

From: RegComments@pa.gov
Sent: Thursday, May 21, 2015 11:01 AM
To: Environment-Committee@pasenate.com; apankake@pasen.gov; IRRRC; RegComments@pa.gov; eregop@pahousegop.com; environmentalcommittee@pahouse.net; gvitali@pahouse.net
Cc: ra-epmsdevelopment@pa.gov
Subject: Comment notice for - Advanced Notice of Final Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites (7-484)



Re: Advanced Notice of Final Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites (7-484)

The following comments have been received regarding the above-referenced advanced notice of final rulemaking.

Commentator Information:

Walt Atwood
 (walt.atwood@verizon.net)
 694 Mohawk Avenue
 Warren, PA 16365 US

2015 MAY 22 AM 9:03

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 IRRRC

Comments entered:

On 14 March 2014, I submitted written comments to Pennsylvania’s Environmental Quality Board (EQB) on the proposed oil and gas regulations.

Due to the passage of time, I am not certain if the same personnel and/or leadership are still in place at the EQB. Accordingly, I wish to re-submit my 2014 comments, plus some additional information, in this e-mail submission.

Here are my additional comments

I am an eye-witness to how oil and gas exploration can impact innocent bystanders in a residential neighborhood. In 2012, a new oil well project began in a lot directly neighboring my parents’ homestead in Pleasant Township of Warren, County, Pennsylvania. Even though my parents’ home is located in a neighborhood zoned R-1 Residential, Pennsylvania’s Act 13 of 2012 vitiated those regulations, thus allowing this industrial activity to proceed. Despite my family’s objections, personnel of the Pennsylvania Department of Environmental Protection (DEP) issued the permits to drill oil wells in close proximity to my family’s home and water well. DEP personnel were already informed of the existence of an abandoned oil well on the Atwood homestead, signaling a serious vulnerability for the Atwood water well. Despite all of this, the wells were drilled and hydro-fracked in the months to follow. By 2013, the Atwoods were forced to drink bottled water because of DEP’s finding of contamination of the water well. The Atwood family had no real choice but to lay 800 feet of water line to connect to municipal water on Farm Lane. This was done at the family’s expense.

It has been my family's experience that the regulations governing oil and gas exploration are toothless in Pennsylvania. They are a "Paper Tiger", and enforcement is left in the hands of field offices whose personnel show little interest in actually enforcement.

No new oil or gas well should ever be drilled or hydro-fracked anywhere near any abandoned wells, ever. If DEP cannot plug the wells and safeguard existing nearby water wells and human dwellings, that permits for new oil and gas wells must be prohibited in said neighborhood. The risk to water supplies and property values is too great to warrant such reckless activity.

And wherever a home's water well is contaminated by oil and gas activity, the oil and gas operator must be bonded to cover damages and DEP must be required to hold the operator responsible to pay for hooking up the home to a municipal water supply if such a water line is available nearby. It is far too easy, under the current system, for operators to escape this responsibility. This disrespects homeowners' property rights.

SEE ATTACHED PDF FILE

PUBLIC COMMENT SUBMISSION - Proposed Regulations 25 Pa. Code Chapter 78 [Oil+ Gas Wells]

MY COMMENTS ARE INCLUDED IN ATTACHED FILE

--WA

Walt Atwood
694 Mohawk Avenue Extension
Warren, Pennsylvania 16365

These links provide access to the attachments provided as part of this comment. You are advised to save the attachments to your local computer or a network share when prompted by your browser.

Comments Attachment: [WA EQB-Comment 14Mar2014R.pdf](#)

Please contact me if you have any questions.

Sincerely,
Patrick McDonnell

Patrick McDonnell
Director, Office of Policy
PA Department of Environmental Protection
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FROM:
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14 March 2014

TO:
Commonwealth of Pennsylvania
Environmental Quality Board
16th Floor, RCSOB
Post Office Box 8477
Harrisburg, Pennsylvania 17105

delivered via electronic mail: RegComments@pa.gov

PUBLIC COMMENT SUBMISSION

Comment on Proposed Regulations 25 Pa. Code Chapter 78 (Oil and Gas Wells)

Today I am providing comment to the Environmental Quality Board (EQB) regarding the Pennsylvania regulations governing oil and gas wells because the far-reaching impacts from oil and gas development are having indelible adverse impacts on this Commonwealth in general and my life (and the lives of my family members) in particular.

It is important to note that, in the process of preparing and submitting these comments, my family and I encountered personnel of both the EQB and the Pennsylvania Department of Environmental Protection's (DEP) Northwest Regional Office in Meadville (NWO) who were both disinterested and uncooperative in helping us find information on how to properly and promptly submit these comments. During the EQB's public hearing held 12 Feb. 2014 in the Warren County Courthouse, the EQB's spokesman repeatedly fumbled in his spoken remarks to inform those in attendance on how to electronically submit comments.

During the 12 Feb. 2014 hearing in Warren, I set up my high-definition video

camcorder to record the proceedings. At the beginning of this event, it became apparent that the EQB's sound system was not functioning properly. People in attendance began to loudly complain about not being able to hear what was being said. State personnel on-hand for the hearing fiddled around with the sound equipment, but the audio of the people speaking at the microphones was still distorted and at times difficult to hear. I stayed at the hearing until about 10:00 p.m., recording three hours of video footage. Having subsequently reviewed the footage, I can tell you that the sound quality left a great deal to be desired. For an agency to botch something like this in a hearing on a matter of this magnitude is unacceptable.

