

BEFORE THE DEPARTMENT OF ENVIRONMENTAL PROTECTION OF  
OIL AND GAS HEARINGS

\* \* \* \* \*

IN RE: OIL AND GAS WELLS CASING AND CEMENTING

\* \* \* \* \*

BEFORE: GAIL CONNER, CHAIR

Daniel L. Lapato, Member

HEARING: Monday, July 26, 2010

7:10 a.m.

COPY

LOCATION: Pennsylvania Department of Environmental  
Protection Southwest Regional Office  
500 Waterfront Drive  
Pittsburgh, PA 15222-4745

WITNESSES: Dr. Sharon Brown, Arlene Mercurio, Cathy  
Peddler, Suzanne Broughton, Theodore  
Robinson, Kurt Limbach, Bridget Dolby, Sue  
Seppi, Ron Slabe, Barbara Grover, Loretta  
Weir, Adam Pecharka, Mel Packer, Robert  
Dunnan, Alex Lapato, Cynthia Walters, Mark  
Benkoski, Kate St. John, Al Bicinie, Lynn  
Williams, Mary Magan, Ken Weirton,  
Scott Left

Reporter: Kayla A. Godkin

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NONE OFFERED

## P R O C E E D I N G S

CHAIR:

I would like to welcome you to the Environmental Quality Board's public hearing on the proposed regulations regarding oil and gas well casing and cementing. My name is Gail Conner; I am a member of the Environmental Quality Board representing the Citizens Advisory Counsel.

I officially call this hearing to order at 7:10 p.m. The purpose of this hearing is for the EQB to formally accept testimony on the proposed regulations concerning oil and gas well casing and cementing. In addition to this hearing, the EQB held similar hearings on the proposed regulations in South Tunkhannock on Monday, July 19th, in Williamsport on Wednesday, July 21st and in Meadville and Pittsburgh on Thursday, July 22nd.

The proposed rule making which was adopted by EQB on May 17th, 2010 update the existing requirements in 25PA Code, chapter 78 regarding the drilling, casing, cementing, testing, monitoring and plugging of oil and gas wells and the protection of water supplies.

The propose rule making includes updating

1 material specifications, and performance testing, and  
2 amended design construction, operational, monitoring,  
3 plugging, water supply replacement, and gas migration  
4 reporting requirement. The additional requirements  
5 will minimize gas migration and will provide an  
6 increased degree of protection for both public and  
7 private water supplies.

8           In order to give everyone an equal  
9 opportunity to comment on this proposal I would like  
10 to establish the following ground rules.

11           First, I will first call upon the  
12 witnesses who had pre-registered to testify at this  
13 hearing. After hearing from these witnesses I will  
14 provide and any of other additionally interested  
15 parties, the opportunity to testify as time allows.

16           Second, testimony is limited to ten  
17 minutes for each witness. Third, organizations are  
18 requested to designate one witness to present  
19 testimony on its behalf. Fourth, each witness is  
20 asked to submit three written copies of his or her  
21 testimony to aid in transcribing the hearing. Please  
22 hand me your copies prior to beginning your  
23 testimonies.

24           Five, please state your name, address,  
25 and affiliation for the record prior to presenting

1 your testimony. The EQB would appreciate your help by  
2 spelling names and terms that may not be generally  
3 familiar so that this transcript can be as accurate as  
4 possible. Six, because the purpose of this hearing is  
5 to receive comments on the proposal, EQB or DEP staff  
6 may question the witnesses. However, the witnesses  
7 may not question the EQB or DEP staff.

8           In addition to or in the place of oral  
9 testimony presented at today's hearing, interested  
10 persons may also submit written comments on this  
11 proposal. All comments must be received by EQB on or  
12 before August 9th, 2010. Comments should be addressed  
13 to the Environmental Quality Board, P.O. Box 8477,  
14 Harrisburg, PA, 17105-8476. Comments may also be  
15 emailed to [regcomments@pstate.pa.us](mailto:regcomments@pstate.pa.us), that's  
16 R-E-G-C-O-M-M-E-N-T-S-@-P-S-T-A-T-E.P-A.U-S

17           All comments received at this hearing as  
18 well as written comments received on or before August  
19 9, 2010 will be considered by the Environmental  
20 Quality Board and will be included in the comments  
21 response document prepared by the Department and  
22 reviewed by the EQB prior to the EQB taking its final  
23 action on this regulation.

24           Anyone interested in receiving a copy of  
25 the transcript of today's hearing may contact the EQB

1 for further information. I would like to now call the  
2 first witness. Dr. Sharon Brown.

3 MS. BROWN:

4 Good evening, I'm Dr. Sharon Brown ---.

5 OFF RECORD DISCUSSION

6 MS. BROWN:

7 I'm Dr. Sharon Brown, of McCandles  
8 Pennsylvania. And I'm here tonight to thank you for  
9 having this hearing for us, we I'm sure, appreciate  
10 the opportunity to consider our questions and our  
11 concerns regarding the regulations that need to be  
12 changed. And as I think, probably all of us agree.

13 As indicated in the information that is  
14 apparent there are needs for changes on something  
15 that's on the books for over 25 years and especially  
16 in relationship to a new type of drilling in our area,  
17 Marcellus Shale.

18 Two particular areas of concern I have  
19 and questions are related to the operator's inspection  
20 of wells, in terms of the frequency. The indication  
21 is that inspectors will be inspecting every three  
22 months and report to DEP every year. I would suggest  
23 that that needs to be a far more frequent inspection  
24 time line as well as the requirement for the operators  
25 as well as more reporting to DEP.

1           I would also like to suggest that in  
2 terms of the water quality, it has been suggested in  
3 the proposed changes that if a public or a private  
4 water supply is suspected to be polluted, that the  
5 operator must restore or replace it with a source that  
6 meets drinking water standards as good as the previous  
7 supply. If the cost is above what the normal cost was  
8 to be before the water, the operator would be  
9 responsible for the payment geminately.

10           I would suggest that we need to get a  
11 requirement in there for a base line measurement.  
12 There needs to be an understanding of where the laws  
13 water quality is prior to the drilling even begetting.  
14 And that should be on the responsibility of the  
15 drillers themselves to document that the water quality  
16 is where it is before they begin. If there is any  
17 problem with the owners trying to impede that process,  
18 than the documentation would be inherent upon the  
19 drilling companies to document that they attempted to  
20 document the base line levels.

21           But I truly would suspect that most  
22 people would be willing to allow their base line water  
23 levels to be measured, so that if there is such  
24 suspected contamination beyond the drilling initiation  
25 that can be documented. Thank you.

1                   CHAIR:

2                   The second witness is Arlene Mercurio.

3                   MS. MERCURIO:

4                   DEP, EQB, addressing the question about  
5 cement casing of deep gas wells; I believe that all  
6 components of the Shale gas extraction process should  
7 be guided by the simple and wise philosophy; to use  
8 the best available technology and best available  
9 materials. Pennsylvania should encourage well  
10 established, soundly resourced companies with good  
11 reputations and discourage companies that are inclined  
12 to cut corners.

13                   This philosophy not only provides the  
14 best protection for citizens and the natural  
15 environment, it stimulates innovation by ancillary  
16 companies that offer new ways to make this process  
17 cleaner and safer, perhaps giving start-up companies a  
18 boost.

19                   More broadly, I attended the West Deer  
20 Township public meeting where Range Resources and  
21 Huntley and Huntley were invited to speak and answer  
22 questions by the township supervisors. The word that  
23 these companies used and I put that in quotes. Most  
24 often was the word DEP. They gave the impression that  
25 residents and the environment were protected in all

1 aspects of shale gas production via DEP regulations,  
2 permitting requirements and inspections.

3           If the regulations are not as strong and  
4 comprehensive as people are being led to believe, or  
5 if the companies choose to ignore the regulations  
6 either through poorly trained workers or a strategic  
7 cutting of corners due to fines that are set too low,  
8 then DEP will end up being overwhelmed by complaints  
9 and lawsuits.

10           I teach yoga, including senior citizen  
11 classes. I see over a hundred people during a month.  
12 I'm hearing from people who have either recently  
13 signed gas leases or those who have old leases and  
14 have been told that their vertical wells already  
15 commit them to horizontal drilling. Many of them are  
16 scared as information has exploded, along with a few  
17 wells.

18           Until very recently, few people  
19 understood the difference between shallow, vertical  
20 wells and shale extraction. The companies seemed to  
21 encourage this confusion or, at least, they do nothing  
22 to discourage it. You do not know what people are  
23 being told in order to get them to sign a lease.

24           I have heard that people who are  
25 reluctant to sign are being told, since it's

1 horizontal drilling, we can get your gas by using your  
2 neighbor's well, so you might as well sign and get the  
3 signing bonus money. Is this true? Perhaps DEP  
4 should begin publicizing a pamphlet or on the radio,  
5 things to consider before signing a gas lease, like  
6 tape record the conversation you have with the  
7 landsman before you sign anything. Get a lawyer, get  
8 on the DEP website, get your water tested by a  
9 certified third party, get yourself informed.

10           The companies who want to exploit this  
11 resource are driving this process, rather than the  
12 people who own it. Citizens are crying out for a  
13 moratorium like New York has in place. People need  
14 time to get educated about this complicated process,  
15 and time to consider before taking appropriate action.

16           DEP needs time to strengthen regulations  
17 and inspections. The legislature needs time to update  
18 the Oil and Gas Act and to enact a severance tax and  
19 its allocation. Pennsylvanians need time to get  
20 trained so they can take these promised jobs.

21           Once all of this happens, drilling could  
22 perhaps gradually be allowed, learning and watching as  
23 it begins to happen safely and cleanly as possible.  
24 Thank you.

25                   CHAIR:

1 Will you state your address and  
2 affiliation for the record?

3 MS. MERCURIO:

4 My address is 538 Esther Avenue, New  
5 Kensington and my affiliation is I'm a grandmother and  
6 I really want my kids to move back to Pennsylvania and  
7 bring my grandchildren with them and I'm afraid they  
8 will not do that, once this state has been devastated  
9 by this process.

10 CHAIR:

11 Cathy Peddler?

12 MS. PEDDLER:

13 I'm Cathy Peddler; I'm with the Allegheny  
14 Defense Project. My address is ---. Okay, I'll do my  
15 best but I have a soft voice. I'm Cathy Peddler with  
16 Allegheny Defense Project and my address is 912 West  
17 Second, Erie Pennsylvania, 16507.

18 First, I'd like to inform the DEP and the  
19 oil and gas industry that the citizens of this  
20 Commonwealth have not given and will not give  
21 permission to destroy the health, safety and welfare  
22 of our human and natural communities. All residents,  
23 natural communities and eco systems, to the best  
24 fundamental and inalienable right to sustainably  
25 access, use, consume, and preserve water from natural

1 water cycles and sources within our respective  
2 communities.

3           We will not allow you through regulations  
4 to simple adjust and document the rate of destruction  
5 or through mitigation to put band-aids on this  
6 destructive development that is destroying our  
7 drinking water, polluting aquatic habitats and  
8 aquifers and permanently altering the landscape.

9           If the DEP suspects that our citizen's  
10 drinking water and our aquatic habitats are at risk  
11 from a drilling process, than the DEP must work with  
12 citizens to secure a moratorium of the process. That  
13 means that I'd like to address a couple of the  
14 specific proposed changes to Oil and Gas Act 78.59,  
15 projection of water supplies.

16           The Pennsylvania Department of  
17 Environmental Protection must clarify the regulations  
18 regarding bonding for the preservation or replacement  
19 of water supplies. Bonding must cover assurance that  
20 there will be a water supply permanently available to  
21 an affected property owner. If the DEP concludes it  
22 does not have the authority, than a legislative  
23 annotative should be on your taking for that  
24 authority.

25           In the context of limited liability

1 companies, what assurance can the Department give that  
2 the quality means anything. And increase in operating  
3 and maintenance costs shall be provided by the  
4 operator in perpetuity. If the supply was reasonably  
5 attended to provide a greater quantity than was  
6 currently used and was capable of doing so, the  
7 operators shall provide supply to meet the anticipated  
8 need. 78.89, gas migration response, a comment on  
9 this, this must not be limited to just natural gas  
10 migration but must also include the bi-products of the  
11 drilling, hydro-fracturing and production process such  
12 as Methane, and to substances created by the  
13 interaction of the oil and gas development and the  
14 natural and human environment.

15                   78.89 C-2, comments, the DEP must address  
16 the fact of horizontal well drilling in which wells  
17 are drilled up to a mile in multiple directions from  
18 the vertical well. The investigation should include  
19 the entire longitude distance of the horizontal well.  
20 And then add an additional distance for investigation  
21 determined by the specific geology of the well  
22 location and the fracturing techniques used. That is  
23 at least 2,500 feet from the end of the horizontal  
24 well, which could be 5,000 feet from the vertical  
25 well.

1                   78.121 production reporting. DEP should  
2 propose legislation to remove the confidentiality  
3 requirement of production reports, It's not simply a  
4 matter of knowing what resources are being depleted.  
5 Other states, only with full production of course, for  
6 six months as opposed to Pennsylvania which is five  
7 years.

