Commonwealth.

The League advocates based on our Constitutional rights to clean air, pure water, and the preservation of our natural resources.¹ Our position, based on statewide study and consensus, supports requiring the use of best practices, comprehensive regulation, and adequate staffing across government agencies to provide the maximum protection of public health and the environment in all natural gas operations.

We speak this evening on Section C Environmental Protection and Performance Standards. Centralized impoundments [78.59c] should be replaced by enclosed tanks because of the nature of hazardous substances stored within them. Proposed regulations are inadequate to prevent catastrophic risks to public health and the environment. Oversight of liner installation by manufacturers rather than Department inspectors is not appropriate. Even the most sophisticated detection systems, sump pumps, monitoring wells, and requirements to fill out forms to monitor leakage cannot prevent irreparable damages from impoundment releases. Water testing parameters need to be expanded throughout the document to include petroleum distillates, heavy metals, and radiation levels [78.59c (6)]. This is particularly true when provisions provide for “allowable” leaks through the primary liners that in some instances are dealt with “case by case!” [78.59c (4)(ix)]. Such language is not the intent of the League’s recommendation for “site-specific” plans. To prompt strict compliance, certified statements vouching for the testing, construction, and integrity must be tied to personal as well as corporate accountability with direct liability for any contamination. [78.59 (l)]. Pictures and drawings submitted by operators can be deceptive [78.59(m) (4, 7)].

When it comes to restoration, centralized impoundments should be treated as superfund sites

¹ See Article 1, Section 27 of the Constitution of the Commonwealth of Pennsylvania.

[(58.59 (n))]. The possible 2-year restoration period beyond the 90-day timeline is unacceptable and fails to remove public risk in a timely manner. To meet citizen expectation, words such as “approximate” and “to the extent practical” must be eliminated in regard to restoration. Further, the ability of operators to ask for deviations from these requirements is asking for trouble [(78.59 (o))]. Best practices in restoration must be the standard.

In examining discharge requirements [78.60] and other sections of the proposal, The League requests that references to other related Pennsylvania codes by number be excerpted and placed as footnotes to promote understanding. Land application of any residual waste substance, fill, or dredge must be prohibited. In most cases, the composition of these wastes and their risks are unknown. We cannot afford to poison our land. It’s the source of our leading industry – agriculture. Bonds must be set higher to cover potential costs of consequences over a minimum of one hundred years. The 3 business day notification period to DEP should be extended to 10 to allow for appropriate monitoring of any disposal process[78.60 (5)]. Finally, restoration to lands where residual wastes have been applied should go beyond “revegetation” to best practice. While the regulations include compliance for chemical analyses based on documentation by the operator, consistent, boots-on-the-ground monitoring and enforcement promotes greater public trust [78.60 (d)].

Regulations for containment around oil and condensate tanks must be strengthened^{ed} based on recent experiences in West Virginia [76.64].²

The League recognizes the need to regulate unconventional wells differently and more stringently than conventional ones [78.64a]. All pits and centralized impoundments should be prohibited. Only closed tanks should be used for all pollutorial materials – including fuel [78.64a (c)] and non-regulated wastes of unknown composition. League comments concerning containment and practices for conventional wells are also applicable to unconventional wells. Greater expectations are placed on operators to provide written standards of operational procedures, but they are not site specific. Reports, records, and documentation maintained by the operator for Departmental review must be accompanied by frequent on-site inspections. How else can it be determined that drill cuttings used in restoration are actually “uncontaminated [78.65 (a)(1)(b)]?”

Thank you for your consideration.

² http://www.nytimes.com/2014/01/13/us/critics-say-chemical-spill-highlights-lax-west-virginia-regulations.html?_r=0