During a public comment hearing held by the U.S. Environmental Protection Agency (EPA) in Canonsburg, Pennsylvania in July of 2010, a charitable organization invited me to attend and record the proceedings with my video rig, just as I did with the EQB hearing in 2014. The hearing was over five hours long, held in a huge hotel ballroom and attended by about 1,200 people. At this hearing, the EPA employed an excellent, properly mixed sound system and also allowed attending videographers and news reporters to plug into a publicly-available "malt box" that allowed for high-quality recording direct from the EPA's own pre-mixed sound system. I was able to connect a wireless microphone rig into the EPA "malt box" and record every speaker at the hearing with perfect clarity. I fail to see why DEP/EQB would have such trouble providing adequate sound at their own planned public hearing. Even if the DEP/EQB could not afford the use of a "malt box" of their own as EPA previously did (this would make no sense to me), at the very least they could have provided an adequate sound system so the public could hear. Instead, people in the third hour of the hearing simply stopped using the hearing's microphone and stood up in the front of the courtroom, reciting their prepared remarks into the open air.

On the morning of 12 March 2014, my family telephoned DEP's NWO to clarify the submission process, but Mr. Gary Clark of NWO was not available. "Anita" at the NWO answered the telephone, but she stated that she did not have any answers. She suggested e-mailing our comment submission to Mr. Clark. When we asked "Anita" about who we could contact in Harrisburg to get more information, she said she had no idea and that she could not help us. We turned to searching the internet for more information. Upon discovering EQB's phone number, (717) 787 - 4526, we called it and we were greeted by an answering machine. When we tried to navigate to another extension, EQB hung up on us.

This left us with the impression that DEP and EQB desire the superficial appearance of welcoming public comment while in reality the attitudes of the personnel (and the setup of the machines) is designed to discourage/ignore people who have

questions and concerns. This needs to be rectified immediately.

During the EQB 12 Feb. 2014 hearing, it became clear to me that the purpose of the hearing, specifically that it was held in Warren, was to facilitate the direct involvement of the oil-and-gas operators and their political allies, namely State Rep. Kathy Rapp, State Rep. Martin Causer, State Senator Scott Hutchinson, and former U.S. Rep. John E. Peterson. In fact, I have it on tape that these state legislators were thankful and congratulatory of each other for arranging the EQB hearing for this very purpose. Of far greater importance, however, were Rep. Rapp's remarks regarding her arrangements with Gov. Tom Corbett, that House Bill 1950 of 2011, which became Act 13 of 2012:

"I and other legislators were given assurances from the governor's office and the leaders in the House that the regulations following the legislation would not affect our conventional wells. My intent was never to see legislation that treated both conventional and unconventional wells alike in the regulations. Never. That was never my intent as a legislator and I had assurances from the governor's office and legislative leaders these regulations would not affect conventional wells."

You can review my video footage of Rep. Rapp's remarks, quoted above, on YouTube at : http://youtu.be/YGP_JhlL9xM .

For the record, House Bill 1950 of 2011 was boilerplate legislation written by the American Legislative Exchange Council (ALEC) that Rapp, as an ALEC member, introduced to the State House as the bill's prime sponsor. This should conclusively prove that (1: the aforementioned politicians who spoke at the EQB 12 Feb. 2014 hearing were clearly concerned only with the oil-and-gas exploration operators, and not environmental/public health issues, and (2: that the subsequent State Supreme Court decisions that ruled parts of Act 13 un-constitutional, and thus, forced DEP/EQB to review regulatory changes leading to this hearing, placed Rep. Rapp, Rep. Causer and Sen. Hutchinson into the uncomfortable position of having to publicly testify before their oil-and-gas operator-friends that they never intended this regulatory revision to happen, even though they all voted for it; and (3: all of the speaking politicians at this EQB hearing clearly want it to be known that the oil-and-gas operators can do no wrong in their eyes.

I feel strongly that, before I can address certain aspects of the proposed regulation revisions directly, I must comment on some of the remarks made by oil-and-gas

exploration operators during the 12 Feb. 2014 EQB hearing. In the spoken remarks I repeatedly heard a common theme:

1. People who make their living in the oilfield tend to lead long lives.
2. DEP currently over-regulates oil-and-gas operators as it is; the revised regulations would cause harm to these oil-and-gas businesses.
3. All oil-and-gas drilling, hydro-fracking and waste disposal is always done in a safe and responsible manner, therefore these operations are harmless.
4. Oilfield operators always employ best practices, resulting in safe workplaces and responsible handling of their operations.

I have lived in the so-called "Oil Patch" all of my life, have seen relatives work in this industry, and have become an amateur oilfield historian myself. Accordingly, I would like to challenge some of list of protean dogmas listed above.

