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Cooper, Kathy

From: RegComments@pa.gov
Sent: Wednesday, April 29, 2015 5:49 PM
To: Environment-Committee@pasenate.com; apankake@pasen.gov; IRRC;
RegComments@pa.gov; eregop@pahousegop.com;
environmentalcommittee@pahouse.net; gvitali@pahouse.net
Cc: ra-epmsdevelopment@pa.gov
Subject: Comment notice for - Advanced Notice of Final Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites (7-484)



Re: Advanced Notice of Final Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites (7-484)

The following comments have been received regarding the above-referenced advanced notice of final rulemaking.

Commentator Information:

Sean G
(seanpgoughru@gmail.com)
149 Delacy
Plainfield, NJ 07060 US

2015 APR 30 AM 8:52

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Comments entered:

1. No more frack pits or waste impoundments! (Sections 78.56, 78.57, 78.58, and 78.59)
Frack pits have contaminated water and resulted in the largest state fines ever against a driller in Pennsylvania, both over \$4 million, to Range Resources and XTO for leaking pollutants. DEP should amend the final regulations to:
Prohibit operators from using ANY open-air pits and tanks, regardless of size or location, for storage and treatment of drilling and fracking wastes, including wastewater, drill cuttings, and dangerous substances that return to the surface after fracking. The new revisions prohibit the use of production pits at shale gas well sites, an important change that should be supported. But the use of huge open impoundments to service multiple wells would still be allowed. Waste should be stored and treated only in closed, aboveground systems with mandatory requirements for effective containment, monitoring and spill prevention measures.
Require all waste impoundments to be properly closed IMMEDIATELY upon the effective date of the regulations. The revisions give operators 3 years to either properly close their existing impoundments or bring them under compliance with the construction requirements in residual waste permits. This allows toxic pollution to continue, threatening air and water quality and keeps people in harm's way. This is unacceptable!
Require that tanks used for the storage of waste be completely enclosed. The revisions give operators the option of using tanks "without lids" to store waste on well sites—one step forward, another step back! Polluting spills and air emissions will still be able to escape.
2. Better define public resources and provide meaningful protections! (Section 78.15, 78.57, 78a.15, 78.57a) DEP has added schools to the list of public resources that require additional

consideration when permitting oil and gas wells and extended the setbacks of waste storage from school buildings, parks, and playgrounds. It is essential to include schools to protect our children but the setbacks are completely inadequate. While there is no scientifically established "safe setback" beyond which there aren't health risks from oil and gas development, the distances in the regulations (200 feet and 300 yards) are far too little to offer even limited protection.

To improve protection from pollution, noise, and light and safety from traffic, accidents, and explosions, DEP should require, at minimum, a one-mile setback of oil and gas wells, waste storage facilities, and any other infrastructure from the property boundary of any school property. This setback should also be applied to locations where other vulnerable populations reside, including nursing homes, hospitals, day care centers, and communities at a disproportionate risk of health impacts (such as environmental justice areas).

All the setbacks in the public resource section are too small to provide the protections needed and must be expanded to include more sensitive resources, such as private water wells and all our streams and rivers. Current science supports greater protections; see the compendium from Physicians, Scientists and Engineers for Healthy Energy:

http://www.psehealthyenergy.org/site/show_list/id/15

The standard must be to AVOID negative impacts, not mitigate them. The most effective way to protect public resources is to prevent harm in the first instance.

3. Require well drillers to identify and safely close orphaned and abandoned gas and oil wells - Stop catastrophes and pollution events! (Section 78.52a.) Operators of unconventional wells are required to identify the location of old wells before drilling new ones, an important change that should be supported. An estimated 200,000 abandoned wells exist statewide and many of them leak methane or other pollutants. As drilling spreads and intensifies, so does the chance of accidents, blowouts, and pollution from the intersection of new wells with old ones. DEP should expand these changes and require operators to:

Identify existing wells through onsite inspection before site and well construction and drilling so that the location of a new well won't trigger a pollution incident or pose dangerous conditions. Plug and seal or otherwise appropriately address abandoned and orphaned wells according to state safety standards prior to new well site construction. The state doesn't commit funding to address the large number of old wells, so drillers should be responsible for preventing water and air pollution and for avoiding catastrophes.

Require a greater area than 1000' to be surveyed and inspected for the presence of orphaned or abandoned wells. Interaction between a newly drilled well and an old well can occur at much greater distances than 1000' if there is a subsurface connection; scientific research should be used to set safe setbacks. The federal Bureau of Land Management's new rules for fracking on public and tribal lands released in March require a survey of a half mile; Pennsylvania deserves equal protection.

4. Separation of unconventional and conventional regulations – same regulations should apply to both – no "pass" for conventional drilling! DEP is required by law to issue two sets of regulations—but that doesn't change the agency's mandate to develop regulations that protect people and the environment. Sometimes the only difference is the scale of operations.

Conventional wells also use water and chemicals, create waste, and disturb land. Conventional operators also cause spills, accidents, and contamination. Due to the inherent risks of all oil and gas development, DEP should require all operators of all wells to:

End the use of all open-air production pits for the storage of waste and immediate conversion to closed tanks. DEP is proposing to continue to allow conventional operators to store their waste in pits and to bury waste at well sites despite the opportunity for pollution. Many spills, leaks, and other problems involving conventional pits have occurred statewide. If the waste is potentially toxic and harmful to water, air, soil, and health, the type of well it came from shouldn't determine how it's managed and where it ends up.

Develop water management plans that specify the source and volume of the water used in site construction, drilling, hydraulic fracturing, and site restoration. This would be required for unconventional but not conventional operators. All gas development requires large volumes of water and withdrawals can harm streams, rivers, and aquifers. There is no logical reason to let conventional drillers off the hook for planning and documenting their water use.

Prohibit the road-spreading of brine/gas wastewater. DEP would continue to prohibit the use of wastewater (brine) from unconventional wells as a de-icer and dust suppressant, but continue to allow waste from conventional wells to be used for these purposes. Brine contains chemicals, hydrocarbons, and concentrated salts regardless of the type of well it comes from. DEP has set limits on contaminant levels in the brine, but does not require testing for all contaminants that could be present, requires minimal testing and monitoring, and has not provided scientific evidence that road-spreading is safe for water, vegetation, and wildlife—especially over large areas for prolonged periods of time.

5. Transparency and access to information – let the sun shine on gas and oil driller records! DEP proposes to require oil and gas operators to file permit applications and required reports electronically. This change would improve data, efficiency, and enforcement and should be supported.

DEP should also make sure that all electronic filings and reports made by operators are also available to the public on DEP's website on the same day they are deemed complete by DEP. Easy and timely access to information by the public is necessary to ensure agency transparency and operator accountability.

NOTE: We know that drilling and fracking cannot be made safe due to inherent and unavoidable dangers; read the science: <http://www.psehealthyenergy.org/LIBRARY>.

No attachments were included as part of this comment.

Please contact me if you have any questions.

Sincerely,
Patrick McDonnell

Patrick McDonnell
Director, Office of Policy
PA Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063
Office: 717-783-8727
RegComments@pa.gov