

From: Spkunz@aol.com
Sent: Thursday, July 29, 2010 1:22 PM
To: EP, RegComments
Subject: Proposed Rulemaking, 25 PA Code Chapter 78

RECEIVED
IRRC

2010 AUG -3 P 3:51

29 July 2010

Environmental Quality Board
P.O. Box 8477,
Harrisburg, PA 17105-8477

In re: Comments on Proposed Rulemaking, 25 PA Code Chapter 78

Dear Environmental Quality Board,

I offer for your consideration the following comments on Proposed Rulemaking regarding 25 PA Code Chapter 78, for Oil and Gas Wells, as published in the Pennsylvania Bulletin [40 Pa.B. 3845] on Saturday, 10 July 2010.

For the protection of public health, safety and the environment, I urge the Environmental Quality Board to approve new proposed well-construction regulations that require gas drilling operators to build stronger and safer wells, disclose the toxic chemicals used in the gas extraction process, and require the Pennsylvania Department of Environmental Protection (PADEP) to conduct more and better inspections of these wells. I also urge the EQB to adopt more stringent requirements for the inventory and protection of surface waters and groundwaters, and the entire hydrologic balance, as described further below.

§78.51. Protection of water supplies. Extraction of oil or gas, just like extraction of coal, has the potential to cause disruptions to the hydrologic balance of local areas and entire watersheds. Protection of water supplies, therefore, should not be limited to individual water supplies, but should extend to the broader source(s) of the water supplies. When one or more landowners experience a problem with their water supply as a result of gas exploration/extraction activities, it is simply an indication, one notable symptom, of a larger problem that has been caused to the local hydrologic system. Whether the problem is diminution or pollution, if the solution is to provide individual landowners with a water buffalo, to tie them into the public water supply system, or some other "fix", that solution does nothing to address the larger problem of damage to the surface or groundwater system. To address the larger issue, see comments under §78.52, below.

§78.52. Predrilling or prealteration survey. Prior to any surface disturbance, all oil and gas operators should be required to compile and provide to PADEP a baseline inventory of the quantity and quality of all surface waters and groundwaters within one-half mile of any surface drilling site. If a problem arises, the operator should be required to restore the quantity and quality of all surface waters and groundwaters to predrilling conditions. The baseline inventory will be used to A) document the nature and extent of the problem, and B) provide a yardstick against which to measure restoration. If full restoration cannot be achieved within a reasonable period of time (measured in months, not years), the operator should be required to shut down that facility. If water problems occur at multiple facilities controlled by a single operator, that operator should be prohibited from all drilling operations in the Commonwealth until all of the problems have been fully corrected.

§78.55. Control and disposal plan. If the disposal location for wastewater and other fluids is not within the one-half mile radius of the surface activity site as inventoried in §78.52 above, the quantity and quality of all

surface waters and groundwaters within one-half mile of the disposal site should be inventoried, and the inventory data provided to PADEP during the application review process. Furthermore, this “plan” should be required to be provided to PADEP as part of the approval process, and not “upon request” as is currently stated at §78.55(d).

Thank you for this opportunity to provide comments.

Sincerely,

Stephen P. Kunz
Senior Ecologist
Schmid & Company, Inc., Consulting Ecologists
1201 Cedar Grove Road
Media, PA 19063-1044
610-356-1416
spkunz@aol.com
www.schmidco.com