

BEFORE THE
PENNSYLVANIA ENVIRONMENTAL HEARING BOARD

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IN RE: PROPOSED CHAPTER 78
ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS
AT OIL AND GAS WELL SITES

* * * * *

BEFORE: CYNTHIA CARROW, Chair
SCOTT PERRY, Member
KURT KLAPKOWSKI, Member
HAYLEE BOOK, Member

02/09/14

HEARING: Monday, February 10, 2014
6:14 p.m.

LOCATION: Troy High School
150 High Street
Troy, PA 16947

WITNESSES: Mark Cline, Melissa Troutman, Joshua
Pribanic, Emily Krafjack, Scott Miller,
Carol French, Krystle Bristol, Bill
Ferullo, Carolyn Knapp, Shellie Northrup,
Jim Splain, Brian Hammarstrom, Sandra
Fulser, Ralph Kisberg, Barbara Clifford

Reporter: Lindsey Powell

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NONE OFFERED

P R O C E E D I N G S

CHAIR:

Good evening, everyone. I would like to welcome you to the Environmental Quality Board's --- also known as the EQB --- public hearing on the environmental protection performance standards at oil and gas well sites proposed rulemaking. My name is Cynthia Carrow. I am a representative of Pennsylvania's Environmental Quality Board. Joining me tonight is Scott Perry and Kurt Klapkowski from DEP's Office of Oil and Gas, Haylee Book from DEP's Quality Office and Dan, the Community Relations Coordinator for the North Central Regional Office. I am officially calling this hearing to order at 6:14. In the event of an emergency, we exit in the back of the room. At this time, I would like for all of you to silence your cell phones.

The purpose of this hearing is to formally accept testimony on the proposed regulations, Environmental Protection Performance Standards at Oil and Gas Well Sites. In addition to this hearing, the EQB will hold one additional hearing on proposed regulations on February 12th in Warren, Pennsylvania. Information about the specific locations of these

1 hearings is available on DEP's website at
2 www.dep.state.pa.us.

3 There are also copies available of
4 Citizen's Guide to DEP Regulations. Inside this
5 document, you will find descriptions of the
6 environmental regulatory process in Pennsylvania, the
7 Environmental Quality Board's role, how to submit
8 comments and tips for submitting effective comments.

9 The proposed rulemaking, which was
10 adopted by the EQB on August 27, 2013 would amend 25
11 PA Code Chapter 78 to update the requirements related
12 to surface activities associated with the development
13 of oil and gas wells. The EQB adopted the proposed
14 rulemaking with the recommendation for a 60-day public
15 comment period in at least six hearings across the
16 State. This represents a heightened level of public
17 participation as there is usually only a 30-day public
18 comment period held for typical Department rulemaking.

19 Additionally, public hearings are held
20 on the basis of public interest. And for some
21 regulations, there are a few or even none that are
22 held if there is no request for hearings. Due to the
23 increased public interest in this rulemaking, EQB
24 initially scheduled seven public hearings and
25 increased the number of hearings to nine in order to

1 allow ample opportunity for public comment on this
2 proposed rulemaking. The proposed regulatory
3 amendment would address recent statutory changes in
4 Act 13 of 2012 in codified existing practices. This
5 rulemaking will allow for the implementation of key
6 provisions of Act 13, including further consideration
7 of impacts of public resources such as parks and
8 wildlife areas, the prevention of spills, the
9 management of waste and the restoration of well sites
10 after drilling.

11 The proposed rulemaking also includes
12 standards affecting the construction of gathering
13 lines and temporary pipelines and include provisions
14 for identifying and monitoring abandoned wells close
15 to proposed well sites.

16 In order to give everyone an equal
17 opportunity to comment on this proposal, I would like
18 to establish the following ground rules. I will first
19 call upon the witnesses who have preregistered to
20 testify at this hearing. After hearing from these
21 witnesses, I will provide any other interested parties
22 the opportunity to testify if time allows. Testimony
23 is limited to five minutes for each witness. Please
24 note that written and spoken testimony both carry the
25 same weight. If you should run out of time for your

1 spoken testimony, we will read the rest of your
2 comments in your written testimony. Organizations are
3 requested to designate one witness to present
4 testimony on its behalf.

5 Each witness is asked to submit three
6 written documents of his or her testimony to aid in
7 transcribing the hearing. Please place two copies in
8 the box marked public comments and please hand one
9 copy to our stenographer, which is to my right here.
10 If you could do this prior to presenting your
11 testimony, that would be helpful. Please state your
12 name, address and affiliation for the record prior to
13 presenting your testimony. The EQB would appreciate
14 your help by spelling names and terms that may not be
15 generally familiar so that the transcript can be as
16 accurate as possible.

17 Because the purpose of the hearing is to
18 receive comments on the proposal, EQB or the DEP staff
19 cannot address questions about the rulemaking during
20 the duration of the hearing, but may address any
21 questions after the conclusion of the hearing. In
22 addition to or in place of verbal testimony presented
23 at today's hearing, interested persons may also submit
24 written comments on this proposal. Again, written and
25 verbal comments hold the same weight when considered

1 in the finalization of this rulemaking. All comments
2 provided become part of the official public record.
3 All comments must be received by the EQB on or before
4 March 14th, 2014. Comments should be addressed to the
5 Environmental Quality Board at Post Office Box 8477,
6 Harrisburg, PA 17105-8477. Comments can also be
7 e-mailed to R-E-G-C-O-M-M-E-N-T-S @pa.gov, or
8 submitted online to the EQB's regulatory comments
9 accessible from DEP's website.

10 All comments received at this hearing,
11 as well as written comments received by March 14th,
12 2014, will be admitted as part of the formal record
13 and considered by the EQB and will be included in a
14 comment and response document, which will be prepared
15 by the Department and reviewed by the EQB prior to the
16 Board taking its final action on this regulation.
17 Anyone interested in receiving a copy of the
18 transcript of today's hearing may contact the EQB at
19 (717)787-4526 for further information.

20 With that, I would now like to call our
21 first commentator, Mark Cline.

22 MR. CLINE:

23 Good evening. My name is Mark Cline. I
24 live at 1 Longfellow Avenue, City of Bradford, in
25 McKean County. I am on the Board of Directors of the

1 Pennsylvania Independent Petroleum Producers and a
2 fourth generation oilman. These new regulations will
3 destroy the conventional oil and gas industry. I am
4 going to talk about some of the differences between
5 the Marcellus industry and the conventional industry.

6 Our conventional well locations are
7 small. Everyone has seen a football field in their
8 life, so I am going to use that as an example for
9 size. We could put 11 and a half conventional well
10 locations on a piece of ground the size of a football
11 field. We could put 43 and a half conventional well
12 locations on one Marcellus pad. That is not even
13 taking into account the land they use for their huge
14 water pits.

15 The usage of water between the
16 unconventional and conventional wells is huge.
17 Everyone knows how big an average size swimming pool
18 in yours or your neighbor's yard. They average about
19 10,000 gallons of water. A conventional frack job
20 uses about 4.2 of these swimming pools. We drill our
21 wells with air. To drill a Marcellus well, it uses on
22 the average 33 of those swimming pools. The frack job
23 on average uses 420 of those same sized pools.

24 The water used in both industries are
25 only needed the one time in the life of the well. One

1 golf course uses the same amount of water as a
2 Marcellus frack job every 25 days in the summer.
3 There are 811 golf courses in Pennsylvania. That
4 equals 3,649,500,000 gallons of water every 25 days.
5 Chesapeake Energy says an average for Marcellus well
6 over its lifetime will produce between 2 to 6.5
7 billion cubic feet of gas. An average well could heat
8 34,000 houses for a year. What useful thing does a
9 golf course produce?