8                   A general comment, the DEP seems to take  
9 the position that, neither permit applications or  
10 permits be published in the Pennsylvania Bulletin,  
11 there must be an affirmative obligation on the DEP to  
12 publish applications and permits. Why would some oil  
13 and gas underground waste disposal activities such as  
14 hydro fracturing fluids in waste water, which are not  
15 retrieved from the sub-service, not be subject to  
16 underground disposal regulations? 91.51 potential  
17 pollution resulting from underground disposal.

18                   Just a couple of other points, casing and  
19 cementing regulations are necessary to the public  
20 health, safety, and welfare. Casing regulations  
21 should be by state of the art technology in the oil  
22 and gas industry. Regulations should be targeted at  
23 preventing gas and other drilling products from  
24 migrating into drinking water supplies.

25                   Once a water supply has been affected by

1 drilling, the regulations should make it easier to  
2 remedy the affects of surface owners or occupiers  
3 complaints of contaminated water from drilling and  
4 extraction operations. If the water supply has been  
5 affected by the well drilling operation, if the  
6 proposed rules do not necessarily require the operator  
7 to supply the water meeting drinking quality  
8 standards, it is unconscionable that a gas driller can  
9 supply someone with drinking water that does not meet  
10 drinking water standards. Replacement water should  
11 meet drinking water standards at a minimum. We  
12 support the requirement that the operator notify the  
13 Department within ten days, if not sooner, or at least  
14 give them the complaint.

15                   And the regulations should insure the  
16 long term integrity of the well, which requires  
17 operators to test wells quarterly or report signs of  
18 problems with degradation. Also I suggest that the  
19 Department should seek authority to shut down  
20 permitting in the event that it does not have the  
21 resources to ensure Departments regulations. Thank  
22 you.

23                   CHAIR:

24                   Suzanne Broughton?

25                   MS. BROUGHTON:

1 My name is Suzanne Broughton. I live at  
2 --- do you need that spelled? You have it on there?

3 CHAIR:

4 Yes, I do.

5 MS. BROUGHTON:

6 Fine, all right. I live at 2377  
7 Frederickson Drive in Franklin Park Borough. I am the  
8 immediate past president of a League of Women Voters  
9 of Greater Pittsburgh. Tonight I am speaking on  
10 behalf of the League of Women Voters of Pennsylvania,  
11 our state level organization since this is a state  
12 level issue.

13 What is F-R-A-C? It's a four letter  
14 word. They spelled it F-K. What has your attention,  
15 your attention as members of the Environmental Quality  
16 Board and it has our attention as the Legal Woman  
17 Voters of Pennsylvania. We have just completed a year  
18 long study and there's a great deal of information on  
19 our website to view.

20 The League supports the proposals of the  
21 Department of Environmental Protection that strengthen  
22 oil and gas well regulation in our Commonwealth.  
23 These revisions provide substance to our position that  
24 promotes the maximum protection of public health and  
25 the environment in all aspects of the Marcellus Shale

1 production. Delegates to our recent national  
2 convention across the country unanimously adopted a  
3 resolution to support safe drilling and mining  
4 practices. These industries must not be exempt from  
5 either federal or state legislation and must be  
6 subject to significantly stronger regulations,  
7 oversight, inspection and penalties.

8 To strengthen further the Chapter 78 Oil  
9 and Gas Regulations, we have several suggestions and  
10 each of these is further described in more detail in  
11 our written testimony of which I'm going to hand you a  
12 copy of including the summary. But we will also turn  
13 it in, in accordance with the instructions that we  
14 were given here in Harrisburg.

15 First, extend the definition of fresh  
16 groundwater to include fresh and useable water. This  
17 will provide protection to water that may be needed in  
18 the future, but is not technically deemed fresh today.

19 Second, change the timeline for  
20 notification by the well operator of the pollution or  
21 diminution of water supplies. The DEP needs immediate  
22 notification to be effective. The current stipulation  
23 for reporting within 10 calendar days of receiving  
24 notice of such water degradation is insufficient.

25 Third, consider further restrictions on

1 excess gas to reduce quantities, to manage emissions,  
2 and monitor output with clear parameters. These  
3 restrictions are essential to minimize air quality  
4 hazards and to promote public health and safety.

5           Fourth, strengthen the standards for  
6 casing and cementing procedures, and treat all wells  
7 the same. Special considerations for some wells are  
8 subject to interpretation and lead to noncompliance.  
9 Any case-by-case exceptions must be considered under  
10 the regulations as alternative methods. Let's keep  
11 things you uniform.

12           Fifth, develop cement standards for  
13 tensile strength, as well as impressive strength,  
14 given any potential for seismic activity in the  
15 Commonwealth its imperative for the susceptibility of  
16 cement to seismic activity resist.

17           Sixth, include the scientific name of  
18 each hydraulic fraction chemical, its concentration  
19 and the amount used in each well as part of the well  
20 reporting simulation record. The right to know this  
21 information is imperative for testing and treatment  
22 from the wells. And as Senator Casey's hearing this  
23 morning and I believe that was demonstrated, for our  
24 first responders in case of injuries.

25           Finally, establish noise standards for

1 all stages of Marcellus Shale production. Special  
2 consideration must be given to noise in close  
3 proximity to such places as homes, school and  
4 property.

5           You know our commitment to public  
6 participation and governmental processes, the League  
7 commends the Environmental Quality Board for providing  
8 multiple opportunities through out the state for input  
9 to these proposed conditions. We are further  
10 encouraged that such public input is also required and  
11 entitled prior to the approval of alternative methods  
12 as testified in Chapter 78, sub-section 78.175.

13           In maintaining objectivity it is  
14 essential that the DEP verify the inspections of the  
15 equipment and procedures at critical points and  
16 conduct visits on an ongoing basis at each site during  
17 various phases of the drilling process.

18 Of particular importance are those readings and  
19 assessments required for the surface casing and  
20 fracturing process. Frequent and periodic DEP  
21 inspections are also required for operational and  
22 maintenance issues all the time.

23           The League recognizes the importance of  
24 collaborative and cooperative relationships between  
25 government agencies and private. However the DEP's

1 rule in protecting the public health and the  
2 environment cannot be left with those vested  
3 interests. If the Commonwealth is to be a leader in  
4 the production of natural gas, we must also before we  
5 become the leader in drilling correctly. Mandate best  
6 practices, safe guard our environment and protecting  
7 land owners and communities and future prosperity.

8 In closing, we need to be reminded both  
9 as citizens and as those who serve our Commonwealth  
10 through production of appointment and employment of  
11 the Pennsylvania Constitution Article One, Section 27,  
12 the people have a right to clean air, pure water, and  
13 for the preservation of the natural scenic, historic,  
14 and esthetic values of the environment.

15 Pennsylvania's public natural resources  
16 of the common property of all people including  
17 generations to come as trustee of these resources, the  
18 Commonwealth shall conserve a maintainment for the  
19 benefit of all. Do I have anything left of my ten  
20 minutes?

21 CHAIR:

22 Go ahead.

23 MS. BROUGHTON:

24 I'd like to add a personnel comment. I  
25 just read an article in Section 27 of the Pennsylvania

1 Constitution.

2 MR. LAPATO:

3 Louder.

4 MS. BROUGHTON:

5 I just read Article One, Section 27 of  
6 the Pennsylvania Constitution an amendment that was  
7 passed in, I think, 1971. It was interesting this  
8 morning to see that Senator Casey in opening his  
9 hearing, the first thing he did was to read that text.  
10 Back in 1970 my late husband Robert Broughton who was  
11 a Duquesne Professor of Law, had a hand in formulating  
12 that amendment and wrote the article in the  
13 Pennsylvania Bar that pertains to legislative history.  
14 I have in the law and personally involvement in that,  
15 or shall I say involvement in the idea of the  
16 preservation of Pennsylvania's natural resources. And  
17 I'm glad to have the opportunity to say that today.  
18 Thank you very much.

19 CHAIR:

20 Next is Theodore Robinson.

21 MR. ROBINSON:

22 My name is Theodore Robinson. I'm with  
23 Citizens Power, 2121 Murray Avenue in Pittsburgh.  
24 First of all, I would like to thank the Department of  
25 Environmental Protection for this opportunity to speak

1 today on the proposed oil and gas well technical  
2 amendments.

3           My name is Ted Robinson, and I am a staff  
4 attorney with Citizen Power, a non-profit educational  
5 and advocacy organization based in Pittsburgh. One of  
6 our main goals is to promote affordable, renewable  
7 energy within the Commonwealth of Pennsylvania. With  
8 that goal in mind and from what we have learned to  
9 date, Citizen Power does not think drilling on the  
10 Marcellus Shale warrants the potential adverse  
11 environmental consequences. We believe, at this time,  
12 the prudent path is for there to be a moratorium on  
13 horizontal drilling of Marcellus Shale in the  
14 Commonwealth until the true costs and benefits are  
15 better known. New York has imposed a similar  
16 suspension of new Marcellus drilling.

17           We are also concerned that the  
18 environmental benefits of horizontal gas drilling may  
19 be overstated. A study by a professor at Cornell  
20 University found that the hydraulic Fracturing process  
21 may introduce a greenhouse gas warming potential  
22 similar to coal because of the leakage of methane from  
23 drilling operations.

24           In addition the economic benefits of may  
25 also not be as advertised. The Marcellus Shale

1 Education and Training Center found that the workforce  
2 needed during the drilling phase constitutes over 98  
3 percent of the industry workforce needs. Once the  
4 process of drilling gas wells in an area is completed,  
5 this segment of the workforce will no longer be  
6 needed. These workers are also very likely to be from  
7 other parts of the country, reducing the benefit felt  
8 by the local workforce. Citizen Power believes that  
9 the expansion of Act 129's energy efficiency and  
10 renewable energy requirements is a better alternative  
11 to Marcellus Gas drilling, both for the environmental  
12 and for the development of high-technology jobs that  
13 will remain in Pennsylvania.

14           Although Citizen Power does not believe  
15 that Marcellus Shale drilling is in the best interest  
16 of the Commonwealth, we do appreciate the efforts of  
17 the DEP to strengthen the existing regulations  
18 regarding oil and gas drilling in Pennsylvania.

19           In our view, the proposed amendments to  
20 the regulations benefit the residents of the  
21 Commonwealth by requiring additional safety measures.  
22 However, we respectfully propose modifications to the  
23 technical amendments in order to enhance the  
24 protections in place for the environment and the  
25 citizens of Pennsylvania.

1                   Under Section 78.1, the definition of  
2 deepest fresh groundwater should not be determined  
3 solely by, the deepest fresh groundwater bearing  
4 formation penetrated by the well bore as determined  
5 from driller's logs from the well. The operator  
6 should be required to use a conservative estimate  
7 based upon all information available including any  
8 available drillers logs from the well, any available  
9 driller's logs from surrounding wells, any available  
10 historical records of the normal surface casing seat  
11 depths in the area, and any other relevant information  
12 provided to the operator.

13                   Under Section 78.51(d)(1)(v), we believe  
14 that any increased costs to operate or maintain a  
15 replaced or restored water supply should be provided  
16 for by the operator through the purchase of an annuity  
17 necessary to cover the increased costs. At the option  
18 of the owner of the water supply, the cash equivalent  
19 of the annuity could be substituted. If there is  
20 additional maintenance required that is performed by  
21 the water source owner, the operator shall be  
22 responsible for the cash value of the work performed.

23                   Under Section 78.51(d)(2), we believe  
24 that the restoration or replacement of water supply  
25 should not be deemed adequate if it meets the

1 standards established pursuant to the Pennsylvania  
2 Safe Drinking Water Act. The restoration or  
3 replacement of the water supply should meet the  
4 quality of the water supply pre-drilling, even if it  
5 was above the standards under the Pennsylvania Safe  
6 Drinking Water Act. Water purer than drinking water  
7 standards is both a valuable commodity and less likely  
8 to fall below drinking water standards in the future.

9 Under Section 78.51(d)(3)(iii), we  
10 believe that the definition of reasonable foreseeable  
11 uses should include the reasonable expansion of use in  
12 cases where the water supply available prior to  
13 drilling exceeded the actual use for all water  
14 supplies, not just for agricultural water supplies.

15 Under Section 78.72(a)(1), we believe  
16 that the wording should be changed from, when drilling  
17 a well that is intended to produce natural gas from  
18 the Marcellus Shale formation to when drilling a well  
19 that's intended to produce natural gas from a shale  
20 formation, including the Marcellus Shale formation.

21 Under Section 78.72(h), we believe that  
22 the words, as determined by the Department should be  
23 added after the words, or equivalent study.

24 Under Section 78.73(e), we are concerned  
25 about the ability of operators to divert excess gas

1 away from the drilling rig because of the greenhouse  
2 gas effects of such a policy. Although diverting  
3 excess gas in emergency situations is certainly  
4 acceptable in order to protect workers, methods such  
5 as flaring or capturing the gas are much better for  
6 the environment and should be the only acceptable  
7 long-term methods for handling excess gas.

8 Under Section 78.83(c), Citizen Power  
9 believes that the surface hole should only be drilled  
10 using air or freshwater. We are concerned about the  
11 potential for contaminating groundwater supplies using  
12 quote, freshwater based drilling fluid, end quote.

