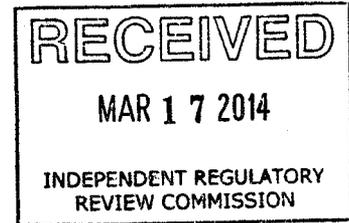


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CATAWISSA WATER AUTHORITY
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Environmental Quality Board
P.O.Box 8477
Harrisburg, PA 17105-8477

March 14, 2014

RE: Proposed Amendments to 25 PA Code Chapter 78

Dear Members of the Board,

The Municipal Authority Borough of Catawissa's Source Water Protection Plan Committee (MABC), strongly believes in the protection of Pennsylvania's vital drinking water resources. The broadening development of the oil and gas industry may expose our water sources to multiple avenues for contamination if the proper safeguards are not put into place. While the proposed amendments enact source water risk-reduction regulations, there is room to further strengthen these amendments by utilizing the information collected in Source Water Protection Plans (SWPPs).

Many water systems in the Commonwealth, through a DEP sponsored program, have had Source Water Protection Zones (SWPZs) determined during the development of their SWPPs, including ours. These Zones and Plans were developed by professional geologists and approved by DEP. The delineations of SWPZs have been instrumental in improving a water system's awareness to the extent of their source waters' vulnerability to contamination. Now that these Zones have been established, water systems, Source Water Protection Committees and Coalitions, that have taken on the task of protecting source waters, know the actual sensitive, invaluable areas that need to be safeguarded from potential sources of contamination.

The next logical step would be for DEP to recognize and apply the SWPZs, when they are available, during the permit review process, instead of the blanket set-back distance. MABC recommends that no drilling and related activity be allowed in areas delineated as groundwater protection Zone II and surface water protection Zone A. However, at the very least, Zone IIs and Zone As should be recognized as needing special consideration with the location of the well site, centralized impoundments, freshwater impoundments, temporary storage pits and tanks, any drill cutting and residual waste disposal, and access roads. Also, the Zone affiliated water system should be notified and be given the opportunity to submit a comment within a minimum of 30 days, to DEP on the proposed permit activity.

Utilizing the SWPZs will save the Department time by identifying the water systems in the proposed permit area and to what extent the proposed activity would extend into, and thereby impact each system's vital recharge area. Additionally, the Zones are readily available in electronic format and could easily be included in the e-Facts system. Utilizing available databases is not without precedence in the proposed amendments. Operators are required to review DEP's Orphaned and Abandoned Well database and id any of these wells and brine applicators are to review the National wetland inventory map

Another area the SWPZs should be utilized is in DEP's review of any plans for spreading brine on paved and unpaved roads. The proposed regulation already requires the applicant to include the roads to be treated, so again, it would be a simple process to cross-reference with the SWPZs. If any of the roads are in a SWPZ, the affiliated water system should be notified and provided with a copy of the brine's chemical analysis. The water system should also be given the opportunity to submit a comment to DEP to be considered during the Department's review of the plan.

The best case scenario would be to not use brine from any oil and gas activity on any road surface. Even though the brine in the proposed amendment is not from unconventional gas wells, the allowable compounds and limits generate concern that if there would be a tanker spill or in the case of this winter, numerous applications, the concentration of this brine would have a detrimental impact on source water.

The MABC would appreciate it if the Board considers the following comments on other sections of the proposed amendments.

Definitions

Definitions that are taken from another source or act should still be defined and not just the reference to the source, ie, body of water, process or processing, regulated substance, water purveyor, watercourse and wetland. This would allow for easier comprehension while reading the chapter.

Words whose definitions were not provided but should be: brine, flowback water, production waters, abandoned wells, orphaned wells, disposal wells, enhanced recovery wells and temporary storage.

PPC Plans

If an oil or gas activity is within a SWPZ the affiliated water system should also receive a copy of the operators PPC plan. The operator should also have the water systems' emergency contact information.

Temporary Storage(TS)

It is very important that TS be defined because under 78.57, brine and other well operation fluids have to be in a covered tank, unless these materials are in TS, then they could be in uncovered pit. These pits can be used during the drilling process and up to 9 months after. That is a long time for any of the regulated substances and wastes to be exposed to the elements and environment. There is a risk of contamination even though there is to be a 2' space between the surface and the top of the storage unit. Heavy rains, wind, snow pack, ice formation, evaporation of the stored substances and the risk of wildlife falling in, are all concerns that can have a negative impact to the environment and the liner, by not having these storage units covered.

Diverting stormwater away from the pits should also include provisions that the diversion does not create an erosion and sediment issue and that it is not directed to a stream, watercourse or SWPZ.

Onsite Processing

Even though Department approval is not required for mixing fluids with freshwater or filtering them, DEP should at a minimum be informed if any of this activity is occurring. However, DEP approval should be required for any aeration of fluids. Due to the potential composition of these fluids, aeration can lead to the release of concentrated, volatile and toxic gases, that will eventually precipitate back to the surface. The Department approval should be contingent upon the composition of the fluids to be aerated, the method and rate of aeration so it does not allow the fluids to spill out of the container and to include a provision that prohibits the aeration prior to so many hours of a precipitation event.

This approval could also incorporate the provisions for storing mine influenced water, 78.59b.g., that addresses the concern of air, land and water pollution and testing of the water. If these measures are utilized for mine water, it should also apply to process fluids.

Centralized Impoundments(CI)

The water samples collected from monitoring wells should be tested for, at minimum, the same parameters as the road application brine. Since the brine testing includes these parameters, it must be expected that the brine will contain them. Therefore, there is reason to believe the fluids in the CIs would also contain these compounds.

Reporting and Remediating Release

If an oil and gas activity is within a SWPZ, the affiliated water system and landowner also need to be contacted if there is a reportable spill or release.

Well Record and Completion Report

If an unconventional well is drilled within a SWPZ, the affiliated water system and landowner should also receive a copy of the chemical additives in the stimulation fluid.

Pits

To truly safeguard the groundwater and reduce the risk of a pit liner floating, all pits and impoundments should be required to have a professional determine the seasonal high groundwater table. This is not mentioned under all of the potential pit applications. The 2' freeboard is also not mentioned under freshwater or centralized impoundments. It is important that some space is provided for all pits and impoundments. Fencing should also be required for all pits and impoundments for human and wildlife safety.

Whenever possible, DEP should be allowed to assist water systems, Source Water Protection Committees and Coalitions in their endeavors to protect these Zones, that have been deemed vital, in essence by DEP, in preventing the contamination of drinking water sources. The proposed amendments to Chapter 78 presents an opportunity to formalize this assistance.

Therefore, the MABC respectfully requests that the Board considers these comments in order to protect vital drinking water sources.

Sincerely,

MABC Source Water Protection Committee
Howard Sodergren, Chairman