COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN RE: ENVIRONMENTAL JUSTICE LISTENING SESSION

BEFORE: PATRICK MCDONNELL, DEP Secretary
CARL JONES, JR., Director of the Office of Environmental Justice
SUSAN MALONE

HEARING: Wednesday, April 12, 2017
4:41 p.m.

LOCATION: Miller Middle School
126 East Lincoln Street
Waynesburg, PA 15370

WITNESSES: Andy McAllister, James Rosenberg, Jill Kriesky, Lois Bower-Bjornson, Veronica Coptis, Jan Kiefer, Sarah Boyle, Colleen Nelson, Natalie Johnston, Patrice Tomcik, Amy Nassif, Mary Ann Pike, Art Brogley, Kirk Jalbert, Nathan Blake, Carol Cutler

Reporter: Brooke Hunsaker

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MS. FRALEY:
The first name on our list is Ann Dana?
Oh, you're not going to speak?
Okay.
Andy McAllister?

MR. McALLISTER:
My name is Andy McAllister. I'm the regional coordinator for the Western Pennsylvania Coalition for Abandoned Mine Reclamation.

One of the things I think it's important to keep in mind is that abandoned mine issues remain one of Pennsylvania's biggest environmental issues. And not all environmental issues with environmental justice components involve active industry.

Throughout the bituminous coal region, we have large waste coal piles, abandoned mine discharges and dilapidated structures in proximity to people's homes, schools and just in general, near roads. And this also can happen in urban areas as well.

So I just want to make sure that when we deal with environmental justice issues, we remember that legacy environmental issues are important as
well.

And I have one other comment to make. Is that from the watershed movement's experience, we have to commend DEP and their personnel for doing such a good job in working with our community and helping to improve watersheds throughout the state.

Thank you.

COURT REPORTER:

Just excuse me, sir. Can I just get you to spell your name for me real quick?

MR. MCALLISTER:

M-C-A ---

COURT REPORTER:

M-C-A ---

MR. MCALLISTER:

--- L-L ---

COURT REPORTER:

Okay.

MR. MCALLISTER:

--- I-S ---

COURT REPORTER:

Okay.

MR. MCALLISTER:

--- T-E-R.

COURT REPORTER:
Okay.

Thank you.

**MR. MCALLISTER:**

And that would be it.

**MS. FRALEY:**

Okay.

Next up, we have Jim Rosenberg.

And if you could just make sure you spell your name --- state and spell your name?

**MR. ROSENBERG:**

My name is Jim Rosenberg, R-O-S-E-N-B-E-R-G, and I'm with Fayette Marcellus Watch.

There are numerous impediments to the delivery of environmental justice, EJ, in the way DEP currently operates. EJ is primarily interpreted as enhanced public participation.

That means any deficiency in the public participation process anywhere in DEP automatically becomes an impediment to actual EJ. These deficiencies are so massive and so pervasive that it is completely fair to say delivery of genuine EJ in Pennsylvania's Marcellus Shale country is almost nonexistent.

Among the problems are, one, the trigger
permit mechanism is flawed, top to bottom. Trigger? Triggering what? With public participation having been massively and systematically gutted throughout DEP with regard to shale gas infrastructure permitting, there is no trigger to be called except for enhanced window dressing. There are almost no permit of any kind related to shale gas infrastructure permitting which even qualify as trigger permits.

There is no public participation in any of the following kinds of permits: Erosion and sedimentation --- E & S permits for well pads, drill and operate well permits, E & S permits for pipelines, BA/GP-5 permits for compressor stations.

Requiring major source as a condition for public participation on compressor station air quality plan approvals is particularly problematic. All of these kinds of permits must draw scrutiny from OEJ when they occur in EJ areas. Where public participation in permitting is not required under 25 PA Code, but is allowed under DEP's discretion, OEJ must take an active role in bringing this about.

Two, OEJ is absent from the table in the DEP complaint mechanism. This includes being able to receive complaints directly from EJ communities, auditing complaint inspection results and requiring a
repeat inspection where an inspection was defective.

Examples of defective inspections include, comments noting problems but no notice of violation written and compressor station inspections where not all equipment was running. When a complaint inspection includes a recommendation, OEJ must ensure there is some subsequent inspection to make sure this recommendation is followed.

Three, OEJ must become an ex-officio member of all DEP technical advisory boards and must take an active role in drafting the language for technical guidance documents, including eligibility for general permits.

Four, OEJ must become actively involved in the municipal EG Act 14 notification process, including ensuring that EJ communities understand that they get county and municipal comment on permit applications, even if general public participation is not available. OEJ must become involved in ensuring that counties and municipalities receive adequate information under Act 14 to be able to evaluate local impact, including zoning.

MS. FRALEY:

Thank you.

Can we take a copy of that?
MR. ROSENBERG:
Yes.

MS. FRALEY:
Thank you, then.
Next up, we have Jill Kriesky ---
Kriesky (changes pronunciation).
I'm sorry. I'm sure I mispronounced it.

MS. KRIESKY:
Oh, it's okay. Everybody does.

MS. FRALEY:
And do you want to give that to me at
the end or ---?