13 Under Section 78.83(a), Citizen Power  
14 believes that the safest approach would be to require  
15 operators to run production casing at least to the top  
16 of the formation that is being produced and cement the  
17 production casing to the surface the entire way. This  
18 approach may be more expensive, but it will minimize  
19 the danger of groundwater contamination. Thank you  
20 for hearing our concerns and if you have any  
21 questions.

22 CHAIR:

23 Thank you.

24 MR. ROBINSON:

25 Thank you.

1                    CHAIR:

2                    Kurt Limbach please.

3                    MR. LIMBACH:

4                    Hello, thank you for the opportunity to  
5 speak tonight. My name is Kurt Limbach. I do not  
6 have copies of remarks, because I'm speaking off the  
7 cuff. But I will submit written statements from our  
8 groups. I'm here tonight speaking on behalf of the  
9 Mountain Watershed Association and also the  
10 Commonwealth Trout Club.

11                    We certainly do favor of the increase  
12 strengthening of casing in this well cementing  
13 standards proposed by the DEP. We think they should  
14 go further and also implement the suggestions made by  
15 Earth Justice, for which --- actually modify and made  
16 tougher standards. We are facing unprecedented  
17 drilling in Pennsylvania and tremendous possible dated  
18 impacts on ground water. With the amount of money  
19 that's going to be taken out of the state by the  
20 drilling industry, there certainly is plenty of money  
21 to do the best possible drilling practices. Which is  
22 the best casing, the best cement jobs known to man;  
23 this is what should be done in Pennsylvania.

24                    We should have a high as standards in  
25 leeks as any other state in the United States as far

1 as drilling wells. We shouldn't be second to anybody.  
2 We have the biggest gas right in U.S. history. The  
3 gas industry is not going to walk away from it, if we  
4 require intense regulations and intense scrutiny for  
5 gas drilling in Pennsylvania. They are not going to  
6 go anywhere else, the gas is here.

7 Our most important asset is drinking  
8 water. It is our water supplies; it is not our  
9 natural gas. And in 10 or 15 years, in 20 years,  
10 whatever the industry thinks of the plan in Marcellus  
11 out with that will be gone. And what we have to  
12 really look at is not the short-term 30 pieces of  
13 silver, but what's going to be left when they're gone.  
14 So we have to make really sure that this is done  
15 right. Relying on the DEP Oil and Gas so far or the  
16 industries best practices obviously is not working.

17 In my community Fairfield Township, we've  
18 all ready had a frac pit, completely drained all three  
19 or four remaining gallons of frac water and chemicals.  
20 Completely gone. Now many people may be --- hundreds  
21 of Pennsylvania we have frac pits all over the place  
22 that are open, that are accessible for deer to drink  
23 out of. Now we're going to have a hunting season  
24 coming up where hunters are going to be eating deer  
25 that have been drinking frac water. Does anybody

1 really know the medical consequences of what that is?

2 I don't think so.

3           The oil and gas in Pennsylvania is  
4 currently regulated under the oil and gas act. This  
5 was written, I think when my grandfather was born.  
6 It's certainly didn't envision coal and methane gas  
7 for Marcellus drilling. And the industry would love  
8 to say it's well regulated under those sets of rules,  
9 it don't exist for them, their industry --- the  
10 Marcellus industry, the horizontal drilling industry  
11 didn't even exist then. I keep hearing public  
12 statements from the industry that they've been  
13 fracking wells for sixty years. They certainly  
14 haven't been fracking them in this manner, where it  
15 requires millions of gallons of water, using open  
16 pits, and tens and thousands of pounds of chemicals.  
17 I've seen wells all my life in Pennsylvania, I never  
18 saw big pits done --- being filled with water.

19           So the industry is lying to everybody  
20 when it keeps saying, oh we've been doing this all  
21 along. They have not, this is a new practice. New  
22 York State certainly is a little more sensible, let's  
23 see, the gas has probably been there for ten million  
24 years, they can wait a couple more years to get  
25 drilled out. We certainly would favor --- our groups

1 would favor of a moratorium on gas drilling. That  
2 would be a sensible thing to do.

3 The drilling industry keeps saying it's  
4 going to make us energy in the pact, but it never  
5 guarantees it's not going to sell this gas over seas,  
6 to China or India, or anybody else that wants to pay  
7 the top dollar for it. It doesn't guarantee it's  
8 going to sell it in Pennsylvania and drive our gas  
9 prices down. It's a world wide commodity. It's traded  
10 in the world markets. It's liquefiable and able to  
11 ship any where in the world.

12 So when they tell you this is for America  
13 or for Pennsylvania their lying. The only thing it's  
14 for is the green that goes in their wallets, that goes  
15 in their pockets. And that's what this is all about.  
16 We need to do the best job protecting casing and well  
17 drilling. I've also seen, again, in my community  
18 Range Resources wanted to dump drilling waste water  
19 down in water line, which they insisted was the  
20 Conemaugh River. It didn't go to the Conemaugh; it  
21 went to water authority lines that fed six  
22 communities. And the DEP was okay with this work.  
23 Because the DEP along with gas stands for, do not  
24 expect protection or department of environmental  
25 prostitution. That's what they stand for. The only

1 reason the industry has wanted the DEP to get some  
2 more people on its staff is too help write the  
3 permits. So they can keep writing the paperwork, so  
4 they can keep drilling wells.

5 We have great concern about the water  
6 withdrawals, fresh water withdrawals from our  
7 communities. I have a stream that goes through my  
8 farm that the Western Pennsylvania Conservancy  
9 determined was the second best waterway all of Western  
10 Pennsylvania in water quality and by the Conservancy.  
11 The DEP oil and gas let Exxon have their way with it  
12 and drill 30 feet from this stream. They're fracking  
13 that well right now. And I hope there's not a  
14 problem. I hope they don't spill anything, its right  
15 next to the stream. And if that's responsible  
16 drilling, I don't want any Marcellus drilling. When  
17 they make a bend, it takes an eighth of a mile to make  
18 that bend. They have no reason to be 30 feet away  
19 from a creek of that quality or any stream in  
20 Pennsylvania.

21 I what to echo was the other fellow said.  
22 The other fellow said that jobs aren't going to local  
23 people. They're temporary jobs and they'll be gone.  
24 But we'll be left with a mess. My township now has  
25 six Marcellus permits. Three have been drilled, three

1 more set to be drilled and that's just the start.  
2 According to Mary Joe White (phonetic) who's the head  
3 of the Center of Environmental Committee, according to  
4 her office, 28 percent of the entire surface area of  
5 Pennsylvania is now under Marcellus lease. And that  
6 includes lakes, rivers, streams, and places where they  
7 really can't put a well. So the actual surface area  
8 is even greater if you take away very steep slopes,  
9 where'd they have to flatten five acres with a 50  
10 degree pitch to put a well, they can't drill there  
11 either. So the actual amount of land they have sowed  
12 up, reasonably flat land is obviously much higher.

13           The industry is talking about things like  
14 forcing people to take their gas and sell it. That's  
15 taking of people's resources from them. That's  
16 basically stealing. And another thing I want to talk  
17 about is when they turn and go a mile in one  
18 direction; do they really have everybody sign out  
19 their property? How do we know? They love to talk  
20 about the right of capture, which is basically the  
21 right to steal gas from your neighbor.

22           The DEP should make public knowledge  
23 which way these wells are going and how far.  
24 Everybody should have that information. They should  
25 be aware of it whether it runs under their property or

1 near their property or not. It shouldn't be a very  
2 hard process for a citizen to have to go pull a well  
3 permit at the DEP to look at that permit, make an  
4 appointment to find out which way that well goes.  
5 That should be public knowledge and it should be on  
6 the internet. It should be available to all  
7 Pennsylvania citizens who are concerned about  
8 Marcellus drilling in their area.

9 And once again, I want to reiterate that  
10 we totally support these increased regulations on  
11 casing and cementing standards because this is  
12 protecting the water, which is the most important  
13 thing we have other than our people ourselves. But  
14 we'd like to see them to go further and use the  
15 standards set by Earth Justice on some of these items.  
16 I appreciate the DEP giving us time to speak here and  
17 again, we need a moratorium in Pennsylvania. There's  
18 no rush to do this other than drilling companies want  
19 to make a lot of money fast and they want to do it  
20 before we're prepared and regulated well. It might  
21 cost them a little bit more to drill that well, and  
22 they'd rather save that money. That's why Exxon  
23 wanted to go 30 feet away from Tumble (phonetic) Creek  
24 because it saves them a little bit of money. And if  
25 they're not going to do what is in the people's

1 interest or the environments interest, or the public  
2 health's interest, that's not their job. Their job is  
3 to drill gas and make money. That's what they know.  
4 So to expect them to do these other things, we're  
5 being foolish. We need the DEP to be very strong and  
6 vigilant about this. And obvious the EPA is very late  
7 in to the game on this. The EPA should be regulating  
8 this stuff and it hasn't been. So we need our own  
9 state to protect us. Thank you very much.

10 CHAIR:

11 Bridget Dolby, please? Is there a  
12 Bridget Dolby here? Okay. Bridget?

13 MR. LAPATO:

14 Bridget Dolby?

15 CHAIR:

16 Can you provide your address?

17 MS. DOLBY:

18 Yes, my name is Bridget Dolby. And it's  
19 200 Hartry Street, Springdale, Pennsylvania. 200  
20 Hartry Street, Springdale, PA.

21 CHAIR:

22 And affiliation?

23 MS. DOLBY:

24 I'm a parent and a concerned citizen.

25 One must care about a world one will never see. This

1 quote by Bertrand Russell resonated with me as I  
2 struggled to find the right words to speak. I am  
3 reminded to live in the present moment for from it  
4 evolves the future.

5 I am a resident of Springdale, PA. One  
6 small town on the Allegheny River, that benefit from  
7 its 4th or underground river or aquifer, which  
8 supplies the town with its drinking water. Once  
9 polluted all ready by Chevron, it risks further  
10 contamination by the fracking process. We have much  
11 to lose. After viewing the now popular documentary,  
12 Gasland by Josh Fox, the mere image of water on fire  
13 is terrifying. Will my children quench their thirst  
14 with hundreds of toxic chemicals? I would like to  
15 take a shower and not wonder what invasive diseases,  
16 this is triggering.

17 It is intriguing to me, that when people  
18 care about their communities, the environment, and  
19 take action, they are labeled hysterical, by the gas  
20 and oil companies. These companies have free rein, to  
21 do anything they want, however, they want to do it,  
22 due to King Cheney who overturned all government  
23 regulations concerning the environment which would  
24 make the gas and oil corporations accountable.

25 It will take years for studies to reveal

1 detrimental results, meanwhile fracking descends on  
2 Pennsylvania and elsewhere, unchecked with property  
3 owners and water drinkers, unaware, misled, and lied  
4 to, with no laws to protect us. Future fracking must  
5 be stopped until environmental and all other agencies,  
6 regulations, and health issue concerns are addressed.  
7 Thank you for the opportunities.

8 CHAIR:

9 Sue Seppi?

10 MS. SEPPI:

11 My name is Sue Seppi, S-E-P-P-I, 140 Oak  
12 Post Road, Pittsburgh, 15215. These comments are  
13 given on behalf of Group Against Smog and Pollution.

14 According to the Department of  
15 Environmental Protection DEP website, there have been  
16 3,345 oil and gas well drilling permits issued and  
17 1,482 wells drilled January through May 2010. DEP  
18 Secretary, John Hanger said in a recent news article,  
19 in a few more years, Pennsylvania will likely be  
20 producing 10 percent of all the natural gas produced  
21 in the United States, because of the huge amount of  
22 gas in the widespread Marcellus Shale areas throughout  
23 the state. He further remarked, we've told the  
24 industry that safety can't be sacrificed, and not to  
25 allow profit to trump safety.

1                   The proposed amendments to add additional  
2 requirements to Chapter 78 regulations to minimize gas  
3 migration and protect public and private water systems  
4 as well as overall safety is a step towards fulfilling  
5 the necessary regulation of this burgeoning state  
6 industry and GASP supports this action.

7                   Strong regulation is vital for the health  
8 and well being of residents and the industry. The  
9 expected scale of drilling, the existing evidence of  
10 serious problems, examples of which are the Clearfield  
11 County well explosion, the recent explosion with loss  
12 of life at a well in Indiana Township, the many  
13 incidences of individuals reporting loss or  
14 contamination of water resources illustrate the need  
15 for the very best practices to be adopted. Each  
16 Marcellus well life is different, but a well can be  
17 re-stimulated many times, and therefore the life of  
18 many wells may last for decades. Add this staying  
19 power to the projected growth of the wells and oil and  
20 gas drill sites with accompanying equipment and water  
21 containment will be omnipresent in a large swath of  
22 Pennsylvania.

23                   With that in mind, the need for drilling  
24 best practices and technology becomes not just  
25 important but really essential to long term co-

1 existence with residents of the state. For example  
2 the Chapter 78 oil and gas regulations rightly  
3 recommends at 78.78(e), excess gas to be flared,  
4 captured or diverted away from the drilling rig in a  
5 manner that does not create a hazard to public health.  
6 There is no preferential hierarchy or requirement for  
7 choosing the least damaging choice to the public or  
8 environment.

