

Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477
RegComments@pa.gov

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

I am providing comment to the Environmental Quality Board regarding the Pennsylvania regulations governing oil and gas wells because the far reaching impacts from oil and gas development are affecting me and my life and in my opinion are having indelible adverse impacts on our Commonwealth.

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 declares:

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 my opinion, these Chapter 78 proposed changes do not serve this inalienable right. I ask that you revise the proposed rulemaking to include consideration of how to meet this mandate.

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 should 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.
- All drillers should be required to use a consistent list of parameters for pre-drill water testing. The parameters should 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”, should be allowed on well sites; no hazardous substances in pits.
- No onsite processing of drill cuttings; these cuttings can 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. I don’t want this hidden pollution buried in my community or my backyard or farm field and not near my 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.
- No land application of top-hole water, pit water, fill, or dredged material from drilling and fracking. The chemicals and sediments in this material should 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.

Section 78.52(a)

Orphaned and abandoned gas and oil wells:

- I agree these wells should be identified but they 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 should be done by the operator to assess any pollution caused by the orphaned or abandoned well. These wells are a serious safety hazard in Pennsylvania and there should 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 should be plugged.

Please consider my input on these important regulatory changes.

Sincerely,

Signature

Print Name

Address

Email address