MS. KRIESKY:
Sure.

MS. FRALEY:
Okay.
And just for the record, state your ---

MS. KRIESKY:
Thank you.

MS. FRALEY:
--- and spell your name.

MS. KRIESKY:
I'm sorry.
My name is Jill Kriesky. It's,
K-R-I-E-S-K-Y. I serve as the Associate Director of
the Southwest Pennsylvania Environmental Health Project, or EHP. I've been in that position for more than four years.

EHP, which is located in McMurray, Washington County, Pennsylvania, assists residents who believe that their health may be impacted by unconventional shale gas development. And since 2006, Southwest Pennsylvania has seen approximately 4,000 unconventional wells drilled.

Air and water emissions from these wells, related infrastructure such as pipelines, condensate tanks, compressor stations and processing facilities and the hundreds of thousands of diesel truck trips required to build this industry impact low-income residents in isolated communities by taxing already limited health resources and introducing new public health concerns. EHP believes that this is the most significant environmental justice concern in this region at this time.

The gas industry has brought an influx of workers from Texas and Oklahoma and other areas outside of Pennsylvania to work on well construction and other phases of the industry. Some are in this area only for a short period of time and stay at one of the many hotels that have sprung up along I-79 and
in cities like Waynesburg. But others are here for
the long haul.

And in the limited housing market ---
market in our rural communities, these workers compete
with local residents for rental housing and
apartments. As a result, rents have risen.
Individuals in ---. And families with low or fixed
incomes cannot adequately afford to find affordable
housing.

EHP is very aware that it's not just
disease and diet that determine how healthy you are.
There are factors commonly referred to in public
health as social determinants of health. Housing is
one of them. So substandard housing and homelessness
are very closely linked with poor health.

So we believe that in addition to the
health effects that occur due to direct exposures to
contaminated air and water, there may be additional
decreases in health of environmental justice
communities due to the industry's impact on housing.

And as I just mentioned, we know that
some individuals in the EJ communities in Southwest
Pennsylvania are suffering physical effects from
living or working in close proximity to air and water
contaminated by fracking. These same residents often
have been subjected to legacy pollution from other industrial operations, including coal mining, coal-fired power plants and related industrial activities.

Whether or not these individuals are below the poverty line or the working poor, they often lack access to sufficient and affordable healthcare.

And if the current administration in Washington succeeds in weakening the Affordable Care Act, this problem is exacerbated.

So again, shale gas industry is inflicting undue hardship on communities that cannot afford additional financial burdens.

And just one last sentence. Finally, we at EHP and an increasing number of academic studies have found that vulnerable populations, including elderly, women of childbearing age and children are especially susceptible to health impacts from fracking. And we think they ought to be considered in the definition of environmental justice.

Thank you.

MS. FRALEY:

Thanks.

Can I take a copy of that?

MS. KRIESKY:

Uh-huh (yes).
MS. FRALEY:

We just want to ---. I know everyone has lots to say, but we want to try and keep it to that --- the three minutes.

Next up is Tom Porterfield.

Okay.

Kara ---? Oh.

Lois Bower-Bjornson?

MS. BOWER-BJORNSON:

Hi, my name is Lois Bower-Bjornson. And it's, L-O-I-S, B-O-W-E-R, hyphen, Bjornson, B-J-O-R-N-S-O-N.

So I am a resident of Washington County. I grew up, though, on the Washington and Greene County line, so I spent a lot of time in Waynesburg growing up as a child.

So I know firsthand seeing what happens when industry moves in and then gradually moves out. Our once thriving, beautiful little town with grocery stores and all the amenities, clothing stores, now is, quite frankly, a drug haven as industry has left throughout the years.

I've also seen, growing up, again, what industry has done to our air and our water. My brother is part owner of a marina on the Monongahela
River, Sunset Marina. And industry has polluted that marina terribly because of the Monongahela River, everything running out of it.

What happened there, actually, was a --- an abandoned coal mine was drilled into from the oil and gas industry, and then it leached into the creek. So it has very high levels of radiation and so on and so forth.

I moved away from this area, and I moved back 13 years ago to raise my now four children, three boys and a girl. And when we moved to Scenery Hill --- it's a very scenic area. That's why it's named that. There was nothing there except beautiful rolling hills and farmland.

We are now currently surrounded by, to date, 33 well pads, three compressor stations, pigging stations. We have a training facility, a day facility for workers. And since July, we've had four pipelines from Mariner East One. And the newest pipeline began in January. So our once beautiful area literally now is an industrial zone.

What we run into our community is there are no zoning laws. So we wake up to fracking, finding out what's happening. So again, what happens in these communities that people move into to raise
their children --. Again, we are being infiltrated. And therefore, our quality of life is lessening more and more from oil and gas and all the industries combined.

MS. FRALEY:
Thank you.
Next up is Veronica Coptis.
Thank you.

MS. COPTIS:
Hi. Thanks for coming to Greene County to hear from residents that are ---.

MS. FRALEY:
Can you say your name?

MS. COPTIS:
Oh, sorry.
Veronica Coptis, C-O-P-T-I-S, and I live in Carmichaels, PA.

