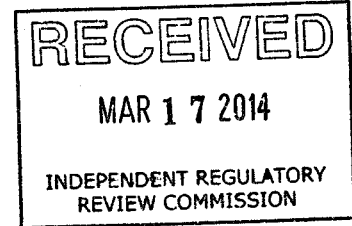


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Environmental Quality Board
P. O. Box 8477
Harrisburg, PA 17105-8477



Re: Proposed rulemaking on 25 PA Code Ch. 78, Subpart C – Environmental Protection Performance Standards at Oil and Gas Well Sites

Dear Board Members:

I am in opposition to the Environmental Quality Board (EQB) adopting the revisions proposed by the Pennsylvania Department of Environmental Protection (PADEP) to 25 Pa Code Chapter 78 "Oil and Gas Wells" in their current form. As a vendor, I have firsthand experience with the extraordinary efforts made by Pennsylvania's oil and gas industry to be good stewards to the environment and good neighbors to the communities where they live and work. Based upon those experiences, I find the proposed revisions to lack sufficient justification. The increased costs to the operators will, on the other hand, certainly reduce exploration and development and therefore be detrimental to the state and municipalities (reduced income taxes and sales taxes) and our citizens in general (fewer jobs, reduced economic activity). Further, Pennsylvania citizens whose land won't be drilled or leased as a result are thereby deprived of an opportunity for significant economic benefit; this is unfair to them and their families. The compliance costs and other costs of these proposed revisions may be especially harmful to operators of conventional wells, making it economically unfeasible to develop such conventional wells.

In support of the mission of the D.E.P. and the intentions of the EQB, may I offer the following petition: Adopt a regulation or amend existing regulation(s), whichever is appropriate, distinguishing products (lubricants and chemicals) that are free of regulated substances and are environmentally-safe from those which are or contain regulated substances. Included in the new or amended regulation should be reduction or relief from civil penalties for spills or discharges of such environmentally-safe products, with the following conditions:

- Spills or discharges must be promptly reported.
- The substance has been correctly identified.
- The substance meets or exceeds standards of biodegradability and aquatic toxicity as defined by the state. (Note: there are industry standard tests for this purpose; the new Vessel General Permit (VGP) issued by U.S. EPA requiring Environmentally Acceptable Lubricants (EAL's) does exactly that.)
- Biodegradability and toxicity of the reported substance must be certified through independent laboratory testing.
- The amount of the discharge or spill must not exceed limits established by D.E.P. (Most spills and discharges of oilfield lubricants and chemicals are a few gallons or less. Spills of hundreds or thousands of gallons would not meet these conditions.)

The burden of proof remains with the generator of the spill. If any of the above conditions are not met, the incident will be dealt with according to existing regulations.

This would provide certainty to the regulated community and would encourage them to use environmentally-safe products instead of those which are environmentally-harmful. To the best of my knowledge, there is presently no rule or language within PA Code addressing this subject.

In closing, I wish to thank the EQB and PA D.E.P. for the measure of environmental protection you have accomplished to date, and I also wish to acknowledge the time and hard work you have put into the present proposed new regulations and performance standards. However, I must urge the Environmental Quality Board to reject this rulemaking as proposed. Unless the proposal is substantially revised based on full consideration of the costs and benefits, it will likely cause harm to the prosperity of our communities, and will cause harm to the people who will lose their jobs. To the extent that portions of this rulemaking are mandated by state law, the EQB should insist that DEP propose revisions only to fulfill those obligations, with simple rules written in plain language.

Sincerely,

John A. Peters
Business Development Manager, BioBlend Renewable Resources.