10 The Independent Oil and Gas Association
11 says it takes on average 1,420 round trips for trucks
12 to drill, frack and complete a Marcellus well. It
13 takes on average 12 round trips for trucks to drill,
14 frack and complete a conventional well.

15 The drill cuttings for an unconventional
16 well drilled 7,000 feet deep and then horizontal for
17 4,000 feet produce about 217 cubic yards of material.
18 A conventional well may produce 15 cubic yards of
19 material. Also, our waste registers lower than EPA
20 standards for radiation. Here's a fact for those of
21 you that smoke cigarettes. OSHA says that you should
22 not be exposed to more than 5,000 millirems of
23 radiation a year. Smoking one and a half packs of
24 cigarettes a day for a year exposes you to 8,000
25 millirems of radiation a year. You could be around

1 our drilling waste every day of the year and not be as
2 dangerous to your health as cigarettes.

3 The Regulation 78.57 makes sense for the
4 large pits unconventional operators need to construct.
5 These pits are large and will be there for months.
6 The conventional operator only needs a small pit for
7 drill cuttings and recycling frack water. This pit is
8 usually 8 feet deep by 10 feet wide and 30 feet long.
9 They are on the well site for a week or so. For us to
10 comply with this regulation, we would have to disturb
11 the land for 62 feet long and 42 feet wide. We would
12 have to make larger locations, which would include
13 disturbing more soil and cutting many more trees.
14 This makes no environmental sense.

15 Also, in Regulation 78.57, the need to
16 determine seasonal high ground water will be very
17 costly and not do any environmental good, as our
18 wastes are not hazardous. We have been using pits for
19 drill cutting for probably 100 years with no
20 environmental damage. If you would ever visit McKean
21 County, you would be able to see our beautiful forest
22 and some of the best trout streams in the state.

23 I am here today hoping that I have
24 helped the Environmental Quality Board to understand
25 that the unconventional and conventional industries

1 are very different and should not be regulated the
2 same. Please leave us out of these new regulations as
3 we have had over 150 years to figure out how to do our
4 jobs and protect the environment. Thank you.

5 CHAIR:

6 Our next testifier, Melissa Troutman.

7 MS. TROUTMAN:

8 Hi there. To be honest, I forgot I
9 signed up and I didn't prepare anything, but I have
10 testified twice before, so you definitely have words
11 from me.

12 I am a journalist, for those of you I
13 haven't met yet, and we do industrial ---. So we've
14 been following cases of water contamination in
15 Bradford County for quite some time, as well as other
16 counties across the --- and other parts of
17 Pennsylvania. And I understand that there might be a
18 couple folks here who are once again having a hard
19 time getting help from the state.

20 So I just want to say to everybody here
21 that I'm really glad that the Board is taking the time
22 to take public comment, but I don't know, I guess a
23 lot of people are getting frustrated with the process,
24 understanding that's how the process goes through, but
25 yeah, people still aren't being protected and they're

1 still kind of being left out to dry by themselves. If
2 they don't have the money to hire an attorney to fight
3 a gas company that has multiple attorneys on retainer,
4 it's like they just better cut their losses and leave
5 town. So many people have left Pennsylvania or are
6 planning on leaving Pennsylvania.

7 I guess one thing I will repeat that I
8 said in previous testimony is that, you know, there's
9 no overall plan for how this build out is going to
10 happen over the next couple decades. And that's very
11 concerning for people as they decide whether to stay
12 or go or to establish small businesses here, small
13 farms. But anyway, that's it. I'm anxious to see
14 what all you guys have to say.

15 CHAIR:

16 Thank you. Joshua Pribanic?

17 MR. PRIBANIC:

18 Hi. My name is Joshua Pribanic. I'm a
19 partner with Melissa Troutman and we write Public
20 Herald, a non-profit investigative news source. And
21 we've been working on the natural gas issue in
22 Pennsylvania for about three years and started working
23 in Bradford County in April 2011 during the Bradford
24 County ---.

25 We took a close look at that case and

1 one of the serious problems that we had with that
2 case, which we talked about in the documentary film
3 that we released, Triple Divide, was that one water
4 well RW-04, which was known as Mr. Ira Haire's well,
5 that particular water well ended up having pre-drill
6 and post-drill variations. In some cases, the post-
7 drill testing was ten times more than the pre-drill
8 testing. Methane was something like 787 micrograms
9 per liter in pre-drill testing.

10 In post-drill testing, the methane was
11 upwards of 20,000 micrograms per liter or in some
12 cases there had been arsenic, which was non-detect in
13 pre-drill testing and in post-drill testing there was
14 arsenic detected or oil and grease, which was
15 non-detect in pre-drill testing and in the post-drill
16 test, oil and grease was detected and measured in very
17 measurable amounts.

18 Even though all these contaminants that
19 are related to oil and gas drilling were found in
20 post-drill testing, the Department still allowed for
21 Chesapeake Energy to say that they had not impacted
22 this water supply. And the reason the Department
23 allowed them to do that was not because of scientific
24 data about whether or not this water supply was being
25 impacted from drilling, but it was because they had

1 historical information that said that that water
2 supply was impacted. When we looked closely at the
3 case and we found out what this historical information
4 was, we found out the historical information was just
5 the homeowner's opinion that the homeowner had said
6 that in the past he thought his water tasted salty.
7 And that is enough for the Department to side with the
8 industry and say that that particular water well
9 wasn't impacted by drilling.

10 Now, there's complications with that.
11 One to me that's the most important is that when a
12 water supply like that is not considered to be
13 impacted from drilling, even though all the science is
14 there to show that it is and the Department does not
15 do a full-blown investigation, but allows the industry
16 to do their own full-blown investigation and you don't
17 hold them accountable, what you allow them to do is
18 establish a pre-existing condition in that area. So
19 right now, just down from the Atgas 2H well 1,000 feet
20 downhill, there's now a pre-existing condition of
21 barium at 70 milligrams per liter, which is extremely
22 high and well above the primary MCL for safe
23 consumption.

24 There's a pre-existing condition for
25 methane at 20 milligrams per liter, near explosive

1 levels. These conditions weren't there before
2 drilling came there. There was methane far below
3 three milligrams per liter, but because you haven't
4 held the industry accountable, because you haven't
5 said that they've caused this contamination, you're
6 letting them go door to door and tell people that
7 there's pre-existing conditions and that there were
8 problems here before when, in fact, the science that
9 is there, the documents that are there, prove through
10 laboratory testing that these things were not there at
11 all beforehand. There wasn't an explosive level of
12 methane. There wasn't a barium level that read over
13 the primary MCL. There wasn't an arsenic level that
14 read over the primary MCL.

15 That's also true for Mr. Morris, the
16 farmer. Unbeknownst to the public and probably to
17 much of the media, Mr. Morris lost his water supply
18 for arsenic contamination. He had to do an arsenic
19 filter. That was supplied by the EPA and by
20 Chesapeake. Chesapeake supplied Mr. Haire with a
21 \$25,000 reverse osmosis system as a good neighbor.
22 In Bradford County, there's been 284 water supplies
23 impacted by drilling that have been complained to DEP,
24 284 water supplies.

25 CHAIR:

1 Mr. Pribanic, your time is up.

2 MR. PRIBANIC:

3 Take that into consideration for when
4 you're doing your pre-drilling updates. You should
5 have a very strong case study of pre-drill data in
6 Bradford County and what that means to your updates.
7 I'm just looking here at a file, which I hadn't looked
8 at before. You have upwards of eight different
9 counties --- eight different townships and boroughs,
10 eight that have pre-drill problems where pre-drill
11 data was clean, post-drill data was ---.