Thanks for coming to Greene County to hear from residents directly impacted by environmental degradation.

I'm Veronica. I'm the Executive Director of the Center for Coalfield Justice. The Center for Coalfield Justice represents many environmental justice communities in Southwestern PA. We have over 2,000 members and supporters, almost all
of whom reside in Washington and Greene Counties. We entrust that people living these daily impacts of fossil fuel extraction are the experts in what's best for their communities.

I also grew up in Greene County. I still live here today. I grew up next to the largest underground mine in the country, and I'm now surrounded by shale gas activity.

I'm happy to see that you're all here to listen to how to improve our policies, and I appreciate your time. Environmental justice policies that are currently in place are often not effectively implemented and sometimes not implemented at all.

And so the way that listening sessions were noticed are kind of an example of like how you can improve moving forward. And so our community only got two weeks' notice of this meeting, which is not enough time to adjust for work schedules or find childcare, which is why I have my daughter here with me tonight.

The time is also during when --- during dinner hours. And so I just hope looking forward, as you solicit input, you take that --- solicit input, you take that into consideration.

I'm going to highlight a couple areas of
suggested improvements to the policy.

Public noticing. Public noticing needs to be posted widely in the community in the form of flyers, working with local newspapers to get --- or get articles placed, not just in legal sections or in the, you know, archaic Public Bulletin that only lawyers really enjoy reading.

Public meetings need to be held during hours when folks are not working, feeding their families. And considering when you're in working-class towns, holding them multiple times to account for shift work that happens frequently here.

Informal public conferences that happen for permit applications need to actually incorporate a --- back and forth with community members and not waiting to respond to comments until the comment response document when the decision of the permit has pretty much been made.

DEP staff and community representatives should also consider holding multiple public meetings during the permitting process. Currently they're held after it's administratively complete. During technical reviews, through many deficiency letters, we've often seen permits change drastically in that process. And the community should be able to engage
in that as well.

Trigger permits should be expanded to include shale gas activity and related infrastructure. In the last ten years we've seen significant rise in drilling and midstream operations in our communities. And as mentioned before, these have significant community health and environmental impacts.

As classifying communities at risk for environmental justice, just using poverty and race as indicators is leaving many --- many communities out of the picture that are at risk. You should also be factoring in the review for home ownership rates, reduced school lunches, school district ratings, disability and elderly populations and other sensitive areas.

Also, in the coal fields, coal companies owned large swaths of land, and our population has decreased significantly. Due to the magnitude of coal operations, like the ones in Greene County, coal fields should also be identified as --- as an environmental justice.

The biggest question I have, just wrapping up, is how the DEP plans to incorporate these changes. It's hard for us to trust that we'll actually see actions on what you're hearing today in
the field and across the state. And so with little funding and the DEP already being under budget, I'm interested in your response documents, how you plan to implement what you're hearing today with no additional funding that isn't proposed in the upcoming budget.

Thank you again, and we will be submitting much more detailed longer comments in writing as well.

MS. FRALEY:
Next up is Carly Wright.
Lisa Snyder?
No? Okay.
Jan Kiefer?
MR. KIEFER:
I want to go next. I'm not ready right now.

MS. FRALEY:
April ---.
No? Okay.
MR. KIEFER:
I'm ready to go.

MS. FRALEY:
Okay.
And if you could just make sure you say and spell your name, please?
MR. KIEFER:

My name is Jan Kiefer, K-I-E-F-E-R.

I bring this pitchfork not for elected
officials only, but for the bureaucrats and
technocrats that are in the room tonight and out in
your office.

Good evening.

So I'm glad you finally made it down
here to frack land. And it's ---. And you're about a
dozen years too late. And I hope you can come back in
12 --- 12 years or so, because that's the interval
between exposure and the manifestations of symptoms.
And you might come back to see the fruits of your work
and the cancer patients that you're creating.

So you're here to hear --- hear us talk
about environmental justice. I mean, we're not going
to hear anything from you, and I guess that means that
I've got to tell you what I think justice means or
what it really should mean.

So I will. Justice means fairness. It
means when harm is done --- is --- is about to be
done, someone gets to say, that's not fair. If it
means I say ---. It means I get a say in that --- in
what constitutes harm. That's why we're here today.

But your job is to be fair, and ---.
And when you agree with me that harm is about to be
done, you get to say no. You say no, corporation.
You don't get to do this. That is spelled permit
denial.

I don't get a guarantee of this, but I
get a chance to have my say. And if somebody fair
agrees that harm is about to be done, there's a
fighting chance that they will say no. That is what
justice is.

Now, here's what justice isn't. Justice
isn't arranging for industry PR. Justice isn't
helping industry dump poisons under our feet, telling
us that it isn't harmful, all those hazardous trucks
running around that say residual on the side.
It's --.

And here's another thing justice isn't.
Justice isn't getting us all comfortable with being
raped, telling us it isn't raped. It isn't pumping up
this concept of, this is the only way to get jobs and
this is what we need for national security.

That's propaganda. That's not justice.
That's not anything like justice. It's a myth passed
on by corporate science, corporate studies, corporate
models, all the conflict with the independent
scholarship of --- of the people. In other words, you
conflict with reality.

