

Rudolph Houck

Dear Ladies, dear Gentlemen:

I am concerned that the proposed regulations, while helpful, contain too many gaps and opportunities for abuse. If I am correct, then residents of Wayne County, Pennsylvania will not have the economic benefits of fracking but will bear the burdens - wastewater pollution. My family and I have owned approximately 450 acres of lakes and forest for 4 generations. They are subject to "Clean and Green." They include over 80 acres of water, water which we drink. In my capacity as a landowner, I have spoken on fracking to a conference sponsored by the US State Department in Vienna, Austria. I am a lawyer, admitted in Pennsylvania and New York, but I do not specialize in environmental law.

The aspects of the regulations which concern me:

1. We know that many of the pollutants in flowback are natural in origin. Reference to "flowback" fluids in the definition of "Produced water" helps. I suggest that the drafters check that other definitions make clear that the definition of pollutants includes naturally occurring ones. I am thinking of heavy metals found in flowback, metals NOT injected in fracturing fluids.
2. When determining what constitutes "high volume", I am concerned that the term "well" may be a point for industry manipulation. What constitutes a "well" is not as clear as it was when only one pipe producing oil or gas was sunk from each platform. Modern methods have made the definition more complex.
3. Frequently the regulations use the term "discourage." This term seems to permit exceptions. Is there some reason not to prohibit instead of discourage? That would be the only reason I could think of.
4. Several regulations permit importation of CWT wastewater. I oppose such importation. Only the operators to such treatment facilities benefit (and the few workers). The owners of land suitable for fracking do not. This is the worst of both worlds: fracking risks without any benefits.
5. Even if treatment facilities produced "pure" water, the trucks, pipelines or other means of moving flowback to treatment facilities in the basin are subject to accidents which put us at risk. Plus they put added burdens on the roads in the area. The materials extracted from the flowback have to be disposed of somewhere. Where? And should we have confidence that the treatment facilities will be thoroughly and frequently checked for compliance?

As you can deduce, I am against using any area of the basin as a site for flowback treatment. I am also against using water from the area as an input source. While the pollution risks are relatively low, the burden on local roads caused by large tank trucks should be borne by the areas where at least SOME people benefit from fracking.

I am NOT opposed to all fracking. I think natural gas can be part of a balanced fuel economy and bring some wealth (although few jobs) to Pennsylvania. But fracking requires thoughtful and thorough regulation AND tax revenue so that the people who do not own large tracts of fracked lands are compensated for the risks and burdens this industry brings with it.

As a final remark, my family has been involved in energy production for 4 generations, in

Pennsylvania, West Virginia, Texas and Colorado. We know that energy is needed. The view from our Wayne County property now includes more than 20 wind turbines and new high tension electrical lines. We know 1st hand what wealth energy can bring but also what costs, including costs from pollution. I suspect pollution from my great grandfather's coal mines still exists. We should not repeat the mistakes of prior generations.

Sincerely,
Rudolph S. Houck