12 CHAIR:

13 Mr. Pribanic, your time is up.

14 MR. PRIBANIC:

15 That should be taken into consideration
16 when you make your updates. I won't be there. Thank
17 you.

18 CHAIR:

19 Thank you. I will now call upon Emily
20 Krafjack.

21 MS. KRAFJACK:

22 Good evening. My name is Emily Krafjack
23 and I'm providing comments in my purely voluntary,
24 uncompensated role as President of Connection for Oil,
25 Gas and Environment in Northern Tier. COGENT focuses

1 on the five-county region of Bradford, Sullivan,
2 Susquehanna, Tioga and Wyoming Counties. COGENT is a
3 resource for landowners and communities alike striving
4 to find and advocate for a balance that supports
5 public health and safety, community and the
6 environment with the needs of industry. There are
7 approximately 183,000 souls in our five-county region.
8 Unconventional gas well sites and facilities have been
9 located in and around our rural, farmland and forested
10 communities, nearby family homes, schools and local
11 hospitals. Because of these facts, we take a keen
12 interest in this long-awaited rulemaking.

13 Through the 2013 year end, our region
14 hosts 43 percent of the Commonwealth's unconventional
15 spud wells. Of the total wells inspected in the
16 state, 50 percent of those are located in our region
17 and are responsible for 54 percent of the violations
18 recorded by DEP.

19 This evening, I want to quickly address
20 two items that will be discussed in further depth in
21 our future comprehensive content.

22 Multiple sections: 78.15, 78.52(a),
23 78.73(c), 78.56(a)(6), 78.57(c) and 78.57(e). There
24 have been numerous comments submitted by conventional
25 drillers, both during the TAB subcommittee meetings

1 this summer and more recently at every EQB hearing
2 statewide. The rulemaking information that I reviewed
3 states specifically that there are only six sections
4 of the regulation specifically pertaining to
5 conventional operations. Upon further review of these
6 sections, it is apparent that these are needful due to
7 situations experienced in our Commonwealth.

8 While it may be true that these
9 regulations pertaining to conventional drillers are on
10 the coattails of unconventional drillers, that by no
11 means indicates they are not needful. A review of
12 conventional drillers indicates a spirit of
13 complacency towards the environment in general and a
14 certain laissez-faire attitude whose time is now
15 appropriately at an end.

16 Thirty (30) years' experience with the
17 Oil and Gas Act of 1984 indicates where regulations
18 need tweaking for the conventional drillers. We urge
19 that no alterations be made to lessen the
20 effectiveness of these specific provisions.

21 Section 78.1, Definitions. This
22 rulemaking has been several years in the making.
23 Beginning with policies from as early as 2010 being
24 codified, to Act 13 of 2012 provisions being adopted,
25 and more recently created provisions addressing

1 important issues, this rulemaking was not done in a
2 vacuum. There have been many opportunities for
3 industry groups to express and even lobby for
4 provisions and yes, definitions.

5 During the Tunkhannock hearing, an
6 industry group testified of their displeasure with at
7 least nine definitions. We are not new to the
8 rulemaking process. We have learned that definitions
9 are a very important part of any legislation,
10 rulemaking or statute. Therefore, we are very
11 concerned about the advocacy of an industry group
12 lobbying for so many definition changes for important
13 items such as centralized impoundments, gathering
14 pipeline, mine influenced water, temporary pipelines
15 and watercourse, to name a few. We plan to further
16 detail our concerns with definition changes within our
17 comprehensive written comment.

18 Changing any definition may weaken the
19 backbone of this rulemaking, let alone nine
20 definitions. We understand that DEP has taken a great
21 deal of painstaking time to draft these definitions.
22 We do not desire to see this rulemaking weakened in
23 any way. Sites and facilities are located near our
24 homes, schools and even local hospitals. We should
25 not lose sight of that fact. We, therefore, recommend

1 that in the spirit of not seeing these definitions
2 revised to weaken or ambiguous language and thus
3 weakening the framework of this entire rulemaking,
4 that any definition revisions be very carefully
5 considered. And should there be a tendency to modify,
6 that the modification err on the side of more
7 stringent rather than less.

8 Policies in place as early as 2010 and
9 Act 13 of 2012 indicate how long we've been waiting
10 for this regulation package to move forward. Our
11 region needs these regulations. Current practices are
12 exactly what have created the need for them. We,
13 therefore, ask that the Department move forward with
14 this rulemaking package as swiftly as reasonably
15 possible. We do not want any further delays that
16 would place our Northern Tier's public health and
17 safety, environment or communities at any further
18 unnecessary risk.

19 Thank you for the opportunity to submit
20 public comment.

21 CHAIR:

22 Barbara Clifford? Rebecca Roter? Scott
23 Miller?

24 MR. MILLER:

25 Good evening. My name is Scott Miller.

1 I'm a Community Relations Coordinator for WPX Energy
2 in the Marcellus Basin.

3 WPX Energy is one of the largest natural
4 gas producers in the United States and is active in
5 many of our nation's basins. We have been in the
6 Marcellus Basin since 2009 and to date have drilled
7 100 wells in the Commonwealth. Many of our employees
8 have over 30 years' experience in the natural gas
9 industry. WPX was founded upon a set of stringent
10 values and we want to be the difference-maker in our
11 communities and in the natural gas industry. Building
12 relationships with a variety of stakeholders while
13 establishing and maintaining trust is very important
14 to us.

15 Our team has been involved actively from
16 the beginning of the public review of the Chapter 78
17 Regulations. Along with our trade associations, we
18 have engaged with DEP, DCNR, TAB and all of the
19 environmental working groups involved in this
20 labor-intensive process. We respect and appreciate
21 all those who have given of their time, energy and
22 efforts in vetting the proposed regulations. I will
23 only speak for a few minutes this evening and WPX will
24 submit a technical paper to the Board before the
25 deadline.

1 Recognizing the large nature of the
2 Chapter 78 Regulations, I will only make a few
3 comments on the items that we believe to be very
4 important.

5 Initially, Section 3215(e) of Act 13
6 requires the Department to develop regulatory criteria
7 that protect public resources while ensuring optimal
8 oil and gas resource development and respecting oil
9 and gas owner property rights. However, the proposed
10 regulations in Chapter 78 Section 15 do not adequately
11 implement or address these requirements. The
12 regulatory criteria for conditioning a permit has not
13 been provided and the draft regulations only frame the
14 Department's authority to implement the conditions.
15 If industry is required to avoid or mitigate potential
16 impacts to these resources, the criteria used to
17 assess impacts must be established and provided.

18 In addition, potentially requiring
19 industry to gain clearance for Species of Special
20 Concern may significantly limit our development
21 opportunities and/or create costly mitigation
22 solutions, which would be in conflict with Section
23 3215(e) as it pertains to ensuring oil and gas
24 development and property owner rights.

25 Another significant issue is water

1 replacement. The main concern is the DEP proposes the
2 industry replace a water supply to Safe Drinking Water
3 Act Standards, or better, even when the results of
4 pre-drill testing of the water supply show the water
5 did not meet these standards in the first place.
6 There are many challenges in the Commonwealth in
7 regards to private water wells, especially the lack of
8 construction standards. Our experience with pre-drill
9 testing and several studies independent of natural gas
10 development demonstrate that a large number of private
11 water wells are poorly constructed and may contain
12 iron, manganese, coliform and methane and many do not
13 meet the criteria of the Safe Drinking Water Act.

