

From: nedfowkes@aol.com
To: [Oil and Gas Conservation Rulemaking](#)
Subject: Comments: 20.07.02 - RULES GOVERNING CONSERVATION OF OIL AND NATURAL GAS
Date: Wednesday, October 26, 2016 03:48:04 PM

**IDAPA 20 - IDAHO DEPARTMENT OF LANDS
20.07.02 - RULES GOVERNING CONSERVATION OF OIL AND NATURAL
GAS
IN THE STATE OF IDAHO
DOCKET NO. 20-0702-1601**

NOTICE OF RULEMAKING - PROPOSED RULE

I wish to comment on the following proposed rules:

200. PERMIT TO DRILL

.04

Location of Wells

No oil or gas wells may be drilled within three hundred (300) feet of existing occupied structures without express written permission from the owner of the structure(s).

I recommend fifteen hundred (1500) feet be the limit. Anything less will be excessively impactful for noise, sight, air quality, smell, safety, and traffic for those using said structures. No one utilizing said structures should be subjected to industrial impacts and hazards that are only a football field length away. No one reading this would desire this inadequate 300' setback for themselves if they were the ones utilizing these structures.

.06 Permit Denial

e. Posting of a substantial bond to drill should be required for a permit to drill.

210. WELL TREATMENTS

.07 Reporting Requirements

A report on the well treatment must be submitted within thirty (30) days of the treatment. (I recommend the report be submitted 30 days prior to the treatment) The report shall present a detailed account of the work done (to be done) and the manner in which such work (is to be) was performed, including:

d.

Documentation demonstrating the chemicals used in the well treatment have been reported to the website www.fracfocus.org, its successor website, or another publicly accessible database approved by the Department. The chemical information must be reported in a systems approach.

(I recommend that all chemicals proposed to be used and actually used be reported, without exception as detailed. By this I also mean to include that "proprietary" blends of chemicals not be exempt from a complete detailed reporting. This should be completely obvious that citizens have a right to know what toxins are being proposed to be injected in to the earth that could possibly contaminate ground water and soils.

.08 Fresh Water Protections for Well Treatments

b.

The Department will not authorize well treatments to create fractures within five hundred (500) vertical feet above or below fresh water aquifers. (I recommend that well treatments that include fracturing not be authorized within one thousand (1,000) vertical feet above or below fresh water aquifers. Shale fractures and sand formations are porous and certainty is required to prevent aquifer contamination that could remain so indefinitely. We must be conservative and prevent this absolutely.)

211. HYDRAULIC FRACTURING

01. Application Requirements

b. Detailed information on the base stimulation fluid source. For each stage of the well stimulation program, provide (all of) the chemical additives and proppants and concentrations or rates proposed to be mixed and injected (and actually used; these bold faced recommendations intend to require complete and total reporting of all details of chemicals, formulations, concentrations, ratios, proppants to be used and injected, without exception, leaving nothing out of the reporting), including:

400. PRODUCTION REPORTS.

02. Frequency

Recommendation: Production reports to be required by 3rd party independent metering in real time rather than by delayed self-generated production reports by the production company itself of three months or more after production of a given monthly reporting period that is the current rule proposal. This rule proposal clearly contains conflicts of interest and provides no assurances to IDL, the State of Idaho and its citizens that the reporting information is at all accurate.

410. METERS.

02.

Meter Calibration

Recommendation: all required meters must be calibrated by an independent third party at least once every thirty (30) days. Surge flows can quickly

uncalibrate a meter rendering it inaccurate to a high degree.

420.

TANK BATTERIES.

Tank batteries must meet the following requirements:

01.

Location of Tank Batteries

No tank batteries may be constructed within three hundred (300) feet of existing occupied structures, water wells, canal, ditches, the natural or ordinary high water mark of surface waters, or within fifty (50) feet of highways, as measured from the outermost portion of the tank dike. (Recommendation: that the above limit be fifteen hundred (1500) feet from occupied structures and fifteen hundred (1500) feet away from other mentioned features. No one reading this would want this inadequate distance buffering property they themselves own or use, nor would anyone else.)

a.

The owner of a water well or existing occupied structure may provide express written permission to construct a tank battery closer than three hundred (300) feet, but in no event may a tank battery be constructed within one hundred (100) feet of these features. (Recommendation: this proposed rule is woefully inadequate to buffer users of a well or structure from this industrial impact. The setback from an occupied structure should be fifteen hundred feet (1500). The owner of a well or occupied structure could give written permission for this inadequate setback and after the installation of the tank batteries then lease or sell the property/structures so that subsequent occupiers would be locked into having industrial use tanks and their emissions/activities within 100' of structures and other listed features. No one reading this would desire this inadequate 100' setback for themselves if they were the ones utilizing these structures and features, nor is it likely anyone else would like to inherit these potential hazards and close-by industrial activities).

b.