9 Flaring may be a best practice under some  
10 immediate circumstances such as in equipment  
11 malfunction. However, there are other substantial  
12 opportunities, to capture these gases. For example,  
13 following the first drilling completion at a pad, a  
14 gas capture system should be put in place and  
15 subsequent wells at the pad could divert gases to that  
16 system with no flaring or venting.

17 The capture of the gases would pay for  
18 necessary equipment to accomplish the capture. This  
19 is sometimes referred to as a green capture. Venting  
20 should be a last choice as it simply emits unchecked,  
21 unhealthy air emissions. These sorts of choices can  
22 be made in many areas of the drilling process.

23 Another example where Pennsylvania could  
24 increase reliability of practices would be the  
25 requirement for cement bond logging to monitor the

1 integrity of cement formation bonds in especially  
2 important casing, such as surface and intermediate  
3 casing that are protecting ground water. This log  
4 should be a required report to DEP. Several states  
5 require operators to perform these tests not just in  
6 situations where there appears to be a problem but in  
7 normal situations of cementing important casing  
8 strings. Pennsylvania does not appear to regularly  
9 require such cement integrity test reporting.

10                   At 78.122, the additional requirement at  
11 (6) for a reported list of hydraulic fracturing  
12 chemicals is obviously important, but could be stated  
13 more inclusively and correctly as requiring the  
14 composition of all additive chemicals and their  
15 quantities. The EQB has requested comments on a  
16 number of additional points as follows: GASP supports  
17 the use of centralizers which help to eliminate spots  
18 of decreased cement barrier protection.

19                   At 78.85 GASP supports strengthening the  
20 critical zone at the drill casing seat to a 72 hour  
21 compressive strength standard of 1,200 psi. as a  
22 suggested requirement as this is the place for the  
23 highest stresses generally occur.

24                   We also support the additional suggestion  
25 that the zone of critical cement would also be

1 required to meet the API free water separation  
2 standard conformance standard.

3 Thank you very much for the opportunity  
4 to give makes these comments. And we will be  
5 providing additional specific comments at a later time  
6 during the comment period.

7 CHAIR:

8 Thank you very much. Ron Slabe?

9 MR. SLABE:

10 My name is Ron Slabe. I live at 516  
11 Angelcrest Drive in Upper Burrell, Pennsylvania. And  
12 I'm here speaking for myself as well as a group I  
13 represent, Concerned Citizens against Marcellus  
14 Pollution, CCAMP.

15 Let me start by saying that I agree  
16 totally with the recommendations of the Environmental  
17 Quality Board in regards to updating and strengthening  
18 the existing requirements for drilling, casing,  
19 cementing, testing, monitoring, and plugging of oil  
20 and gas wells and foremost, the protection of water  
21 supplies.

22 After reading and reviewing the many  
23 horror stories of how many people have lost their  
24 drinking water due to migrating methane gas, it amazes  
25 me that it has taken this long for there to be any

1 consideration of updating the rules and regulations  
2 for gas drilling.  
3           Improper gas well casing, poor  
4 workmanship, the lack of inspection for years of wear  
5 and tear on the casing, have or will cause not only  
6 methane to migrate to well water, but could also allow  
7 the chemicals used in the process of hydraulic  
8 fracturing to do so. Both resolve in the pollution of  
9 water wells; this is why the casing regulations should  
10 reflect state of the art technology that not only  
11 protects current use but also insures the long term  
12 integrity of the well.

13           The cases of the people in Dimock,  
14 Pennsylvania and the residents of Hickory and  
15 Washington County and Green County all cry out with  
16 the need for stricter controls over our gas industry.

17           In the documentary film, Gasland, this  
18 probable gas migration vividly shown through scenes of  
19 people lighting their tap water on fire and methane  
20 bubbling up in nearby creeks and streams. In Dimock  
21 Township in particular, the cause of migration of gas  
22 into the water wells of residents was found by the DEP  
23 to be due to improper well casing.

24 Even in this situation however, the gas company had  
25 not complied with a previously issued DEP order and

1 was consequently fined \$240,000.

2           As you can see the gas companies seem to  
3 be able to thumb their noses at orders to correct the  
4 problem of gas migration and the fines are more easily  
5 paid than following through on correcting the problem.  
6 This must be changed. Companies should never prefer  
7 to pay the fines due to their minimal amounts rather  
8 then pay the price to fix the problems. DEP fines  
9 must be increased to a point that violators would  
10 prefer to adequately fix the messes they've created  
11 than to pay the fines imposed.

12           DEP must not only pay attention to  
13 migrating methane to well water, but also the  
14 migration of fracking fluids to well water, streams,  
15 rivers and wetlands. Although such chemicals are a  
16 small percentage of the fluids, they are known to be  
17 toxic and cancer causing.

18           A US Department of Energy report  
19 concluded and I quote regardless of relative  
20 concentration, it is important that additives be  
21 prevented ground water and entering unnecessary and  
22 creating unnecessary risks, unquote. And in May 2009,  
23 the department of energy reports states that until  
24 effective alternatives to such fluids are found, I  
25 quote, the best way to protect ground water is to

1 isolate hydraulic fracturing fluids from ground water  
2 zones. Let me repeat that, the best way to protect  
3 ground water is to isolate hydraulic fracturing fluids  
4 from ground water zones, period.

5 Although the safety of the chemicals used  
6 in hydraulic fracturing are currently under review by  
7 the Federal EPA, I don't think it can be argued with a  
8 common cause report that, quote, cracks in a casing of  
9 gas wells may allow well contents from methane gas be  
10 derived from shale rock to harmful fracking fluid  
11 chemicals to seep in to ground water used for human  
12 consumption, end quote. Therefore, it is ever more  
13 imperative that the DEP regulations concerning gas  
14 well casings not be just state of the art in  
15 technology, but state of the art in regards to  
16 inspection and enforcement as well.

17 Aside from having water well streams and  
18 wetlands polluted, there is now the ever present  
19 danger of migrating gas entering a home and posing a  
20 catastrophic situation by way of an explosion. In a  
21 more subtle way, undetected methane entering a home  
22 can cause brain damage or lead to suffocation.

23 The recent gas well drilling in  
24 Clearfield County, Moundsville, West Virginia, Texas  
25 and now Indiana Township, also clearly show the need

1 to regulate the correct installation and testing of  
2 all well out equipment and how close to homes gas  
3 drilling should occur. The current rule, under the  
4 Pennsylvania Oil and Gas Act allowing drilling to  
5 occur a mere 200 feet from a home, is a recipe for  
6 disaster and that portion of the gas act must be  
7 amended.

8                   Commenting on the Clearfield blow out of  
9 June 4th, 2010, our own DEP Secretary John Hanger said  
10 and I quote, the event at the well site could have  
11 been a catastrophic incident that endangered life and  
12 property, this is not a minor accident but a serious  
13 incident, end quote. The Professor and Director of  
14 the University of Pittsburgh Center for Healthy  
15 Environment and Communities, Dr. Conrad Dan Volz  
16 commenting on this same event, said that a similar  
17 blow out in an urban area setting like Pittsburgh's  
18 Lincoln Place and I quote, would have forced the  
19 evacuation of 5,000 people and at least seven schools,  
20 end quote. And moreover he goes on to state,  
21 emergency standards should have been set state wide  
22 before any of this drilling ever started. Emergency  
23 preparedness in groundwater safety have all been  
24 things that were thought of after the fact, end quote.

25                   In these cases there were severe burns to

1 workers and respondents at all these blow ups. And  
2 now we have two deaths at the Indiana Township  
3 explosion with responders called in from Texas in  
4 order to extinguish the flames. There is an obvious  
5 need for the DEP to improve regulations in this  
6 regard. And although this aspect is probably beyond  
7 the scope of the current DEP regulatory review, DEP  
8 needs to do all in its power to advocate for amending  
9 the Pennsylvania Oil and Gas Act to increase  
10 dramatically the setbacks for drilling near homes as  
11 well as set backs that deal with how close to wells,  
12 streams, and water ways drilling can take place.  
13 The current 100 and 200 feet pertaining to theses  
14 items, wells and waterways is also in great need of  
15 revision in the Oil and Gas Act.

16 Next, there is a question of testing the  
17 drinking water of homeowners. Certainly well water  
18 needs to be tested before drilling occurs to create a  
19 base line. That gas company should do this is fine,  
20 but homeowners have been told that independent labs  
21 should also do the testing. This is and can be an  
22 expensive proposition however. Do to defray such  
23 costs, the DEP should provide funding to cover such  
24 costs using an increase in permit fees to create such  
25 a fund. If a homeowner's water is adversely affected,

1 DEP regulations should make it as easy as possible to  
2 remedy any complaints due to drilling operations.  
3 Moreover, pre-drilling surveys of water quality done  
4 by gas companies must be reported to the homeowner and  
5 DEP. The current perception is that there have not  
6 been, nor have been, reluctance on the part of gas  
7 companies to do so.

8 Although I support the new and stronger  
9 regulations proposed, I have strong reservations  
10 however, over the DEP's ability to enforce these  
11 regulations in light of the tremendous cuts the DEP  
12 has incurred. In last years state budgets some 26  
13 percent, and this years cut of some 9 to 10 percent.  
14 Enforcement of any and all regulations means  
15 everything. Just the one incident of many that comes  
16 to mind is the recent quarantine and quarantining of  
17 cattle in Tioga County by the Pennsylvania Department  
18 of Agriculture. The gas company involved East  
19 Resources Incorporated, did not take the means to  
20 properly keep the cattle from the contained fracking  
21 pond they were attracted too. After being fined by  
22 DEP the gas company corrected the problem by  
23 installing, get this, a snow fence around the fracking  
24 pond. Now, surely all of us now that a snow fence is  
25 hardly, hardly an adequate means of keeping not only

1 cattle from toxic fluids, but deer also especially  
2 that can easily hurdle such an obstacle and drink of  
3 the fracking fluid containing such toxins as Barium,  
4 Strontium and heavy metals to mention just a few.

5 I believe we are poisoning ourselves in  
6 so many ways. Again proper enforcement of any  
7 regulations beats everything and requiring proper and  
8 adequate means of correcting such a problem is a must.

9 Finally, I reiterate my whole hearted  
10 support for the improvements and strengthening of  
11 those regulations and ask the DEP strongly enforce  
12 such regulations and support my request and many  
13 peoples request to advocate for amendments to the  
14 Pennsylvania Oil and Gas Act that I have indicated in  
15 this statement. Much yet needs to be done to protect  
16 the citizens of Pennsylvania.

17 CHAIR:

18 Angela Wiley? Angela Wiley? Barbara  
19 Grover? Barbara Grover?

20 MS. GROVER:

21 Good evening, my name is Barbara Grover.  
22 And I live at 5526 Wilkins Avenue in Pittsburgh. I'm  
23 here tonight representing the Sierra Club's local  
24 Allegheny Group. The Sierra Club has 23,000 members  
25 state wide and the Allegheny Group has about 5,250 in

1 Southwestern Pennsylvania.  
2 Shale gas hydraulic fracturing operations  
3 have a significantly more serious impact on  
4 communities and environment than previous methods of  
5 natural gas drilling. If natural gas is to play a  
6 part or a role in Pennsylvania's and the nations  
7 energy future, it must be carefully regulated to  
8 ensure that the health and well being of Pennsylvania  
9 and the United States residents as well as our natural  
10 resources are adequately protected.

11 The Allegheny Group of the Sierra Club is  
12 pleased that EPA recognized that the regulations  
13 currently governing gas well construction and safe  
14 water supplies needed to undergo serious review.  
15 Significant new technologies and practices have been  
16 developed since those regulations were addressed back  
17 in 1989.

18 The changes to the oil and gas  
19 regulations that are being proposed are designed and I  
20 quote, to minimize gas migration and provide an  
21 increased degree of protection for both public and  
22 private water supplies.

23 Clearly, as you've heard many times all  
24 ready this evening the casing and cementing aspects of  
25 well construction are critical to protecting springs,

1 well water, ponds and aquifers from contamination.  
2 Consequently, well designed regulations are essential  
3 to ensure the public's health, safety and welfare. We  
4 expect the regulations will require the oil and gas  
5 industry to use best practices and state-of-the-art  
6 technology; a theme that seems to be prevalent this  
7 evening.

8 The proposed changes provide clear  
9 requirements for the proper installation and testing  
10 of blowout equipment. We assume these changes, when  
11 properly enforced, will prevent disasters such as the  
12 blowouts that have recently occurred here in  
13 Clearfield County and Indiana Township.

14 Safe drinking water is the most critical  
15 concern of natural gas well drilling, especially the  
16 hydraulic fracturing in Marcellus Shale. The Natural  
17 Resources Defense Council cites that Dimock, PA,  
18 groundwater contamination was due to insufficient or  
19 improper cement casings, in up to six natural gas  
20 wells drilled in that area.

21 In Bainbridge Township, Ohio, the state  
22 of Ohio found the cement casing was insufficient by  
23 standard industry practice and contaminated  
24 underground sources of drinking water. In Bradford  
25 Township, the Pennsylvania DEP found that the lack of

1 a cement return in some of the 26 natural gas wells in  
2 the area resulted in contaminating the drinking water.