So even though you're supposed to be listening and I get to talk, I'm all ears tonight. I really want to hear about justice. I really want to hear, where are these people who are real ---? Where are these people who really can be --- okay --- who are really ---?

I'm sorry.

I really want to hear, where are these people who really can be fair, who really can say no some of the time? Even say no once in a while. Where are these people? And if they're not here, why do you have the word justice on the name of your office?

So you say that you want to know what environmental justice problems are? I'll make it real simple. We have no environmental justice.

MS. FRALEY:

Next up is Sarah Boyle.

Okay.

Bob Foreman?

Okay. Oh.

Sarah?

If you could just make sure you spell your name?

MS. BOYLE:
Okay.

MS. FRALEY:
Thank you.

MS. BOYLE:
First of all, I just want to, you know, thank you for your time and thank you coming here to let us --- you know, hear our issues on this matter. I just have a few things to say for the framing questions.

And I think a big help that I see that --- you know, the biggest help of it all is easier online access for permits, for sure. I personally do permits for trucking, and they ---. Pennsylvania has a really organized website for that.

AUDIENCE MEMBER:
Could you get closer to the microphone?

MS. BOYLE:
Yep.

I do permits for trucking, and usually I spend about three to four hours a day on that. I know Pennsylvania has a really organized website for that, so that would help a lot, is easier online access.

I think for public input, maybe more
input for regional offices for that.

And increased public notice. I think
the woman said that earlier. A little bit more notice
on the time of the meetings, maybe more meetings for
voices on either side to be heard.

I'm done.

MS. FRALEY:

Oh, thank you.

Next up we have Jaqueline Duke.

No?

And Jared Zinn.

No?

Colleen --- is it Nelson?

MS. NELSON:

Oh.

MS. FRALEY:

Colleen, do you want to speak?

MS. NELSON:

Oh, well, I signed in, but I thought it
was a sign-in sheet.

MS. FRALEY:

Oh, okay. Well, you're --- that part

--- that ---.

MS. NELSON:

I'm here to tell you I'm from the
Observer-Reporter.

MS. FRALEY:
Okay.

MS. NELSON:
And my ---.

---

(WHEREUPON, THERE WAS A BRIEF INTERRUPTION IN THE
PROCEEDING.)

---

MS. NELSON:
All right.

My name's Colleen Nelson, and I'm with the Observer-Reporter. I live in Holbrook, and I'm surrounded by wells.

And I've done a lot of the research. I know there's some bad stuff out there. I know that when the gases come off the well, they settle in the valley. And they get into your --- you breathe them. I'm on a hill, so I haven't moved yet.

But you know, these are just the facts of life. You know, we've been out here for 10, 12 years. We know what's going on. We assume you know what's going on.

And I would just like to make sure that we continue to track the medical problems, because
he's right, in 12 years we'll know for sure who gets
cancer, and we're just going to have to live with it.

But we need to be more aware, and we
need to pay attention, you know? We're human beings.

Let's be nice to ourselves.

MS. FRALEY:
The next person on the list is Janet

Taladino.

Okay.

Is it ---? Is it ---? This last name's

Miller. Is it Audrey?

No?

Baron Shakar? I'm sorry. Are you going
to ---? Would you like to speak?

MS. JOHNSTON:
I --- I'd like to speak on this.

MS. FRALEY:
Okay.

If you could come up to the mic, please.

If you could also say and spell your name, please?

MS. JOHNSTON:
Okay.

My name is Natalie Johnston,

student at Waynesburg University. And I've live
somewhere in the area. I live in Greensburg, and I see the impact that fracking has on this community.

And I just want to stress the importance of letting people know what harm can be done to the community itself. Even though there are benefits to fracking, I think there are more dangers to it than there are positives to it. There needs to be more regulation on it.

I went to a speaking at the courthouse not too long ago about it, and the fracking companies that go against policy, they get reprimanded, but not enough. These policies need to be more precise and more firm on what they need to be done, because companies just --- if they have a lot of money, they don't care. They just keep doing what they are. They get punished with these --- these fines, but they don't care, they just keep going.

And if that's the message that we want to put out there, that they can do whatever they want just because they have money, I think that that's not right.

Okay. Thank you.

MS. FRALEY:
Next up is Patrice Tomcik.
And just spell your name.
MS. TOMCIK:
Yes.

MS. FRALEY:
Oh, to the stenographer. Sorry.

MS. TOMCIK:
Sorry.
My name is Patrice Tomcik, P-A-T-R-I-C-E, T-O-M-C-I-K.
I traveled a little ways to come here tonight, and I live in Butler County. I am here today as a field organizer for Moms Clean Air Force, and I represent 52,664 members in Pennsylvania.
Pennsylvania is the second largest natural gas producer in the state. And as such, it's a major contributor of natural gas air pollution that's impacting our communities, such as mine and such as the communities that are local here. This --- this is an industrial process that is set up next to where children live, work, play and go to school.
Children are vulnerable, and because their bodies are still developing and because children have a longer lifespan to live with toxic --- toxic exposures that can impact their health.
Unconventional oil and gas operations is an industrial activity. And it creates toxic air
pollution from its operations, such as well pads, condensate tanks, pipelines, paving and metering
stations, compressors and processing facilities.