1. ***People who make their living in the oilfield tend to lead long lives.*** The elders making this statement identified themselves as owners and/or managers of such operations, suggesting a lesser exposure to the risks inherent in so-called "modern" oil-and-gas exploration. In recent years, I have become somewhat sensitive to a more harsh reality: the sudden and early deaths of industry's labor-employees, frequently aged in thier 20s through their 50s. A recent local example would be young Mr. Nikolai Briggs, age 26, of Chapman Dam Road. (See attached 13 March 2014 news article and 14 March 2014 obituary, excerpted from the Warren Times-Observer) A radio news report from WQFX-FM of Jamestown, NY on the morning of 14 March 2014 stated that the explosion that killed Mr. Briggs was believed to have occurred between 8:30 a.m. and 10:00 a.m., and that Mr. Briggs' body was found 60 feet from the exploded tank, strongly indicating Mr. Briggs was left by his employer to perform this obviously unsafe act while unsupervised.
2. ***DEP currently over-regulates oil-and-gas operators as it is; the revised regulations would cause harm to these oil-and-gas businesses.*** For many years, dating clear back into the 1990s, the oil-and-gas operators and their political allies repeatedly employed this rhetorical trope, essentially equating regulation with tyranny bent on destroying them. During those days when the current DEP was still the DER (Dept. of Environmental Resources), some operators would ride around Warren and the surrounding countryside with bumper-stickers attached to the rear fenders of their pickup trucks that would read "DER: Gestapo in Pennsylvania". It was an obvious ploy to allege the DER was over-regulating the operators, and thus cultivate a political climate in

which the operators would be self-regulating. In the attached newspaper article and obituary regardless the tragic loss of young Mr. Briggs, you will note that nowhere is the identity of Mr. Briggs' employer mentioned. It is common in small-town newspapers, "where your work is your life", for obituaries (even for those passing at a very young age) to make some mention of past employers. For young Mr. Briggs' employer to be omitted, in both the article and the obituary, is a conspicuous example of both the political clout of and the insular, self-regulating nature of oil-and-gas exploration in these hills. I would also point out to the EQB that, during hydro-fracking of shallow oil wells, it is common that no DEP personnel are present at the fracking site.

3. ***All oil-and-gas drilling, hydro-fracking and waste disposal is always done in a safe and responsible manner, therefore these operations are harmless.*** Again, during the EQB hearing I heard people making prepared statements claiming that a gallon of spilled crude oil or brine was harmless and no cause for alarm, let alone regulation. In fact, Mr. Michael Arnold of Waste Treatment Corp (WTC), spoke at the hearing about how respectful his industry is of the environment including the "wild and scenic" Allegheny River. But records will show Mr. Arnold is currently facing serious accusations that WTC dumped radioactive Marcellus Shale wastewater into the Allegheny River without even having a permit to handle such waste. In December of 2013, the DEP's NWO accepted public comments on a settlement agreement with WTC over this matter. On 23 Dec. 2013, my parents, Ed and Karen Atwood, joined me in filing a joint public comment with Kelly Burch and Gary Clark on the DEP's NWO. I would urge you to review this matter and consider it in this context. (See attached Public Comment Submission from 23 Dec. 2013.) In addition, I know of at least a couple of idle modern shallow oil wells within a three miles of where I live that obviously have not been pumped in years; there are trees growing up through the pumpjacks of these wells. (See attached photos) If there were serious regulatory oversight of oil-and-gas operations in Pennsylvania, these obviously idle wells would've been plugged long ago.
4. ***Oilfield operators always employ best practices, resulting in safe workplaces and responsible handling of their operations.*** The attached news story and obituary concerning the tragic fate of Mr. Briggs should make it clear this is not true. The oil-and-gas exploration in these hills is commonly the most slapdash and reckless example of anti-environment, anti-safety and anti-labor business operations you can find. In a recent conversation with a regional insurance businessman, I learned that oil-and-gas exploration and

logging are the riskiest businesses to insure.

I am very concerned because the proposed changes do not go far enough to control the damage our communities and environment are experiencing as the gas and oil industry develops its wells, frack pits, impoundments, pipelines, and related operations across the entire state. I support the tighter controls you are proposing but they are too few and simply do not go far enough to make a difference in the harm that is being done.

This is especially true today because of the Pennsylvania Supreme Court ruling that requires government to consider how actions being taken affect the reserved environmental rights of Pennsylvania citizens and public natural resources. (Robinson Twp., Washington Cnty. v. Com., --- A.3d ---, 2013 WL 6687290, *33 (Dec. 19, 2013). I believe you must consider how these proposed regulations fulfill Article 1, Section 27 of the Pennsylvania Constitution before you act. Article I, Section 27 of the state's constitution states:

"The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people"

Per my Rights under the Pennsylvania Constitution quoted above, my family's property rights were violated by operators who drilled only 250 feet from our home and our water well. In addition, PA DEP has determined that the operator contaminated our water well and issued an order; neither of which have been enforced. This has reduced the property value of our land and home and the quiet enjoyment of where we live on land zoned "R1 Residential" in Pleasant Township of Warren County, PA. Additionally, to underscore how oil-and-gas exploration in Pennsylvania is obviously self-regulating, during the 23 Nov. 2012 hydro-fracking of the M-4 well, as mentioned in my family's attached 23 Dec. 2013 comment document, **there were no DEP personnel present.**

These proposed Chapter 78 changes do not serve this inalienable right. I ask that you revise the proposed rulemaking to include consideration of how to meet this mandate. There is an enormous difference between toothless guidelines, masquerading as regulations, which suggest a proper procedure "should" be done, and serious regulations that command a directive "must" or "shall" be done. Below I

have emboldened the use of the word "must" to underscore I want to see serious, not toothless, regulation of the oil-and-gas operators in Pennsylvania.