14 Until Pennsylvania legislature passes
15 legislation to require property owners to properly
16 construct private water wells and ensure they meet the
17 Safe Drinking Water Act, it is unreasonable for the
18 DEP to require the industry to restore private water
19 supply to better standards than originally existed.
20 We are requesting that if the operator impacts a water
21 supply, the DEP requires replacing the water supply to
22 the pre-drill test results.

23 Regarding water and water management at
24 a well site, the natural gas industry has been
25 recycling and reusing water and minimizing fresh water

1 use for quite some time now and unfortunately, the new
2 regulations are forcing operators to rethink this
3 option. In order to increase the amount of water
4 being reused and recycled in the Commonwealth, the
5 Regulations need to provide an avenue for the
6 operator, either through permits or DEP approvals, to
7 document, move or reuse water from one site to
8 another. In addition, the Oil and Gas Division must
9 have its own regulations concerning water management
10 and not be conflicted with or confused with that of
11 the Waste Management Division.

12 Regarding orphaned and abandoned wells,
13 identifying active, inactive, plugged, abandoned and
14 orphaned wells prior to hydraulic fracturing may be
15 something that the industry can work with the DEP, but
16 not to the level of the proposed regulations, as that
17 may lead to non-ending obligations on behalf of the
18 industry for wells that are not ours.

19 It is well-known that the State Review
20 of Oil and Natural Gas Environmental Regulations, also
21 known as STRONGER, a national non-profit organization
22 charged with assessing states' oil and gas
23 regulations, reviewed Pennsylvania's oil and gas
24 regulatory program in May 2013. STRONGER released its
25 report in September 2013 and found that Pennsylvania's

1 program is overall well-managed, professional and
2 meeting its program objectives.

3 CHAIR:

4 Mr. Miller, you are just about at your
5 five minutes, so if you could, wrap it up, please.

6 MR. MILLER:

7 We thank you for your efforts and desire
8 to continue to seek a better and more efficient way to
9 regulate our industry and safeguard Pennsylvania's
10 environment. Thank you.

11 CHAIR:

12 Thank you. Carol French?

13 MS. FRENCH:

14 I'm Carol French. I live in Bradford
15 County, Sheshequin Township. I want to discuss the
16 rights, the DEP's conduct, the results of their
17 conduct and the solutions.

18 Our right is the people have the right
19 to clean air, pure water and to the preservation of
20 the natural, scenic, historic and aesthetic values of
21 the environment. Pennsylvania's public natural
22 resources are the common property of all the people,
23 including generations yet to come. As trustee of
24 these resources, the Commonwealth shall conserve and
25 maintain them for the benefits of all the people.

1 In Chapter 78.51, Protection of Water
2 Supplies, Section C, within 10 calendar days of the
3 receipt of the investigation request, the Department
4 will investigate the claim and will, within 45 days,
5 45 calendar days of receipt of the request, make a
6 determination if the Department finds the pollution or
7 diminution was caused by the well site construction,
8 drilling, alteration or operations of activities or if
9 it presumes the well operator responsible for
10 polluting the water supply of the landowner or water
11 purveyor under this section.

12 The conduct of the DEP. I'm going to
13 list some complaints. Complaint No. 274088 and
14 274465, Tuscarora Township, Bradford County, Mr.
15 Brown. He filed the complaint September 7, 2010 and
16 again September 21st, 2010. Samples were not
17 collected until November 4th, 2010, two months in
18 delay; six months in delay of determination.

19 Number two, Complaint No. 275833, Monroe
20 Township, Bradford County, Mr. Laws. He filed a
21 complaint 8/6/2010. Sample was collected 8/24/2010.
22 The determination letter, four months late. In that
23 determination, high levels of barium, manganese, iron
24 and turbidity.

25 Number three, August 22nd, 2011,

1 Complaint No. 273868, Orwell Township, Bradford
2 County, Mr. Bowman. His complaint was filed August
3 31st, 2010. Samples collected October 13th, 2010 and
4 then July 7th, 2011, two months and then one year
5 later. Determination letter one year later. High
6 levels of manganese and iron. The determination is,
7 as you call it, SMCL, are guidelines regulating
8 compounds that cause aesthetic effects, taste, odor,
9 color in drinking water.

10 Then there is my complaint. I filed a
11 complaint December 11th, 2011 and then I also made a
12 request the following day. It was to ask you, because
13 of your conduct, to please give me a 72-hour notice so
14 I could have split sampling done. There was to be no
15 third-party allowed on my property. I was also
16 requiring that the Pennsylvania DEP show the names of
17 certified labs and tests performed on my water. I
18 also required audio and video during the sampling. I
19 also required the Pennsylvania Department of
20 Environmental Protection, as required by law that I
21 just read to you, to make a determination within 45
22 days on the status of our drinking water supplied
23 under Chapter 78 of the Oil and Gas Act, Chapter 25 PA
24 Code Section 78.51, Environmental Protection
25 Standards.

1 Mark Coot, DEP, on December 28th, 2011,
2 he reviewed both legalities and adherence to the
3 standard procedure. This went back and forth until
4 January of 2012. They agreed to four requests. The
5 sixth one, quote, unquote, from the Pennsylvania
6 Department of Environmental Protection, your sixth
7 condition is that all DEP results must be forwarded to
8 provide mailing addresses within four weeks of
9 sampling. The Department is not able to agree to that
10 condition because results of some of the samples,
11 which the Department may take and will not be returned
12 to the Department within the period.

13 June 2012, Pennsylvania Department of
14 Regional Counsel, I believe that a more accurate
15 summary of the Department's position on this point is
16 that despite its best efforts, the Department may be
17 unable to meet the 45-day deadline set by 25 PA Code
18 78.51.

19 CHAIR:

20 Ms. French, you are at five minutes, so
21 if you would, please wrap it up.

22 MS. FRENCH:

23 Time is up? All right. Well, I'm sorry
24 to say that I would love to read what Scott Perry
25 issued about me to my state legislators.

1 CHAIR:

2 You're welcome to submit written
3 comments.

4 MS. FRENCH:

5 I will.

6 CHAIR:

7 Krystle Bristol?

8 MS. BRISTOL:

9 Good evening. My name is Krystle
10 Bristol. I'm the President of Troy Borough Council
11 and the President of the Troy Chamber of Commerce.
12 I'm also the business manager at Bristol Excavating,
13 Incorporated, a local business established here in
14 Troy by my father-in-law in 1989. I live here in town
15 with my husband, Kyle, and our son, Calvin. I am
16 pleased to welcome the members of the DEP and the
17 Environmental Quality Board to our town, the epicenter
18 of the Marcellus Shale development. I would first
19 like to commend you all on the excellent job you do
20 regulating the oil and gas industry in Pennsylvania
21 and specifically in our county. Thank you.

22 As a result of your efforts, our region
23 has remained a tourist destination and is just as
24 beautiful as ever. However, unlike six years ago, our
25 towns are now prospering economically, too, giving our

1 area the best of both worlds. I would like to speak
2 from several perspectives in my testimony to explain
3 how the development of the Marcellus Shale affects my
4 family, myself as a businesswoman who works in the
5 industry, and how it affects me as a local elected
6 official.

7 I'm originally from Corning, New York
8 and my husband, Kyle, is from Troy. After serving our
9 country as a United States Marine, Kyle moved back
10 here in 2006 to work with his dad in the family
11 business. By 2008, the construction industry here was
12 so slow that Kyle was laid off and I was working a
13 retail job in Horseheads, New York, driving almost one
14 hour away for a good job with decent pay and good
15 benefits. All of that changed in 2009. Bristol
16 Excavating went from five employees in 2008 to 30 in
17 2013. Our median pay went --- has increased 40
18 percent and we now offer health insurance and a 401(k)
19 plan, benefits that were almost unheard of here in
20 2008, unless you had a job with the state. We now
21 work with numerous responsible drilling and pipeline
22 companies and witness firsthand the emphasis placed on
23 safety and environmental regulations.