   Pennsylvania is ten plus years into unconventional natural gas development. And many
communities have been overburdened with the amount of oil and gas operations that is impacting the health
and degrading our communities.

   Therefore, in addition to income and race triggers for environmental justice, the DEP
should add oil and gas permits to the trigger list. All permits should be trigger reviews to see if they
contribute to cumulative impacts. And community --- communities should have the right to have a
community-based public meeting with the operator of the permits and the DEP.

   Special locations of where vulnerable populations are found should also be considered, such
as schools, childcare facilities and hospitals. DEP should go beyond the census tract as well as account
for other factors, such as the working poor, home ownership rates, assisted school lunch rates,
disability and elderly populations, and also language barriers. The reviews should factor in cumulative
impacts of more developing relative to existing
industrial burdens.
Pennsylvania needs to follow New Jersey's lead and allow communities to file a petition to be recognized as vulnerable.
Overall I would like to see the DEP allocate more training and funding, because this needs to be allocated to make sure that the trigger permits are not overlooked or mishandled.
Thank you very much.

MS. FRALEY:
Next up is Amy Nassif.

MS. NASSIF:
Okay.
Do you need me to spell my name?

MS. FRALEY:
Yes, and out loud, so the stenographer can get it.

MS. NASSIF:
Okay.
Hi. Good evening.
I have a prepared statement, but I just spent an hour driving down with Patrice, who you've just --- whom you've just talked to, and ---. I mean,
whom you've just heard speak. And she spoke very eloquently about what is going on in Butler County.

I'm not with any organization. I'm a mom. I'm a physical therapist, so I'm in the healthcare field.

And what --- what shocks me is that this state has already had the input from medical professionals guiding our --- guiding you and our legislators what to do to take care of our communities. And it's being ignored. To me, that is the most abomination of a department that is supposed to be protecting the community.

You have these questions up here, and it says, what environmental justice concerns are most pressing in my community? Well, right now it's the oil and gas industry, which is not even a trigger. Yet 3,200 children in my community are going to be surrounded by wells. We have a six well sites that's a half a mile away, and now a new one was permitted just north of the five-school campus.

So if you're looking to expand on what you're already doing, the reason that I drove down here over an hour, had to leave work, take time --- extra time off, get childcare for my children --- because this is the only day that I could come here
and speak to you --- is that that needs to be added as a trigger.

There's enough going on in Pennsylvania already. We're well into 15 years of this going on in our --- these communities. And you have enough information from scientists, from medical professionals --- not just me, a mom that traveled an hour to speak to you. You have a plethora of information that guides you and that should continue to guide you to enact the proper protection for these communities.

I should not have to stand here and tell the DEP how to do their job. I'm tired of doing it. I've traveled to Harrisburg. I've traveled to Eastern Pennsylvania to speak.

I've been in the DEP department, spoken to numerous public officials over the past three years. I'm tired of it. I'm a physical therapist. I want to go back to treating patients and enjoying my life, and I want the DEP to their job.

Triggers should be for oil and gas, protect the community ---. And I work with the elderly population, so that needs to be included. This isn't just about children. My elderly clients need protection also.
So I appreciate your time and I appreciate you being here, but I'm asking you to step up so I don't have to do this anymore. I don't get paid. Nobody is paying me to do this. I'm here as a mom and as a medical professional, asking you to look at what you already have and put that protection in place.

Thank you.

MS. FRALEY:

Do you want to submit your --- your comment or ---?

MS. NASSIF:

Oh, yeah.

MS. FRALEY:

Thank you very much.

Next, we have Jim Price.

Nothing?

Okay.

Mary Ann Pike?

MS. PIKE:

Yes.

MS. FRALEY:

Just remember to state and spell your name into the microphone.

MS. PIKE:
Hello.

My name is Mary Ann, M-A-R-Y, A-N-N, two words, Pike, P-I-K-E.

I'm going to start my timer so I know where I am.

So my name is Mary Ann Pike. I live at 1280 Sugar Run Road, Venetia, PA, in Washington County.

Until my family moved from the suburbs of Pittsburgh to a rural area in Washington County, we had no idea of the effect of mineral extraction on the communities where it occurred. We always assumed that the companies kept the residents informed of what they were doing, the work was done in a manner that did not severely impact the lives of the residents.

However, in the space of five years we've been affected by three different mineral extraction projects within a quarter mile of our house. And have received little information about the projects and would have no idea of how to get our opinions heard without the help of an advocacy group. I wouldn't even have known about this meeting without their help.

When we moved to our current house five years ago, we knew there was a gas well about a
thousand feet behind our house. But we were sold --- we were sold the gas rights along with the property and we were happy to think that we might have some extra money coming in. We had a lot of trouble figuring out how to contact the correct department of the gas company to let them know that we now held the gas rights.

Then that company sold the well, and we were never contacted by the new company to let us know that they knew that we had bought the gas rights with our property. Even after I found the correct person to talk to, they never sent us confirmation that they had --- had us listed as the owners of the gas rights. We were never contacted until right before we received the first check from the company about six months ago.