3           Consequently, strict regulations related  
4 to the construction of the casings and their rigid  
5 enforcement are essential. The regulations must  
6 prevent gas migration into our drinking water  
7 supplies. Pre-drilling surveys of water quality must  
8 be conducted by an independent testing company paid  
9 for by the drilling operators. And those surveys and  
10 reports must be reported to the DEP and the landowners  
11 in a timely manner.

12           Similarly, periodic water testing  
13 throughout the life of the well and afterward need to  
14 be conducted and reported. That testing will allow  
15 the surface landowners and the companies to identify  
16 contamination quickly and correct it before serious  
17 damage occurs.

18           At the EPA hearing in Canonsburg last  
19 week, many residents whose water supplies had been  
20 contaminated by gas well drilling indicated  
21 difficulties in obtaining restoration of those water  
22 supplies to safe drinking water standards.

23           The regulations need to make it easier to  
24 remedy the affected landowner's complaints of  
25 contaminated water from drilling and extraction

1 operations. It is vital that the EPA and the EQB  
2 employ adequate staff to address such complaints in a  
3 timely fashion. The quarterly inspections proposed  
4 also demand an appropriate number of qualified  
5 inspectors to implement that needed regulation.

6                   One aspect of the gas well drilling that  
7 seemed to be omitted, although I may have missed it,  
8 was ensuring the long-term integrity of the well.  
9 That is, what happens when the well is abandoned for  
10 whatever reason? We encourage you to consider you  
11 including regulations that address the long term  
12 impact of these gas wells whether or not they are  
13 fully functional.

14                   We also wish to alert the members of this  
15 audience to three bills before the Pennsylvania  
16 General Assembly that reinforce and complement these  
17 proposed regulation changes.

18                   House Bill 2213, The Land and Water  
19 Protection Act, will require public notice of  
20 applications for drilling permits, mandate inspections  
21 by DEP at each critical phase of drilling, update bond  
22 requirements to cover the costs of plugging a gas  
23 well, extend liability for pollution, and require  
24 minimum setback distances from environmentally  
25 sensitive areas.

1                   House Bill 2443, enacts a severance tax  
2 to ensure that natural gas drillers bear the long-term  
3 costs associated with increased drilling. And a  
4 portion of these revenues is set aside to enhance  
5 public resources.

6                   And thirdly, House Bill 2235, the Save  
7 Our Forests Legislation will place a three-year  
8 moratorium on new leases for natural gas drilling in  
9 our state forests and require an impact study of  
10 current leasing on our forests.

11                   We encourage all of you to ask your state  
12 representatives to support these bills. We in the  
13 Sierra Club trust that the DEP and EQB will  
14 conscientiously enforce the new regulations so that an  
15 adequate supply of safe drinking water and the lives  
16 and well being of Pennsylvania residents are  
17 protected. Thank you.

18                   CHAIR:

19                   Thank you. Karen Bernard? Loretta Weir?

20                   MS. WEIR:

21                   I didn't prepare anything written.

22                   CHAIR:

23                   Okay.

24                   MS. WEIR:

25                   My names Loretta Weir, 4544 Penridge

1 Drive, mailing address is Munhall, Pennsylvania 15120.  
2 The reason we're having this dialogue tonight is  
3 because something is terribly wrong, okay. Something  
4 is terribly wrong and that is why we are having these  
5 dialogues now. But what I can't understand why these  
6 organizations didn't come to the people and go, hey  
7 guess what, these drillers want to come to  
8 Pennsylvania and we're not sure if this is safe, what  
9 do you guys think? All right, I'm a little confused  
10 as to why Acleberry (phonetic) and everyone at the DER  
11 that infiltrated our forests, they have all ready  
12 destroyed water sources, why now we have to beg to be  
13 heard. We live here. This is where we live; this is  
14 the water we drink. It is my understanding from  
15 attending many, many, different meetings from  
16 accessing the internet, it is the age of technology;  
17 that these synthetic chemicals can not be removed from  
18 the water source.

19 I don't understand one thing, we want to  
20 say well, they'll clean it up or we're going to make  
21 them responsible to restore --- restore what? It can  
22 not be restored. These are man made problems. They  
23 do not have the technology in place that can guarantee  
24 you another accident. You cannot buy anything that  
25 you will say, I don't want a guarantee. I'll buy that

1 TV, I'll buy that car, I'll buy anything, and I don't  
2 need a guarantee. Well, your drinking water --- you  
3 better want a guarantee, because you can't live  
4 without it and once these synthetic chemicals go into  
5 your ground you can not control water. That cannot be  
6 controlled. It's a resource that will flow to where it  
7 flows in to streams, rivers, aquifers wherever.  
8 But you can not restore your drinking water. We're in  
9 the middle of a healthcare debate in this country,  
10 everybody's upset over the healthcare debate,  
11 everybody's shook up over giving people free  
12 healthcare. What the hell happens when all these  
13 people get sick, you want to talk about healthcare  
14 costs. I don't understand. People don't feel good;  
15 are they going to run blood titers? Are they going to  
16 say, here --- do they even know what they're looking  
17 for? I feel this way about it, if it looks like a  
18 duck and it walks like a duck, it's a duck. They are  
19 exempt from the clean air act, the clean water, clean  
20 drinking act --- don't have to tell you what's in the  
21 chemicals, something's wrong. Okay, let's talk about  
22 accountabilities, let's talk about credibility. I've  
23 been to meetings. I've been there with gas executives  
24 present at the meetings. I went to the County  
25 Counsel, I will tell you this. We were a --- we were

1 a captive audience for them for over an hour and a  
2 half, we respectfully listened to these gas people  
3 deny Dimock, PA, deny any well contamination when on  
4 the DEP website they can go on to under well water  
5 contamination. They sat there and bold faced lied to a  
6 public who is educated. It is insulting. It is  
7 insulting to the general population to tell us that  
8 things aren't true that we read and we resource  
9 ourselves.

10 Okay, after the meeting, after an hour  
11 and a half of being a captive audience for these  
12 people they promptly got up when it was our turn to  
13 speak. And I want to know why the citizens didn't  
14 speak first. Okay, you came here for something, why  
15 didn't we speak first? Half the County Counsel left,  
16 with the exception of one County Counsel member  
17 Charles Bartoni, who respectfully listened to the  
18 citizens. The rest of them laughed, spun around in  
19 their chairs, walked back and got a drink of water.  
20 It was scary that these people are actually leading  
21 any citizens, okay. It was an insult to the citizens,  
22 it was a disgusting display and I am outraged by this.  
23 I am outraged over it quite honestly. I have been  
24 there --- I went to the EPA meeting. I had the  
25 privilege, okay, to sit behind four well suited

1 gentlemen with their shiny shoes and their dark suits,  
2 okay, and they laughed every time their was a citizen  
3 up at the microphone talking about health issues  
4 related to this drilling. People that were standing  
5 there saying my children are sick, we are sick,  
6 something's wrong. They laughed. So I go home and my  
7 husband says to me, well here's a new website to  
8 access, it's called, Follow the Money.

9           So I accessed the website and I started  
10 following the money to every damn politician in the  
11 City of Pittsburgh and in this state, okay. Now if  
12 Mel Packard gives me \$361,000 you're damn right I'm  
13 voting for Mel Packard and I'm going to give him  
14 whatever he wants. All right, so I want --- I am for  
15 a moratorium. I am representing Lincoln Place Action  
16 Group and any other action group that will have me  
17 because something is wrong when these people aren't  
18 accountable for anything, when they walk through safe  
19 and they are all ready in your back yard talking about  
20 force falling before we even have a chance to speak.  
21 We were unsuspecting innocent citizens trying to  
22 conduct our lives, raise our families and this is what  
23 we have to deal with now begging people to save  
24 Pennsylvania. People that should come to us and say  
25 let's save Pennsylvania okay. I took this class at

1 Pitt once entitled --- saying a few more things,  
2 called the History of Pittsburgh, okay. Andrew  
3 Carnegie and his crew what they did in the mill would  
4 make you cry. There's a reason those men fought and  
5 died for that union. The History of Pittsburgh, Out  
6 of This Furnace --- go read those books. Little kids  
7 had their legs blown off, all right. But at the end  
8 of his life he got scared, he through some libraries  
9 up for everybody, maybe unwittingly saying --- go  
10 educate yourselves so people like me can't come in  
11 here and do this to you again.

12 But now, how many years later, we will  
13 allow our children to drink water that contains  
14 chemicals of unknown origin that cannot be removed  
15 from our water source. If you can't remove it, you  
16 don't use it. There is no other way I can look at  
17 this, I am sorry. I will leave you with a quote from  
18 Margaret Mead, never doubt that a small group of  
19 thoughtful committed citizens can change the world.  
20 Indeed it is the only thing that ever has. Thank you.

21 CHAIR:

22 The next person is Adam --- and I'm not  
23 sure how you spell your name here.

24 MR. PECHARKA:

25 It's Pecharka.

1                    CHAIR:

2                    Yes, will you spell that for us please?

3                    MR. PECHARKA:

4                    Yes, I will. My name is Adam Pecharka;  
5 spell that, P-E-C-H-A-R-K-A. I'm from Pittsburgh,  
6 Bloomfield; my address is 445 Taylor Street Rear,  
7 Pittsburgh, PA. My affiliation --- I'm affiliated now  
8 I do environmental policy in the city, but it's my  
9 personnel affiliation right now. I was coming here to  
10 talk about some of the well casing stuff. There's  
11 been a lot of criticism of well casing procedures  
12 within the drilling operations. Cement casing plays a  
13 large role in deciding the overall responsibility of  
14 the methods in technology.

15                    And the recommendations for well  
16 integrity and cement stress are not adequate enough.  
17 The regulations specify a minimum level of 350 psi;  
18 pounds per square inch. But requirements have been  
19 higher than this historically and I believe --- I  
20 don't know who it was, they gave the Texas --- gave a  
21 relation to Texas Law. I will give that. So this  
22 provides the question, why are we not regulating to  
23 ensure the utmost integrity of the well, as far as  
24 just cementing casing? So the instances from those  
25 proposed rule making Section 38.85(b), Cement

1 Standards, it's under cement standards. This is where  
2 it's stated in the proposed regulation. The operator  
3 shall permit the cement to set to a minimum  
4 compressive strength 350 pounds per square inch, PSI  
5 in accordance with the American Petroleum Institute's  
6 API specification ten.

7 Now the comparative laws from Texas ---  
8 Texas, their railroad commission governs their  
9 drilling so the comparative law is --- I don't know  
10 what the document is, but it's Chapter three from the  
11 Oil and Gas Division Law, it's 3.132 under Casing,  
12 Cementing and Drilling and Completion Requirements,  
13 Surface casing. I'm sorry --- 3.132(c)(i), surface  
14 casing strengths must be allowed to stand under  
15 pressure until the cement has reached a compressive  
16 strength of at least 500 PSI in the zone of critical  
17 cement before drilling the flow, or initiating the  
18 test. The cement mixture in the zone critical cement  
19 shall have a 20 --- 72 hour compressive strength of at  
20 least 1200 PSI. So that's a comparative cement  
21 compressive rate.

22 Now, I've heard people compare to the  
23 Texas law, this is what I don't think has come up; The  
24 Pennsylvania Oil and Gas Conservation Law, which  
25 actually applies to deep drilling. Marcellus drilling

1 is actually the deepest drilling that occurs that does  
2 not come under jurisdiction of this law. So it's kind  
3 of interesting almost the exact same depth ---  
4 Marcellus Shale is right about there, but it's not.  
5 It's Chapter 79.12(e) the cement shall be allowed to set  
6 to a minimum compression strength of 500 pounds per  
7 square inch using generally recognized industry  
8 engineering data for the type of cement used prior to  
9 the resumption of drilling.

10                   So my main point is I guess you go what?  
11 I don't know how many feet lower, but the compressive  
12 strength changes from 350 PSI to 500. So I don't know  
13 why the regulation --- the proposed regulation  
14 wouldn't reflect historical data for pounds per square  
15 inch and historical compression data. It doesn't  
16 reflect, I mean, what Texas's regulation is. And this  
17 was --- I think this is a 1961 law so I don't know. I  
18 don't know what that means. What is this disconnect  
19 occur here, the recommendation of minimum stress  
20 absorption, 350 PSI does not reflect historical  
21 standards. My recommendation is a 500 PSI or greater.  
22 That's a responsible decision to make and making that  
23 decision would hit at least four of the points for  
24 this meeting, casing stuff, regulations, and other  
25 regulations over the long-term integrity of the wells.

1 That's the specific. I'll give you a personnel  
2 comment from my own regard.

3 We need to examine all risks and benefits  
4 of shale drilling from a wider perspective. So many  
5 people are giving their great perspectives on this.  
6 The environmental resources represent a massive best  
7 suited values and interests that we can either decide  
8 to protect or ignore, so the gas has been present for  
9 millions of years, other environmental resources such  
10 as water, or land, have developed on the same time  
11 line. So it's when we impact these waterways, our air  
12 and our land that that balance disintegrates. We  
13 can't drill for gas and destroy our waterways at the  
14 same time.

