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Cooper, Kathy

**From:** RegComments@pa.gov  
**Sent:** Tuesday, May 12, 2015 4:23 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:

Dwight Howes  
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, PA US

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Comments entered:

I am writing to urge that DEP re-consider its proposed regulations regarding unconventional oil and gas development. The proposed regulations would impose unnecessary costs and burdens on an already heavily regulated industry with an exemplary safety record. I am a lawyer in private practice and represent, among others, oil and gas operators in Pennsylvania. I have seen first-hand the positive impact that this industry has had on the commonwealth since Marcellus and Utica production began here - including significant creation of well paying jobs. The proposed regulatory changes will impose significant compliance costs on the industry with little return on enhanced environmental protection. The rulemaking also singles out the oil and gas industry, requiring new standards for wastewater treatment, noise levels, storage tank standards and waste reporting that do not apply to other industries. With historically low gas prices, incremental costs to produce in Pennsylvania will cause oil and gas operators to develop reserves elsewhere, which will result in lost jobs and lost revenue to the commonwealth.

In addition to the substantive overreach of the proposed new regulations, the regulations suffer from significant procedural deficiencies. DEP has not conducted a cost-benefit analysis or an analysis on the impact on small businesses. Oil and gas operators have not been allowed to review the comment and response document from the proposed rulemaking - this lack of transparency is illegal and unjustified. Finally, several standards being proposed by DEP are not authorized by law, including new limitations regarding "public resources". The opaque and slap dash process by which these new regulations have been proposed will only lead to prolonged litigation and uncertainty if they are implemented. No one wins in that scenario. I urge DEP to go back to the drawing board and, this time, to include all stake holders in the process.