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The Honorable John Quigley
Secretary, Pennsylvania Department of
Environmental Protection
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101

Dear Secretary Quigley:

I am writing as a landowner (John Swart), in West Finley Township, Washington County, Pennsylvania, to request the reconsideration of a provision in the Revised Rulemaking Proposal for Environmental Protection Standards at Oil and Gas Well Sites, 25 Pa. Code Chapter 78a, Subchapter C ("Chapter 78a"), which I believe will cause a negative impact for the residents of my township.

The Pennsylvania Department of Environmental Protection's ("the Department") current edition of the proposed Chapter 78a rules requires that well development pipelines used to move liquids between drill sites and storage sites be placed aboveground.¹ This mandate eliminates a potential best practice used by a number of operators in Pennsylvania, and requested by many landowners, to bury pipelines used to transport water and wastewater that is involved with Marcellus Shale development.

I have talked with representatives of the companies that use buried pipelines and found compelling reasons for their continued use. First and foremost, buried pipelines are essentially out of harm's way. According to the U.S. Department of Transportation "installing pipelines underground protects them from damage and helps protect our communities..."² Placing these lines below ground helps increase resilience against the risk of leakage due to damage from weather (freezing and thawing), vandalism, or accidental damage from vehicles, ultimately to the benefit of nearby communities.

Buried pipelines also reduce the nuisance to landowners compared with a web of pipelines strung across their land, assuming a land-owner would even agree to allow the surface lines. If buried lines are banned, companies could be forced to utilize trucks in order not to violate their internal best management practices at a rate of 200 to 300 trucks per day or more per well pad for several months at a time. With increased trucks comes increased noise, air emissions, traffic and disturbance to the community I am charged to serve. Forcing residents to choose between a mass of pipelines strung across their property or hundreds of trucks on their local roads is unfair, especially when there are reasonable alternatives.

In order to avoid this unintended consequence, I am requesting that the Department reconsider this provision in Chapter 78a and instead work with the oil and natural gas industry to develop standards for integrity and maintenance of buried well development pipelines. Such standards could be based on the federal safety requirements for pipeline facilities which includes procedures for new installation of buried lines, operator qualification, routine inspection along the surface above these lines, and annual integrity testing. This approach would provide the same environmental protection afforded by federally

¹ Section 78a.68b, Chapter 78a Unconventional Wells Draft Final-Form Rulemaking (August 11, 2015)

² <https://primis.phmsa.dot.gov/comm/PipelineBasics.htm>

regulated pipelines for transporting oil and natural gas, while avoiding the negative impacts on surrounding communities and to the environment.

I greatly appreciate and respect the challenge of the Department's responsibility to establish regulations that protect the people and environment while preserving the economic benefit that this resource continues to bring to our state. On this issue of preserving the ability to bury well development pipelines, I believe this balance can be readily achieved. I urge you to consider these community concerns and work with the industry to develop language that will allow for the continued use of buried pipelines.

Thank you for your time and consideration of this request.

Sincerely, 

John Swart
Landowner and West Finley Township Supervisor

Cc: The Honorable John Maher, Chair, House Environmental Resources and Energy Committee
The Honorable Gene Yaw, Chair, Senate Environmental Resources and Energy Committee
The Honorable Pete Daley, Pennsylvania House of Representatives
David Sumner, Executive Director, Independent Regulatory Review Commission
Fiona Wilmarth, Director of Regulatory Review, Independent Regulatory Review Commission
Fred Baldassare, Oil and Gas Technical Advisory Board
Robert Hendricks, Oil and Gas Technical Advisory Board
Brian McConnell, Oil and Gas Technical Advisory Board
Casey Saunders, Oil and Gas Technical Advisory Board
David Yoxtheimer, Oil and Gas Technical Advisory Board