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INDEPENDENT REGULATORY
REVIEW COMMISSION



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GREEN VALLEYS ASSOCIATION AT WELKINWEIR

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ENVIRONMENTAL QUALITY BOARD

www.greenvalleys.org

August 9, 2010

RE: Oil and Gas Well Technical Amendments

Green Valleys Association has reviewed the proposed regulations and offers the following comments:

- Natural resources "damage claims" – There should be a provision to restore any impacted resources, not just water supplies, to their pre-impacted state.
- Who is qualified to perform the "pre-drilling or pre-alteration survey"? The regulation should require that the work should be performed by an independent third party who is a Professional Engineer or Geologist, licensed in the Commonwealth.
- How does the regulation specifically address the frequency of monitoring, what will be monitored, and what DEP staff resources are required?
- Driller certification from the USGS and API may not specifically address the concerns of the Commonwealth. The DEP should develop its own process, just as it has in other areas that are also regulated by the federal government.
- Can properties impacted by the drilling be eligible for statutory liability protection, as afforded by Act 2?
- Deed Restrictions restricting groundwater withdraw will be necessary for an impacted property. How does that apply to region-wide impacts that may occur to both ground water and surface water?
- Who prepares the document and is held professionally accountable when an area is designated "Area of Alternative Methods"
- Who makes the determination regarding the quality of drinking water within 1,000 foot radius? Under Act 2 and Act 32 one must document potable well usage within a 1 mile radius.
- If groundwater withdrawals are to be restricted via a Deed Restriction what mechanisms have been put in place to ensure future groundwater withdrawals meet the requirements? Currently under Act 2 yearly reporting to PADEP is required to ensure the restrictions are maintained.

We are heartened by Secretary Hangar's comment "The Marcellus gas industry in Pennsylvania can and must be the very best in the world. Strong rules and enforcement combined with companies dedicated to production, environmental and safety excellence is the way to become world class. We will hold drillers in Pennsylvania accountable for problems caused by drilling."

Sincerely,

Chris Orzechowski

President, Green Valleys Association