



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SOUTHWEST REGIONAL OFFICE

September 22, 2011

Certified Mail No. 7006 0810 0005 4565 4494

Mrs. Beth Voyles
1085 McAdams Road
Washington Pa 15301

Re: Voyles Malodor Complaint (No. 279752, Amwell Twp., Washington County)

Dear Mrs. Voyles:

This letter addresses your malodor complaint, first received on May 13, 2011, the Department's investigation of your complaint and results of the investigation.

Since mid-May, 2011, the Department has been investigating your complaint of the existence of malodors on your property coming from Range Resources-Appalachia LLC's ("Range") Yeager Impoundment ("Impoundment"). As detailed below, the DEP investigated your complaint over a period of nearly three months to determine if any violation of the malodor regulation, 25 Pa. Code § 123.31 could be documented, and if so, the source of the malodors.¹ The Air Pollution Control Act regulations provide that a person may not permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source, in such a manner that the malodors are detectable outside the property of the persons on whose land the source is being operated. 25 Pa. Code §123.31(b). We have concluded our investigation. The Department did not detect malodors on your property, and could not establish any violation of the malodor regulation.

Your property is located adjacent to the Yeager Impoundment. The distance between the Impoundment and your property line is roughly 775 feet. On May 13, 2011, you notified the Department that you believed that malodors were coming from the Impoundment onto your property over the previous couple of days. You spoke with Vincent Yantko, water quality inspector supervisor for oil and gas management in the southwest region. Mr. Yantko called a Range employee who told him that due to a power failure, aeration ceased at the Impoundment. The aeration system may have been disabled for as long as 2-3 days. The Impoundment is aerated to prevent it from becoming "septic" (i.e. creating an anoxic environment where anoxic bacteria thrive and create odors).

¹ "Malodor" is defined as an odor which causes annoyance or discomfort to the public and which the Department determines to be objectionable to the public. 25 Pa. Code §121.1

On May 16, 2011, John Carson, the water quality specialist, assigned to investigate your complaint, stood on the perimeter of the Impoundment and detected a strong odor coming from the Impoundment. He confirmed that the aeration system was working again. However, he did not visit your property on this date because the wind was blowing away from your property. On all of Mr. Carson's subsequent visits as detailed below, he confirmed that the aerators were operating.

On May 17, 2011, Mr. Carson visited your home. He detected no odors from the impoundment at your home. He also visited the Impoundment and detected an odor there though it was weaker than the odor he smelled there the day before.

On seven additional dates in May (May 18, 19, 20, 24, 26, 27 and 31, 2011), Mr. Carson re-visited your property standing on or near your property in the driveway of your neighbor, James Garrett. He did not detect a malodor on your property on any of those occasions. He also visited the Impoundment on each of these dates. He detected odors downwind of the Impoundment; i.e. in the opposite direction of your property, on three of these occasions.

In June, Mr. Carson continued his investigation of your complaint by re-visiting your property and the Impoundment on nine different occasions (June 2, 3, 7, 8, 13, 17, 22, 27 and 30, 2011). On these visits, while standing on or near your property in Mr. Garrett's driveway, Mr. Carson detected no odors. On one of these occasions – June 22 – you joined Mr. Carson in Mr. Garrett's driveway and told Mr. Carson that you also could not smell any odors. Mr. Carson detected odors ranging from mild to strong at the perimeter of the Impoundment on these dates with the exception of June 8 when he detected no odors at the Impoundment.

In July, Mr. Carson visited your property and the Impoundment five times (July 6, 12, 13, 15, and 25, 2011). He observed that Range had drained the fluids from the Impoundment and was cleaning, inspecting, repairing and testing the Impoundment. On these dates, while standing in Mr. Garrett's driveway, he detected no odors on your property. He also detected little or no odor standing at the perimeter of the Impoundment.

On August 8, 2011, Mr. Carson observed the Impoundment was empty. He detected no odors either at the Impoundment site or on or near your property as he stood in Mr. Garrett's driveway.

In summary, over a period of nearly three months, on 24 separate occasions, the Department visited your property and detected no malodors as that term is defined at 25 Pa. Code § 121.1, on your property. Accordingly, no violations of the malodor regulation, 25 Pa. Code § 123.31, could be established.

As a related matter, beginning on June 3 and continuing through June 30, Mr. Carson carried a hand held personal protection meter capable of detecting explosive gases, carbon monoxide and

hydrogen sulfide. While this meter is not used to detect odors, it confirmed the absence of any readings indicating the presence of explosive gases or any elevated levels of carbon monoxide and hydrogen sulfide on any of the visits to your property from June 3 through the end of June.

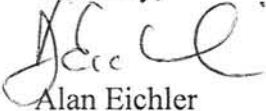
Additionally, last summer, the Department conducted a short-term study of ambient air concentrations of target pollutants near certain Marcellus Shale gas drilling operations in southwestern Pennsylvania to determine if there were any immediate health risks from ambient pollutant concentrations to nearby residents or communities. The Department conducted the study by deploying the Mobile Analytical Unit (MAU), a truck equipped with sensitive analytical and sampling devices to screen for roughly 48 volatile organic compounds including methane and benzene. Over a five week period, the MAU was stationed at five different locations in Greene and Washington Counties including the Yeager Impoundment during the week of July 19, 2010. Results of the ambient air sampling did not identify concentrations of any compound that would likely trigger air-related health issues associated with Marcellus Shale drilling activities.

If you wish to discuss these findings and conclusions further, please feel free to contact me at 412-442-4006 or via email at aeichler@pa.gov.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

Sincerely,



Alan Eichler
Program Manager
Oil and Gas Management

- c: John Smith, Esquire
Kendra Smith, Esquire
Jeremy Mercer, Esquire
Megan Smith Miller, Esquire ✓
Oil and Gas File
Jack Crook
Vince Yantko
John Carson
Bryon Miller
Gail Myers, OCC
Mike Heilman, OCC
Rick Watling, OCC