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Environmental Quality Board  
P.O. Box 8744  
Harrisburg, PA 17105-8477

Dear Board Members,

My name is David Clark and I am a second generation Oilman. I am writing to you to express my opposition to the passage of this illegal rewrite of the Chapter 78 regulations as proposed. I urge you to vote NO to these "copy and paste" regulations that are in direct opposition to the spirit and legislative intent of the 2014 Bifurcation legislation. Please vote NO to this attempt by DEP to destroy the communities that have been apart of the oil region since 1859. Please reject this misuse of power and public trust that was granted to them to serve Pennsylvanians and allow conventional wells to operate under the effective regulations in place before the passage of Act 13 of 2012. You have heard and will hear more facts that clearly delineate and clearly define TWO completely different industries with a need for TWO different sets of regulations.

Almost without exception all of the conventional operators in Pennsylvania are small businesses as that term is used in the Regulatory Review Act (RRA). Section 12.1 of the RRA requires DEP to conduct a regulatory flexibility analysis in which it must consider methods that would accomplish the objectives of the applicable statutes while

minimizing adverse impacts on small businesses. Such analysis must include consideration of: 1) less stringent compliance or reporting requirements; 2) less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishment of performance standards to replace design or operational standards; and 5) the exemption of small businesses from all or any part of the requirements contained in the rule.

**That regulatory flexibility analysis was not performed, and its absence is obvious.**

Next, I would like to discuss a section of the proposed regulations entitled “Area of Review”. This section of the regulations, proposed by the DEP in 2015 for application to conventional operations, is nothing more than a photocopy of the same regulations proposed by the DEP for the unconventional industry in 2013—the only change being the **addition** of numerous regulatory provisions, such as the preparation of the monitoring plan and its submission 30 days before drilling, depth information, gathering of surface evidence and the like.

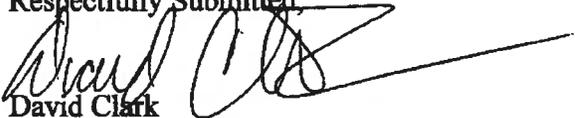
Another completely new section that is another photocopy of the unconventional regulations and it is the “soon to be updated” Stormwater Manual and Riparian Forest Buffer Guidance documents. DEP is poised to improperly impose the excessive burden of compliance to these complex and highly scientific manuals to the “postage stamp” locations used in the conventional industry. The onerous addition of “Stormwater Management Plans” to the conventional industry will increase the cost of each well by a minimum of \$10,000 each. This is due to the hiring of unneeded experts to do unneeded soil sampling for the production of unusable reports. These invaluable reports will now aid conventional operators in the safe construction of their well sites which are the

equivalent of a log landing. This new section also imposes the excessive and unneeded burden of the Riparian Forest Buffer Guidance. Why is this section even relevant when the average size of a conventional well is 50' by 80'? The Chapter 102 Erosion and Sedimentation regulations were just redone by DEP a few years ago.

And at that time the Department decided that disturbances under 5 acres were to be exempted from both of these manuals and the standards represented therein. Now to the question, what has changed in the conventional industry as to warrant taking away an exemption that was founded in science and common sense? The answer is simple, it has nothing to do science, it has to do with the fundamental proposition that has changed within DEP. A proposition that once lurked within the halls of the Department has now taken shape through these regulations. The industry that they have regulated for more than 31 years is now an unwanted guest at their table. We have become an industry targeted for extinction and they now have been given the "green" light to start that process thru these proposed regulations.

In closing, I ask that you, our State's Environmental Quality Board to vote "NO" until the process surrounding these conventional regulations is legally and legislatively compliant. I also ask you to vote "NO" until the full economic impact of this "copy and paste" rule is properly analyzed and that the final regulations fully comply with the Regulatory Review Act. Don't put your good name and reputation on the line for those that are too lazy to do their job properly.

Respectfully Submitted,

  
David Clark