In addition, during the past two winters, the gas company spent about three or four months drilling and fracking additional wells on the pad. The noise was constant, especially at night. We could hear it with our windows closed. At times we could feel the house vibrating, and items on our shelves would move towards the edge of the shelf and we had to push them back so they didn't fall off.

It would've been nice if the gas company could've told the residents, especially the people who
live so close to the well, what their drilling
schedule is and when they were moving equipment.
There were times when I was forced to stop and squeeze
my car against the hillside to avoid huge pieces of
equipment that were being moved through the blind
bends on our road.

About a year after we moved to our house
we learned the path of the Mariner East pipeline that
would go right behind our house. The first we learned
about it was when we were contacted and told the
company wanted a right of way for the edge of the
pipeline to go through the back of our property.

One reason we bought the house was
because of the trees in the back of the property. The
right of way would've taken down a lot of the trees,
and we were concerned about not having any recourse
about the situation.

After the initial contact from the
company, we never heard anything else from them. Then
about a year later they were clearing trees behind our
house, and we asked some of the workers for a contact
number and talked to someone at the company. We asked
them about the right of way across our property and
were told the path of the pipeline was changed and ---
and would not affect our property.
And we should've been notified, but we never were. And we were given no information about the construction schedule or a physical description of a pipeline carrying dangerous materials that would be situated less than 200 feet behind our house.

A year after finding out about the pipeline, we discovered the --- that a company wanted to open a deep coal mine less than a quarter mile from our house on property abutting the back corner of our property.

And I'm going to cut this short and just give the notes. And so time is running short, but what I want to say is that my husband and I are both engineers. We have no idea how to get information about what is going on with the projects or what we could do to make our voices heard. In addition, we would not have the financial resources to oppose the companies if we wanted to.

We feel lucky to have been introduced to the Center for Coalfield Justice, who informed us of how to get our opinions about the proposed project to our legislators and to DEP, how to request conditions on the use of the mine property, how to interpret and respond to the various sections of the permit application. And the C --- CCG --- J keeps track of
the state --- of the proposal, which would be a
difficult task for working residents to fit into their
lives, since this information can only be obtained in
person during business hours and at the DEP office.

I have a lot more in there, but you can
just put it in.

MS. FRALEY:
Thank you.

MS. PIKE:
Thank you.

MS. FRALEY:
Next up is Art Brogley.
Just remember to spell your name into
the microphone for our stenographer.

MR. BROGLEY:
My name is Art Brogley, B-R-O-G-L-E-Y.
I live in Scenery Hill, Pennsylvania. Where I live we
are completely surrounded by gas wells.
The town is an old historic town along
Route 40, which is a National Pike historic town. The
name fits the town. Well, it used to fit the town.
Now, it's an industrial zone.

I have one well, gas well, that's about
a half a mile from my house on one side. I had
another one being built about three-quarters of a mile
on the other side of my house.

Now, we are concerned, me and my family, my neighbors, of the methane with the toxic chemicals that are emitted when they frack, the leaks in the system. We have a web of -- spider web of gas lines that run every direction that tie these wells together to gather the gas.

I worked in steel mills my whole life, and I watched regulations come in. I started in the 1970s. We literally used to dump our acid into the creek in the back. We used to contaminate the air with no scrubbers. We dumped our toxic wastes in --- on the ground everywhere.

Over the years the steel industry was regulated. It never hurt jobs. It never caused problems. I mean, maybe the company maybe made a little less money, but ---.

So we need some good --- good regulations to control the gas and oil drilling. At least --- at least keep the leaks from the existing wells from happening, from the new wells.

So we're asking for your help, and I guess that's all I have to say.

Thank you.

MS. FRALEY:
That's all that we have that are signed up. Is there anyone else who didn't get a chance to sign in that wants to --- to speak?

Okay.

I will go with you. Just please make sure you spell your name so we can get it. And --- and then, if you want to go after ---?

MR. JALBERT:

My name is Kirk Jalbert. I didn't intend to speak today.

MS. FRALEY:

Can you?

MR. JALBERT:

Sure.


I am an environmental sociologist. I've been studying this issue for over seven years now. I'm also a member of the Environmental Justice Advisory Board, and so I've had some --- some knowledge in terms of how this process has come together.

And I've had an opportunity, through my position as a manager of community-based research at the front fracker lines, to study this fairly heavily. And the number of the articles that
we've written have, first of all, detailed how current
EJ policies are missing the mark relative to oil and
gas development. And then, more recently, just a
summary of what we see are some of the inadequacies in
the current EJ policies. And I'll just highlight a
few that I think are important right now.

For starters, there's over 10,000
unconventional oil and gas wells in the state
presently. And there's over 6,600 violations, which
is roughly one in three for the number of wells that
exist presently. I did an analysis of these
violations and found that over 20 percent of them
existed in only three census tracks in the state.

So if we want to talk about cumulative
impacts, why don't we talk about --- what does it mean
when a community has been excessively burdened by
violations to the point that they no longer belong in
any sort of a category of receiving additional
industry in that space? When is too many violations
enough?