I advocate these changes to the proposed rulemaking, focusing on just a few key areas:

Sections 78.51 and .52:

Pre-drilling water testing and the replacement and cleaning up of contaminated water supplies:

- Operators **must** be required to restore contaminated drinking water to a quality that meets Safe Drinking Water Act standards, no matter what the quality of the water prior to drilling. If the quality of a water supply prior to drilling was above these standards, the operator **must** restore the water to that higher standard; otherwise, good water supplies will be degraded. *Where municipal water is available, this **must** be provided and paid for by the operator.*
- All drillers **must** be required to use a consistent list of parameters for pre-drill water testing. The parameters **must** be as comprehensive as possible, but at a minimum match what DEP uses when it conducts full contamination investigations and to ensure that complete baseline data is available.
- All drillers **must** make pre-drill data available to the public, while protecting individual homeowners' privacy, through an online platform, which DEP **must** establish immediately.

Sections 78.56, .57, .58, .59:

Open pits, impoundments and processing of drill cuttings:

- No open pits, or "frack pits" allowed on well sites; no hazardous substances in pits.
- No onsite processing of drill cuttings; because these cuttings could contain toxic and radioactive materials.
- No mixing and storage in open impoundments of "reused" or "recycled" water from fracking and drilling with clean water for use in additional operations; "freshwater" is not defined, leading to "freshwater" impoundments with regulations that do not address their hazardous contents.

Sections 78.60, .61, .62, .63 and 78.70:

Disposal of drill cuttings, "brine", and residual waste:

- No burial or land application of drill cuttings. We are creating the opportunity for thousands upon thousands of future "superfund" sites if we allow this toxic and

often radioactive waste to be buried on well sites. We don't want this hidden pollution buried in our community or our backyards or farm fields and not near water supplies!

- No burial of waste pits for the same reason.
- *No spreading of brine or flowback for dust suppression, de-icing or road stabilization.* Spreading these dangerous and often radioactive fluids on roads provides a pathway for pollution of our streams and groundwater and can poison wildlife and kill vegetation, or contaminate nearby water sources.
- No land application of top-hole water, pit water, fill, or dredged material from drilling and fracking. The chemicals and sediments in this material must not be allowed to emit to the air we breathe, be mixed with the soil we grow our food in and our children play in, or to mix with our drinking water and streams or accessible by our animals.

Section 78.52(a)

Orphaned and abandoned gas and oil wells:

- I agree these wells (estimated at 350,000 or more) **must** be identified before any site disturbance and recorded publicly, plugged and sealed according to state safety standards PRIOR to well site construction and testing of area water wells and intakes **must** be done by the operator to access any pollution caused by the orphaned or abandoned well(s). These wells are a serious safety hazard in Pennsylvania and there **must** be every precaution taken to find them, avoid communication between new wells and old to avoid blowouts, accidents and well casing failure. These old wells that are pollution threats **must** be plugged.

Please consider my input on these important regulatory changes. Thank you for your time and attention.

Respectfully submitted,

/ ~ S ~ /

Walter Atwood
694 Mohawk Avenue
Warren, Pennsylvania 16365

Attachments

NEWS STORY

RE: Nikolai Briggs

Excerpt from Warren Times-Observer, 13 March 2013, page A1

Clarendon man dies in oil tank explosion

Was welding when torch ignited gas

By **BRIAN FERRY**

bferry@timesobserver.com

A Clarendon man was killed Wednesday morning as a result of an oil tank explosion in Brokenstraw Township.

According to Pennsylvania State Police, Nikolai G. Briggs, 26, was pronounced dead at the Irvine Run Road accident scene by Warren County Deputy Coroner Stan Taydus.

Police said Briggs was found about 60 feet north of the tank he had been working on.

Taydus estimated the height of the tank at 10 to 12 feet.

"The victim had been welding on the top of the tank when his torch caused vapor in the tank to ignite and explode," police said.

"Death was due to multiple internal injuries" that were due to the explosion, Taydus said. The fatal explosion blew off the entire top of the tank.

Police list the time of the incident as between 8:30 and 10:08 a.m.

Youngsville volunteer firefighters responded to the 10:08 a.m. call, according to Chief Vern Edmisten. Upon their arrival there was no active fire and Edmisten offered no further comment on the incident.

Chronicle

Obituaries



Nikolai Briggs

Nikolai Giles Briggs, 26, of Chapman Dam Road, died suddenly in a work-related accident on Wednesday, March 12, 2014. Nikolai was born April 26, 1987, in Warren, PA; he is the son of Glen B. Briggs, of Warren, PA, and Mary L. Fox (Depto), of Kanc, PA.

Nikolai was a 2005 graduate of Sheffield High School. Most recently, he had been working in the Oil and Gas Industry. He was also a skilled mechanic that loved everything with wheels, and had just finished rebuilding his 1982 Toyota Pickup. He was a

member of the Jolly Jesters; and loved clowning for children and making them laugh. Nikolai also enjoyed the outdoors; spending his time motorcycling, bicycling, hunting and driving his Toyota. But most of all, Nikolai loved his family, especially his nieces and nephews. He will be missed deeply by all that knew him and called him a friend.

