

3042

RECEIVED
IRRC

Penna. DEP
Harrisburg Pa.

2015 MAY 19 PM 1:05

Philip & Linda Molesky
261 Swagler Road
Scenery Hill Pa 15360
724-945-6501

Re: Public comment for Revisions to Chapter 78 and 78a
Revisions address standards for surface activities at oil and gas well sites

Dear Sir,

We support the drilling for domestic gas and oil to meet the nation's energy needs, but it needs to be done in a responsible manner. When we received the permit notice in the mail and the request to sample our well we were concerned that the wells would be drilled less than 650 feet from our living room and bedroom windows and the pad a little more than 500 feet from our home. We expected to be contacted by the drilling company and be advised of their schedule for their operations, a summary of the safety procedures implemented to protect our family's safety and a contact person in the event there were any problems. No such contact was ever made. When I went to the site after being awakened that first Sunday morning at 6:30 by the sound of the earth moving equipment constructing the pad to ask if they could be a little more considerate of the neighbors trying to sleep after a full work week, it was explained to me that I was trespassing and that I should leave, and never come back, or that I would be arrested. Later that morning I called the phone number on the permit application. The gentleman answered and said I should have been contacted and he would check with Land Owner Relations. We were never contacted. We wrote a letter to the Corporate office attention of the owner, no answer. Because of my job I was able to finally make contact with the Engineer responsible for the site. He would return emails and was polite enough but never did much to address the problems we are going to list. His favorite reply was "I'm not happy that happened, I will check with the pad".

Before we list the issues that revisions to the Law need to address we want to use Act 54, which was passed to help property owners who did not own the coal under their homes and offered protection to the home owner to protect the investment they had in their homes, as a suggestion on how changes to the Oil and Gas laws need structured. People that own the coal and in this instance the oil and gas under their property can negotiate with the Oil and Gas operator to whatever extent they feel comfortable.

We also want to bring to the DEP's attention that before the change to the Oil and Gas laws, one well could be drilled, I believe 300 feet from a residence. The next closest well could be drilled 900 feet away from that well. The spacing requirements meant that a property owner would not have a large scale gas operation next to their home. One of these nonconventional wells produces many times that as the conventional vertical well. And with the ability to cluster these wells, I'm seeing pads permitted with over 20 wells on one pad; the energy being produced is such that a minor incident can produce dramatic issue with the safety of the people living next to the pad. I don't know what the safe distance needs to be, but 500 feet is woefully inadequate as seen by the incident at the

Chevron pad near Bobtown and other accidents in the industry. Will we wait until someone is killed in their home because of an incident on the pad before the laws are changed to provide for the public's safety?

- During the construction of the pad the operator said they had a schedule which required them to work 7 days a week to construct the pad. On the weekends they would start work as early as 6 AM, but the crews would quit before 3 PM. I can only assume that was so their employees could have some time for the weekend. What that meant was that we were not able to get a decent nights rest after working all week. Why couldn't they adjust a schedule that struck a balance? I don't know what I would have done if I was still doing shift work in the mines. At times the Gas Engineer said they may have to offer me a room in at a hotel. When they finally did offer the room, 2 weeks prior to completing fracing and just before Christmas, it was in a block of rooms shared with their drill rig hands. Nothing against drill hands, but I do not wish to place my wife and daughter in that environment.
- During earthwork for the pad we were not able to stay in our home during the day over the weekends. The glass would vibrate in our windows. The operator for some reason seemed to have rock excavation scheduled as close to our home as possible during the weekends. The weekend I went over to complain about being inconsiderate, the equipment was later that day moved from the furthest distance from our home to as close as possible.
- During drilling operation work was done 24/7 on the pad. Again no concern for the residents living next to the pad. The workers on the pad would elect to load pipe in the racks at 4 AM. I could see if they had to load drill rods into the mast. But just to unload pipe at a time when the locals are sleeping! This is when we got one of those "I'm not happy that happened".
- The drilling involved two separate rigs. The Engineer knew the top hole rig was going to be noisy and after weeks of us getting no more than 6 hours of sleep and repeatedly asking him to make improvements to their operations, a CHEAP noise barrier was constructed on the pad. That comprised no more than canvas on some posts. Noise levels at our home were reduced by 5 decibels and even with that we had to run a fan in our bedroom to drown out the noise so we could sleep. Our township has no noise ordinance, so we had no grounds to protest. We could not open our windows to cool off our home at night and ran our air conditioning around the clock. That was a small cost but the real issues were us having to drive to work on I70 day in and day out with no more than 6 hours of sleep and during the fracing as little as 2 hours. That really didn't seem to concern the Company. When I asked the Engineer how was it that it was Ok for them to deny us the right to be able to sleep in our own home which we paid for and pay our taxes on, he said he'd refer our question to the Land Owner Relations Department. We never heard a word from anyone in that department until after the fracing operations were over and Senator Solobay wrote to their office. Even at that, we had to ask 2 times for someone to talk to us.
- The schedule for the drilling operations seemed to be nonexistent. The Engineer gave us a schedule early in the drilling operations and we scheduled our vacation

to miss as much of it as possible. Unfortunately the schedule changed and that was never communicated to us; so that effort was wasted. We were told that the process from pad construction to fracking was 6 months and after that we'd hardly notice the pad was there. Operations on this pad are now over 2 years since this location is in the heart of their field. After completion of the wells, the site was used for transferring frac water from the pads. The pad is being used as a site for staging equipment and also as what we call a trailer park. The Company has sleeping trailers on the pad, 6 at one point, for their drill hands. This comes with open storage of sewage in tanks. Very appetizing as we travel home from work and plan for dinner. The sewage main is only 700 feet from the trailers but like everything that has occurred on this pad, if it cost a few extra dollars, the Company has no interest in doing it.

