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Title 25—ENVIRONMENTAL PROTECTION AM 10: 08
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Environmental Protection Performance Standards at Oil and Gas Well Sites;
Advance Notice of Final Rulemaking

§§ 78.1 and 78a.1. Definitions

"Several definitions are added to this section. Of particular note, a new definition for 'other critical communities' has been added to address concerns related to consideration of public resources in permitting."

If by, "other critical communities", the DEP is referring to people, then "the other critical communities" should have a stronger voice if the DEP is going to continue to issue permits to chronic polluters in the gas/oil industry. Recent data shows 66 OPERATORS in Pennsylvania; 7,788 ACTIVE WELLS; 4,006 VIOLATIONS and \$6.1 MILLION in TOTAL FINES PAID to the PADEP. Violations are almost 2:1 in this industry. No other industry in Pennsylvania would be granted such a leeway.

<http://stateimpact.npr.org/pennsylvania/drilling/>

<http://stateimpact.npr.org/pennsylvania/shale-play-about-the-data/>

Information that comes from self-reporting is given to the DEP which State Impact then uses to comprise the data. Data comes from the DEP.

§§ 78.51 and 78a.51. Protection of water supplies

"The draft final rulemaking explicitly requires operators to restore drinking water supplies impacted by drilling to the better of either Safe Drinking Water Act standards or predrill quality."

What rules will the DEP enact to protect the drinking water of private springs and wells from landowners and/or homeowners who do not have access to public drinking water but use a private well or spring for all needs? Pre-drilling water quality tests would need to be included in order to determine water quality after drilling has occurred. Water testing facilities would need to be sought out which do not favor gas/oil/drilling industries for testing. Vital rules would also need to include the use of tracers by any gas/oil operator. These tracers would verify the presence of leaks and/or spills and show exactly the source of all leaks/spills. The Government Accountability Office has also recently challenged the practices of deep injection wells only since last year (July 2014) with a report questioning the overload of the practice and the resources which the EPA uses to regulate the activity. The entirety of the UIC program needs to be seriously reexamined, without permits being put through at every turn.

I live in a rural area where there is no public water and no access to public water. The laws under the Safe Drinking Water Act do not apply to me or to the other roughly 250 households in my township. Other townships have been asked to bear all the risks of potential harms committed by gas/oil industry while having no protection to themselves. The DEP must include provisions in these new rules to include these residents of rural communities lest these kinds of rural communities would be specifically targeted by these industries.

<http://www.epw.senate.gov/sdwa.pdf>

<http://www.gao.gov/products/GAO-14-555>

§§ 78.15 and 78a.15. Application requirements

"Subsection (b)(1) requires a demonstration of protection of wetlands and streams where the edge of the pad is within 100 feet of streams and wetlands. Under subsection (f), the Department will consider impacts to public resources as part of the permitting process. Additional areas to consider include public drinking water wellhead protection areas, playgrounds and schools considered public resources for which the Department may impose permit conditions. The draft final rulemaking extends the review time frame for jurisdiction agencies (such as the Fish and Boat Commission, the Department of Conservation and Natural Resources, the Game Commission and the Pennsylvania Historic and Museum Commission) from 15 days to 30 days."

The entirety of the township in which I live, Grant Township, Indiana, Pennsylvania, is a watershed--specifically, the Little Mahoning Watershed. An injection well is permitted by the EPA (revoked by the DEPAs of March 2015) for the area. How is it that permits like this are allowed, when such a large, high quality watershed, which supplies good water to many hundreds of households, would be put unnecessarily at risk for the sole benefit of a corporation?

SUBMITTED BY:
STACY W. LONG
1900 MUMAU ROAD
GLEN CAMPBELL, PENNSYLVANIA 15742
724-254-3547
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