In addition to his parents, Nikolai is survived by his fiancée, Kelly M. Johnson, Clarendon, PA; three sisters, Scarlett Kibbey, of Jacksonville, FL, Harmonie Kibbey, and husband, Ian Lester, of Shef-

field, PA, and Georie Briggs, and boyfriend, Tracy Long, of Pittsburgh, PA; half-brother, Matt Theuret, of Youngsville, PA; one step-sister; one step-brother: his fiancée's parents, Craig and Donna Johnson, and fiancée's sister, Kristin Johnson, of Youngsville, PA, his paternal grandparents, Glen and Barb Briggs, of Youngsville, PA; step-grandfather, James Freeman, of Russell, PA; step-father, Randy Depto, of Kanc, PA; many nieces, nephews, aunts, uncles, cousins and friends; and his dogs, Turbo and Ellsi.

He was preceded in

death by his maternal grandparents, Floyd and Doris Fox; paternal grandmother, Diana Freeman and uncle, Floyd I. Fox.

Friends will be received at the Peterson - Blick Funeral Home, Inc., 1003 Penna. Ave., E., Warren, on Sunday, March 16, from 5 to 7 p.m. Friends will also be received at the Grace United Methodist Church, 50 Penna. Ave. E., on Monday, March 17, from 10 to 11 a.m., at which time, a funeral service will be held there with Rev. Kevin Haley, pastor, and Rev. Marcus Briggs, chaplain and pastor, Warren General Hospital and Rouse Home

Trees growing in and around rusty old pumpjacks



Above: an idle well with a small maple sapling growing up through the pupmjack, seen between Forest Roads 156 and 253 near Warren, 10 May 2010.

Below: another idle well with hemlocks growing through and around pumpjack, seen in the Sill Run Area near SR 3005 near Warren, 22 March 2008.



FROM:
Edwin, Karen & Walt Atwood
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electronic mail: ek.atwood@verizon.net
& walt.atwood@verizon.net

23 December 2013

TO:

*Attn.: Mr. Kelly Burch, Regional Office Director;
and Mr. Gary Clark, Environmental Community Relations Specialist*
Pennsylvania Department of Environmental Protection
Northwest Regional Office
230 Chestnut Street
Meadville, Pennsylvania 16335

submitted via electronic mail

PUBLIC COMMENT SUBMISSION

RE: the Pennsylvania Department of Environmental Protection's (DEP) proposed settlement with drilling wastewater treatment operator d/b/a Waste Treatment Corporation (WTC) regarding violations involving dumping of contaminated water into the Allegheny River in Warren, Pennsylvania and processing said wastewater without any permits.

In late November of 2013, the DEP's Northwest Region Office (NRO) announced a settlement (aka "consent decree") regarding violations involving the dumping of Marcellus Shale wastewater into the Allegheny River by WTC, and that WTC was processing the aforementioned wastewater without a permit. We, the commenting party in this letter, hereafter referred to as the Atwoods, are concerned that this is a very serious matter that could have very strong implications for public health. Local news media accounts indicate that the wastewater dumped into the Allegheny River contained dangerous chemicals and radioactive waste.

The Atwoods are alarmed that this could take place, and that such activity could go on without the public's knowledge until the non-profit organization Clean Water Action

apparently took legal action and publicized these developments. From 2008 through 2012, the Atwoods planned and administered an annual one-day local reunion event each August at a local park along the Allegheny River, just downriver of where the wastewater discharges are said to have taken place. As part of that annual event, reunion participants would hold a wreath toss into the river, and some people involved in the wreath toss would wade into the water. The possibility that these innocent people, some of whom traveled from other states to participate in this reunion, could have been exposed to illegally dumped wastewater containing dangerous chemicals and radioactivity, is horrifying. The DEP's mission is supposedly environmental protection. The specter of these innocent people having been exposed to this danger is both outrageous and suggests that the DEP deliberately turned a jaundiced eye to what is happening.

The Atwoods are also concerned about other activities that are the responsibility of both the DEP and WTC. In 2012, WTC, then d/b/a as ARMAC Resources, began setting up an oil lease on land neighboring the Atwoods' homestead on Mohawk Avenue in Pleasant Township of Warren County, Pennsylvania. When DEP provided the Atwoods with permit notices for the drilling of new oil wells by ARMAC/WTC on the Metzgar Lease, the Atwoods made submitted formal objections to the issuance of said permits by the DEP. The Atwoods made it clear that the proposed wells were too close to the Atwood residence, that the proposed lease road to be built to connect the well-pads to Mohawk Avenue would disturb the abandoned Wilbur Dump from the 1950's and 1960's that was located on the land overlaying the Metzgar Lease, and that the proposed drilling and fracking would threaten the Atwood residence's water well. Brian Babb, DEP's representative, told the Atwoods that "I work for the Governor, and my job is to issue permits." The permits were officially approved by the DEP and drilling and hydro-fracking began in the summer and autumn of 2012. On 26 Nov. 2012, that Atwoods complained to DEP after they noticed changes to their tap-water at the Atwood residence. DEP sampled the Atwoods' tap water in Dec. 2012 and in a subsequent letter from DEP's S. Craig Lobins dated 4 Jan 2013, DEP officially determined that ARMAC/WTC's oil and gas activities on the Metzgar Lease had affected the Atwoods' water supply. (see Water Supply Case #293565) To this day, there has been no permanent

resolution of the water supply issue. The Atwoods rely on bottled water and must take their clothes elsewhere for laundering.

