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Comments by the Sierra Club, Pennsylvania Chapter on Chapter 78 and 78a - advanced notice of final rulemaking (as published in the Pennsylvania Bulletin on April 5, 2015)

The Sierra Club has signed a letter and technical comments submitted by Earthjustice on May 19, 2015 on behalf of many groups and organizations. We wish to highlight several points.

Conventional drilling activities should be subject to substantially identical requirements as unconventional drilling activities. The Department should recognize, however, that *all* wells require land disturbance, produce waste, and otherwise degrade and threaten clean air, pure water, and environmental values protected by Article 1, section 27, of the Pennsylvania Constitution ("Section 27"). The geologic character of the formation from which oil or gas is extracted or the drilling method does not determine applicable best management practices or constitutionally required safeguards for public natural resources.

Public resources in the area of drilling should be thoroughly identified. This includes natural resources and human resources, such as schools, playgrounds, and health facilities. Minimum setbacks of one mile for such resources need to be established.

We need to eliminate open pits for temporary storage of regulated substances and gas development wastes at well sites (§ 78a.56). The ban on open pits should be extended to conventional drilling activities. We urge the Department to prohibit the use of all pits, centralized impoundments, and open tanks (or approved storage structures) as well as the use of underground tanks. We recommend the use of above-ground closed-loop tank systems for waste management at all well sites and for centralized waste storage serving multiple wells. Pits, impoundments, and underground tanks carry unnecessary risks of contaminating soil, groundwater, and surface water.

Drillers need to check for orphaned and abandoned wells near their drilling pads and paths. The Department should not leave it up to the driller to decide when, where, and how to conduct water quality tests before drilling starts. Tests conducted should include radioactivity. All tests conducted should be made available to the public.

Restore clean water to those whose water supplies have been affected by drilling. The natural gas industry has fought to have water restored to only pre-contamination conditions—even if it is not safe to drink. We insist that DEP protect people who have been harmed from further harm.

Noise from drilling operations is among the most common complaint from people living near well pads. Quantifiable noise levels and limits should be established. Noise controls can make a big difference in one's quality of life.

Submitted by Thomas Y. Au, Conservation Chair, Sierra Club, Pennsylvania Chapter

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