

3042

Cooper, Kathy

From: RegComments@pa.gov
Sent: Friday, March 14, 2014 12:52 PM
To: Environment-Committee@pasenate.com; apankake@pasen.gov; IRRC; RegComments@pa.gov; eregop@pahousegop.com; environmentalcommittee@pahouse.net
Cc: ra-epmsdevelopment@pa.gov
Subject: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

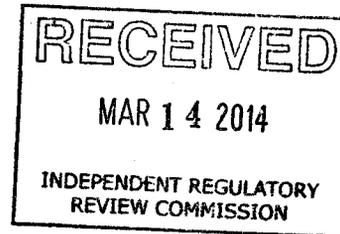


Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

The Environmental Quality Board (EQB) has received the following comments regarding the above-referenced proposed rulemaking.

Commentor Information:

Randall Baird
 (rayray5514@yahoo.com)
 1273 Highland Street EXT
 DuBois, PA 15801 US



Comments entered:

(1) Since I once worked for Schlumberger Well Svc. I feel I have some insight into this industry.

We in our neighborhood are presently involved in fighting a Class II-D injection well for hazardous frac waste within 100's of feet of our homes and private water supplies. My first recommendation would be for setbacks similar to a Class I disposal well. We all know that frack fluid should be considered a hazardous waste and not a residual waste. "HazMat", (Hazardous Materials), has to respond to clean up any spills or accidents. Words on paper do not make this toxic, possibly radioactive stew benign.(Halliburton Loophole). Not only does this through us into an industrial zone, but also threatens our water, air, quality of life, property values, as well as the Counties tax base on our homes. Having this toxic brew flowing under our properties without our permission should be illegal. Living in a "Brown Zone", not by our on choice, is not only alarming but renders our properties worthless as well. How can this be legal?

(2)Physical location of all wells, marcellus and injection, should be a strong point in the consideration of the new regs. Water sources, loss of air quality, and property values all hinge on the particular location of a marcellus or injection well.

(3) Areas of review for injection wells should reside soley within the property lines of the property owner/leasee reaping the moneys from said well.

(4) Monitoring wells should be a requirement for all injection wells so as to monitor fluid flow and pressure in the confinement zone.

(5) Air quality measurements should be mandatory around all wells and compressor stations on a regular bases.

(6) Leaks of methane that contribute to greenhouse gases and global warming are at alarming rates and are all to prevalent in this industry both at old wells, (leaks), and new marcellus wells. Flaring should be eliminated and closer, more timely inspections of existing wells and pipelines should be instituted.

(7) Waste pits are an abomination and should be banned. Some states have already recognized the harm to the environment they have caused and have banned them. Evaporating chemical mixtures of a non-discript nature pose serious health risks to workers as well as residents, not to mention the wildlife that come in contact with this slurry of toxins. Leaking liners and flooding of pits that cannot be controlled contaminate ground water and eventually reach aquifers. Fences and gates do not keep this horrible liquid confined.

(8) Frack fluid should be made a "hazardous waste" since it contains chemicals that are shown on the Governments list of hazardous chemicals to be dangerous to our health and with some highly carcinogenic. Mixing of chemicals is also a very dangerous act since no one can be sure what kind of reaction or toxic soup you will render. It also exhibits radioactive characteristics that are above allowed exposure limits in some of the flowback.(Thanks mr cheney).

(9) Further, I subscribe to all comments and sugestions for regulations made for your consideration by Berks Gas Truth.

I thank you for the oppportunity to recommend further regs for the oil and gas industry that I truely feel are very important for the health and safety of all residents in the State of Pennsylvania.....

Sincerely,
Randall R. Baird

No attachments were included as part of this comment.

Please contact me if you have any questions.

Sincerely,
Hayley Book

Hayley Book
Director, Office of Policy
PA Department of Environmental Protection
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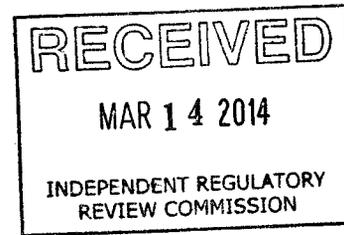


Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

The Environmental Quality Board (EQB) has received the following comments regarding the above-referenced proposed rulemaking.