Since the DEP settlement is based on the acceptance of WTC's ongoing handling of wastewater without a permit, it is logical to consider what other illicit activities WTC may be involved in. The entire affair regarding the Metzgar Lease and ARMAC/WTC's oil and gas activities affecting the Atwoods water supply could have been avoided if the DEP had heeded the Atwoods' objections and not issued those well permits. The Atwoods are concerned that, due to the nature of the alleged illicit processing and dumping of Marcellus Shale wastewater by WTC, said wastewater could have been illicitly used by WTC as a hydro-fracking cocktail for ARMAC/WTC's ongoing oil and gas well activities wherever they may be. If DEP's settlement/consent decree is based on the notion that WTC supposedly has been handling this wastewater outside of the law up to now, why must we assume that anything else WTC does is proper? See *Belitskus v. Willamette and the DEP*, 1997 Pa. Envir. LEXIS 90, at *28 (Pa. EHB Oct. 21, 1997), stating the DEP's issuance of a discharge permit was unlawful and an abuse of discretion if compliance history shows that the applicant cannot be trusted with the permit.

The Atwood must ask that DEP not move forward with the WTC settlement/consent decree as it is written today. We find this equally unacceptable, outrageous, and a threat to public health. The only reasonable way to move forward is for DEP to shut down all of WTC's waste treatment and oil/gas well operations until such time as:

1. all corrective actions are taken to bring WTC's waste treatment operations are proven to be capable of processing wastewater without any harmful discharges to any public waterways.
2. the matter of WTC's violations regarding the Atwood water supply issue is resolved permanently
3. WTC pays the maximum fine required by law for its past and current outstanding violations; the currently proposed reduced fine is absurd and must be revised upward.

**Atwood family's comments to Pennsylvania Department of Environmental Protection, 23 Dec. 2013
RE: proposed settlement/consent decree with Waste Treatment Corp**

If WTC cannot or will not address all of its violations, fines and other outstanding issues, then the company's oil and gas operations and waste treatment operations should be shut down completely until such time as WTC is prepared to pay its fines and operate lawfully.

We hope DEP will listen to our concerns and revise the settlement/consent decree with WTC. For too long, DEP has been "working for the Governor, and issuing permits" while innocent people and their interests are threatened as a direct result. The Atwoods want to take this opportunity to remind DEP administrators of Article I, Section 27 of the Pennsylvania Constitution, which supercedes all other public state and local laws and rules in the Commonwealth:

"The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people."

In light of the current political climate in Pennsylvania, our past dealings with DEP, and the fact that DEP is now faced with negotiating a settlement with WTC in the first place, the Atwoods wonder if DEP personnel will bother to seriously consider our comments or if they will be ignored along with the Article I, Section 27 of the Commonwealth's Constitution.

Respectfully submitted,

/ ~ S ~ /

The Atwoods

Edwin, Karen and Walt Atwood
all residents of 694 Mohawk Avenue in Warren, Pennsylvania

Enviro-group plans suit against WTC

By JOSH COTTON

jcotton@timesobserver.com

An environmental group has filed a notice of intent to file a lawsuit against Waste Treatment Corporation for alleged illegal discharge of oil and gas drilling wastewater into the Allegheny River.

Clean Water Action, a grassroots organization that advocates for clean water and decreased pollution, issued a press release on Thursday announcing the intent to file suit, claiming, in part, that WTC has

“violated their water discharge permit nearly 400 times since 2010” and also has no permit from the state of Pennsylvania authorizing them to discharge oil and gas wastewater.

But, to Michael Arnold, vice president of operations for Waste Treatment Corporation, the company is working within its permits.

Referencing the suit, Arnold said, “We’ll take each step as it comes. We take all allegations seriously. We know we’re op-

See LAWSUIT / A10

Lawsuit by environmer

erating under Pennsylvania state regulations.”

Arnold said working in the wastewater business “opens us up as a target for environmental groups. We’ve been operating since 1988... this is going to happen.”

Clean Water Action claims that WTC is contaminating the river without any state intervention.

“The state’s own study found that Waste Treatment Corporation is damaging the Allegheny River, yet still no action has been taken to stop this contamination,” Myron Arnowitt, Pennsylvania state director for Clean Water Action, said in the release. “We could wait no longer for help from the state or EPA. We filed this case so that

companies discharging gas drilling wastewater into our rivers know this practice

must end.”

Arnold said DEP representatives have toured his facility and that the facility is NPDES (National Pollutant Discharge Elimination System) certified by the state.

According to a statement by Clean Water Action, the state Department of Environmental Protection conducted a study in 2012 that found high levels of salts, metals and radioactive compounds just downstream from Waste Treatment Corporation’s discharge pipe in the Allegheny River. Chloride, bromide, lithium, strontium, radium-226 and radium-228 were “all found downstream of WTC’s discharge at levels over 100 times the levels upstream of the plant. Not only was there water contamination, but pollutants were building up

in the river be where DEP fo tivity and oily c plant’s disc 200,000 gallo water per day over 125,000 salt into the Al er each day.”

