

## Public Comment on Draft General Permit WMGR123

Pursuant to Pennsylvania Bulletin [50 Pa.B. 2137], I hereby submit Public Comment on Draft General Permit WMGR123, “Processing And Beneficial Use Of Oil And Gas Liquid Waste”. I object to the adoption of this permit on the following grounds:

### **1. The requirements for the Form X (Radiation Protection Action Plan) to be submitted are neither sufficiently clear nor sufficiently comprehensive. The Form X must cover material arriving by any and all modes of transportation.**

An example from DEP’s own records will illustrate the problem. On 2/26/2018, DEP issued permit number WMGR123SW025 to Chevron Appalachia for the Dogbone Centralized Water Facility in Luzerne Twp, Fayette County. The project narrative for this proposal made clear that Chevron intended that the input material to be stored in this facility (“fresh” water, flowback, and produced water) would be transported to the facility by two means: pipeline and trucking. However, the Form X supplied by Chevron was completely silent on the subject of material arriving via pipeline. Chevron claimed elsewhere in the application that these pipelines were regulated “outside of the facility” under 25 PA Code §78a. While this claim is questionable, that is no excuse for omitting the *material* delivered via pipeline from consideration in a Form X.

Material delivered via pipeline to a residual waste facility covered by a WMGR123 permit is deeply problematic. In the case of material delivered by trucking, if the radioactivity is too high, the truckload can be refused, and its load can be prevented from being stored in the facility. This is what is supposed to happen, as covered by existing regulations.

However: what is the mechanism for “refusing” material arriving by pipeline if it is too radioactive to be allowed to be stored? Does the operator contemplate *reversing* the flow of the pipeline and storing it at the well pad from which it originated? If this is what is supposed to happen then:

- The originating well pad must have a WMGR123 permit of its own
- In evaluating the WMGR123 permit for the centralized facility, DEP must also evaluate the Radiation Protection Action Plan for the originating well pad, and must determine whether “refusing” material delivered via pipeline at the central facility by reversing the flow of the pipeline can in fact be safely accomplished.

Short of consideration for “refusing” material arriving via pipeline, DEP ***must simply prohibit*** pipeline connections to WMGR123-permitted facilities which transport residual waste material to the facility.

Let’s be clear: there is nothing magic about well pads that happen to be connected to a flowback/produced water pipeline outbound that guarantees that this wastewater is less radioactive than the “residual waste” hauled away from other well pads via truck.

Admittedly, a Radiation Protection Action Plan for a facility with inbound wastewater pipeline delivery is almost guaranteed to be extremely complex. In order to be evaluated properly, the combination of well pads, wastewater pipelines, and central facility should be considered as a single system and be evaluated together under a single permit. If the DEP is not willing to do this, a WMGR123 permit must as an operating condition completely prohibit connections to inbound wastewater pipelines.

### **2. WMGR123 must not allow “residual waste” to be stored in tanks whose design amounts to nothing more than above-ground impoundments.**

Oil & Gas Residual Wastewater impoundments have over the years proved to be an extreme environmental hazard that has caused serious pollution and harmed the health of nearby residents. Among the problems that

have occurred are:

- Defective liners have caused leaks of toxic material.
- Impoundments have been intentionally designed to allow equipment to force-evaporate the residual waste, causing air pollution.

These issues have caused not only successful civil litigation, but even criminal charges brought by the Attorney General of Pennsylvania.

In the case of WMGR123SW025 discussed above, Chevron intended to install 5 one-million gallon tanks with open tops and only plastic liners for bottoms. These amount to simply above-ground impoundments with metal sides but the same kind of problematic containment at top and bottom as those impoundments that have caused so much grief for so many years.

WMGR123 must not allow this kind of pseudo-containment. Residual Waste must be stored in fully enclosed tanks.

**3. Where a WMGR123 permit covers storage of “residual waste” in multiple tanks, secondary containment must be able to handle failure of more than one tank at a time.**

Disasters happen. Secondary containment is supposed to be designed to handle various kinds of tank failure. A secondary containment design which can only handle failure of a single tank at a time is severely flawed. WMGR123 must not allow this kind of flawed design.

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