- The Engineer did give us a schedule for fracking operation. He said it would start at 6 AM and finish at 10 PM. We felt we could work with that but again the schedule was never kept. When awakened repeatedly at 4:30 AM the Engineer informed us "they were not going down the hole only cold idling the equipment." We couldn't tell any difference in the noise. Quitting time was also a moving target. It was not unusual for operations to extend well past midnight. Again no schedule was provided so at times we would be given a few days with no activity and then it would start again with no notice. They did take Thanksgiving off and did finish a few days before Christmas. Right before Christmas is when we were offered the accommodations with their drill hands. I'm not sure what a family would do if they had small school age children.
- Before we get into Health and Safety issues, we'd like to express to the DEP what this has done to the value of our home we have worked decades to own and on which we consistently have paid the taxes levied on it. After the first year of this activity and the effect it has had on our lives we offered to sell our home to the Company after Senator Solobay was able to arrange a meeting. The Company declined, but then they opened a trailer park on the pad. We aren't sure what our property is now worth. The Well Operator did everything they could to limit what they spent. There is no access road off the township road to the pad. You pull off the road, you are on the pad. The highwall that was created remains unprotected for the local kids to ride their motor bikes and four wheelers over. The flowback collection tanks are out in plain view. The security fence that was installed offers no obstruction of the view to the pad and the company does not manage the vegetation around the fence which makes for an attractive view from our front porch. Our property value has been destroyed and the Company has offered not so much as an apology.
- As for the issue of Health and Safety, it is our primary concern. Contamination of our well from operations down the hole isn't something that we were overly concerned with. We were concerned during the initial drilling prior to setting the ground water protection casing but after that we thought chances of an issue were small. What did concern us was the potential for spilling fluids and then when they used the pad for transferring fluid. We had trouble with irritation to our eyes when they were mixing chemicals on the pad. When they were transferring sand from the trucks, a cloud rose up from the pad and typically blew over our home.

My wife has an allergy to dust and pollen and takes medication in May and September to manage it. This was the first time she had to take her medication in November and December. I was experiencing bloody noises in the middle of the night, but initially contributed that to the cold weather. It wasn't until we discussed our issues with a health official that we realized this was typical for people living near fracking operations. When we asked if they could limit the amount of material leaving the pad we were told "it is only sand." We asked if they ever heard of silicosis. We later found out the system the Company was using on the pad for transferring sand was no longer being used by most operators because of not being able to control the amount that becomes airborne. It was obvious to us that this Company was not interested in making improvements to their processes on the pad which would have additional costs. They had no concern for our health. Not only were they willing to let us drive to work on as little as 2 hours of sleep they were willing to let us breathe very fine silica sand into our lungs. We no longer drink our well water because we have little faith that this Company will operate responsibly. We believe that most Gas Companies don't operate in the manner we experienced. We have talked to people that do not own the gas under their property and drilling operations were carried out near their homes. They said the Gas Company came and met with them and acknowledged that their operation would be a disruption to their lives and tried to work with them. Unfortunately all companies don't operate in that manner and changing the laws will have no effect on the companies that do act responsibly.

- When you look at where most companies drill they make a conscious effort to drill away from populated areas. I would assume they understand there is a potential for an accident on the pad and removing the public from such a risk is a good business practice. This Company's business model is to come into the poor more densely populated areas of Washington County where most other companies have avoided taking leases and drill just adjacent to the communities of Bentleyville, Ellsworth, Cokeburg, Beallsville, Scenery Hill, etc. If there was an incident on one of their pads, hundreds of people would be affected because the drilling is that close. This Company drilled adjacent to an elementary school in Greene County. When asked why is it that you don't feel that you have any obligations to the people living next to your pad, the answer was "we pay impact fees." The areas they are drilling in are what I believe to be Environmental Justice areas for the Coal Industry and require Public meetings before permits are issued. That doesn't sound like a bad idea for a change in the law also. These Townships and Boroughs are poor and do not have the resources to enact ordinances which offer protection to the residents. Even with the ruling of the Supreme Court on Act 214 they do not have the resources and are playing catch up.
- We also believe that future drilling and stimulation on existing pads needs to be addressed. There should be no grandfathering of current pads because they were allowed to be drilled so close to residences. It is not much to ask for the drilling companies to have to work out a solution with the nearby homeowner. An arbitration clause could be inserted if the parties cannot come to an agreement.
- We have lived in this community our whole lives. Our parents and grandparents worked in the mines here to support their families. We've seen what has happened

to the area as the mines have closed and those family supporting jobs disappeared. We see the opportunity the gas industry has for the area for jobs and the ability to bring extra income into the household; members of our family receive royalties from the drilling. On our way home from work we pass the Gas company's employees driving from the well locations in our community to the comfort and safety of their homes in Peters Township and the South Hills. We don't see any rigs located next to communities in those areas. We offered to sell our home to the Company so their employees could live close to where they work and be members of the community. What better way to show that you have a vested interest in the area then to live in that community. The Company refused.

Finally, we apologize for how we've compartmentalized our comments. It was and is an upsetting issue for us and we thank you for giving us this opportunity to comment on the need for additional regulation of the industry. These regulations are necessary to prevent these types of practices from occurring, practices that have no regard for public safety or people's property values that they've worked a lifetime to accumulate. Act 54 addressed these issues for the coal industry; the oil and gas industry needs similar regulations to protect the public.

Sincerely,
Philip and Linda Molesky