Another interesting thing is when we
first started to investigate the comments by Range
Resources about setting well pads near expensive homes
and that being a legal issue on their part and trying
to avoid that, whether it be tongue in cheek or not,
It's an interesting statement. We did some analysis in Allegheny and Beaver County and discovered that there are 800 wells in those two counties, and only two census tracks --- oh, I'm sorry. There's only two wells and census tracks of median home incomes that have a value of over $200,000, which means the other 792 --- I'm sorry, 798 wells all existed within census tracks with home values that were significantly lower.

So that, in and of itself, to me, is argument as to why we need to move away from just indicators of poverty and race. And certainly, in relation to the oil and gas industry, if you look at all of the counties, with the exception of Allegheny, that have drilling, you will find that their average percentage of nonminority residents is 98 percent or more. Which means that entire indicator does not really provide any insights in terms of what's happening in these rural communities. As we know, most of Pennsylvania is --- is white.

Now, another issue I just want to bring up is that census tracks don't always work relative to even large industrial projects. And let's step away from oil and gas development in particular. The ethane cracker that's being built in Beaver County,
obviously, is a hot button issue. And I'm sure we'll hear more about that in the Allegheny County meetings tomorrow.

Thank you.

I just want to point out that that, to me, is really interesting case study, because the census track in which the ethane cracker exists is not an EJ census track, because nobody lives there. But if you look, there are four environmental justice tracks within less than two miles of that facility.

And so to me, I think it makes an interesting case for how do we look at things like a radius around a major facility? And then, when you look at that, we can justify it by saying things such as, the wind spread and the wind bloom of a facility like that is certainly going to spread air pollution to places beyond just the small census track in which it exists.

I leave it at that. Thank you.

MS. FRALEY:

Just remember to state and spell your name for us.

MR. BLAKE:

I'd like to begin by thanking the DEP for what they've already done in this area. I mean, even recently, with the latex paint dumping into Ten Mile Creek or measuring the bromide level in Ten Mile Creek. They've done very well and efficiently into TMR. And so I appreciate that.

My name's Nathan Blake, as I said before. I'm studying biology and education up at the university. And the main thing I see that's in the community ---.

I'm not from this area, so this may completely void what I'm about to say.

But the main thing I notice in this community, as I spend an ever-increasing amount of time in Greene County schools ---. I notice a lack of engagement in education with environmental justice and environmental protection on the student level, whether it be elementary school or high school or middle lessons.

And I think that's very important for --- especially for children who are born and raised in this area, just the risks that they face. A lot of times they're not aware of the --- the risks that they face, or how they can prevent them or how they can become more educated on them.
I mean, although I'm a student at the college level, I didn't know about this meeting until Dr. Paladino, one of my professors, spoke to me about it.

And so I think while it would be very difficult to present these topics to elementary children or even high school children without instilling fear in them, with all the negative research that goes along with fracking and natural gas, I do think it's very important that they become educated and engaged. And that may happen at the local level, or it may be happening through federal funding of those programs within high schools or elementary schools.

And that's all I have to say.

MR. JONES:

So we've gone through everyone?

COURT REPORTER:

Do you want this on or off? Do you want this on the record?

MR. JONES:

You can leave this on the record.

So we've gotten through everyone who has signed up. With that in mind, we have additional time. And the whole plan is to hear from you. And so
we have more time to hear from you. So on a first
come, first serve basis, we do have additional time.
I would like to allocate that to be four minutes.
Please feel free to come up to provide
additional comments and testimony, if you so choose.
Thank you.
MS. FRALEY:
Okay.
If you could just remind them of your
name, so we can find it.
MR. ROSENBERG:
And my name is Jim Rosenberg, Fayette
Marcellus Watch.
I haven't timed this, so you'll have to
nag me here. I included an appendix in my written
version on fragmentation of DEP public participation
policy.
A major obstacle to effective DEP
c policymaking regarding public participation is the
fragmentation of public participation policy across
three kinds of technical guidance documents. DEP's
public participation policy, per se --- and then, I
won't get to the document numbers here. OEQJ's public
participation policy, per se, the text of general
permits, e.g., the Bureau of Air Quality's GP-5
general permit for compressor stations.

It is simply outrageous that OEJ's own policy document, enhanced public participation policy, has not been subject to public comment since 2004. I.E., there has not been public comment on OEJ's public participation policy since before the advent of shale gas revolution in Pennsylvania.

Consider the question of whether a compressor station air quality permit for a proposed facility as an environmental justice area should receive the attention of OEJ. In order to answer this question, must --- one must first determine what kind of permitting the facility is eligible for.

This, in turn, rests on a question of whether or not it is major source. But there is no public comment on the major/minor source determination process for an individual application under GP-5. It is extremely notable that EPA itself has objected to this lack of public comment.

And I'll just skip a little bit ahead.

EPA ---. This is a public comment that EPA issued on DEP's GP-5 in 2012. EPA has consistently stated that to be federally enforceable, two criteria must be met. One, the limitations must be contained in a permit that is federally enforceable
and has undergone public participation. And there's some more in here.