15 I'll leave with one last remark. In  
16 economics one of the largest things in economics is  
17 this; modern economics doesn't address environmental  
18 theory. We can inflate money, we can do whatever we  
19 want with manmade capital and inflate it and try to  
20 trade it off and make a substitutable relationship  
21 with natural capital and that instance doesn't exist.

22 I mean, it's natural capital; you cannot substitute  
23 it with manmade capital money. You can't substitute  
24 it with labor that's why labor is cheaper in third  
25 world countries. Because that's manmade capital and

1 they trade it for natural resources like, steel in  
2 Brazil and coal production in India. So I mean we're  
3 seeing the disintegration of our resources such as the  
4 DEP. The DEP's budget was cut 90 percent for 2011, in  
5 a year where there were --- I don't know how many permits  
6 are supposed to be --- occur. So, I appreciate the  
7 DEP holding this hearing and especially hearing  
8 comments. I like the ten minute period of making --  
9 it gives a --- it's easier to talk that way. But I  
10 appreciate that, I realize that it's a larger problem  
11 than even me and the DEP can do. That's why I went to  
12 the EPA hearing. So, I think we'll see this progress  
13 in an interesting way. That's somewhat of a vague  
14 descriptive point, but it's apparent that we defiantly  
15 need to protect our resources. The DEP is a resource.  
16 We need to make sure even if they're listening to us  
17 that we provide them with all the sorted comments that  
18 I've heard tonight. So that's all I have to say.

19 CHAIR:

20 Thank you. Mel Packard?

21 OFF RECORD DISCUSSION

22 MR. PACKER:

23 My name is Mel Packard, I live at 623  
24 Kirtland Street in the city of Pittsburgh. I'm a  
25 parent and a concerned citizen. I'm with the Green

1 Party, I'm the nominated of Green Party of the U.S.  
2 Senate. Allow me to open with a quote all ready used  
3 by a friend of mine who testified at a previous  
4 hearing in Williamsport. This quote is naturally from  
5 one of my favorite people, Donald Rumsfeld, the former  
6 Secretary of Defense. But it's an appropriate comment  
7 in which he said, there are known known's, there are  
8 known unknowns, and there are the unknown unknowns.  
9 Keep that one in mind as I testify today.

10 Earlier this year, according to a public  
11 statement in Williamsport by DEP director John Hanger,  
12 we were told that we have only been practicing  
13 hydraulic fracturing for about five years. This is,  
14 of course, completely contrary to the industry  
15 statements, which claim such an incredibly long and as  
16 they stated, incredibly safe history of fracturing  
17 that I sometimes wonder if the bright stars that  
18 brought throngs to the manger of Jesus might not have  
19 been a flaring operation instead.

20 This history forces us to ask the DEP and  
21 the Environmental Quality Board why it's taken so long  
22 to address this issue. Since fracking began people  
23 have been filing complaints of wells contaminated and  
24 useless, animal drinking ponds totally polluted and  
25 contaminated, cattle and other animals either sickened

1 and dying, birth deformities in calves, drinking water  
2 that must be purchased or even delivered by the same  
3 drilling companies that at the same time claim it's  
4 not our fault. Apparently we are supposed to believe  
5 that those companies deliver the water out of the  
6 goodness of their hearts while claiming no  
7 responsibility for the contamination.

8                   So we have to ask, why is it taken so  
9 long for the DEP and EQB to even begin this process,  
10 when it's taken this long to begin, how long will it  
11 take to end? How much longer will the citizens of  
12 this state have to stand by while one of the basic  
13 elements of life, water, is being destroyed?

14                   In addition, as other people have  
15 commented, what safeguards will be put in place to  
16 prevent further contamination 10-15-20 years on down  
17 the road when these companies have taken their money  
18 and their gone folks? Their not sticking around, they  
19 come in, they take it and they leave. The industry is  
20 already five years ahead of the DEP; how far behind  
21 will the DEP be in five more years as industry  
22 develops new, unproven, untried, chemical compounds  
23 and practices?

24                   There's a very old coal mining song goes  
25 something like this, its two lines it goes;

1 Coal train, coal train, pulling down the track, taking  
2 away our coal and they can't put it back. We can  
3 change that in this case to; Drillers, drillers,  
4 fracking out in back, taking away our water and they  
5 can't put it back.

6           Because in fact, you can't put it back.  
7 When the water's gone, polluted, aquifers poisoned,  
8 filled with chemicals, wells sealed off due to  
9 chemical contamination, the water that we need to  
10 function as human beings, clean water, pure water, is  
11 gone, as Loretta testified and many others and will  
12 never come back.

13           And the problem is not just gas  
14 infiltration although I think this town has a tensidy,  
15 concentrate gas infiltration, you have to deal with  
16 chemical contamination and the ones who speak very  
17 specifically is a medical practitioner of emergency  
18 medicine about a case in Colorado --- so you  
19 understand how serious this can be, maybe you all know  
20 this, but I want to remind you in the year 2008, a  
21 nurse in Colorado had to take care of a worker who  
22 came in from a well who had been doused with fracking  
23 chemicals. They would not release the list of  
24 chemicals because it was a proprietary secret. That  
25 nurse hovered near death, with kidney, liver, and I

1 believe, either heart or lung failure --- I think it  
2 was lung failure, for weeks while he wouldn't release  
3 it. They finally released the list of chemicals and  
4 they were able to treat her. But it's not just the  
5 list of the chemicals which you're talking about; it's  
6 the concentration of chemicals. If somebody comes in  
7 to me, who has contamination in their eyes from some  
8 chemicals and say they're working in some steel mill,  
9 they come in with material data safety sheet, they may  
10 even come in with a container of that fluid, I can  
11 call poison control and I can get some information on  
12 that right away. They submitted a list of 96  
13 chemicals, what am I supposed to do? I have no idea  
14 what I'm seeing here, what I'm treating here. I can't  
15 just call poison control and say its 96 chemicals.  
16 They want to know what the concentration is, there's  
17 no brand name, there's nothing. This is just a  
18 witch's brew that they brewed up and shoved into the  
19 ground and we've got to treat people, plus the  
20 practioner him or her self can be poisoned by that  
21 process. So this is part of the huge responsibility  
22 to recognize that you're all ready years behind in  
23 fulfilling this monster. You are years behind in  
24 getting control of the damage, with far more years to  
25 come even if we stopped all of the drilling right now.

1                   The only answer and I know it's not in  
2 your peripheral but it's not in your range to do this,  
3 but the only answer is the moratorium on drilling now  
4 and not just on new wells, but on all Marcellus  
5 Fracturing until it's proven that it can be done  
6 without poisoning our water.

7                   As a medical practitioner I have to take  
8 a vow to do no harm. And the DEP should take exactly  
9 that vow. I believe there's enough evidence already  
10 in towns, villages, cities and farms all over this  
11 state to tell the drillers to shut it down.

12                   It's beyond my comprehension why any  
13 government body that purports to represent the best  
14 interest of its constituents, would not close the barn  
15 door before the rest of the cows get out. There's too  
16 damn many loose already.

17                   Now remember my quote at the beginning,  
18 the consequences of Marcellus Shale fracturing are one  
19 of the unknown unknowns, and we need some preventive  
20 medicine. Next year's too late, we need it now.  
21 There is a class war being waged against the citizens  
22 of this state by those with money and economic power  
23 against those of us who don't have the same amount of  
24 money, nor do we have the same amount of economic  
25 power. But we have taken up that battle, you can see

1 this, you can see it in every other meeting that's  
2 taken place, that the citizens have taken up this  
3 battle, they are going to wage this battle to protect  
4 our environment, our communities, our families and  
5 future generations and we're going to do it with every  
6 means at our disposal. Because we know which side  
7 we're on. As the old labor song goes, we ask the DEP,  
8 which side are you on? Thank you.

9 CHAIR:

10 Robert Dunnan?

11 MR. LAPATO:

12 Robert Dunnan?

13 MR. DUNNAN:

14 I'm coming. Bob Dunnan, 107 South  
15 Newport, McMurray, PA. As far as drilling affecting  
16 water wells, you got to believe it because more and  
17 more people we talk to --- the lady you saw on the  
18 news today ---. And first of all I want to thank the  
19 DEP for having this meeting tonight because they truly  
20 are working overtime. This is an added meeting  
21 because of a Thursday night event. So thank you.

22 CHAIR:

23 Sir, what do you represent?

24 MR. DUNNAN:

25 Myself. Okay, so the people we talk to

1 around drilling, the lady that was on the --- probably  
2 saw her on the noon news, or the evening news June  
3 chapel, but seven wells were drilled next to her  
4 house. When they began drilling those the neighbor on  
5 the far side immediately lost her water well. Now the  
6 company did re-drill that well, but the point is that  
7 drilling defiantly affects water wells.

8                   We've talked to other people who have had  
9 pressure drops in their wells. And over and over  
10 again the jar fills with cloudy water, the muddy  
11 looking water, so something is happening. I think the  
12 well casing regulations are important. As far as in  
13 the wording in there it says something about common  
14 practice, I think Pennsylvania should institute the  
15 best practices. And on these casings we need to have  
16 longer cement drying times. I think a lot of these  
17 wells are not aloud to cure long enough before they're  
18 drilled. As far as the meters, I think it's good to  
19 bring transparency to the --- how much gas the wells  
20 are producing. A lot of these wells have --- the  
21 meters are covered so that the landowner can't see  
22 them. I think that they need to be unlocked and  
23 uncovered, just like your gas or water meter at home,  
24 so you can read it too.

25                   As far as water testing, base-line water

1 testing and post drilling testing, they need to extend  
2 the list of things they test for. Right now DEP  
3 doesn't test for any BOC's. And the testing should be  
4 extended to a two year period, not six months. What  
5 got me started on this was when our Mon River tap  
6 water became affected, almost two years ago with the  
7 high PBS in the Mon. Now, last November the Top  
8 Corporate Lab tested our water on the same basis they  
9 test a lot of wells out in Hickory that what they were  
10 turning up in a lot of these wells was Acrylontrile,  
11 the other name for that is Vinyl Cyanide. We believe  
12 it's something that the drilling companies mix with  
13 Acetone to make like a slick water frac. So long  
14 story short, when this Acrylonitrile was turning up in  
15 these wells in Hickory, I said --- and I know that  
16 there hauling this drilling ground to places like  
17 McKeesport, Clairton, and Advance Waste up in New  
18 Castle, dumping it in the rivers. And it only makes  
19 sense, let's test the tap water. You know, if it's  
20 brought into the Mon, it's probably coming out of the  
21 Mon. Sure enough our tap water turned up with .94  
22 Acrylonitrile. That's 11 times the permissible level  
23 of a stream. But of course the water company says  
24 it's not something they have to test for, it's not one  
25 of the 83 compounds that their required to test for.

1 And then they compared it to some other EPA standard  
2 that said well, that's not a dangerous level, but it's  
3 something that's not supposed to be in your water.

4 So longer story short I support these  
5 better regulations on well casings as they are amended  
6 in the letter sent by Earth Justice. Thank you.

7 CHAIR:

8 Final call for Angela Wiley? Final call  
9 for Karen Bernard? Okay, we'll go to those who signed  
10 in, starting with Mark Gleason?

11 MR. GLEASON:

12 I'm not going to speak.

13 CHAIR:

14 Okay, sorry. Alex?

15 MR. LOTORTO:

16 Lotorto.

17 MR. LAPATO:

18 Thank you Alex.

19 MR. LOTORTO:

20 My name is Alexander Lotorto,  
21 L-O-T-O-R-T-O. I live on 5498 Main Street, Apartment  
22 Two, for any gas company men who want to come and  
23 harass me, anybody because I recommend --- and I  
24 recommend this to the DEP officials who disagree with  
25 me. I recommend --- I personally believe and I

1 believe anyone who doesn't believe this is being  
2 willfully ignorant at this point, for anyone who's  
3 heard the testimony at the EPA hearing and the County  
4 Council hearing, the clean water act testimony at  
5 every single hearing that they give every week, which  
6 is I respect them and it's very valuable and they site  
7 how many violations have been found. That's not  
8 something you hear very often. The DEP has found them  
9 many, many, --- too many violations. One too many  
10 violations is one too many because if there's a human  
11 life at risk, it's murder and we cannot allow this to  
12 happen in our state. And I live in two fronts where  
13 fracking is about to happen, I'm in Pike County  
14 Pennsylvania and in Pittsburgh City limits. And I  
15 have testified at so many hearings since 2007. I've  
16 given workshops at every state in the Marcellus Shale.  
17 I know every detail I can get from point A to point  
18 Z, from pipe-line to well, to dis --- reclaiming the  
19 land to housing property values going down, to every  
20 aspect of quality of life destroyed.