Commentor Information:

Edwin& Karen Atwood
(ek.atwood@verizon.net)
694 Mohawk Avenue
Warren, PA 16365 US



Comments entered:

12 March 2014
Commonwealth Of Pennsylvania
Environmental Quality Board
16th Floor, RCSOB
Post Office Box 8477
Harrisburg, Pennsylvania 17105
Delivered via electronic mail:
RegComments@pa.gov
PUBLIC
COMMENT
SUBMISSION

Comment On Proposed Regulations 25 Pa. Code Chapter 78 (Oil And Gas Wells)
We are providing comment to the Environmental Quality Board (EQB) regarding the Pennsylvania regulations governing oil and gas wells because the far-reaching impacts from oil and gas development are having indelible adverse impacts on this Commonwealth in general and our lives in particular. It is important to note that, in the process of preparing and submitting these comments, we encountered personnel of both the EQB and the Pennsylvania Department of Environmental Protection's (DEP) Northwest Regional Office in Meadville (NWO) who were both disinterested and uncooperative in helping us find information on how to properly and promptly submit these comments. During the EQB's public hearing held 12 Feb. 2014 in the Warren County Courthouse, the EQB's

spokesman repeatedly fumbled in his spoken remarks to inform those in attendance on how to electronically submit comments.

On the morning of 12 March 2014, we telephoned DEP's NWO to clarify the submission process, but Mr. Gary Clark of NWO was not available. "Anita" at the NWO answered the telephone, but she stated that she did not have any answers. She suggested e-mailing our comment submission to Mr. Clark.

When we asked "Anita" about who we could contact in Harrisburg to get more information, she said she had no idea and that she could not help us.

We turned to searching the internet for more information. Upon discovering EQB's phone number, (717)787-4526, we called it and we were greeted by an answering machine. When we tried to navigate to another extension, EQB hung up on us. This left us with the impression that DEP and EQB desire the superficial appearance of welcoming public comment while in reality the attitudes of the personnel (and the setup of the machines) is designed to discourage/ignore people who have questions and concerns.

This needs to be rectified immediately. We are very concerned because the proposed changes do not go far enough to control the damage our communities and environment are experiencing as the gas and oil industry develops its wells, frack pits, impoundments, pipelines, and related operations across the entire state. We support the tighter controls you are proposing but they are too few and simply do not go far enough to make a difference in the harm that is being done. This is especially true today because of the Pennsylvania Supreme Court ruling that requires government to consider how actions being taken affect the reserved environmental rights of Pennsylvania citizens and public natural resources. (Robinson Twp., Washington County. v. Com.,

A.3d

2013 WL 6687290,*33 (Dec. 19,2013).

We believe you must consider how these proposed regulations fulfill Article 1, Section 27 of the Pennsylvania Constitution before you act.

Article I, Section 27 of the state's constitution states: "The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people" Per our Rights under the Pennsylvania Constitution quoted above, our property rights were violated by operators who drilled only 250 feet from our home and our water well. In addition, PA DEP has determined that the operator contaminated our water well and issued an order; neither of which have been enforced. This has reduced the property value of our land and home and the quiet enjoyment of where we live on land zoned "R1 Residential " in Pleasant Township of Warren County, PA. These Chapter 78 proposed changes do not serve this inalienable right. We ask that you revise the proposed rulemaking to include consideration of how to meet this mandate. There is an enormous difference between toothless guidelines, masquerading as regulations, which suggest a proper procedure "should" be done, and serious regulations that command a directive "must" or "shall" be done.

Below we have emboldened the use of the word "must" to underscore we want to see serious, not toothless, regulation of the oil & gas well operators in Pennsylvania. We advocate these changes to the proposed rulemaking, focusing on just a few key areas: Sections 78.51 and .52: Pre-drilling water testing and the replacement and cleaning up of contaminated water supplies:

- Operators must be required 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. Where municipal water is available, this must be provided and paid for by the operator.

