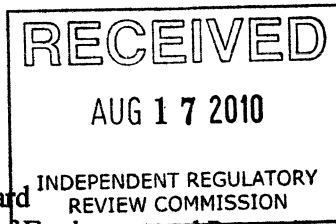


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August 1, 2010

Environmental Quality Board
Pennsylvania Department of Environmental Protection
P.O. Box 8477
Harrisburg, PA 17105-8477



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ENVIRONMENTAL QUALITY BOARD

RE: PA Department of Environmental Protection's Environmental Quality Board's proposed amendments to the regulations on oil and gas casing and cementing, Chapter 78.

Dear Members of the Environmental Quality Board:

By way of introduction, I was the Air Quality Program Manager in DEP's Southeast Region until my retirement in February. While my background is in Air Quality, I am an avid kayaker and concerned about the potential negative impacts to our water resources from gas drilling in the Marcellus Shale.

I am pleased to see that DEP is proposing new regulatory requirements to strengthen existing standards. I support the most stringent requirements for drilling, casing, cementing, testing, monitoring and plugging of oil and gas wells. In addition, I offer the following comments to improve the public notice and permitting process for new wells which I believe should also be addressed in this regulatory package:

1. Currently, there is no regulatory requirement to provide notice to the general public for a new well, nor an opportunity for the general public to comment on an application for a new well. Only the surface landowner, those with water supplies within 1000 feet of the proposed well, and the owner of any affected coal seam need to be notified. While the Department may choose to keep the general public advised of activities on its website, there is no legal obligation for the Department to do so. Recently, Cabot Oil and Gas failed to prevent gas from migrating and impacting water supplies within a 9 square mile area in Susquehanna Township due to its drilling activities. EOG recently lost control of a well located in Clearfield County which resulted in gas and hydraulic fracturing wastewater flowing into the environment and nearby waters. Since the impacts from a defective well can affect the general public, the regulations should include a provision that requires the DEP to provide public notice of an application for a new well. The general public should also be given a reasonable time period to comment prior to DEP making a final decision on the application.

2. The Oil and Gas Act allows the Department to deny a permit if the applicant is not in compliance with all Department requirements. Essentially, the Department can react once violations have occurred, but it has no ability to be proactive when a "bad actor" submits an application. The Department has limited resources to inspect and insure compliance at all wells on a continuous basis. Therefore, the regulations should include a provision that will allow the DEP to deny an application based on the poor performance history of an applicant, a partner, parent or subsidiary corporation of the applicant, on a

national basis, unless the lack of intention or inability to comply is being addressed to the satisfaction of DEP. There are comparable provisions in other DEP programs such as Air Quality and Waste Management.

3. I support new regulatory requirements that impose the most protective standards for drilling, casing, cementing, testing, monitoring and plugging of oil and gas wells. However, even the most modern standards become dated over time. As DEP has correctly noted, many of its existing regulations on the matter were created in 1989 and the requirements have not kept pace with changing industry practices and new technology. Therefore, the regulations should include a provision that requires the applicant for a new well to meet the best available technology for protecting public health and the environment as part of the permitting process for a new well. By including a best available technology provision, DEP has the ability to require the latest standards for regulating wells without the need to continually revise its regulations. Requiring the best available technology via the permitting process has been very successful in the Air program. It has allowed the program to require more stringent requirements as technology improves without the need to revise its regulations, a very time consuming process.

Thank you for the opportunity to comment on revisions to Chapter 78.

Sincerely,



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