Arnold said DEP representatives have toured his facility and that the facility is NPDES (National Pollutant Discharge Elimination System) certified by the state.

Clean Water Action alleges, “The charge illegal arsenic, titanium as well as he charge that h times too acidi er times too alk

“You hear that gas drilling doesn’t end up anymore,” Arnowitt said. “However, this in which it cle the fact that dioactivity inv it much more wastewater is c unconventional like the Marc

Hoffman, Stephen F.

From: RegComments@pa.gov
Sent: Thursday, May 21, 2015 11:01 AM
To: Environment-Committee@pasenate.com; apankake@pasen.gov; IRRRC;
RegComments@pa.gov; eregop@pahousegop.com;
environmentalcommittee@pahouse.net; gvitali@pahouse.net
Cc: ra-epmsdevelopment@pa.gov
Subject: Comment notice for - Advanced Notice of Final Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites (7-484)



Re: Advanced Notice of Final Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites (7-484)

The following comments have been received regarding the above-referenced advanced notice of final rulemaking.

Commentator Information:

Ed and Karen Atwood
(ek.atwood@verizon.net)
694 Mohawk Avenue
Warren, PA 16365 US

Comments entered:

Ladies and Gentlemen,

On 12 March 2014, we submitted a comment-letter to the Environmental Quality Board regarding the proposed Oil & Gas Regulations. Today, in case of any change of leadership or personnel, we are re-submitting that comment-letter, plus additional comments in this e-mail message.

Our additional comments (which have not been submitted before) are as follows:

We remain deeply concerned about the very large number of abandoned oil and gas wells in the the northern and western parts of Pennsylvania that have never been addressed by the Pennsylvania Department of Environmental Protection.

All operators involved in oil and gas exploration (including drilling and hydro-fracking) must be required to submit a bond before doing any work on any oil/gas well site in Pennsylvania, new or old. The bond must be sufficient to cover any damages the well operation may cause, including (but not limited to) property damages and water contamination.

The Department of Environmental Protection must provide homeowners (or any other property owner of dwellings that relies upon a water well) with full water tests before issuing any permits to drill or frack near the property owners' water well. The tests must include "phase three" testing for highly toxic substances (including radioactive materials) beyond the current "standard

oil and gas test”.

The current regulation concerning the definition of a “permanent water replacement” description needs to include a “municipal water system” since drillers have begun encroaching on residential areas where citizens rely on water wells. For instance, the Hedgehog Lane area near Bradford in McKean County where wells were contaminated by methane from nearby drilling; the only sensible solution was municipal water lines were extended to serve these homes; especially where more drilling was planned.

There must be mapping done of oil and gas lines installed so that if problems occur, emergency response personnel will be able to know where the lines are located. Some operators already do this, however it is not required. The same goes for electric line locations installed for oil and gas operations.

SEE ATTACHED PDF FILE

PUBLIC COMMENT SUBMISSION - Proposed Regulations 25 Pa. Code Chapter 78 [Oil + Gas Wells]

--EA & KA

Edwin & Karen Atwood
694 Mohawk Avenue
Warren, Pennsylvania 16365

ek.atwood@verizon.net

These links provide access to the attachments provided as part of this comment. You are advised to save the attachments to your local computer or a network share when prompted by your browser.

Comments Attachment: [Ed and Karen Atwood EQB-Comment 12Mar2014.pdf](#)

Please contact me if you have any questions.

Sincerely,
Patrick McDonnell

Patrick McDonnell
Director, Office of Policy
PA Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063
Office: 717-783-8727
RegComments@pa.gov

FROM:
Edwin & Karen Atwood
694 Mohawk Avenue
Warren, Pennsylvania 16365
phone: (814) 726 - 2774
e-mail: ek.atwood@verizon.net

12 March 2014

TO:
Commonwealth of Pennsylvania
Environmental Quality Board
16th Floor, RCSOB
Post Office Box 8477
Harrisburg, Pennsylvania 17105

delivered via electronic mail: RegComments@pa.gov

PUBLIC COMMENT SUBMISSION

Comment on Proposed Regulations 25 Pa. Code Chapter 78 (Oil and Gas Wells)

We are providing comment to the Environmental Quality Board (EQB) regarding the Pennsylvania regulations governing oil and gas wells because the far-reaching impacts from oil and gas development are having indelible adverse impacts on this Commonwealth in general and our lives in particular.

It is important to note that, in the process of preparing and submitting these comments, we encountered personnel of both the EQB and the Pennsylvania Department of Environmental Protection's (DEP) Northwest Regional Office in Meadville (NWO) who were both disinterested and uncooperative in helping us find information on how to properly and promptly submit these comments. During the EQB's public hearing held 12 Feb. 2014 in the Warren County Courthouse, the EQB's spokesman repeatedly fumbled in his spoken remarks to inform those in attendance on how to electronically submit comments. On the morning of 12 March 2014, we telephoned DEP's NWO to clarify the submission process, but Mr. Gary Clark of NWO was not available. "Anita" at the NWO answered the telephone, but she stated that she did not have any answers. She suggested e-mailing our comment submission to Mr. Clark. When we asked "Anita" about who we could contact in Harrisburg to get more information, she said she had no idea and that she could not help us. We

turned to searching the internet for more information. Upon discovering EQB's phone number, (717) 787 - 4526, we called it and we were greeted by an answering machine. When we tried to navigate to another extension, EQB hung up on us. This left us with the impression that DEP and EQB desire the superficial appearance of welcoming public comment while in reality the attitudes of the personnel (and the setup of the machines) is designed to discourage/ignore people who have questions and concerns. This needs to be rectified immediately.

