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Advanced Notice of Final Rulemaking -

Environmental Protection Performance Standards at Oil and Gas Well Sites (7-484)

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As study after study provides more evidence that oil and gas drilling sites pollute our air and water with dangerous toxins, the arguments for strong regulations have become impossible to deny. DEP can no longer ignore the concerns of Pennsylvania residents about water contamination and worsened air quality from drilling. Last year, DEP released information about 240 private water sources in Pennsylvania that were contaminated by oil and gas operations over the past seven years. This frequency of contamination is unacceptable. As DEP revises Chapter 78, I urge DEP to protect the health and wellbeing of Pennsylvania residents by adopting the strongest possible regulations for oil and gas drilling.

Specifically, I recommend that DEP ban open-air pits and tanks for storage and treatment of regulated substances and require all waste storage tanks to be completely enclosed. Currently, neither environmental regulators nor the public has reliable information about the location of drilling waste impoundments in Pennsylvania, which makes it nearly impossible to track or hold drillers accountable for air and water pollution from these sites. Therefore, DEP must require all waste impoundments to be immediately and properly disclosed. Additionally, DEP must require all oil and gas operators to develop water management plans, and prohibit the road-spreading of brine.

Today, there are an estimated 300,000 abandoned wells across Pennsylvania, leaking untold amounts of toxins into our air, and a study from 2014 suggested that these wells are a significant source of greenhouse gas pollution in Pennsylvania. In the revised rules, DEP must require the identification of existing wells through onsite inspection before site and well construction and drilling, and plug and seal or otherwise appropriately address abandoned and orphaned wells.

While I am glad that DEP has added schools to the list of public resources that require additional consideration when permitting oil and gas wells, this notification requirement alone is completely inadequate. 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 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 environmental justice communities.

However, while the revision of the Chapter 78 regulations are an important step, DEP must not ignore the myriad air quality hazards associated with oil and gas drilling infrastructure besides drilling wells. These sites have dangerously high levels of cancer-causing pollutants such as formaldehyde and benzene, and people who live near oil and gas infrastructure in Pennsylvania have reported that they are experiencing adverse health impacts such as increases in headaches, asthma, nausea, birth defects, and more. Methane, a greenhouse gas as many as 86 times more potent than carbon dioxide over 20 years, also leaks from these sites, often at alarming rates. DEP must adopt comprehensive, best-in-the-nation methane regulations for Pennsylvania's shale gas infrastructure.