



Columbia-Montour Coalition for Source Water Protection

Working Together to Protect our Water Supplies

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Environmental Quality Board
Pennsylvania Department of Environmental Protection
P.O. Box 8477
Harrisburg, PA 17105-8477

RE: Proposed Amendments to 25 PA Code, Chapter 78

Dear Members of the Board,

The Columbia-Montour Coalition for Source Water Protection (CMCSWP) greatly appreciates the efforts of the Department of Environmental Protection to amend Chapter 78 to improve protection of Pennsylvania's vital drinking water resources.

Specifically, we are encouraged by the Department's wording in:

- 1) § 78.15.b1, and § 78a.15.b1, requiring that the applicant demonstrate that surface water bodies within 100 ft of the well will be protected.
- 2) § 78.15.f.1.vii, and § 78a.15.f.1.viii, requiring that the applicant notify the Department if the limit of disturbance at the site lies within an approved wellhead protection area.
- 3) § 78a.15.f.1.vi, requiring that the applicant notify the Department if the limit of disturbance of the site lies within 1000 ft of an extraction point used by a water purveyor
- 4) § 78.51.d.2. and § 78a.51.d.2, which specify that water supplies shall be restored or replaced with water equal in quality to the original water supply
- 5) § 78.53, and § 78a.53, to which the Department added Stormwater Management to erosion and sedimentation as a water quality concern.
- 6) § 78.61.a.3, 78.61.b.3 and 78a.61.a.3 which prevents disposal of drilling cuttings within the floodplain of a watercourse.
- 7) § 78.62.a.7, which prevents construction of pits for residual waste within the floodplain of a watercourse.
- 8) § 78.70a.e.3, which states that brines applied to roads for pre-wetting, anti-icing, and de-icing shall not infiltrate directly to groundwater.

These proposed amendments are a tremendous improvement over the existing rules, and we applaud the Department for making the changes. However, we believe that the department can and should do more to protect the State's drinking water resources. Source Water Protection Plans, which are developed by professional geologists and approved by the DEP, have been instrumental in improving water systems' awareness of their source waters' vulnerability to contamination. Among other things, Source Water Protection Plans define land areas that could potentially contribute pollutants to a water supply (i.e., Source Water Protection Zones). The term Source Water Protection Zone is important because, unlike the term "wellhead protection zone", it defines an area protective of both groundwater **and** surface water. Many citizens of the Commonwealth rely on public water supplies dependent on surface water. These citizens deserve the same protections as their groundwater-drinking neighbors!

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Columbia County Conservation District 570 784-1310
Montour County Conservation District 570 271-1140



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We also ask that the Department be more rigorous in its treatment of brine spreading. For instance, the term “Brine” is not defined for either unconventional or conventional wells. A definition for this term would help drinking water providers understand what is being spread on roads in their source water protection zones and potentially entering their water supplies. In addition, water suppliers would benefit from notices that applications for brine spreading in their service area have been submitted to the DEP. 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.

We respectfully request that the terms Source Water Protection Zone (SWPZ) and Source Water Protection Plan (SWPP) should be substituted everywhere in the proposed changes for wellhead protection zone and wellhead protection plan, respectively, thereby giving the Commonwealth laws that are more protective of **all** drinking water sources.

We also recommend that the amended text be changed as follows:

- 9) § 78.15.b1, and § 78a.15.b1 should require that the applicant demonstrate that surface water bodies within SWPZs, as defined by a DEP-approved SWPP, will be protected.
- 10) § 78.15.f.1.vii, and § 78a.15.f.1.viii, and § 78a.15.f.1.vi, should all require that the applicant notify the Department if the limit of disturbance at the site lies within a SWPZ, as defined by a DEP-approved SWPP.
- 11) To better protect both surface and groundwater resources, § 78.61.a.4 should read “The disposal area is not within a within a SWPZ, as defined by a DEP-approved SWPP”
- 12) § 78.62.a.7 should read: “The disposal area is not within a within a SWPZ, as defined by a DEP-approved SWPP”
- 13) § 78.70a.c.9, should state “ . . . AT LEAST THIRTY DAYS PRIOR TO SUBMISSION TO THE DEPARTMENT FOR APPROVAL, **and affected water suppliers should be notified and given 30 days to comment.**”
- 14) § 78.70a.e.3, should state “**THE ROAD-SPREADING MUST PREVENT impact to drinking water sources by avoiding SWPZs defined by DEP-approved SWPPs.**”

Whenever possible, DEP should be allowed to assist water systems and source water protection coalitions in their endeavors to protect these zones that have been deemed vital, in essence by DEP, in preventing the contamination of public drinking water sources. The proposed amendments to Chapter 78 present an opportunity to formalize this assistance. The CMCSWP respectfully requests that the Board consider these comments during their final review of the proposed amendments.

Sincerely,
Dr. Jennifer Whisner, Chairperson
Columbia-Montour Coalition for Source Water Protection

Cc: File
Mark Stephens, Pennsylvania Department of Environmental Protection
Julie Kollar, Water Resource Education Network

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