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New Pennsylvania Water Standards Aimed at Gas-Drilling Industry Approved

By David M. DeSalle and Lou Crocco June 23, 2010 *Duane Morris LLP*

Pennsylvania's natural gas-drilling industry faces tough state-level water standards, with the approval in Harrisburg of regulations limiting the amount of total dissolved solids (TDS). The TDS standards from the state's Environmental Quality Board cover all new or expanded industry operations, but may be more restrictive for drillers.

"They are rough on us," said Steve Rhoads, director of external affairs at East Resources, Inc. "We and some of the other larger drillers might be able to handle them. But some of the smaller companies might have trouble complying."

Under the rules, the level of TDS for most industries from any discharge must be no greater than 2,000 milligrams per liter. For drillers, the top level is 500 milligrams per liter.

TDS is a measure of the combined content of all inorganic and organic substances contained in a liquid in molecular, ionized or microgranular suspended form.

Rhoads said the most efficient way to attain the 500-milligram level is with a full-time recycling operation, but it is unknown whether recycling would work with such large volumes of water.

"If recycling alone doesn't get us to the standards, we'll have to resort to something a lot more expensive," Rhoads said.

Drillers use high-pressure water to fracture the rock to release the natural gas. A 2004 U.S. Environmental Protection Agency (EPA) study showed the "fracking" process in a shallower mining process released no dissolved solids to ground- or surface-level water.

Pennsylvania's Department of Environmental Protection (DEP) notes that TDS levels have exceeded the EPA's secondary drinking-water standards of 500 milligrams per liter several times over the past two years in western Pennsylvania's Monongahela River. The elevated levels led to complaints from drinking-water customers about foul-smelling water and damage to laundry and dishes, according to a DEP statement. No studies link the higher TDS levels to hydraulic fracturing.

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