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**Cooper, Kathy**

**From:** Peter Crownfield [peter@sustainlv.org]  
**Sent:** Friday, August 06, 2010 10:09 AM  
**To:** EP, RegComments  
**Subject:** Proposed rulemaking on Oil and Gas Wells  
**Attachments:** DEP-EQB stmt.pdf

AUG 17 2010

INDEPENDENT REGULATORY  
REVIEW COMMISSION

The Environmental Quality Board (Board) proposes to amend Chapter 78 (relating to oil and gas wells). The proposed rulemaking updates existing requirements regarding the drilling, casing, cementing, testing, monitoring and plugging of oil and gas wells, and the protection of water supplies. The proposed rulemaking includes updated material specifications and performance testing and amended design, construction, operational, monitoring, plugging, water supply replacement and gas migration reporting requirements. The additional requirements will minimize gas migration and will provide an increased degree of protection for both public and private water supplies.

The proposed regulations are a step in the right direction, but do not go far enough. Fracking is one of the biggest environmental threats and current environmental disasters Pennsylvania has faced in decades. The EQB must set standards that will ensure that all citizens and residents have clean air and water as guaranteed in the Pennsylvania Constitution. No lower standard is acceptable.

Potential income to landowners or profits to resource-extraction company can not justify a massive threat to people's health, to ecosystems on which we all depend, and to property values.

The attached letter outlines what is needed.

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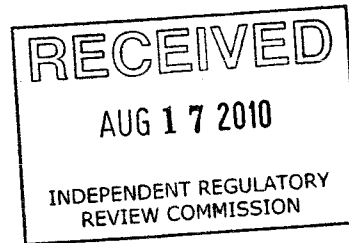
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August 6, 2010

Environmental Quality Board  
P.O. Box 8477  
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Re: Proposed Rulemaking on Oil and Gas Drilling

I am unable to make a statement at the public hearings, since you did not schedule one in or near the Lehigh Valley. Please include the following statement in your consideration of this issue.

It may—theoretically—be possible to drill for shale gas reserves safely, but it hasn't yet been proven. Experience here and in Colorado & other states with shale-bound natural gas deposits demonstrates that hydraulic fracturing ('fracking') and related drilling operations can and do produce massive public health, environmental, and ecosystem damage. The western states where this technique has been used for several years are all experiencing serious health and environmental effects over wide areas.

To permit this to occur in Pennsylvania would be criminally irresponsible, especially since the Pennsylvania Constitution guarantees the right of the people to clean air and water. [Note that the Constitution does *not* say we have the right to clean air and water unless somebody can make a profit or create a few jobs by in the process.] Unfortunately, companies in this industry have clearly demonstrated their willingness to risk damage to people and property and to deny and evade responsibility for their actions.

I think DEP has finally recognized the potential for adverse impacts, but it needs a comprehensive, *independent* study of both exploratory and production drilling (whether for natural gas or other resources) that explores and details potential impacts on local residents, on environmental health in the region, and/or on those served by water from the watershed. It makes no sense whatsoever to gamble with the health and lives of millions of people and thousands of square miles of precious ecosystems on which we depend. If a thorough and comprehensive independent study establishes that drilling can be done safely, then and only then can DEP issue permit and ensure that it is done without harming people or the environment.

***Gas drilling and fracking are acceptable only if they can be done without damaging public health, environmental health and ecosystems, or property values, and it is up to the applicant for any drilling permit to establish that they can meet this standard. This will require the permit to require the permit holder to:***

1. Fully and publicly disclose every chemical and compound used in drilling, hydraulic fracturing ('fracking'), and related operations, including quantities used;
2. Develop and publish comprehensive and detailed environmental impact statement and health impact assessment for each proposed drilling site, using a process that includes multiple public hearings open to participation by all stakeholders and DEP approval, which is to be granted only if the plan proves that the proposed operations will not damage people's health, environment, or property.
3. Develop, publish, and follow a comprehensive and detailed plan to track and control fluids used in mining, including documentation of quantities used and recovered, for preventing releases (liquid or

- gaseous) from stored fluids and chemicals, and prompt detection of any releases that do occur; agree to report any releases immediately upon discovery;
4. Develop, publish, and follow a comprehensive and detailed plan for decontamination and safe disposal of all recovered fluids from drilling, fracking, and related operations, by a facility that is approved for the treatment of the toxic substances that are or may be present;
  5. Install, prior to any fracking operations, a monitoring well with appropriate equipment, including seismological sensors, and ensure that fracturing does not go beyond the shale layer;
  6. Agree to test, prior to any fracking operations, all casings and seals at pressures that are likely to be encountered in operation (no less than 10,000 psi);
  7. Commit to full compliance with all environmental and health laws and regulations, and to protect the health and safety of residents, animals, and wildlife;
  8. Agree that no natural gas, methane, carbon dioxide, or other greenhouse gas (GHG) emissions will be released into the atmosphere; agree to report any such releases immediately upon discovery;
  9. Agree that no 'non-disclosure agreements' will be required of landowners or residents and that any such agreements already signed on behalf of permit holder or its contractors are null and void;
  10. Agree that any natural gas or chemicals used in the permit holder's operations found in water supplies or the environment within a five-mile radius are presumed to come from the permit holder's operations unless they can prove otherwise including independent test results showing the chemicals were present prior to drilling and related work;
  11. Agree to oversee the actions of subcontractors and employees and take full responsibility for their actions with respect to drilling, fracking, and related operations;
  12. Accept responsibility for any environmental pollution, health problems, or property damage (including reduction in property values) resulting from drilling, fracking, and/or related operations and post a bond of \$100-million to ensure payment of any fees, fines, or claims for damages, not to be released until at least five years after the well is capped and sealed;
  13. Agree that the permit will be revoked and all the permit holder's operations in Pennsylvania will be suspended if the permit holder or any employee or subcontractor fails to comply with the permit conditions.

**No 'forced pooling'** – Under no circumstances can the state permit resources to be taken from land where the owner has not voluntarily surrendered the mineral rights; sales or leases of mineral rights are valid only if there was full disclosure of possible impacts and the estimated value of the resources in question.

**Permit & Drilling Fee** – The state must establish a permit and drilling fee that is sufficient to pay for thorough, independent, unannounced inspections to ensure compliance with all permit conditions and independent investigation of any reported problems for the life of the well.

**Severance Tax** – The state must establish a 'severance tax' on all natural gas and other resources, with no exceptions or grace periods, at a rate at least equal to the median tax in other states with such a tax.

**No half measures** – If any law or regulation bars any of these provisions, no permits can be issued until the conflict is resolved and the provisions incorporated.

Unless the applicant agrees to all of the above conditions, no permits can be issued.

NOTE: These remarks apply to 'exploratory' drilling as well as production. Drilling is drilling—in fact, an 'exploratory' well may not even have the safety protections that a production well should have.

DEP needs to act *now*—before we have more with serious and long-lasting damage to the environment and public health, devastating the lives of many more residents.

Respectfully submitted,

A handwritten signature in black ink that reads "Peter Crownfield". The signature is written in a cursive, somewhat stylized font.

Peter Crownfield

cc: Mr. Robert Freeman, Pennsylvania House of Representatives  
Ms. Lisa Boscola, Pennsylvania Senate  
Mr. Joseph Brennan, Pennsylvania House of Representatives  
Ms. Cathy Frankenberg, Clean Water Action  
Steering Committee, Alliance for Sustainable Communities–Lehigh Valley