

Protective Buffers Rulemaking Petition

The ***Unconventional Well Setbacks rulemaking petition*** aims to institute **minimum, statewide protective buffers between fracking wells and buildings such as homes, schools, hospitals, as well as waterways and water sources**. The petition would, for the first time, use evidence from 42 independent, peer-reviewed public health studies to establish new setback distances to better protect Pennsylvanians from the health harms associated with fracking well operations.

The petition requests the following distances from fracking wells:

- 3,281 feet from buildings or drinking water wells;
- 5,280 feet from buildings serving vulnerable populations (e.g., schools, hospitals); and
- 750 feet from any surface water.

The petition also includes provisions for waiving the protective buffers requirement, including if all impacted parties consent.

What does voting YES mean?

The initial vote for Environmental Quality Board (EQB) members is not a vote to make a regulatory change on buffers distances; **it is simply a vote to grant the Pennsylvania Department of Environmental Protection (DEP) the authority to further study the rulemaking petition and supporting health studies**. From there, DEP would review the information and return a decision on whether to move forward by beginning a formal rulemaking consideration.

EQB's "YES" vote at this stage would simply mean the petition checks these four boxes:

- ☒ This issue has not been before the EQB in the last 2 years.
- ☒ This issue is not currently in litigation.
- ☒ This Petition requests an action that is appropriate for rulemaking.
- ☒ This Petition was not previously considered by the EQB.

Fiction	Fact
False: DEP and/or EQB do not have the authority to implement the statewide protective buffers proposed in the rulemaking petition.	Facts: DEP and EQB have <u>clear authority</u> and <u>a mandate</u> to act. See: • Oil and Gas Act, 58 Pa. C.S.A. §§ 3274, 3202 • Clean Streams Law, 35 P.S. § 691.5 • Air Pollution Control Act, 35 P.S. Ch. 23, § 5 All three laws say that DEP and EQB <i>shall promulgate regulations, protect the safety and property rights and/or adopt rules and regulations for the prevention, control, reduction and abatement of air pollution ...</i> In April 2025, DEP acknowledged that the petition raised “sophisticated legal arguments.” DEP recommended that EQB accept the petition for further study.
False: The current 500-foot setback distances are already enough to protect people.	Facts: DEP has never considered public health studies in establishing the current minimum setback distances. The waivable 500ft. setback was identified as woefully inadequate in the 43rd Statewide Grand Jury report and in numerous health-based studies. The 500ft. distance was chosen based on incomplete 2010 and 2017 DEP studies that did not study health impacts, cumulative impacts of air pollution, longer-term air monitoring, or representative scenarios at all well pads. Dozens of peer-reviewed studies confirm that the current setback distances have resulted in measurable, grave harms to health.
False: The initial EQB vote will determine whether or not DEP goes forward with the rulemaking petition.	Fact: This vote does not commit to a policy stance; it allows DEP to review the petition and return to EQB with a recommendation on whether or not EQB should approve the action requested in the petition.
False: This rulemaking petition will ban fracking.	Fact: This will not ban fracking. The petition would only apply to new wells. Over 2.2 million acres of aboveground area would remain available for potential well construction. Buffers would not impede access to underground resources within the buffer zone. Industry can and already does drill laterally four to five miles from a well in any direction to access gas.
False: Only a small, fringe group of Pennsylvanians want increased setback distances.	Fact: Pennsylvanians overwhelmingly support increased setbacks. Polling has shown that 90% of responding residents support stricter regulations on fracking, including increased protective buffers between fracking infrastructure and schools and hospitals.