We are very concerned because the proposed changes do not go far enough to control the damage our communities and environment are experiencing as the gas and oil industry develops its wells, frack pits, impoundments, pipelines, and related operations across the entire state. We support the tighter controls you are proposing but they are too few and simply do not go far enough to make a difference in the harm that is being done.

This is especially true today because of the Pennsylvania Supreme Court ruling that requires government to consider how actions being taken affect the reserved environmental rights of Pennsylvania citizens and public natural resources. (Robinson Twp., Washington Cnty. v. Com., --- A.3d ---, 2013 WL 6687290, *33 (Dec. 19, 2013)). We believe you must consider how these proposed regulations fulfill Article 1, Section 27 of the Pennsylvania Constitution before you act. Article I, Section 27 of the state's constitution states:

"The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people"

Per our Rights under the Pennsylvania Constitution quoted above, our property rights were violated by operators who drilled only 250 feet from our home and our water well. In addition, PA DEP has determined that the operator contaminated our water well and issued an order; neither of which have been enforced. This has reduced the property value of our land and home and the quiet enjoyment of where we live on land zoned "R1 Residential" in Pleasant Township of Warren County, PA.

These Chapter 78 proposed changes do not serve this inalienable right. We ask that you revise the proposed rulemaking to include consideration of how to meet this mandate. There is an enormous difference between toothless guidelines,

masquerading as regulations, which suggest a proper procedure "should" be done, and serious regulations that command a directive "must" or "shall" be done. Below we have emboldened the use of the word "must" to underscore we want to see serious, not toothless, regulation of the oil & gas well operators in Pennsylvania.

We advocate these changes to the proposed rulemaking, focusing on just a few key areas:

Sections 78.51 and .52:

Pre-drilling water testing and the replacement and cleaning up of contaminated water supplies:

- Operators **must** be required to restore contaminated drinking water to a quality that meets Safe Drinking Water Act standards, no matter what the quality of the water prior to drilling. If the quality of a water supply prior to drilling was above these standards, the operator **must** restore the water to that higher standard; otherwise, good water supplies will be degraded. *Where municipal water is available, this **must** be provided and paid for by the operator.*
- All drillers **must** be required to use a consistent list of parameters for pre-drill water testing. The parameters **must** be as comprehensive as possible, but at a minimum match what DEP uses when it conducts full contamination investigations and to ensure that complete baseline data is available.
- All drillers **must** make pre-drill data available to the public, while protecting individual homeowners' privacy, through an online platform, which DEP **must** establish immediately.

Sections 78.56, .57, .58, .59:

Open pits, impoundments and processing of drill cuttings:

- No open pits, or "frack pits" allowed on well sites; no hazardous substances in pits.
- No onsite processing of drill cuttings; because these cuttings could contain toxic and radioactive materials.
- No mixing and storage in open impoundments of "reused" or "recycled" water from fracking and drilling with clean water for use in additional operations; "freshwater" is not defined, leading to "freshwater" impoundments with regulations that do not address their hazardous contents.

Sections 78.60, .61, .62, .63 and 78.70:

Disposal of drill cuttings, "brine", and residual waste:

- No burial or land application of drill cuttings. We are creating the opportunity for thousands upon thousands of future "superfund" sites if we allow this toxic and often radioactive waste to be buried on well sites. We don't want this hidden pollution buried in our community or our backyards or farm fields and not near water supplies!
- No burial of waste pits for the same reason.
- *No spreading of brine or flowback for dust suppression, de-icing or road stabilization.* Spreading these dangerous and often radioactive fluids on roads provides a pathway for pollution of our streams and groundwater and can poison wildlife and kill vegetation, or contaminate nearby water sources.
- No land application of top-hole water, pit water, fill, or dredged material from drilling and fracking. The chemicals and sediments in this material must not be allowed to emit to the air we breathe, be mixed with the soil we grow our food in and our children play in, or to mix with our drinking water and streams or accessible by our animals.

Section 78.52(a)

Orphaned and abandoned gas and oil wells:

- We agree these wells (estimated at 350,000 or more) **must** be identified before any site disturbance and recorded publicly, plugged and sealed according to state safety standards PRIOR to well site construction and testing of area water wells and intakes **must** be done by the operator to access any pollution caused by the orphaned or abandoned well(s). These wells are a serious safety hazard in Pennsylvania and there **must** be every precaution taken to find them, avoid communication between new wells and old to avoid blowouts, accidents and well casing failure. These old wells that are pollution threats **must** be plugged.

Please consider our input on these important regulatory changes.

Respectfully submitted,

/ ~ S ~ /

Edwin & Karen Atwood
694 Mohawk Avenue
Warren, Pennsylvania 16365