

**BEFORE THE CORPORATION COMMISSION  
OF THE STATE OF OKLAHOMA**

IN THE MATTER OF A PERMANENT )  
RULEMAKING OF THE OKLAHOMA )  
CORPORATION COMMISSION )  
AMENDING OAC 165:10, OIL AND )  
GAS CONSERVATION )

**Cause No. RM 201600019**

**FILED**  
FEB 10 2017

COURT CLERK'S OFFICE - OKC  
CORPORATION COMMISSION  
OF OKLAHOMA

**PUBLIC COMMENT**

**of**

**Environmental Defense Fund**

**February 10, 2017**



February 9, 2017

Oklahoma Corporation Commission  
ATTN: Court Clerk's Office  
P.O. Box 52000  
Oklahoma City, OK 73152

via E-mail

**RE: RM 201600019, CH 10, Oil and Gas Conservation**

To Whom It May Concern,

Environmental Defense Fund (EDF) respectfully submits these written comments on the revised proposed rules to Chapter 10, Oil and Gas Conservation, RM 201600019, dated January 24, 2017. EDF is a national organization representing over one million members nationwide and 16,000 in Oklahoma, many of whom care deeply about the environmental impacts associated with oil and gas development, public health and clean water.

EDF commends the Commission for its ongoing dedication to continuous improvement of its regulatory program. EDF believes the proposed rules are another strong step forward by the Commission in strengthening Chapter 10, and appreciates the opportunity to submit these comments. We have focused our comments on the reporting of offset impacts from hydraulic fracturing.

***165:10-3-10(b). Notice of hydraulic fracturing operations.***

The proposed rulemaking builds on efforts that the Commission has made to reduce the impact of hydraulic fracturing on offset wells and on the environment. The provision in (b)(4) for operators to report when "there is evidence that hydraulic fracturing operations have impacted its well(s)" is a good step toward this end. Such reporting will enable the Commission to learn more about offset impacts from hydraulic fracturing, a phenomenon associated with increased horizontal drilling near legacy vertical wells. EDF is heartened that industry appears supportive of this

information-gathering exercise.<sup>1</sup> While we understand the provision is not mandatory, the Commission should strongly encourage participation. Additionally, the Commission should take care to systematically store information gathered through this effort to enable tailored policymaking around offset impacts through future rulemakings.

The Commission should also consider a requirement on operators conducting hydraulic fracturing operations to report when they believe there is evidence that hydraulic fracturing operations have impacted any offset well, including producing wells, orphan and abandoned wells, and plugged wells. Operators conducting hydraulic fracturing activities may be in a better position to have knowledge of offset impacts than the offset operators under certain circumstances, especially for non-active wells. Such a requirement would help round out the Commission's picture on the frequency and severity of such incidents, and is consistent with reporting requirements in Pennsylvania and elsewhere.<sup>2</sup>

Thank you for your time in considering these recommendations. EDF appreciates this opportunity to comment and looks forward to continuing work with the Commission on regulatory advances such as this.

Respectfully submitted,

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<sup>1</sup> See Public Comment of Oklahoma Oil & Gas Association, January 10, 2017, available at <http://www.occeweb.com/rules/proprules/CH10commentOKOGA1-10-17.pdf>.

<sup>2</sup> See, e.g., "Guidelines for Implementing Area of Review (AOR) Regulatory Requirement for Unconventional Wells," pp. 25-29, Pennsylvania Department of Environmental Protection, October 2016, available at <http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-114663/800-0810-001.pdf>.