



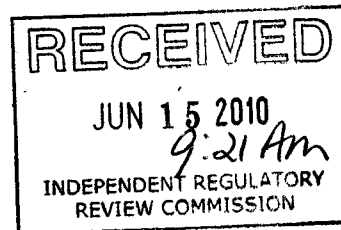
Pennsylvania Fish & Boat Commission

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June 15, 2010

2806

Independent Regulatory Review Commission
 333 Market Street
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 Harrisburg, PA 17101



Dear Commissioners:

The Pennsylvania Fish and Boat Commission (PFBC) supports regulation 7-446 (IRRC Number 2806) and offers the following suggestions. This regulation, as modified on May 6, 2010, and approved by the Environmental Quality Board on May 17, 2010, provides important amendments to 25 Pa. Code Chapter 95 Wastewater Treatment Requirements.

At a public meeting on December 16, 2009, the PFBC offered testimony in support of the Department of Environmental Protection's (DEP) proposed wastewater treatment requirements that included end-of-pipe limits for total dissolved solids (TDS), chlorides, and sulfates that we believed would be protective of aquatic life in the vicinity of discharges. The regulations currently under consideration modified these requirements and have made them specific to new discharges associated with natural gas development. While we believe the treatment requirements under the original proposed regulation were more globally protective, we support the changes in the current regulation under consideration.

Targeting the natural gas industry for stringent discharge requirements makes sense, since this industry has the greatest potential of any new discharges to affect water quality. A source reduction strategy to maximize recycling and reuse of flow back water or production fluid is included in the proposed regulations. The PFBC strongly supports these requirements. We also support requiring additional discharges from centralized waste treatment facilities to meet the proposed water quality discharge limits. Based on our experience with pollution associated with leaking lined natural gas site pits, we also request that a requirement for closed systems to handle fluids for recycling and reuse be added to the regulations.

The Fish and Boat Commission believes that the 2,000 mg/l total dissolved solids monthly average proposed for new and expanded discharges may compromise local water quality, and we emphasize that a complementary water quality criterion for chloride, as currently proposed to the Environmental Quality Board, is needed to prevent degradation of Commonwealth waters. The PFBC also recommends that the proposed Section 95(f)(2) allowing for a variance to Section 95(c) be expanded to prevent violations of all water quality criteria – not just the TDS criterion as is currently written. This would ensure that that a new

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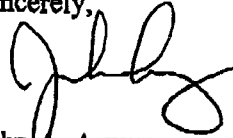
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chloride criterion and other water quality criteria that protect aquatic life are met with new or expanded discharges.

The proposed amendments empower the Department of Environmental Protection to evaluate each watershed based on cumulative load from all sources and act if the load exceeds 75% of the assimilative capacity under low flow conditions. We found the informal partnering watershed approach as advanced by industry in the Water Resources Advisory Committee Subcommittee as a means to reduce total dissolved solids loadings to be unworkable. We support the current proposal since it will serve as a DEP-controlled program to evaluate loadings in a proactive manner before the water becomes impaired.

Thank you for the opportunity to comment in support of this regulation. Staff from the Fish and Boat Commission would be happy to answer any questions or provide further detail about our comments and suggestions.

Sincerely,



John A. Arway
Executive Director