- All drillers must be required to use a consistent list of parameters for pre-drill water testing. The parameters must 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 immediately. Sections 78.56, .57, .58, .59:

Open pits, impoundments and processing of drill cuttings:

- No open pits, or "frack pits" allowed on well sites; no hazardous substances in pits.
- No onsite processing of drill cuttings; because these cuttings could contain toxic and radioactive materials.
- No mixing and storage in open impoundments of "reused" or "recycled" water from fracking and drilling with clean water for use in additional operations; "freshwater" is not defined, leading to "freshwater" impoundments with regulations that do not address their hazardous contents.

Sections 78.60, .61, .62, .63 and 78.70:

Disposal of drill cuttings, "brine", and residual waste:

- No burial or land application of drill cuttings. We are creating the opportunity for thousands upon thousands of future "superfund" sites if we allow this toxic and often radioactive waste to be buried on well sites. We don't want this hidden pollution buried in our community or our backyards or farm fields and not near water supplies!
- No burial of waste pits for the same reason.
- No spreading of brine or flow back for dust suppression, de-icing or road stabilization. Spreading these dangerous and often radioactive fluids on roads provides a pathway for pollution of our streams and groundwater and can poison wildlife and kill vegetation, or contaminate nearby water sources.
- No land application of top hole water, pit water, fill, or dredged material from drilling and fracking.

The chemicals and sediments in this material must not be allowed to emit to the air we breathe, be mixed with the soil we grow our food in and our children play in, or to mix with our drinking water and streams or accessible by our animals.

Section 78.52(a)

Orphaned and abandoned gas and oil wells:

- We agree these wells (estimated at 300,000 or more) must be identified before any site disturbance and recorded publicly, plugged and sealed according to state safety standards PRIOR to well site construction and testing of area water wells and intakes must be done by the operator to access any pollution caused by the orphaned or abandoned well(s).

These wells are a serious safety hazard in Pennsylvania and there must be every precaution taken to find them, avoid communication between new wells and old to avoid blowouts, accidents and well casing failure.

These old wells that are pollution threats must be plugged.

Please consider our input on these important regulatory changes.

No attachments were included as part of this comment.

Please contact me if you have any questions.

Sincerely,
Hayley Book

Cooper, Kathy

3012

From: RegComments@pa.gov
Sent: Friday, March 14, 2014 2:06 PM
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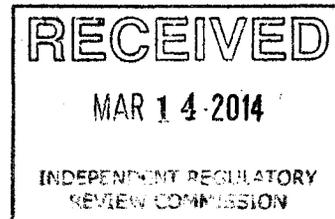


Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

The Environmental Quality Board (EQB) has received the following comments regarding the above-referenced proposed rulemaking.

Commentor Information:

Susan Schwartz
(suzycat1@comcast.net)
204 Woodspring Circle
Doylestown, PA 18901 US



Comments entered:

Dear Board Members:

I am happy that you have updated Chapter 78 of the PA Code issued under the Oil & Gas Act, but urge you to strengthen some of these critical protections. It is imperative that you make serious changes to these policies.

First, please prohibit the use of open-air frack pits, and require a closed-loop system that utilizes above ground tanks for storage of wastewater.

Require standardized baseline testing and make that information available to the public.

Require drilling companies to remediate contaminated water supplies to Safe Drinking Water Act standards.

Force companies to identify existing wells before new well construction in order to prevent negative impacts on water supplies and the environment.

Make Companies plug and seal abandoned wells according to state safety standards prior to new well construction.

Does it make sense to let these companies make lots of money while the general public is exposed to toxins? Do we want our kids to develop diseases like cancer because these companies don't have to act safely and appropriately?

I appreciate your consideration of these rule changes, and your efforts to keep my family and the rest of Pennsylvania safe and healthy. I look forward to your response.

Sincerely,

Susan Schwartz

No attachments were included as part of this comment.

Please contact me if you have any questions.

Sincerely,
Hayley Book

Hayley Book
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