The owner of a canal, ditch, or surface water may provide express written permission to construct a tank battery closer than three hundred (300) feet, and the Department may approve this location upon the operator showing good cause, but in no event may a tank battery be constructed within one hundred (100) feet of these features.

(Recommendation: that the above limit be fifteen hundred (1500) feet away from the mentioned water features. An owner could provide written permission to place tank batteries a minimum of one hundred feet (100) from the above listed water features, and after installation of the tanks then lease or sell the property/assets/features so that subsequent users inherit inadequate set back requirements that they did not request and endure the potential hazards of industrial tanks extremely close to water features. Water flows downstream

and these inadequate setbacks potentially threaten other human and non-human life off property. Adequate setbacks help insure tank contents and associated residues from entering water features. The proposed rules for setbacks are not conservative, nor are they adequate.)

430. GAS PROCESSING FACILITIES.

Gas processing facilities must meet the following requirements:

01.

Location of Gas Processing Facilities:

No gas processing facility may be constructed within three hundred (300) feet of existing occupied structures, water wells, canals and ditches, the natural or ordinary high water mark of surface waters, or within fifty (50) feet of highways, as measured from the outermost portion of the gas processing facility.

I recommend one (1) mile be the limit for construction next to occupied structures and one (1) mile from the other mentioned features. Anything less will be woefully inadequate to address problems at a gas processing facility, excessively impactful and potentially hazardous for explosions, air quality, smell, noise, safety, and traffic for operation of Gas Processing Facilities. No one utilizing said structures should be subjected to industrial impacts and hazards that are only a football field length away. No one reading this would desire this inadequate 300' setback for themselves if they were the ones utilizing these structures nor is it likely anyone else would desire it either from a stand point of livability, safety and health. This proposed rule is unconscionable! When something is judged *unconscionable*, a court will refuse to allow the perpetrator of the conduct to benefit. In contract law an unconscionable contract is one that is unjust because the innocent are not adequately protected and extremely one-sided in favor of the person (government agency/business entity) who has the superior bargaining power.

a.

The owner of a water well or existing occupied structure may provide express written permission to construct a gas processing facility closer than three hundred (300) feet, but in no event may a gas processing facility be constructed within one hundred (100) feet of these features.

(Recommendations: The above limit be one (1) mile away from a water well or existing occupied structure. An owner could provide written permission to place a gas processing facility a minimum of one hundred feet (100) from these features, and after installation of the processing facilities might then lease or sell the property/assets/features so that subsequent users inherit inadequate set back requirements that they did not request and endure the potential hazards of industrial gas processing facilities extremely close to wells and occupied structures. Gas emissions flow outward and these inadequate setbacks potentially threaten other human and non-human life off property. Adequate setbacks help insure gas processing facilities not impact populated areas from harmful emissions, smells, noise, and associated industrial activities. The proposed rules for setbacks are not conservative, nor are they adequate. No one reading this would desire this inadequate 100' setback for

themselves if they were the ones utilizing these structures nor is it likely anyone else would desire it either from a stand point of livability, safety and health. This proposed rule is unconscionable! When something is judged *unconscionable*, a court will refuse to allow the perpetrator of the conduct to benefit. In contract law an unconscionable contract is one that is unjust or extremely one-sided in favor of the person who has the superior bargaining power. This proposed rule has the potential to negatively impact in an unfair way, livability in an any area where this rule might be applied years into the future. It is appropriate to be respectful and amend this proposed rule now.

b.

The owner of a canal, ditch, or surface water may provide express written permission to construct a gas processing facility closer than three hundred (300) feet, and the Department may approve this location upon the operator showing good cause, but in no event may a gas processing facility be constructed within one hundred (100) feet of these features.

(Recommendation: that the above limit be one (1) mile away from the mentioned gas processing facility. An owner could provide written permission to place a gas processing facility a minimum of one hundred feet (100) from the above listed water features, and after installation of the facility then lease or sell the property/assets/features so that subsequent users inherit inadequate set back requirements that they did not request and endure the potential hazards of gas processing facilities extremely close to water features. Emissions flows downstream and outward and these inadequate setbacks potentially threaten other human and non-human life off property. Adequate setbacks help insure gas emissions and associated residues from entering water features. The proposed rules for setbacks are not conservative, nor are they adequate.)

Also, I don't know what section of proposed rule-making would address this issue, but there needs to be written prohibition of spreading of hazardous liquid or solid waste from related oil & gas activities on agricultural lands in the State of Idaho.

Please make sure this e-mailed information is included in the official record of public documents submitted to IDL regarding Proposed Rules for Oil and Gas Conservation, Docket No. 20-0702-1601, as required by federal and state laws.

"May all beings have fresh clean air, good water & nourishing food. May all beings have shelter, sanctuary & a safe home. May all beings have others they share respect & love with. May all beings, rooted in loving kindness, know & be able to express their true purpose. May all beings be well, balanced, happy & free from suffering. That all may thrive, today we do what we can to make this so."

Thank you,

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