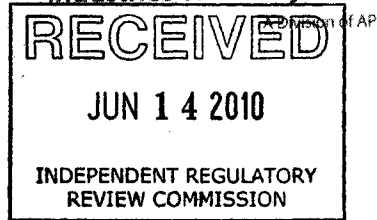




Associated Petroleum  
Industries of Pennsylvania



Rolf Hanson  
Executive Director

240 North Third Street  
P.O. Box 925  
Harrisburg, Pennsylvania  
Telephone 717-234-7983  
Fax 717-234-5461  
Email hansonr@api.org  
www.api.org

#2806

June 14, 2010

Independent Regulatory Review Commission  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17101

Re: Regulation #7-446 (#2806)  
Title 25 PA Code, Chapter 95

Dear Commissioners:

On May 17, 2010 the Environmental Quality Board submitted the subject regulations in final form to the Independent Regulatory Review Commission. These comments are provided by the Associated Petroleum Industries of Pennsylvania, a division of the American Petroleum Institute, on behalf of its member companies.

The regulation establishes treatment requirements for new and expanded mass loadings of Total Dissolved Solids (TDS) of 2,000 mg/l, and specifies numerous exceptions to that limit. However, for natural gas well wastewater resulting from fracturing, production, field exploration, drilling or completion, discharges are prohibited except under an NPDES permit from a centralized waste treatment facility, or through a publicly owned treatment works after pretreatment. This sector-specific category of discharges must be treated to meet 500 mg/l TDS, 250 mg/l chlorides, 10 mg/l barium, and 10 mg/l strontium as monthly averages. Justification for these changes includes episodic elevated TDS occurrences at low flow conditions which were not caused by natural gas activities, and anticipated future demands on assimilative capacities from Marcellus shale development which are at best speculative.

While treatment technologies to meet these limits are under development, they are not yet available on the scale needed to meet current and future demands, and have not yet been proven to be an economical means of compliance. Treatment to allow reuse and recycling of wastewater from these activities is also under development, but the long-term impacts of these practices on well production and well life remain uncertain. Treatment for both discharge and reuse/recycling will result in a concentrated residual waste that must be transported and disposed in a landfill or other approved location, and those volumes and impacts remain speculative. Significantly troubling, the regulations are to go into effect on the date of publication.

The finalization of this regulation before options for compliance are known and available will have significant negative impacts on the development of Marcellus shale and conventional natural gas wells in Pennsylvania.



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These impacts will extend to jobs, products, services, taxes, royalties and other economic benefits anticipated by many Pennsylvanians. Immediate implementation of these requirements will damage Pennsylvania's economic situation at a time when it can be ill afforded. Consequently, API recommends that this regulation not be approved as proposed at this point in time.

Thank you for the opportunity to comment on this final rulemaking.

Sincerely,

Rolf W. Hanson

#2806

**Shomper, Kris**

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**From:** Rolf Hanson (Pennsylvania) [Hansonr@api.org]  
**Sent:** Monday, June 14, 2010 11:29 AM  
**To:** IRRC  
**Subject:** Comments on No. 2806 Waste water treatment requirements  
**Attachments:** IRRC TDS Comments.pdf

Please see attached.

Rolf Hanson  
Executive Director  
Associated Petroleum Industries of PA  
717-234-7983