24 Talisman Energy is a wonderful example
25 of a responsible, community-minded company. Their

1 good neighbor program ensures good stewardship of the
2 land and they work hard to establish good
3 relationships with community members and businesses.

4 As the business manager at Bristol
5 Excavating, I'm responsible for maintaining all the
6 licenses and registrations required for us to do
7 business. In this capacity, I know that regulations,
8 though necessary, don't always apply to everyone
9 equally. For example, with a fleet of only 11 trucks
10 that operate in two states, I maintain ten licenses or
11 registrations required for these trucks. These are
12 the same registrations that would be required if we
13 had a fleet of over 100 trucks.

14 The proposed regulations don't recognize
15 the difference between conventional and unconventional
16 wells. In some cases, the new regulations may appear
17 as just oversight, but to small business conventional
18 well operators, these regulations may be a very
19 unnecessary burden. Before you invoke these new
20 regulations, please be sure you are achieving the
21 appropriate outcome of protecting our environment, not
22 putting good job-creating small businesses out of
23 business. The regulatory requirements, whether they
24 be federal or state, for the construction industry get
25 more extensive each year. I'm afraid of the effect

1 that this will have on the small businesses that need
2 to stay in compliance while trying to manage overhead.
3 There's a fine line between necessary oversight and
4 burdensome regulation.

5 As a public servant, I have seen a lot
6 of revenue generated in our borough as the direct
7 result of drilling in our region. This year, Troy
8 Borough will be looking to repair two bridges in town
9 that are in dire need of restoration. These projects
10 are made possible by the money generated by Act 13.
11 The borough has also incurred over \$900,000 in revenue
12 from the sale of bulk water to various gas companies
13 since 2010. This money temporarily eliminated an \$11
14 a month surcharge on all borough residents' water
15 bills that was used to satisfy a debt incurred to make
16 upgrades on the town water infrastructure. The
17 borough has also used revenue from bulk water sales to
18 replace water mains in the borough and to install a
19 town-wide automatic meter read system. These are just
20 a few examples of constructive impacts the gas
21 industry has had in our borough here in Troy.

22 In conclusion, I believe there is a
23 responsible way to develop Marcellus Shale
24 conscientiously and for Pennsylvania to aid America in
25 becoming an energy independent nation. The DEP has

1 been doing a wonderful job to encourage economic
2 growth while maintaining our beautiful landscape.
3 Thank you and keep up the good work.

4 CHAIR:

5 Thank you. Bill Ferullo?

6 MR. FERULLO:

7 My name is William Ferullo, 4834
8 Leraysville Road, Warren Center, Pennsylvania.

9 After experiencing natural gas drilling
10 and extraction in my area of northeast Bradford
11 County, PA for the last four years and seeing many
12 issues related to this process go unregulated or just
13 plain ignored by the State of Pennsylvania, I have
14 made it my main point of concern to propose the
15 following mandatory regulations for the extraction of
16 natural gas in this state. Although natural gas
17 drilling will never be totally safe or predictable due
18 to the drilling process itself, possibly these
19 proposed mandatory regulations will help improve the
20 conditions the public will have to endure in the
21 future in Pennsylvania.

22 I feel it has been very irresponsible
23 for the State of Pennsylvania and the PA DEP to have
24 allowed natural gas drilling using such a heavy
25 industrial process next to people's homes without

1 having had the proper regulations, staffing and doing
2 a doing a comprehensive environmental impact study
3 before any drilling was ever allowed here. I
4 congratulate the State of New York for having the
5 foresight and concern for their public and environment
6 far beyond that of the State of Pennsylvania. I hope
7 all public commenting being held by the EQB is more
8 than just a performance for the benefit of convincing
9 people high volume hydrofracking is under control and
10 safe, which it is not. The mandatory regulations I
11 offer are as follows:

12 Number one, water supplies should be
13 restored to the standards of the Safe Drinking Water
14 Act and all exemptions from this act be eliminated
15 immediately. Emphasis needs to be put in place to
16 help the public having issues caused by the natural
17 gas extraction process and speed up the resolving of
18 such issues related to the drilling. There are people
19 who have had issues caused by natural gas drilling who
20 have not had any contact or decision from the DEP for
21 a year or longer in most cases. Once you have a
22 problem caused by drilling, it can be a long haul to
23 get any resolution, if any at all, from the state, DEP
24 or a drilling company involved.

25 Number two, the DEP should establish

1 standards to protect people in drilling areas with
2 mandatory pre-drilling and after drilling fracking
3 water testing throughout the State of Pennsylvania.

4 Number three, testing of all drill
5 cuttings and waste from the natural gas drilling
6 process should be made mandatory and comply to safe
7 standards for the public. No disposal on site shall
8 be allowed.

9 Number four, establish strict mandatory
10 standards and regulations for silica sand dust
11 contamination caused by fracking on sites near
12 peoples' homes. This dust can travel long distances
13 on windy days. This is not being addressed at all.

14 Number five, establish mandatory
15 regulations using the best technology known to
16 eliminate pollution from all natural gas-related
17 operations and facilities and have mandatory state
18 inspections on a monthly basis on all facilities in
19 the State of Pennsylvania.

20 Number six, create a statewide
21 information and response program throughout the State
22 of Pennsylvania to inform, educate and protect all
23 residents from the possibility of emergencies that are
24 caused by natural gas operations.

25 Number seven, increase air monitoring

1 sites close to sources of pollution and all facilities
2 of natural gas extraction, protecting local residents
3 from sources of pollution and increased amounts of
4 this pollution caused by possible inversion due to our
5 local mountainous terrain here in Pennsylvania.

6 Number eight, the use of Halliburton's
7 Clean Stim should be made mandatory for all future
8 fracking done anywhere in the State of Pennsylvania.
9 High concentrations of chemicals should be banned
10 indefinitely.

11 These are only a few of the many
12 controls needed for protecting the public from this
13 industrial extraction of natural gas in this State.
14 I'll leave it at there because I have a --- I'll add a
15 little comment to it. I have a person in my township,
16 which I was on the Planning Commission, but I'm not
17 any longer, that has had a problem back in December of
18 2012. And the DEP was involved in taking water
19 testing, did a pre-drill water test and methane was
20 very, very low. And then they had --- there was a
21 violation in December 2012 and it spiked to over 24
22 milligrams per liter and a month later --- that was
23 when the violation occurred and the DEP did the test.
24 And a month later they did another test and it dropped
25 and then the following month, they did another test

1 and it dropped again. And then three months later,
2 May of the following year, they did another test and
3 it dropped again, which showed that when the drilling
4 occurred, that spike occurred in these peoples'
5 houses. These people moved out of their house back in
6 March of 2013 and they're still out of their house
7 now. They rent an apartment in Johnson City. They
8 left all their belongings in that house and they left
9 the house because of the methane and also fumes that
10 are in the house, which we did ---.

11 CHAIR:

12 Mr. Ferullo, we will have to ask you to
13 wrap it up. You have exceeded five minutes.

14 MR. FERULLO:

15 Okay. Well, anyhow, these people have
16 not --- the DEP has not contacted me or the party with
17 a letter or a phone call since last March; okay? If
18 it wasn't for me contacting them, they did not contact
19 us.

20 Now, I went to the Bradford County
21 Commissioners and I'm supposed to contact them to see
22 what's going on, but I spoke to the head counsel for
23 DEP, I think he's for the North Central Area, Geoffrey
24 Ayres, and we're not getting --- people are not
25 getting any help. Let's do something.

