

RECEIVED
IRRC

2015 MAY 13 PM 4:04

3042

May 13, 2015

Mr. John W Crook
1269 S Lake Rd
Mercer, Pa 16137

DEP Policy Office
400 Market Street
P.O. Box 2063
Harrisburg, PA 17105-2063

RE: Comments to Advanced Notice of Final Rulemaking - 25 PA Code Chapter 78, Subchapter C

Department of Environmental Protection:

As someone who spent almost 24 years as a regulator with DEP I feel the need to comment on the proposed notice of final rulemaking for Chapter 78, Subpart C – Environmental Protection Performance Standards. I am also a licensed professional geologist and was the former Compliance Chief for the SWRO Oil & Gas Department. I worked in Industry prior to my tenure at the Department and have since returned. When I left the Department over three years ago I felt that the regulations and compliance rate were leveling out to a steady and expected number with good cooperation between all parties.

The company I work for, Atlas Resource Partners, operates wells in 14 different states and numerous basins drilling and operating conventional, unconventional, and coal bed methane wells. As a Board Member of the Pennsylvania Independent Oil and Gas Association (PIOGA) we actively monitor new and amended regulatory changes that will affect both our conventional and unconventional operations here in the Commonwealth.

I offer the following comments also as a private citizen who shares a deep love of our state and the preservation of our diverse and abounding ecology and as a working member of the Oil & Gas Industry who sees the economic benefits of a healthy industrial community which provides good jobs and pays numerous taxes to support our state.

General Comments

While I view bifurcation of the conventional and unconventional regulations as a step in the right direction, the current proposed final rulemaking packages have not addressed previous concerns that were voiced in the draft comment period in 2014. The significant volume of comments provided as part of the draft rulemaking phase of Subchapter C, should have shown both the regulators and the General Assembly that there were legitimate concerns and certainly viable objections and instigated a more thorough review and opened up the process to more public dialog.

The Public Resource Provision is also a standard which is vague and undefined and could have devastating implications to the industry depending upon the interpretation. Additionally did the Department consider the economic impacts that will be created by these regulation packages to the small conventional operator with limited available staff and resources, these operators are the backbone of the Oil & Gas Industry and historically have provided jobs and economic stability to many areas of Northwestern Pennsylvania.

Specific Comments

The following are a few specific comments worth a discussion:

The Protection of water supplies (78.51 and 78a.51) – as a State Regulator (13 years as a Regional Hydrogeologist in the Water Supply Program, followed by 8 years as a Supervisor), 4 additional years as Compliance Chief for Oil & Gas, I have overseen hundreds of water supplies developed for both use as industrial and community water supplies, and investigations into possible contaminations of residential supplies. Pennsylvania is one of only two states in the United States that has no construction standards for new residential water supplies. Previous proposed legislation in Pennsylvania was not successful in providing guidance on proper water well installation and siting practices to minimize the risk of drinking water contamination. Without these regulations it is impossible for the Department to expect the oil/gas industry to be obligated to restore water supplies back to the safe drinking water standards if the supplies never met these standards or any standard. There are many regions in the Commonwealth where background concentrations especially of secondary standards in groundwater do not meet drinking water levels. The proposed restoration standards should be made to meet “pre-drill” or “baseline” water quality and water quantity. Currently quantity is also a very subjective standard and areas of the state have very limited resources to provide adequate supply even for residential use. There are many cistern systems in use still today.

Chapters (78.52a and 78a.52a) – previously abandoned and orphaned well identification section - the identification procedure in this section of the proposed regulation outlines a very onerous process. My company, as well as most operators complete a “due-diligence” process in order to avoid potential environmental impacts and/or communication with abandoned or orphaned wells. The introduction of a map finder identification tool would be helpful to operators; however, the questionnaire for adjacent property owners could cause some issues for property access. This has been discussed many times over the last several years, and yet the questionnaire to be used with this regulation has not been provided for comment or review.

Reporting and remediating releases (78.66) – the Department issued the Oil and Gas Spill Policy in the fall of 2013. It appears that the Department will likely discontinue the current program and **require** all operators to enter the “**voluntary**” Act 2 program. As part of this proposed regulation, the Department has created “new” timeframes for oil/gas operators that are inconsistent or missing from any part of the Act 2 program. Current laws address spills and if consistency is needed, revision of the policy, not the regulation, would be a proper resolution.

Noise Mitigation (78.a41) – Noise has been an issue discussed for some time by both the department and the general public living close to active well sites and compressor stations. The Occupational Health and Safety Administration (OSHA) and the National Institute of Occupational Safety and Health (NIOSH) can provide needed guidance in these matters as I do not believe the expertise is available from any Commonwealths employees.

In conclusion there are many talented and knowledgeable people in the Industry as well as state government that need to work more closely together to insure economic stability for the Commonwealth while also being cognizant of our great natural resources here in Pennsylvania. The governor’s dismissal of the entire TAB Board and reseating of a “new” and arguably less experienced membership and his proposed extraction tax have established clear intent to pick a fight and antagonize the Industry, especially the small operators and their workforce who are Pennsylvania citizens that are striving to make a home, pay taxes, and raise their families.

It is my sincere hope that a path to a more reasonable resolution lies ahead and I offer my services if the Commonwealth has any need or desire.

Sincerely,

A handwritten signature in black ink, appearing to read 'John W. Crook', written in a cursive style.

John W. Crook
Concerned Citizen