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INDEPENDENT REGULATORY
REVIEW COMMISSION

From: Greg Wagner [wagners@hky.com]
Sent: Monday, August 09, 2010 11:51 PM
To: EP, RegComments
Subject: CH 78 Regulations

Importance: High

From: Greg & JoAnne Wagner, 1025 Lakeside Drive, McDonald, PA 15057 (Mount Pleasant Township, Washington County, PA)

To: Bureau of Oil and Gas, PA Department of Environmental Protection

Re: Comments on Recommendations for Revisions of 25 Pa. Code Ch. 78 ("Chapter 78"), 40 Pa. Bull. 623 (Jan. 30, 2010)

Dear Bureau of Oil & Gas:

Thank you for the opportunity to comment on the revisions to Chapter 78 that DEP proposes to recommend to the Pennsylvania Environmental Quality Board. 40 Pa. Bull. 623 (Jan. 30, 2010).

Being residents of Mount Pleasant Township, Washington County, ground zero for Marcellus shale gas drilling, we have witnessed first hand the environmental impacts on our community – water, soil and air contamination. For the past five years we have studied other states that have gone before us to understand what is happening around us. It's clear in these states that industry is leading, regulations are outdated, and the environmental protection agencies are struggling to keep up. Only in Pennsylvania, like Texas, industry has moved from the oil fields and is encroaching on our neighborhoods and schools. Little is known as to what impacts this has on the health of a community.

We have thoroughly read the Harvey Consulting report submitted to you by EarthJustice on behalf of several environmental interest groups and strongly agree with their recommendations. Please include the recommended language changes proposed in this report as you move forward with the new Chapter 78 regulation changes.

Furthermore, of particular concern is the health and safety of our children (Halle – age 7 and Alex – age 5) and all of the children of in the area. They attend Fort Cherry School District – a single campus for K through 12 educating approximately 1,200 students. The campus is surrounded by gas wells in various stages of development. One well pad, directly across the street from the entrance to our school, will consist of 12 wells. Drilling surrounding the school will be a multi-year project. The children will be exposed to the industry's toxins on a continuous basis, only getting a reprieve in the summer months. These children deserve strong protection. This is the reason we have been digging deep into the issues to learn the facts. We do not want our children to be the industry's guinea pigs!

With the assistance of Jim Elliott, Regional Manager for RAE Systems, Inc., an air quality monitoring equipment manufacturer, the air was tested in Mount Pleasant Township on July 21, 2010. At one Marcellus shale emission source (with air permits from the DEP), the MiniRAE monitor detected 57 ppm of VOCs in the ambient air. Several other sources were tested in the township with nothing note-worthy detected on this day. We know the equipment was calibrated and functioning properly! After consulting with an air quality expert in Chicago, we understand VOC levels like these are a grave threat to human health if exposure were to occur over time. Furthermore, we know that speciated air toxins cause health problems at very low parts per billion levels. The levels we recorded were outrageous - 57,000 ppb (unfortunately we were unable to determine specific toxins as our readings were at a VOC category level, not speciated). But we ask and wonder – who is looking out for our children?

DEP proposes a new regulation at § 78.73(e) that requires operators to ensure that excess gas encountered during drilling, completion, or stimulation be flared, captured, or diverted away from the drilling rig in a manner that does not create a public health or safety hazard. In addition to the recommendations specified by Harvey Consulting on this provision, we strongly recommend that the DEP require safety zones when schools and neighborhoods become the “gas plays” for industry, like they are in Mount Pleasant Township. Monitoring devices such as an open path FTIR gas analyzer should be required with alarm limits established for health effects. This would provide 24/7 quantitative data as protection in addition to the best practices that tighter regulation can bring. Additionally, we recommend new regulation address any gas vented or flared at any time during the entire lifecycle of natural gas development –beyond drilling, stimulation and completion. After completion, venting/flaring can and does occur at compressor stations, gas processing plants, condensate tanks, during pigging operations, etc. Our sense is that this is happening more often and in greater quantities than the DEP may have ever anticipated or we would not be seeing VOCs at such levels in the ambient air!

Please give serious consideration to the recommendations of Harvey Consulting and the more detailed requests we are making on behalf of our children to protect their health. We are counting on your leadership.

Thank you for the opportunity to provide comment. If you have any questions or would like to follow up on any of the information we have provided, please do so at 412.478.7364 or 724.356.3433.

Kind regards, Greg & JoAnne Wagner