1 CHAIR:

2 Okay. Thank you, Mr. Ferullo. Thank
3 you for your comments. Carolyn Knapp?

4 MS. KNAPP:

5 My name is Carolynn Knapp and I live on
6 Sportsman Road, Sheshequin Township. I want to thank
7 you for adding a hearing to Bradford County and thank
8 you for attempting to change the regulations that are
9 still locally inadequate even after the 2012
10 revisions. I also want to apologize because I'm not
11 that well-prepared for this. I intend to submit
12 additional information, but I have been busy
13 struggling trying to get water for my daughter.

14 Apparently, last week after having brown
15 water well water, she has no water at all in her house
16 and it is totally due to the industry and the well pad
17 that was next to ---. Their spring ran dry. We have
18 been told that there is a large amount of production
19 water coming off of the well pad more so than any
20 other pad and they are draining her aquifer.

21 She has no water in her home and I made
22 15 or 20 phone calls today. I was told by the DEP
23 that my procedures were inconveniencing them, so I'd
24 like to address some of the things that I'd like to
25 see changed.

1 First of all, I wanted to speak about
2 some of our elected officials who are not seeking the
3 whole truth for us. For instance, when Commissioner
4 McLinko testified at your hearing at Williamsport on
5 behalf of Bradford County, I was very interested in
6 finding out what he actually said. When I heard the
7 testimony and then read it, I was appalled. To me, it
8 sounded like some commercial for the gas industry and
9 he actually had nothing to add in way of commenting on
10 regulations.

11 I have not been able to look through all
12 the written comments, so I am not sure as to whether
13 any of the Commissioners in Bradford County or other
14 counties have actually taken the time to comment on
15 the proposed regulations. They are being paid to do
16 things like this. I am not. I'm spending my time,
17 taking away from my family to do it. I would think
18 that if they are in a taxpayer-paid position that
19 requires them to protect the public, then they should
20 have submitted recommendations for change or, at the
21 very least, comments. I would hope that other towns'
22 officials have done so as well.

23 Of all of Commissioner McLinko's praise
24 of the industry, he failed to mention all of the
25 mistakes and problems of the past, as well as those

1 that still exist in the county, even though he's
2 supposed to be representing all of these constituents.
3 He spoke about particularly the Chicken Little
4 naysayers that go around spewing misinformation about
5 what goes on in the Marcellus. Well, I'm proud to be
6 one of those Chicken Little naysayers he is referring
7 to. I, and many others, are not spewing
8 misinformation. I'm very careful to get accurate
9 documented information and I have plenty of it to
10 support my accusations.

11 I would like to remind the Commissioner
12 that we would not be standing here tonight if people
13 like me and others had not spoken up. Marcellus gas
14 has been good for Bradford County to some and to
15 others, it has come as a cheap cost, such as losing
16 the quality and quantity of their water, being exposed
17 to chemical contamination and having our air and soil
18 compromised.

19 With that being said, I hope to make
20 some remarks that would apply to the proposed
21 regulations. The area that I wanted to focus on was
22 the protection of all the water supplies. I commend
23 the Department for making changes to include not only
24 construction of the well, but all the activities
25 involved around it because we are finding, through

1 document review and personal interviews, that
2 pollution or diminution of a water supply can occur at
3 any time, not just when they're drilling.

4 I have a comment of the amount of time
5 it would take to investigate the claim and make a
6 determination. I would like to ask you, as the
7 Department, and I know you can't answer, how you
8 expect a person to live in their home either with
9 polluted water or no water for 45 days. There needs
10 to be a revision to this change that takes into
11 consideration what the homeowners' needs are.

12 Another comment I'd like to note, has
13 the Department considered the definition to pollution
14 and diminution in the current proposed regulations
15 because if you do not define things, people
16 misinterpret them. With regards to the quality clause
17 of the proposed regulations, I would like a
18 clarification of the way in which this is drafted.

19 Do the current changes mean that the
20 water quality prior to drilling exceeded the standards
21 of the PA Safe Drinking Water Act, that the supply
22 would have to be restored or replaced to the standards
23 that exceeded the Act? If that is the case, I am in
24 agreement, but if it means that the industry can come
25 in and replace or restore my water to something less

1 than what I had before, I am not in agreement.

2 CHAIR:

3 MS. Knapp, we will have to ask you to
4 conclude your remarks.

5 MS. KNAPP:

6 Okay. I just have one other comment. I
7 want to know how a Consent Order can be agreed to
8 without the involvement of a homeowner. And also
9 another suggestion is to have a log at the entrance of
10 the well pads that would indicate all activity that's
11 done on that well pad at all times. Thank you.

12 CHAIR:

13 Thank you for your comments. Shellie
14 Northrup.

15 MS. NORTHRUP:

16 My name is Shellie Northrup and I live
17 in Sayre here in Bradford County. I will, besides
18 making the comments tonight, be submitting my complete
19 comments before the March 14th deadline.

20 First, I would like to point out that
21 regulations will not accomplish their protective goals
22 unless there is good enforcement of regulations. This
23 must be done by levying fines high enough to act as a
24 deterrent. Otherwise, there will be bad actors making
25 the same mistakes and repeated violations over and

1 over again. I'd also like to point out the current
2 proposed State budget will cut staffing at the DEP and
3 this is not reassuring for an agency responsible for
4 protecting the health of Pennsylvania citizens and
5 preserving its environment.

6 It also cannot be stressed too much
7 regarding Pennsylvania's unfortunate legacy of
8 promoting resource extraction over the well-being of
9 current and future generations. It took a century for
10 forests to reestablish after the clear cutting by the
11 timber industry and we are still dealing with the
12 aftermath of coal mining with acid mine drainage
13 polluting our waters.

14 While job creation is repeatedly
15 stressed, the numbers quoted by the industry are
16 highly inflated compared to the Pennsylvania
17 Department of Labor and Industry's own figures. A
18 study by the Multi-State Shale Research Collaborative
19 shows this industry accounts for less than half a
20 percent of statewide employment. In heavily drilled
21 Bradford County, it still accounts for just six
22 percent of total employment and some of those other 94
23 percent have to deal with terribly increased rates for
24 housing. And already these jobs are going bust.

25 My point, no industry should ever be

1 given priority over the protection of health and the
2 environment for short-term economic gains. There
3 should be changes and additions to the definitions
4 used in this chapter. Specifically, there should be a
5 definition of fresh water such that it is
6 distinguished from fluids that are other Department
7 approved sources, such as mine water that has been
8 recycled and diluting with clean water. There should
9 be a definition for seasonal high groundwater table.
10 The term oil and gas operations should be used
11 consistently throughout the regulations, rather than
12 just oil and gas activities, to be sure all the
13 activities included in the definition for operations
14 are covered.

15 Under application requirements, both the
16 DEP and applicant should be required to comment or
17 respond to any comments received from public resource
18 agencies if a permit may affect a public resource.
19 The DEP should frame its response as conditions to
20 mitigate the impacts rather than giving priority to
21 the mineral rights owners' ability to optimally
22 develop its rights. To not do so would be a failure
23 of the DEP to perform its duty to protect the public's
24 constitutional right to a clean environment and
25 protection of resources for future generations.

1 Under protection of water supplies, a
2 restored or replaced water supply should meet
3 Pennsylvania Safe Drinking Water Act standards,
4 despite the industry lobbying for otherwise, and it
5 should certainly match the quality of water prior if
6 it exceeded those standards.

