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Remarks for Public Comment

PA DEP Hearing

Penneco oil and gas waste disposal Sedat #3A oil and gas well in Plum Borough, Allegheny County
Plum Borough School District's O'Block Junior High School Auditorium
440 Presque Isle Drive, Pittsburgh, PA 15239.

Thank you for holding this hearing. I appreciate the opportunity to comment on Penneco's oil and gas waste disposal application at the Sedat #3A oil and gas well in Plum Borough, Allegheny County, PA.

The DEP should not allow for the conversion of the Sedat #3A well from a gas production well to a Class IID disposal injection well for the purposes of accepting brine. There are several reasons that the application for this conversion should not be permitted by DEP:

According to Pa Code § 91.51. **Potential pollution resulting from underground disposal,**

(a) The Department will, except as otherwise provided in this section, consider the disposal of wastes ... into the underground as potential pollution, unless the disposal is close enough to the surface so that the wastes will be absorbed in the soil mantle and be acted upon by the bacteria naturally present in the mantle before reaching the underground or surface waters.

(b) The following underground discharges are prohibited:

... (2) Discharge of wastes into abandoned wells.

(3) Disposal of wastes into underground horizons unless the disposal is for an abatement of pollution and the applicant can show by the log of the strata penetrated and by the stratigraphic structure of the region that it is improbable that the disposal would be prejudicial to the public interest.... Acceptances by the Department do not relieve the applicant of responsibility for any pollution of the waters of this Commonwealth which might occur. If pollution occurs, the disposal operations shall be stopped immediately.

1. The Sedat #3A well should be classified as an abandoned well, and, therefore, under provision (b) (2) under Section 91.51, is prohibited from accepting underground wastes for disposal purposes. The Sedat #3A well, according to the US EPA's Permit "Statement of Basis," was a non-shale well first drilled in 1989 to a depth of 4,300 feet and extracted natural gas at three depths. The well was put out of service in 2015 and plugged to a depth of 1,900 feet. Because this well was no longer in service and was plugged with 2400 feet of concrete, this well should be classified as "abandoned," as there was no possible way for oil and gas production to return from this well. The PA Oil and Gas Act defines an abandoned well as:

- “Any well that has not been used to produce, extract or inject any gas, petroleum or other liquid within the preceding 12 months, or
- any well for which the equipment necessary for production, extraction or injection has been removed, or
- any well, considered dry, not equipped for production within 60 days after drilling, re-drilling or deepening, except that it shall not include any well granted inactive status.”

The Sedat #3A well meets these criteria. Classification as “inactive” should not be possible, as, for all practical purposes, there was no way for production to return to this well at a future date. The Sedat #3A well should therefore not be allowed to be converted from a gas production well to a Class IID disposal injection well.

2. Penneco has not met the standard under provision (b) (3) under Section 91.51 that requires them to “show by the log of the strata penetrated and by the stratigraphic structure of the region that it is improbable that the disposal would be prejudicial to the public interest.”

Plum borough has a long history of being undermined. Penneco’s plan involves performing underground injections at a depth of 1948 feet can involve displacements and pressures affecting subsurface strata in any undermined areas. Penneco has not produced any maps that can be reviewed by the public that can meet the standard that “it is improbable that the disposal would be prejudicial to the public interest.”

According to the US EPA, “The Permittee submitted geologic information that indicates the absence of faults in the confining and injection zone. **Although this does not conclusively demonstrate the absence of any faults in the area of the well**, the probability of injection induced seismicity is low because permit conditions require the operator to operate the well at a pressure low enough so any existing fractures will not be activated.”

The concern is not just seismicity, but potential displacements in areas that were undermined and vulnerable. Such maps would necessarily include showing clearly any prior mining areas in proximity to the well so that risks resulting from any such displacements can not only be characterized, but also clearly delineated so that the public’s interest to property and well as subsurface water is protected. DEP should not consider granting Penneco’s request to convert the Sedat #3A well from a gas production well to a Class IID disposal injection well until such assurances about mining subsistence can be provided.

3. Penneco has not met the standard under provision (b) (3) under Section 91.51 that requires them to outline the applicant’s responsibility for any pollution of the waters of this Commonwealth which might occur. There is no documented plan for the assignment of responsibility for any of these items. The well conversion should not be granted until this responsibility (and mitigation) is specified.

4. There are good reasons as to why Pennsylvania has not permitted frack water disposal wells in the past. In fact, there are fewer than a dozen such wells in PA. By comparison, Texas has over 12,000 such wells. According to Rick McCurdy of Chesapeake Energy Corporation, “The subsurface geology in Pennsylvania has not proven to be conducive to brine disposal.”

The proposed Sedat #3A well is a very shallow disposal well when compared with counterparts in other parts of the country. The barrier to subsurface drinking water for the proposed Sedat #3A application can be measured only in the hundreds of feet, rather than thousands of feet, as is typical in disposal wells in Texas and Ohio.

- Our geology is not suitable for such wells because of the risks to groundwater and drinking water. DEP has not permitted such wells in the Commonwealth in the past in recognition of the risks to groundwater

and drinking water. This wisdom should be carried forward. The fact that Ohio has run out of frack water disposal capacity is not a valid reason to risk the waterways of the Commonwealth of PA, and lobbying influences should not be allowed to over-ride this wisdom.

- DEP does not have much experience with frack water disposal wells, so the process for reviewing such wells should be slowed down so that they can be thoroughly reviewed. Rushing this process is tantamount to imposing undue risks on Plum residents' water supply as well as groundwater and waterways in the Commonwealth of PA.

5. Adding such disposal wells is bad policy for Southwestern Pennsylvania as it imposes burdens and risks that will lead to poorer economic outcomes for our region.

- Plum borough and its residents do not deserve to become the dumping ground for industrial waste from fracking operations.

- Disposal well leaks from this site can contaminate waterways that drain to the Allegheny River, which contains drinking water intakes for customers of Oakmont Water, Shaler Water, as well as Pittsburgh Water and Sewer Authority water customers.

- Residents of Plum do not deserve to have the negative air and community impacts resulting from the related heavy trucking traffic that will occur as a result of the installation of the fracking disposal well in the community.

6. The DEP never published notice in the PA Bulletin announcing the public hearing taking place on October 1. The PA Bulletin is the official notice of record of state legal actions. This means that the PA DEP must publish this notice in the PA Bulletin, and that the clock for public comment should be reset, for public review and comment. The DEP needs to follow proper procedures for public comment on disposal well applications. Proper notice involves publishing dates and times of public hearings in the official legal record of the state, the PA Bulletin. The DEP needs to start over by publishing the notice of the public hearing in the PA Bulletin and re-start the clock for public comment.

7. The DEP has not released a draft permit in response to the application. This raises the question as to what the public is really commenting on at this public hearing on October 1. The DEP needs to follow proper procedures for public comment on disposal well applications. Proper notice means providing information about a specific draft permit at the time of the notification about the hearing so that the public can learn about the specifics of the draft permit in order to be able to comment properly on the draft permit. The DEP needs to start over by publishing the notice of the public hearing in the PA Bulletin, along with the draft permit to be commented upon, and re-start the clock for public comment.

Thank you for your time and consideration.

Sincerely,

Matthew M. Mehalik, Ph.D.
Executive Director
Breathe Project