21 This industry has to disappear, all 500  
22 billion dollars of it. They need to start looking for  
23 other jobs and the DEP is not going to shut down this  
24 industry and stop issuing these permits after finding  
25 so many violations. They're the ones who know every

1 single detail of what's wrong. I don't know how they  
2 sleep at night, it must be the money. Because if my  
3 parents --- my dad's a landscaper and my mom is a  
4 florist and they don't have --- they saved their whole  
5 lives to buy the house that they raised me in, in  
6 rural Pike County Pennsylvania. And they built a  
7 Tennessee pipe line through our county and right  
8 before they built it guess what happened? The old  
9 pipe line exploded, they were testing it with water.  
10 They pressurized it because they got to ship it ---  
11 the 34 percent of the natural gas that goes through  
12 the Tennessee pipeline goes to Boston and is exported  
13 in Norway as the Columbian University Statistic study  
14 in Hancock, New York.

15                   And Mel Packard said it --- I was going  
16 to say it, there are two sides to this issue. There's  
17 no offense, there's no responsible drilling. I'm  
18 sorry, I stayed up all night last night because I  
19 found out that the Marcellus Shale coalition is having  
20 a big conference on October 1st and I'm going to be  
21 there with Tom Ridge, Onorato, Corbett all the  
22 government candidates. And all the CEO's and big  
23 investors are going to wine and dine them and if you  
24 haven't looked up the corruption follow the money,  
25 right? Rendell officials leaving money --- first

1 thing I noticed my senator chief of staff --- Lisa  
2 Baker's Chief of Staff left to work with --- to be the  
3 spokesperson at all the community meetings for CAD  
4 Oil. That's the first thing I had to face. Then  
5 Rendell guys leaving, he started working for the  
6 industry and then Onarato and Corbett receive all this  
7 money, we have --- this is corruption to the core.  
8 This is Dick Cheney in our own state plus every state  
9 politician asking them, you know, support --- let's  
10 put an tax which I support, I want to cause these  
11 companies a ton of money, because that's the only way  
12 their going to get out of here. That's the only way  
13 we're going to win is if the investors walk away,  
14 that's how we'd be nuclear. There's no private  
15 investment in nuclear reactors anymore until now that  
16 Obama's pitching it right? And now Obama's pitching  
17 on his clean energy platform, right? There's no  
18 mountain top removal, right, that mountain top removal  
19 movement has done a very good job at making ---  
20 everyone has heard the argument against clean coal and  
21 we need as a social movement to build that same  
22 movement here. And I'm at a loss for words. I looked  
23 at the Clean Water Act, Penn environment, Penn future,  
24 all these green groups. I've worked for clean water  
25 action and they asked me call people on the phone in

1 Pennsylvania and tell them we support the drilling, we  
2 just want it to be safe. Well you know what, that's  
3 not going to fly anymore. And I'm an effected  
4 community member and I say that --- and if they aren't  
5 listening to us then what kind of allies are they and  
6 I just --- we are our only friends at this point. We  
7 have some politicians who want to work with us, but  
8 it's very politically difficult for them. And we have  
9 to create that space, and the DEP is run --- the boss  
10 is Rendell who calls himself the best ally of the  
11 industry. It's a quote from Governor Rendell; he's  
12 the boss, handing out permits like its candy after  
13 finding all these violations. What does that say?  
14 How can we trust these people? I know you want the  
15 best intentions --- you probably studied environmental  
16 science for your whole life in studies and policy to  
17 make our world a better place, but God damn do it. We  
18 have whistle blowers in the EPA and the gas land, we  
19 have whistle blowers all over the country speaking out  
20 ---.

21 I've been working full time on this issue  
22 since 2007, doing ant farm demonstrations with water  
23 coloring, to show how the water gets contaminated with  
24 the Natural Park Service in front of search groups,  
25 you know, this is ---. I'm sick of organizing around

1 this. And they've declared war on us back in the day,  
2 when Ron Rola (phonetic) his farm was the second  
3 fracking well. They sat him in this room in  
4 Pennsylvania and testified, you know, they destroyed  
5 his land, can't get a mortgage on his land, to sue the  
6 company for all the wrongs they did to him, you know.  
7 And it's like, you know, that's story after story.  
8 There are a million stories. Children are getting  
9 sick, lesions on your skin, brain lesions, the --- one  
10 of the normal things that they talk about is benzidine  
11 exposure is if you talk to somebody who's a doctor,  
12 zombie like qualities, and there's formaldehyde in the  
13 water. What, are we going to turn into zombies, you  
14 know, I mean it's like, I don't know --- it's so  
15 terrifying. And my dad said --- I'll echo my dad  
16 because he couldn't be here and he works really late  
17 in to the night, working on his sites and stuff, but  
18 he said at the end of the gas line premier he said  
19 this too me and he said this to the whole audience,  
20 and got a standing ovation. He said, after 911 they  
21 told us the terrorists were going to poison our  
22 reservoirs and they raised the code level to red, and  
23 to the orange. And guess what, they did and they're  
24 here, and they have CEO's and politicians and big  
25 lobbying bucks and my dad said we better treat them

1 like terrorists. And what we do to terrorists when we  
2 find them in this country or we find them in  
3 Afghanistan and --- that's what my dad said, he said  
4 that publically. I'm echoing --- I'm quoting him.  
5 But he is a man who is being approached, you know, for  
6 water trucks to come on to his site, and where are  
7 they coming from? They're coming from frac sites and  
8 their saying; we're going to water your lawns with it.  
9 We're going to put the frac water, the salt we'll put  
10 it on the roads to melt the ice, we're going to water  
11 the dusty roads down with the water from the frac  
12 site, you know. They were at the hearing today with  
13 Bob Casey saying Hydrogen Sulfide on the site, so  
14 workers haven't even been talked about. Hydrogen  
15 Sulfite is like mustard gas, and their drilling on  
16 ridges and in valleys next to streams and they've been  
17 drilling out in the plain states, flat Texas, flat  
18 Wyoming, flat Colorado and they're drilling and this  
19 gas is heavy, it settles in the ditches, they're doing  
20 five acre clear cuts. This is a rig worker telling me  
21 this at a bar, because I talk to them. Go to a bar,  
22 go up Route 28 and talk to these guys. Go to a bar  
23 and ask these people. The rigs have not been serviced  
24 since they were in Wyoming. They haven't been in the  
25 shop. They went from Wyoming to Texas to here.

1 They've only gotten field service. That's a mechanic,  
2 a welder, from Wyoming brings his own welding rig  
3 here, from Wyoming because he doesn't trust the  
4 industries equipment, because he's been there, you  
5 know, this is like stories that you can't --- a good  
6 fiction writer could not make this up. That I've  
7 heard millions of stories, I've been all over this  
8 region, you know. And when we stand up, are we going  
9 to ask, the well casing is incorrect, you know. But  
10 I'll tell you what, if the well casing is incorrect  
11 what happens 75, 100 years down the road when the  
12 Tennessee pipeline is corroded to hell and its 30, 36  
13 inch pipeline, well we're going to get the --- the  
14 farther you can see from space, I think the blowout  
15 that happened in Fort Worth a couple weeks ago, the  
16 same week that the explosion happened in Brownsville,  
17 when the firefighter showed up and there was nobody on  
18 the site with this little volunteer fire company, with  
19 no hazmat suits, all exposed to these chemicals, you  
20 know what I mean. It's --- you know and that could be  
21 my town. And they built it across the most beautiful  
22 park in Pennsylvania. I'll leave you with this,  
23 Charles Park, its three waterfalls where I go cliff  
24 jumping and I used to take my prom date and at the  
25 bottom of the last waterfall, is a 50 yard clear cut

1 with the Tennessee pipeline that there supposed to  
2 build two more 36 inch pipeline. And if you walk up  
3 the ridge its as far as you can see, it comes from  
4 Texas to Boston, and it's all exported and they're  
5 going to build liquid natural gas ports in New York  
6 City, New York, there's Newark, New Jersey and  
7 southern New Jersey to export all this gas. These  
8 industries have no borders. This is free trade  
9 capitalism at its worst.

10 They're exporting this gas --- they have  
11 no allegiance to the United States. It's not  
12 patriotic to waive a flag, to cheer on these  
13 industries they have no allegiance to us. They're all  
14 from --- they're investors from India, you know ---.  
15 There not from here. And then they turn us against  
16 each other. The four farmers who were screwed over by  
17 big agriculture, you know, and their going on their  
18 land and saying, you know, sign this lease you're  
19 working 80 hours a week --- this is a Hancock, New  
20 York's farmer testimonies it. I'm working 80 hours a  
21 week, this gas lease is going to let me retire, you  
22 know, well why is he working 80 hours a week, why is  
23 his farm falling to pieces, why did his family move to  
24 the outskirts of New York City? Because there's no  
25 money in the agriculture industry anymore, because we

1 didn't support our local farmers when they needed to.  
2 Then the jobs issue; it's going to be at  
3 best 25 years of jobs at the bubble --- the peak of  
4 the bubble than they leave, and what happens in  
5 Pennsylvania when industry leaves? Anybody?  
6 Braddock, you know, all the steel --- at junk yards  
7 and everything, Rossville and what happens when coal  
8 ---. Well, I'll tell you what happened in Carbondale,  
9 Pennsylvania when coal left a hundred years ago, it  
10 turned into a white working class slum in the middle  
11 of the woods. And now they built this mile long  
12 fracking truck facility where they train in these  
13 chemicals from probably Leadsdale (phonetic) where  
14 there was another chemical plant exposure, see that in  
15 the back of the Trib? I'm just saying there's ---  
16 this is not safe. They're asking us to take a risk  
17 and put our lives up for grabs and it's not going to  
18 be in back of the Governors mansion, I can tell you  
19 that right now.

20 CHAIR:

21 Thank you. Cynthia Walters?

22 MS. WALTERS:

23 I only have three copies. I'll have to  
24 send a copy to you.

25 CHAIR:

1 Okay.

2 MS. WALTERS:

3 My name is Cynthia Walters. I'm from 916  
4 Athens Drive, Greensburg, Pennsylvania. My remarks  
5 here are drawn on 27 years teaching and research on  
6 water quality and also my personnel knowledge of many  
7 good people in the DEP who don't believe that the DEP  
8 stands for the Department of Easy Permitting. They  
9 believe that the DEP can and should stand for a true  
10 environmental protection.

11 I'm beginning to wonder though if the  
12 regulations that you have revised are even close to  
13 what we need. I am astounded that a number of people  
14 tonight have proposed and documented very clear gaps  
15 of knowledge. How can this group of the DEP, a group  
16 that I don't know. I know other members of the DEP,  
17 how can this group have these gaps in their knowledge  
18 at this time? I'm just astounded at this.

19 So I would say yes, of course, we need to  
20 strengthen these regulations, but we do not need to  
21 delude ourselves that small increments in these  
22 regulations, modifications provide true environmental  
23 protection. They do not, because of what we've been  
24 hearing as evidence to the contrary.

25 So again, I support the general trend but

1 this trend is not nearly as strong as it needs to be.  
2 A couple more specific issues are first of all, the  
3 issue of containment. The issue of containment seems  
4 to be willfully inadequate given the long term  
5 residence of those wells in these --- in our long,  
6 long, shale and multiple varieties of sedimentary  
7 layers that isn't in the regulations. The long term  
8 nature of containment in --- caused by those walls,  
9 it's not presented there.

10           Secondly the inspections, I think the  
11 idea of quarterly inspection is fine, you know, make  
12 it weekly, and make it monthly. But those inspection  
13 records that are provided had to be reviewed by the  
14 DEP themselves and we don't see any evidence that the  
15 DEP is going to be capable of either reviewing the  
16 minimum that they have.

17           For example, let's look at what's been  
18 happening so far. We see the DEP's getting fewer  
19 dollars, fewer amounts of resources to do the  
20 reviewing. Just recently, if you look at the last six  
21 months, they've reviewed and granted some thousands of  
22 permits and the only ones that they refuse --- they  
23 rejected were 17 out of 4,611. That means 99.7  
24 percent of all the permits were perfect. I really  
25 doubt that. That's just way too crooked. I can't

1 believe that all those permits were thoroughly  
2 reviewed and that only 17 were found lacking.

3           Okay, the third thing is this response to  
4 gas migration. Okay, well we've seen all ready that  
5 there's not only the gas migration but also the  
6 fracking fluid that the industry is putting down in  
7 those wells. There's two issues that don't seem to be  
8 addressed so far tonight and I'm not sure if they're  
9 in the regs and they need to be. One is the issue  
10 that was partly address and that is, that only from 15  
11 to maybe 70 percent or so of the fracking fluid comes  
12 back out. In other words, you put a whole ton in and  
13 only portions of that come back out. If the industry  
14 is leaving those residues behind that is a new  
15 regulation category. And the regulations now don't  
16 seem to account for the fact that the companies don't  
17 see the amount that their leaving behind as a greater  
18 responsibility and as a new category of regulations.

19           Finally, there's one other statement and  
20 that is that while we all love mother nature, and on  
21 the surface we see mother nature as providing fairly  
22 healthy soils and air and water to us. As a  
23 biologist, and a water quality person, I know that  
24 Mother Nature has a lot of things hidden under her  
25 skirts, that if they are revealed and brought back up

1 in the fracking fluid may not be the safest things in  
2 the world.