7 The pre-drilling or pre-alteration
8 survey should have consistent parameters for testing,
9 as defined by the DEP. In Bradford County, there has
10 been variability in different operators' pre-drill
11 testing parameters. As a result, some landowners'
12 water has been impacted without satisfactory
13 determination of liability due to lack of specific
14 testing to establish a proper baseline. While
15 protecting the privacy of the landowner living in the
16 general area of where the testing is done, these
17 testing results should be made available to the public
18 through a searchable online database. This could be
19 especially useful data for researchers and might
20 prevent some of the problems Mr. Pribanic alluded to.

21 Orphaned and abandoned well
22 identification should be done by the operator prior to
23 drilling, not just prior to fracking. After all,
24 there have been instances in our northern tier
25 counties of methane migration prior to fracking, even

1 without the presence of abandoned wells. Since the
2 industry fully acknowledges that unplugged, abandoned
3 wells are a prime route for methane migration, it
4 seems logical that there is an even greater risk of
5 pre-fracking problems occurring in their presence.
6 Ideally, these abandoned wells should be plugged prior
7 to drilling rather than just monitoring them after
8 fracking. It is much easier to prevent contamination
9 than trying to remediate it, after all.

10 There should be adequate fees imposed
11 for the purpose of plugging more of these abandoned
12 wells. Along the same area of concern, the bonding
13 requirements for oil and gas activities are woefully
14 inadequate. If these cannot be increased, there
15 should be rigorous verification by DEP inspection that
16 well sites are properly restored and wells plugged
17 prior to releasing the operator from liability.

18 The disposal of various wastes through
19 burying onsite or spreading via land or road
20 application should not be allowed. There's just not
21 adequate testing or oversight to keep hazardous
22 chemicals, residual waste and radioactive material
23 from contaminating our water. At the very least, the
24 landowner should be notified and given the opportunity
25 to stop these practices from being carried out.

1 Finally, given the availability of the
2 closed-loop system, the use of pits and open topped
3 tanks should be banned for short-term storage given
4 the history of spills and leaks and the potential for
5 air pollution. Some of them have even caught on fire.
6 Many operators are already using these systems. Other
7 operators should be required to adapt these best
8 management practices.

9 Thank you for your time and your efforts
10 in strengthening these regulations.

11 CHAIR:

12 Thank you. Jim Splain?

13 MR. SPLAIN:

14 My name is Jim Splain and I'm from
15 Lebanon, Pennsylvania. I want to thank you guys for
16 being here today. I can tell there are people that
17 actually care. I'm really disappointed that none of
18 our representatives are here tonight that we pay for.
19 I'm concerned.

20 There's a well about 1,000 feet from my
21 house and although science can't prove that there's
22 anything wrong with my water, my family is not very
23 well. It's been happening for two years now. And
24 when I call the DEP, I get no answers, nobody calls me
25 back. I know you don't like to hear this, and I

1 wouldn't like to hear it, either.

2 So please, when you look at the
3 regulations, please consider the people that are
4 involved around these wells. You know what's right;
5 you know what's wrong. Test our water. Test our air.
6 Test our land. If it were in your backyard, you would
7 be just as nervous as I am. Thank you.

8 CHAIR:

9 Thank you. Mr. Hammarstrom.

10 MR. HAMMARSTROM:

11 Brian Hammarstrom, 39 Chatham Valley
12 Lane, Middlebury Center, Pennsylvania, 16935, Tioga
13 County, about 50 miles west of here. Thank you for
14 the opportunity to submit comments for the record. I
15 firmly believe existing safeguards are not in place to
16 protect our Commonwealth's air and water, and thus,
17 allowing hydraulic fracking in Pennswoods should be
18 seen as a violation of our State Constitutional
19 guarantees.

20 We already know the Federal Government
21 has advocated its responsibility through the
22 Haliburton exemption passed by a Republican Congress
23 and signed in 2005 by President W. Bush. I'd like to
24 read what this already means for Pennswoods. With the
25 EPA's January 28th, 2014 --- just 10 days ago ---

1 final permit for Seneca Resources Corporation to
2 operate an underground injection well in Elk County.
3 So this just came off the computer January 28th. This
4 that I'm quoting will be a summary of public comments,
5 which is undated, as are many of their things, but
6 done sometime after October, the close of public
7 comment period, so sometime in October, November,
8 December 2013.

9 Section 13 on page 10. This is the
10 EPA's response to the injection of used frack water in
11 the ground of Pennsylvania. Public concern, quote,
12 are the fluids being injected toxic, hazardous and/or
13 radioactive? EPA answer, individual constituents
14 within the brine produced during an oil or gas
15 production can be toxic, hazardous or radioactive.
16 However, these fluids, when produced in association
17 with oil and gas production, are exempt from hazardous
18 waste regulation and are not classified as hazardous
19 under the Resource Conservation Recovery Act, 42 U.S.C.
20 Section 6901 ET sequence. Therefore, UIC, the
21 Underground Injection Control program, does not
22 regulate fluids produced in association with oil and
23 gas production activities as hazardous waste. It's
24 just a definition. It's not ---.

25 So then what do we have left? So we

1 have the Commonwealth. What protection does our
2 Commonwealth offer its citizens now? A public notice
3 in the Wellsboro Post Office, Public Notice, National
4 Pollutant Discharge Elimination System, and this is
5 from 2009 for an unnamed industry in Huston, DDI
6 International. Today, when I spoke with the DEP in
7 Williamsport, they admitted, well, the name on the
8 permit was mistyped because I couldn't find it in
9 whitepages.com business listing. It had been
10 mistyped. It also has the wrong phone number for the
11 DEP, the person who you're to contact, their job was
12 not filled after he had gone onto another job.

13 So anyway, what does this permit allow?
14 Phenolics, sulfates and chlorides into, quote,
15 unquote, an unnamed tributary to Baldwin Run, which
16 you people don't know drains into Pine Creek, an
17 exceptional quality cold water fish stream. The
18 permit calls for monthly water testing by the
19 permitted polluter and the DEP assured me they do
20 random spot checks. I'm sorry, but contrary to the
21 cute rhyme, the solution to pollution is not dilution.

22 We have numerous documented and
23 scientific studies that the vinyl chlorides and other
24 petrochemicals used in these different various
25 fracturing processes are not just carcinogenic, but

1 also affect genetics, as well as hormone levels.
2 These are two critical determinants in both plant and
3 animal life reproduction and redevelopment.

4 On a personal note, I was raised in
5 Southern Lehigh County where New Jersey Zinc was
6 pumping the groundwater dry. Many of our neighbors
7 had signs in their front, New Jersey Zinc pumped my
8 well dry. My father was a chemist who became a
9 businessman for GAF, a national corporation. And I
10 remember asking him, well, the company will pay for
11 our neighbor's water; won't it? And he just looked at
12 me sadly and said no. And when I asked why not, he
13 said they would have the better lawyers.

14 On another personal note ---.

15 CHAIR:

16 Mr. Hammarstrom, you have reached five
17 minutes.

18 MR. HAMMARSTROM:

19 Okay.

20 CHAIR:

21 I'm going to ask you to wrap it up.

22 MR. HAMMARSTROM:

23 Fine.

24 CHAIR:

25 Thank you very much. I want to check to

1 see if, perhaps, Barbara Clifford has arrived?
2 Rebecca Roter? Would anyone else who has not provided
3 comments wish to do so at this time? Yes, would you
4 please come to the microphone? If you would, please
5 state your name.

