

January 27, 2010

Comments on the proposed amendments to 25 PA Chapter 95 relating to  
Wastewater Treatment Requirements that will govern discharges  
of high Total Dissolved Solids (TDS), chlorides and sulfates

Chairwoman White and the members of the Senate Environmental Resources and Energy Committee:

Everyone suspects that many of Pennsylvania's waterways are at a tipping point. Some are worried that continued dumping of untreated Marcellus wastewater will trigger ecological devastation in Pennsylvania's waterways. That's the right reason --reason enough to implement new effluent standards.

However, many fear that another event like Dunkard Creek will result in a backlash and even stricter standards that will impede the drilling operations. These individuals want to weaken the proposed regulations and extend the date of implementation. That's the wrong reason.

We believe DEP's proposed effluent standards (500 mg/L for TDS, 250 mg/L for sulfates and 250 mg/L for chlorides) is the first step to improving water quality in Pennsylvania. These standards should go into effect as soon as possible.

At this point we must ask a few questions --Why is it that only one in twenty companies violating their water pollution permits receive any kind of penalty in Pennsylvania?

Consolidated Coal is constructing a reverse osmosis plant in Virginia that treats nearly 100,000 gallons per hour at peak capacity. Why doesn't Pennsylvania and West Virginia require them to do the same for our waterways?

We must mention the attempt to transport by truck or train wastewater from drilling operations hundreds of miles away to the industrial treatment facility in Chester, PA. Why was this permit granted without any public input?

Treating only one aspect of the "Marcellus play" in Pennsylvania is unacceptable to our citizens.

Congressman Joe Sestak asked the Secretary of DEP to make data collected in relation to natural gas drilling available and easily accessible to the public. Transparency is vital for the public to determine whether our drinking water supplies in Pennsylvania are truly being protected.

John Hines, Deputy Secretary for the Office of Water Management (DEP) told the committee that the department is working quickly to improve well construction standards to protect the public from gas migration events. Don't you think it's about time? Inadequate oversight, not over-regulation, causes these problems.

Cementing and well casing is the most important factor in protecting our drinking water supplies and ensuring the integrity of a well. The concrete and casing help contain the enormous pressure exerted on the system during the process of hydraulic fracturing.

Pennsylvania does not require a DEP representative to witness the pressure testing of the well prior to hydraulic fracturing. Mr. Hines makes it sound like its just methane. Failure of a well and there's more than methane in your drinking water. The contaminants can range from arsenic and benzene to methanol and radium 226.

Mr. Hines also told the committee that the department quickly responds by requiring clean up, as well as imposing fines, revoking permits or ordering drilling operations to cease. That's the problem. DEP reacts to the incident instead of trying to prevent the incident. In Pennsylvania there is no violation until the gas and other carcinogens leave the borehole.

New regulations and protections mean very little if DEP does not have the staff necessary to inspect wells at the proper times during drilling. Thus far Governor Rendell and the General Assembly have managed to cut DEP's budget and skillfully negate the authority of the county conservation districts as local watchdogs.

Yes, we know well permit fees were increased and the revenue was used to add DEP staff. Nevertheless, we believe the industry was more than willing to pay more for a permit with less oversight by the local districts.

The development of the Marcellus Shale in Pennsylvania comes with the promise of national security. This is not likely if industry giants like Chesapeake continue to sell their leases to foreign companies.

No one likes to pay taxes. The oil and gas industry has spent plenty of money on lobbyists in Washington and Harrisburg to keep its tax breaks coming. The strategy has worked. Pennsylvania is the only major gas-producing state without a natural gas severance tax. These international companies are profiting while Pennsylvania taxpayers are losing out on hundreds of millions of dollars in annual tax revenues.

The boom will eventually become a bust. These international companies will move on to the next "play" and places like Chesapeake's "man camp" in Bradford County will fall into decay. The landscape of our northern tier counties will be scattered with the rusting and rotting infrastructure of the "Marcellus play" --similar to the days of "King Coal." Safe drinking water may not exist.

Lobbyists for oil and gas are fighting the FRAC Act in Congress --a bill proposed to end their exemption from the Safe Drinking Water Act. The industry is thrilled to have hydraulic fracturing and horizontal drilling technology regulated by state agencies rather than the EPA.

Governor Rendell and the Pennsylvania General Assembly have proven they are not fit for the job of regulating these international energy companies. The Environmental Protection Agency should take action to prevent gas drilling from polluting our water and harming our communities in Pennsylvania. We need help --NOW!

Thank you.

Elaine Futej - Secretary  
Citizens for Clean Pennsylvania Water  
Contact me: [cleanpah2o@gmail.com](mailto:cleanpah2o@gmail.com)