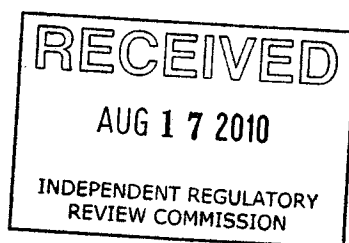


2857



August 9, 2010

Via Electronic Mail
Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477
RegComments@state.pa.us

Re: Comments on Proposed Rulemaking, 25 Pa. Code Ch. 78 (Oil and Gas Wells)

Dear Environmental Quality Board Members:

On behalf our citizen members, PennEnvironment respectfully submits these comments on the proposed amendments of 25 Pa. Code Ch. 78 ("Chapter 78"). We commend the Environmental Quality Board for considering updated requirements for the drilling, casing, cementing, testing, monitoring and plugging of oil and gas wells in Pennsylvania.

Improved casing and cementing regulations are necessary to the public's health, safety, and welfare. As the Department of Environmental Protection ("DEP") points out, "A properly cased and cemented oil and gas well is critical to protecting fresh groundwater and public safety."

First, we believe that casing regulations should reflect state-of-the-art technology in the oil and gas industry. Much has been learned about casing and cementing of oil and gas wells in the past several decades. The drilling industry should be required to impose quality assurance standards on the cement used and take steps to prevent migration of gas into fresh water zones.

Additionally, the regulations should be targeted at preventing gas migration into drinking water supplies. Poor casing and cementing can cause contamination of fresh water aquifers. DEP proposes an eight-hour period during which no activity is to occur at the well pad which may disturb the cement. DEP should be notified at the beginning and end of the eight-hour period to ensure that the minimum eight-hour period is not breached.

Once a water supply has been affected by drilling, the regulations should make it easier to remedy affected surface owners' or occupiers' complaints of contaminated water from drilling and extraction operations. Section 208 of the Oil and Gas Act states that: "Any well operator who affects a public or private water supply by pollution or diminution shall restore or replace the affected supply with an alternate source of water in quantity or quality for the purposes served by the supply." If a water supply has been affected by the well drilling operation, the proposed rules do not necessarily require the operator to supply water meeting drinking quality standards. Proposed Section 78.51(d)(2) states: "The quality of a restored or replaced water supply will be deemed adequate if it meets the standards established pursuant to the Pennsylvania Safe Drinking Water Act (35 P.S. 721.1-721.1&), or is comparable to the unaffected water supply if that water supply did not meet these standards." It is unconscionable that a gas driller can supply someone with drinking water that does not meet drink water standards. Replacement water should meet drinking water standards at a minimum. It is important that the DEP know when a complaint about water supply has been lodged with the operator. We support the requirement that the operator notify the Department within 10 days, if not sooner, of a receipt of a complaint.

The regulations should also provide for proper installation and testing of blowout equipment. The BP oil spill in the Gulf of Mexico and the EOG Resources blowout incident in Clearfield County are reminders that properly functioning safety equipment are necessary to prevent catastrophes. In both cases, blowout preventer devices failed because they were not properly installed and tested. Backup systems to prevent blowouts should be required.

The regulations should ensure the long-term integrity of the well. Production wells might be operated for decades. The proposed regulations (Section 78.88) require operators to test wells quarterly and report signs of problems or degradation. We support these inspection requirements.

We believe the well reporting requirements should be improved to offer full transparency to DEP and the general public of the chemicals used during hydraulic fracturing. The proposed regulations specify that a well operator must submit to DEP a well record and completion report within 30 calendar days of completion of drilling or altering a well, and the report's stimulation record must include "pump rates, pressure, total volume and list of hydraulic fracturing chemicals used, and the volume of water used and identification of water sources used pursuant of an approved water management plan," (78.122). We support these reporting requirements. However, we believe it is important for operators to also be required to list the Chemical Abstract Service registry number for each hydraulic fracturing constituent chemical, the concentration of each constituent chemical and the formula for each chemical compound. These reports should also be posted on DEP's website for the general public to access.

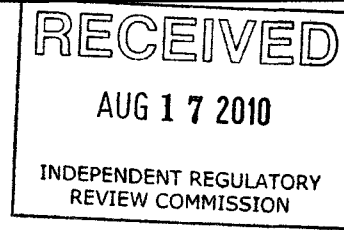
For the protection of public health, safety and the environment, we urge the Environmental Quality Board to approve new proposed well-construction regulations that require gas drilling operators to build stronger and safer wells, disclose the toxic chemicals used in the gas extraction process, and require the Pennsylvania Department of Environmental Protection to conduct more and better inspections of these wells.

Sincerely,

Erika Staaf
Clean Water Advocate
PennEnvironment

2857

From: Erika Staaf [estaaf@pennenvironment.org]
Sent: Monday, August 09, 2010 5:15 PM
To: EP, RegComments
Subject: Proposed Rulemaking, 25 Pa. Code Ch. 78
Attachments: Chp. 78 Comments PAE 08-09-10.doc



Environmental Quality Board Members:

Please find enclosed comments on the Environmental Quality Board's proposed amendments of 25 Pa. Code Ch. 78.

Sincerely,
Erika Staaf

Erika Staaf
PennEnvironment
1831 Murray Avenue, Suite 219
Pittsburgh, PA 15217
(412) 521-0943
www.PennEnvironment.org
Find our Facebook page here.