6 MS. FULSER:

7 Hello, my name is Sandra Fulser and I'm
8 on Kingsley Road in Mansfield. I haven't had a lot of
9 time to prepare, but I was thinking about if people
10 who are coming and drilling in our land here in
11 Pennsylvania, if they have children and grandchildren,
12 do they ever think about the future? Because I'm
13 hearing over and over about how many people's water is
14 being polluted, being destroyed. This is a tiny world
15 where there's droughts. There's droughts in Texas.
16 In fact, there are droughts --- you know, once
17 drilling gets under way, it's a high probability.
18 We're lucky in Pennsylvania because we have a lot of
19 water, but California, you know, is suffering great
20 droughts. There's droughts all over the world and
21 we're using so much of precious water and we're
22 polluting it.

23 I wish that we were like New York and we
24 would have a moratorium. Because we're jumping into
25 this. We're taking all kinds of risks. We don't know

1 what the long-term effects are. We don't know if
2 cancer will be a harm for any of us because of the air
3 pollution, water pollution, but we're doing it anyway
4 simply for profit.

5 So anyway, that's all I have to say.

6 CHAIR:

7 Thank you. Is there anyone else who has
8 not provided comment and would like to do so? Yes?
9 If you could please state your name and affiliation.

10 MR. KISBERG:

11 My name is Ralph Kisburg, I live in
12 Williamsport. I also have some leased land property
13 in Sullivan County, not far from here. I didn't
14 prepare anything, but I just wanted to respond to Mr.
15 Miller's comments. I'm sure Mr. Miller is a fine
16 person, but really, the nerve of WPIX --- WPX, sorry,
17 to say what he said --- have him say what he said
18 tonight is really incredible. I mean, certainly we
19 understand that there are laws that give predominant
20 rights to the mineral rights holders, but you know,
21 people have rights, too, here. We've heard a lot of
22 reasons why.

23 You guys have set up a good standard. I
24 think it's confusing, and Mrs. Knapp brought that up a
25 little bit. When you read it I hope it's clarified a

1 bit. I read it as you have to replace the water
2 supply to the higher standard if that's the case. And
3 these guys come out here and say you got to rebuild
4 your well if you don't meet the standards in the
5 beginning. They put the burden on people who,
6 frankly, can't afford it in a lot of cases. What's
7 the big deal about it if they don't do this very often
8 to people, which they tell us, you know, why are they
9 complaining so much about following your very
10 protective regulation that you're trying to put in
11 here, the DEP. So I hope the EQB will stick to their
12 guns on this if I'm reading it correctly.

13 The other thing is the pre-drill testing
14 for the, you know, abandoned wells. I mean, you guys
15 --- DEP provided a document how much this would cost.
16 It's a couple of thousand bucks for each well. It's
17 not an expensive procedure given the millions that
18 goes into this and it is jobs in Pennsylvania. We
19 always hear about jobs even though we get these
20 fraudulent claims from the industry about how many
21 jobs they're actually creating, which I talked about
22 in Williamsport a month ago.

23 So you know, what's the big deal here?
24 Again, please stick to your guns on that. The only
25 thing I would say about it is you have a thousand-foot

1 radius and it seems like it's kind of an arbitrary
2 number. And I think there was a person at the EQB
3 town meeting in State College from Shell who explained
4 the actual distance. I think it's a little further
5 that you have to be concerned about fracking into an
6 abandoned well, I think it's 1,200 feet, but you can
7 look that up. Thank you very much.

8 CHAIR:

9 Thank you. Barbara? We were wondering
10 if you were going to make it. You're Barbara
11 Clifford; right?

12 MS. CLIFFORD:

13 Yeah. I took the wrong road.

14 CHAIR:

15 Yes, please, if you would. Be sure to
16 put your comments in the box on the table.

17 MS. CLIFFORD:

18 Hi, I'm Barbara Clifford, 48 Prospect
19 Street, Montrose, Pennsylvania. I am speaking on
20 behalf of the League of Women Voters of Susquehanna
21 County and also the League of Women Voters of
22 Pennsylvania.

23 We join with citizens throughout the
24 Commonwealth who value our Constitutional rights to
25 clean air, pure water and the preservation of natural

1 resources. Based on our position, League members
2 advocate for the use of best practices, comprehensive
3 regulation and adequate staffing across government
4 agencies to provide the maximum protection of public
5 health and the environment in all aspects of natural
6 gas operations.

7 In addressing the use of safety devices,
8 we advocate that all phases of gas operations, not
9 just those entitled control and disposal, use optimal
10 protection to prevent blowouts. Safety devices should
11 be consistent with best practices and be
12 site-specific, given the terrain and risks inherent in
13 sensitive ecosystems. Blowouts, such as those in
14 Clearfield County, the Tioga State Forest, here in
15 Bradford County and Wyoming County, must not be
16 repeated.

17 In regard to general provisions for well
18 construction and operation, we applaud the inclusion
19 of the monitoring of orphaned wells during stimulation
20 activities. We recommend that ongoing prevention
21 mechanisms be in place to prevent pollution and to
22 monitor operations throughout gas production given the
23 high and often cultivated precious flow. Because of
24 the contamination risks, notification of any changes
25 to an orphaned or abandoned well to the Department

1 should be reinforced by onsite inspection prior and
2 during the plugging of an orphaned well.

3 Further, any excess gas should be
4 captured to prevent degradation of air quality and
5 unnecessary contributions to climate change
6 exacerbated by methane.

7 Section 78.75 seeks to alternative
8 methods for casing, plugging or clipping a well. Such
9 requests should be approved on a case-by-case basis
10 and employ only best practices and include language to
11 hold the operator legally and financially accountable
12 for damages in perpetuity. Classifications regarding
13 notification and inclusions of several sections of
14 acts are most helpful to encourage compliance both in
15 gas storage section, general provisions, annual
16 monitoring and revocations of inactive status.

17 Specificity in reporting of well
18 production is very significant and should be posted
19 for public view. Strict enforcement of these
20 provisions is required, given their implications for
21 all stakeholders and revenue. Although listing
22 specific information to be included in the well
23 completion report and the stimulation record is
24 useful, we recommend the following --- there's three.

25 Define altering a well. Two, revert to

1 the original language of submit a completion report,
2 not arrange for the submission of, since this extends
3 the timeline indefinitely. And three include A
4 through E. A, volume and/or mass of each chemical
5 additive. B, chemical formulas for each chemical
6 potentially added to the stimulation fluid. C, the
7 mandatory addition of site-specific tracers with each
8 stimulation record to establish liability in the event
9 of unanticipated consequences. And D, test results of
10 the specific mineral composition of all base fluids,
11 be they recycled, freshwater or other water and their
12 source.

13 And E, pressure reading is measured 24
14 hours, 48 hours and 72 hours after completion.
15 Finally, test results of the base fluid and a list all
16 chemical constituents and chemical additives used to
17 hydraulically fracture the well must be submitted to
18 the Department and available to the public without
19 regard to protection, supported by trade secrets and
20 confidential proprietary information.

21 Thank you for this opportunity to have
22 input in this important process.

23 CHAIR:

24 Thank you, ma'am. Does anyone else who
25 has not provided comments wish to do so now?

1 Does anyone else who has not provided
2 comments wish to do so now? Since no one has
3 indicated they wish to make comments, on behalf of the
4 Environmental Quality Board, I hereby adjourn this
5 hearing at 7:32. Thank you all for coming.

6 * * * * *

7 HEARING CONCLUDED AT 7:32 P.M.

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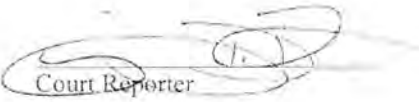
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CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before Chair Carrow was reported by me on 2/10/2014 and that I Lindsey Powell read this transcript and that I attest that this transcript is a true and accurate record of the proceeding.



Court Reporter