

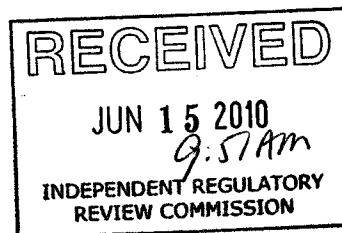
PENNSYLVANIA CAMPAIGN FOR CLEAN WATER

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2806

June 12, 2010

Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101



RE: IRRC #2806, 25 Pa. Code, Chapter 95

Dear Members of the Independent Regulatory Review Commission,

On behalf of the undersigned organizations, we are writing to express our support for the final version of the Chapter 95, Wastewater Treatment Requirements, approved by the Environmental Quality Board on May 17, 2010. Our organizations represent a combined membership of hundreds of thousands of Pennsylvanians from across the state who are deeply concerned with the protection of our water resources, our health, and our communities.

The proposed final form of the Chapter 95 revisions are an important step forward in protecting Pennsylvania's rivers, aquatic ecosystems, and drinking water supplies from discharges with high levels of total dissolved solids (TDS) and associated contaminants. With Pennsylvania DEP projecting to issue 5,000 permits for deep gas wells in the Marcellus Shale in 2010, this action will effectively triple the number of permitted drilling sites in just 12 months. The associated increase in wastewater generated from increased gas production has the potential to threaten water quality across the state.

While we supported a rule that would have included discharge standards for additional contaminants frequently found in Marcellus Shale wastewater, we believe it is critical that the final form of the rule approved by EQB be promulgated by the IRRC as quickly as possible. Only in conjunction with a moratorium on the issuance of new drilling permits should a delay in implementation of these important regulations be considered.

Water monitoring data from a number of major watersheds in the state indicate that there are already significant loadings of TDS present in the state, including in the Monongahela, Beaver, and Susquehanna watersheds. The recent large scale fish kill in Dunkard Creek had as its root cause the increased salinity from high levels of TDS in-stream. Regardless of the sources of TDS currently, it is important that the state take action to ensure that future discharges of high concentration TDS are properly treated prior to discharge.

The focus in the rule on setting a strict standard for oil and gas wastewater discharges is needed for several reasons. First, TDS levels, especially for chlorides, are extremely high in sampling done to date of wastewater from wells drilled in the Marcellus Shale. Salinity

anywhere from three to six times that of seawater has been found. This level of TDS far exceeds the concentrations of most other sources in the state. In addition, while other TDS sources in the state are relatively stable, there is the potential for substantial increases in TDS discharges from wastewater generated through Marcellus Shale gas production. Even with the potential for some recycling of flowback water by some companies, the produced water from the tens of thousands of projected gas wells in the Marcellus Shale will easily result in the generation of millions of gallons a day of high TDS wastewater.

While the generation of high TDS wastewater represents a challenge, there clearly are wastewater treatment methods that could be utilized to treat this waste stream. Several wastewater treatment plants in both Pennsylvania and West Virginia have been permitted to accept and treat Marcellus wastewater to the standards in the proposed rule. These plants utilize a combination of both physical filtration, membrane technology, and evaporative/distillation systems.

While treatment of wastewater poses some costs to industry, there are clearly significant costs to allowing untreated discharge into rivers and streams of wastewater from Marcellus Shale gas production. In fact, DEP's obligation under the Clean Streams Law is to consider the economic impact on the public, not on individual dischargers. Drinking water systems in particular are facing significant costs for treating high TDS source waters if a discharge standard is not implemented. In fact, without a standard it could represent a transfer of costs from the private sector to the public through requiring a drinking water standard to be met without requiring a discharge standard to protect the sources of our drinking water.

In addition to drinking water treatment costs, Pennsylvania is a state that benefits economically from having high water quality. Pennsylvania's tourism and recreation industry provided \$18 billion in wages to 600,000 Pennsylvanians in 2008. Fishing activities alone generate \$4.7 billion per year in revenue for the state and support 43,000 jobs. The current situation in the Gulf of Mexico is a clear lesson in how a lack of proper environmental regulation on high risk activities can result in huge economic costs on economies dependent on clean water.

Finally, not only have our organizations joined together in support of these clean water regulations, but we would note that the overwhelming majority of Pennsylvania residents commenting on the proposal did. Over 4,200 comments were received with 90% in support of DEP's proposal as a minimum requirement on wastewater treatment. This volume of comment has only been exceeded a small number of times for an environmental regulation in the state. Clearly the public has a strong concern with what action the state takes to protect our rivers from new wastewater sources.

In closing, we would strongly urge the IRRC to approve the Chapter 95 regulations at your upcoming meeting on June 17. We appreciate the opportunity to comment on these critical regulations to protect water quality in Pennsylvania.

Sincerely,

Myron Arnowitt
Chair
PA Campaign for Clean Water

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American Rivers

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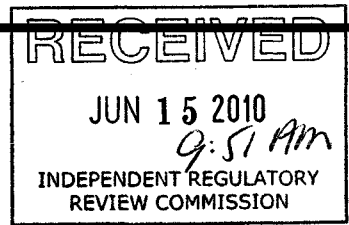
James R. Moses
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2806

From: Myron Arnowitt [marnowitt@cleanwater.org]
Sent: Tuesday, June 15, 2010 9:51 AM
To: IRRC
Subject: docket #2806
Attachments: Chapter 95 IRRC comments CCW 6-10.doc



Please find attached comments signed by 20 organizations in support of the Chapter 95 Wastewater Treatment Requirements.

Myron Arnowitt
PA State Director
Clean Water Action

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