

**CITIZENS  
CAMPAIGN**  
FOR THE ENVIRONMENT

[www.citizenscampaign.org](http://www.citizenscampaign.org)



- 225A Main Street • Farmingdale, NY 11735  
516-390-7150
- 19 Court Street, Lower Level • White Plains, NY 10601  
914-997-0946
- 744 Broadway • Albany, NY 12207  
518-772-1862
- 735 Delaware Road, Box 140 • Buffalo, NY 14223  
716-831-3206
- 466 Westcott Street, 2nd Floor • Syracuse, NY 13210  
315-472-1339
- 129 Church Street, Suite 221 • New Haven, CT 06510  
203-785-9080

Empowering Communities, Advocating Solutions.

February 26, 2010

Water Docket

EPA Docket Center, EPA West, Room 3334

1301 Constitution Ave., N.W.

Washington, D.C.

**ATTN: Docket ID. EPA-HQ-OW-2008-0517**

To Whom It May Concern:

Citizens Campaign for the Environment (CCE) is a non-profit, non-partisan advocacy organization that works to protect public health and the natural environment by empowering communities and advocating solutions and is supported by 80,000 members in New York State and Connecticut. CCE appreciates US EPA's renewed interest in assuring surface and ground water resources are protected from adverse impacts caused by oil, gas, and coal extraction methods. CCE believes that EPA dedicating resources to provide scientific information on the risks to our nation's waters from conventional and unconventional extraction methods is critical to inform and provide guidance to policy makers and the public.

EPA's review of effluent guidelines under the Clean Water Act regarding including coal bed methane as a subcategory of oil and gas extraction led the EPA to conduct a detailed study of coal bed methane processes. In the current docket, the EPA is soliciting comment on whether it should expand its study of coalbed methane extraction to include all oil and gas exploration, stimulation, and extraction techniques that result in contamination of surface and groundwater, including hydraulic fracturing in all formations. *CCE supports expanding the scope of the EPA's study on coalbed methane extraction to include all oil and gas exploration.*

CCE urges the EPA to assess impacts to water quality from cradle to grave. Oil and gas exploration requires the creation of impermeable surfaces and altering geology which can affect how water flows. These effects, as well as, the use of freshwater, transferring freshwater to other basins, and the waste generated all have the potential to negatively impact water quality.

The EPA is seeking input regarding the scope of the coalbed methane study and CCE offers the following comments:

- A. Should all oil and gas exploration, stimulation, and extraction techniques that result in contamination of surface and groundwater, including hydraulic fracturing in all formations be included? ***CCE strongly supports including all oil and gas exploration, stimulation, and extraction techniques in a detailed study of environmental impacts. CCE encourages the EPA to expand its study to include all waste fluids, including produced water. Furthermore is it critical to ensure a ‘cradle to grave’ life cycle analysis of the potential for contamination at every stage of the extraction process to the ultimate transport, treatment, and disposal of liquid waste streams.***
- B. Exploring Contamination from Underground Injection Disposal from oil and gas waste: ***CCE specifically requests EPA to explore potential for contamination surrounding underground injection disposal for the waste fluids from oil and gas exploration, stimulation, and extraction. Including, but not limited to, potential for spills from transportation, limitations to the program from lack of regulation, standards for casings, monitoring for leaks and other discharges, and best practices.***
- C. Freshwater Use in Oil & Gas Exploration: ***CCE requests that the EPA pose the question of how the composition of the freshwater used for oil and gas exploration effects the composition of waste liquids.***
- D. Regarding the questions and topics relating to the quantity and toxicity of pollutants discharged and the environmental impacts of those discharges; questions and topics relating to technology and beneficial use; and questions and topics relating to the expansion of exploration and development. ***CCE supports exploring all of these topics and rephrasing the questions to reflect the oil and gas exploration technique in question.***
- E. Regarding the questions and topics as they relate to current regulatory controls.
- a. The question stating “What other statutes might affect the ability to discharge, treat, or beneficially use CBM produced water.” ***CCE asserts that the question as posed seeks to undermine statutes that protect public health and the environment. CCE recognizes that the oil and gas industry is currently under-regulated and the statutes cited by the EPA – RCRA and the SDWA – do not currently provide adequate protection for the people and the environment. Instead, CCE recommends the EPA inquires “what legislation is needed to effectively protect human health and the environment from the discharge, treatment, and/or potential beneficial use determinations for liquid waste byproducts from oil and gas drilling operations.”***
  - b. The question stating “How NPDES permit programs regulate CBM produced water discharges (e.g. individual permits, general permits)?” ***CCE supports exploring the question of NPDES permits for CBM produced water as well as other waste liquids from other oil and gas extraction processes.***

- c. The question stating “To what extent and how do current regulatory controls ensure the beneficial use of CBM produced water?” ***CCE requests that questions regarding beneficial use should not override evidence that waste liquids from other oil and gas extraction methods may pollute groundwater and surface water.***
- d. The question stating “What is the BPJ basis for existing technology-based effluent limits for CBM produced water discharges?” ***CCE requests that the EPA explore the question of effluent limits for all waste liquids and the realistic ability to properly treat and adequately dispose of these liquids.***

Thank you for the opportunity to comment.

Respectfully submitted,

Sarah Eckel  
Policy Analyst