According to OEJ's so-called enhanced participate --- public participation policy, a facility must be designated as a major source to be eligible as a trigger permit. But even if this trigger permit requirement is removed, there will still be no public participation in most compressor station air quality permitting due to the lack of public participation in individual applications under general permits and the eligibility allowance for all minor sources in GP-5.

So the problem here is that public commenting on the fundamental issues is split among all these different kinds of documents. And there has never been a venue in which all of these things have been put together so that you can understand the impact of all of it put together.

MS. FRALEY:

Does anyone else have any additional comments they would like to add or didn't get to? If you can come forward? And just make sure you state and spell your name for our stenographer. Thank you.

MS. CUTLER:
Good afternoon. My name is Carol Cutler, C-A-R-O-L, C-U-T-L-E-R.

I want to thank the members of the Environmental Justice Committee for holding these hearings.

I did a little research last night on your website, and I see on your brochure that many of those things are there. And I just wanted to highlight one statement, which is --- supposedly summarizes what you guys do. Environmental --- or what environmental justice is.

Environmental justice, it says, ensures that everyone has an equal seat at the table.

Now, I have been involved offering testimony, not as a member of an environmental justice community, but in other ways. And --- and I've observed other people giving testimony. Particularly, I remember testimony about the Tenaska oil plant in Westmoreland County, and we generated lots and lots of statements.

But it didn't make any difference. And so a school nearby is going to be downwind quite a bit of pollution in the future for the sake of a few jobs. So I guess I just want to close by saying this. If you're going to ensure environmental
justice so that everyone has an equal seat at the
table, I think it's going to take an act of God,
because the industry holds these private meetings with
your bosses, the Wolf Administration, and those before
him and with the members of the legislature. And we
get our little say at some point when it's pretty
clear that what's going to happen has already been
decided.

That's all I have to say tonight. Thank
you.

MS. FRALEY:
I just need you to spell your last name
for the record.

MS. CUTLER:
C-U-T-L-E-R.

COURT REPORTER:
C-O-T-L-E ---?

MS. CUTLER:
C-U --- C-U-T-L-E-R.

COURT REPORTER:
Okay.

MR. JONES:
If there are no other public comments,
I'll turn things back over to Secretary McDonnell to
close out.
Thank you again for taking the time to come to this listening session --.

There are pamphlets out with information on how to contact us. We'll be accepting comments in addition to the testimony received here today in writing and online, so feel free to e-mail us. We look forward to getting as much feedback as possible from all of you.

So with that in mind, I'll turn it over to Secretary McDonnell, who can close it up.

AUDIENCE MEMBER:
What's the deadline?

MR. JONES:
May 25th.

AUDIENCE MEMBER:
Thank you.

MR. JONES:
Sure.

SECRETARY MCDONNELL:
Now, I just want to thank you all for coming out tonight. One of the things important for me is to be able to get, frankly, the perspective and each of your experiences, stories, so that that can inform our decision-making and inform how we do a better job of making decisions, how we do a better job
of engaging with you all.

   I'll --- I'll say I think it's --- it's important that the first of these that we've done is --- is here in Greene County. And as a couple have alluded to, people found your way in, many people --- many people have the wherewithal to find their way into Harrisburg or into some of the other public hearing centers. But it's important that we hear from the broad expanse of our state and the variety and diversity of the experiences that we have.

   So I just want to thank you all for your engagement. Thank you all for --- for your candor in sharing information with us here tonight. And I look forward to, as --- as we've said, continuing with that conversation.

   So thank you.

   MS. TOMCIK:

   Can I do one more comment, since you were taking them before? Is that okay? It'll be real quick.

   SECRETARY MCDONNELL:

   Yes. Thank you.

   MS. FRALEY:

   Can you just state your name once again?

   MS. TOMCIK:
Yes.

My name's Patrice Tomcik, and I'm speaking as a resident now, so ---.

The one thing that you just said is that you appreciate hearing the --- the stories of communities. And so in our community the reason why I'm here is to protect my children. And in our community, our schools are made up of two townships.

One township in Adams Township has the land leased --- 75 percent of the land leased to oil and gas. And then the other side of our school in Middlesex has well over 90 percent of the land leased. This has essentially opened up our school district and our homes to an industrial zone.

And so if we're looking at environmental justice, this is a big issue, having that amount of industrial activity permitted next to our schools, our homes, our play, our work area. And this is true, I believe, of a majority of the areas where unconventional gas drilling is happening today.

And so this definitely needs to be a trigger.

Thank you very much.

SECRETARY MCDONNELL:

Thank you.
I forgot ---. I forgot one thing, and
that's to introduce Sue Malone, who has been sitting
up here with us. Sue is the regional director for the
Southwestern Regional Office.

Okay. I didn't remember if I did that.
Thank you all again for being here.

* * * * * * *

MEETING CONCLUDED AT 5:39 P.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, meeting held before Secretary McDonnell was reported by me on 04/12/2017 and that I, Brooke Hunsaker, read this transcript and that I attest that this transcript is a true and accurate record of the proceeding.

Brooke Hunsaker,
Court Recorder