3                   So in other words, the migration of radio  
4 active material that is natural, of course it's  
5 natural, but it was sealed off underneath that. If  
6 you look, you look at the story the formations  
7 underneath most of Marcellus Shale, the Tully  
8 limestone formation is above most of Marcellus Shale.  
9 They expect those formations to have sealed off these  
10 outer components that are part of mother nature's many  
11 strata. When the fracking fluids go down in there and  
12 the fracking process occurs, many of those things that  
13 are all ready somewhat sealed off from our current  
14 exposure, are going to be brought back up through this  
15 process. When those things are brought back up where  
16 is the regulation going to apply? In other words,  
17 these companies are responsible for bringing up things  
18 that were naturally sealed. And where is that in the  
19 regulations? I don't see that. So, in other words,  
20 I'm just me, just a little old teacher from a small  
21 collage in Western Pennsylvania. Just little old you  
22 folks, you know, all sorts of folks --- we don't seem  
23 to have a lot of engineering degrees, and geo-  
24 chemistry and hydraulic degrees and so on. You guys  
25 have found huge numbers of gaps in these regulations.

1 What does that say? We're not ready for this. We  
2 have to have a moratorium. The regulations are no  
3 enough. So, I thank you for your time. I really look  
4 forward to working with the DEP to be a true  
5 environmental protection and not an easy permitting  
6 group. Thank you.

7 CHAIR:

8 Mark Benkoski?

9 MR. BENKOSKI:

10 My name is Mark Benkoski. I'm a resident  
11 living just off of Rich Hill Road in Indiana Township,  
12 PA.

13 MR. LAPATO:

14 Could you spell just the last name for  
15 us?

16 MR. BENKOSKI:

17 Benkoski, B-E-N-K-O-S-K-I. On Friday, the  
18 residents of Rich Hill Road witnessed firsthand the  
19 hazardous nature of gas and oil wells. During routine  
20 maintenance by trained professionals, two men died.  
21 The incident, while in a wooded area demonstrated how  
22 lethal a gas well can be. To my knowledge the local  
23 municipality and the Allegheny County Emergency  
24 Management Team were extremely challenged by the  
25 incident.

1                   The fact that professionals had to be  
2 flown in from Texas to handle the shutdown of the  
3 burning well proves that the State of Pennsylvania may  
4 not be prepared for the onslaught of gas and oil well  
5 drilling.

6                   Gas and oil drilling is a hazardous  
7 commercial business that has demonstrated to me  
8 personally little regard for the public's safety and  
9 concern. Within a thousand feet of my residence, the  
10 Stephen Sokol Gas Well, which is located off of Rich  
11 Hill Road, lies in a residential neighborhood. Had  
12 this incident occurred at the Sokol well the death  
13 toll would have been far greater.

14                   This well went into operation without  
15 notifying me or testing either of my water wells. In  
16 addition, the Donna S. Shields well has been permitted  
17 to be drilled 225 feet from my home. It's  
18 approximately 205 feet from my water well. As  
19 demonstrated on Friday, 200 feet is not a reasonable  
20 safety zone.

21                   Earlier this year, I sent a letter to  
22 Marco Drilling of Penn Hills to address my safety  
23 factors associated with their drilling. To date, I  
24 have not been able to get a response from Marco  
25 Drilling other than to hire a lawyer. This type of

1 activity should be criminal. To put the public safety  
2 at risk without due consideration to the potential  
3 hazards posed by their operations over the lifetime of  
4 a gas or oil well in un-American. How many people  
5 have to die before some common sense regulations are  
6 put into the laws governing and regulating these  
7 operations in Pennsylvania? Thank you.

8 CHAIR:

9 Thank you friend. Cindy Wolfson. Cindy  
10 Wolfson?

11 MR. LAPATO:

12 Is there anybody else that has not spoken  
13 and would like to offer testimony tonight?

14 MS. ST. JOHN:

15 I handed mine in and said I wouldn't  
16 speak, but I might as well read it out. This is just  
17 a --- my name is Kate St. John; I live in 731 McCaslin  
18 Street, Pittsburgh, 15217. I looked through the regs,  
19 condensation of the regs from someone else and I  
20 decided I would just make it as one page so it's  
21 pretty brief.

22 I think that the casing should be  
23 extended, cemented and secured completely at least 100  
24 feet below the water table, not just 50 from top to  
25 bottom.

1                    Pressure-test the cement after it has set  
2 and before fracking begins. Report the test results  
3 to DEP; DEP has to get an inspection there before  
4 fracking begins. Require the operator to test public  
5 and private water supplies within 2,000 feet prior to  
6 drilling. Pre-drilling water tests should include  
7 tests for both natural gas and fracking marker  
8 chemicals; for example, methane, benzene, styrene and  
9 acrylonitrile. And the DEP should specify what to  
10 test and what methods to use. Pre-drilling tests  
11 results should be given to the water supply owner and  
12 persons who use the water supply before the drilling  
13 begins and without any of them having to ask for the  
14 results. The report should be in laymen's terms.  
15 Require the operator to test the same water supplies  
16 both 6 months and a year after drilling. I like the  
17 two year idea too.

18                    The post-drilling water tests results  
19 should be given to DEP and to the water supply owner  
20 and persons who use the water supply within ten days  
21 of the operator having received these results and  
22 without the affected persons having to ask for the  
23 test results. Reports to laymen should be in laymen's  
24 terms.

25                    Until the water supply can be cleaned to

1 Safe Drinking Water standards (SDWA), the operator  
2 must supply replacement water that meets Safe Drinking  
3 water standards. And water tests made during that  
4 period must be published as I said in the pre and  
5 prior points about letting every body know.

6                   When the operator supplies replacement  
7 water he may not ask nor require those who receive  
8 replacement water to sign a non-disclosure agreement.  
9 The operator must be bonded to replace drinking water  
10 for 100 years.

11                   When DEP receives complaints of water  
12 pollution or diminution the DEP investigation should  
13 begin within 24 hours so the drillers and frackers are  
14 still present. The DEP should immediately notify all  
15 potentially affected neighbors so they don't drink the  
16 bad water.

17                   This is about flaring; as I understand  
18 it, a new well pad. You may have to flare the first  
19 one with the first well because you don't have the  
20 pipes ready. But if there's no gas pipeline to a new  
21 well, the first can be flared. However, all wells  
22 after the first on every pad must use green completion  
23 instead of flaring. And require operators to keep  
24 accurate records of gas venting and flaring and report  
25 them to DEP including the amount vented and burned.

1 Require operators to report to DEP the  
2 amount and names of gases emitted by the condensate  
3 tanks. Don't allow a frac pit within one mile of any  
4 occupied building including buildings occupied by  
5 animals. If this is not possible, the operator must  
6 use tanks. I'm not fond of frac pits, I don't really  
7 think they should be --- but I did say that if they're  
8 built they must be fenced ten feet high so wildlife  
9 cannot get in. Thank you.

10 MR. BICINIE:

11 Good evening. I will provide you with a  
12 transcript.

13 CHAIR:

14 You're name and address?

15 MR. BICINIE:

16 My name is Al Bicinie, B-I-C-I-N-I-E.  
17 301 Alpha Drive, Pittsburgh. Going to thank the DEP  
18 for consideration, many of the speakers here have  
19 talked about the importance of base line testing or  
20 pre-drill testing. I think what we need to look at  
21 though is --- mentioning many of the compounds of  
22 concern are not covered in routine analytical testing  
23 list of protocols for operating in the community. So  
24 there'll be a need for new methodology to be developed  
25 to support these. The DEP will play an appropriate

1 role in working with the community to standardize  
2 methodology and medical performance, if we're ever  
3 going to make a decision, we should make it on data  
4 and it should be on good data. And so that part of  
5 the standardized methodology --- the compound lists  
6 will need to be expanded from the routine drinking  
7 water markering list or the prior compound lists, to  
8 cover the compounds; both the apparent compounds and  
9 other compounds if they exist from the fluids of  
10 interest. Define the performance as part of that  
11 methodology studies in the medical community. We have  
12 to understand that many of the compounds don't have  
13 associated risk levels. So I think the risk  
14 assessment team needs to be involved in helping to  
15 understand and defined risk assessment. So if we're  
16 going to have data to the public on the results, we  
17 need some sort of baseline by some sort of criteria  
18 from which to compare that too. And then those are  
19 just a couple of recommendations from the medical  
20 community. Thank you.

21 MS. WILLIAMS:

22 Lynn Williams, 213 Sycamore Ridge Drive,  
23 Springdale. I was not going to speak, but last night  
24 my husband was on the web and found an article from  
25 the American Chemical Society. Three men from the

1 U.S. EPA, David Kargbo, K-A-R-G-B-O, Ron Wilhelm and  
2 David Campbell. Natural Gas Plays in the Marcellus  
3 Shale: Challenges Potential Opportunities. Tapping the  
4 lucrative Marcellus Shale natural gas deposits may  
5 have a host of environmental concerns. However, at  
6 the end of this article, are potential opportunities,  
7 different ways to do the fracking that do not use all  
8 of the water. A simple replacement of diesel fuel by  
9 natural gas can result in 85 percent less DOC's spuing  
10 into the air. Using Carbone Dioxide and then  
11 introducing Nitrogen so it doesn't freeze. And my  
12 husband was pointing out that the cement casings, the  
13 problem is that it doesn't have enough time to cure  
14 because of the temperatures, it cures too quickly.  
15 And they cannot control the integrity of the cement.

16 I live in Rachel Carson's backyard and I  
17 am scared to death and we need a moratorium. I'm from  
18 New York State originally and I have a friend who is  
19 in the business in New York and well, I guess he's a  
20 friend. He may be a former friend, because he has  
21 told me that this has been in place for 60 years. He  
22 has told me every lie that the industry spews. And I  
23 know better. And I hope that we can get the word out.  
24 Thank you.

25 CHAIR:

1 Final call.

2 MS. MAGAN:

3 My name is Mary Magan, M-A-G-A-N. I live  
4 at 2335 Tilberry Avenue, Pittsburgh, 15217. I'm so  
5 happy to have all you here tonight. To hear it one  
6 more time, over and over; I guess we just have to keep  
7 chanting and get crazy if we have too. I hope we  
8 will, if we have to come to that that you're all going  
9 to be with me? When we, like, go to the Mayors office  
10 or whatever we have to do because this is going to get  
11 ugly. There's a lot of money involved and there's a  
12 lot of resources involved. And it's our state it  
13 should be our gas and nobody should touch it unless we  
14 know that that's going to happen.

15 One of the things I haven't heard  
16 tonight, that I think is an environmental problem is  
17 the pounding of the ground. The word frac --- and I  
18 don't know that much about fracking --- I want to talk  
19 to you later. When they break open rock and shale and  
20 things that have been there for millions of years,  
21 this is got to do something to everything around it.  
22 It's a living organism and when you break something  
23 and break it apart even the word fracture, as you  
24 know, now, when you fracture a bone --- when you  
25 fracture anything it's not a good thing. It's a

1 serious thing and it needs to be healed. And how  
2 we're going to heal this earth and heal what we're  
3 doing really is an unknown environmental decision and  
4 we better find out before we let it go any further  
5 there are so many unknowns. There's so many --- like  
6 a thin layer of protection that underneath that is  
7 just an abscess, that's really growing. And you guys,  
8 you need to realize this is your job. That we're  
9 putting our health, our homes, our children in your  
10 hands and I hope you take very seriously the care that  
11 we need, we put into your hands. That's all I have to  
12 say.

13 CHAIR:

14 Thank you.

15 MR. WEIRTON:

16 My name is Ken Weirton; I'm with  
17 affiliate of the Lincoln Place Action Group.

18 CHAIR:

19 Okay.

20 MR. WEIRTON:

21 And I only have a couple things to say.

22 A \$2,500 bond on one mile is not enough money.

23 \$25,000 for a blanket well bond for all wells, that's

24 ridiculous. That's ridiculous to set a \$25,000

25 blanket bond on all the wells the company drills,

1 that's incredible. That's not enough money to do a --  
2 - a driveway, you couldn't --- that's ridiculous. And  
3 what happens when one of these companies goes  
4 bankrupt? Like the coal industry did, they went  
5 bankrupt, walked away. Massey Coal just bought a coal  
6 mine in Pennsylvania because it was a bankrupt coal  
7 mine. The guy worked there 35 years, he went to work  
8 and they said it's closed. It sat there, acid mine  
9 run off and that's what we're looking at here. We're  
10 facing the same types of problems. And I don't have  
11 much to say but I wish --- I go to these meetings and  
12 I hear there's been no known ground water  
13 contamination from this drilling. I hear it all the  
14 time. I go on you website and right there it says 14  
15 known cases in Dimock, Susquehanna County. And you  
16 guys put it on there. Why don't you just dispel them?  
17 Why don't you just dispel the gas industry and say  
18 quite lying to the people? And there's another thing  
19 that bothers me about this. What this gas industry is  
20 doing here in Pennsylvania is an age old method of  
21 divide and concur. They come in here like thieves in  
22 the night, they signed up people with leases who knew  
23 not what they were signing, and then they put the  
24 people who have signed the leases against the people  
25 who don't want the leases. So we're at each others

1 throats, while their reaping all the benefits. Adolf  
2 Hitler did that in Nazi, Germany, he had kids turning  
3 in their parents. And this is an age old strategy.  
4 They know how they lost in New York. They know how  
5 they lost in New York. They're making sure they don't  
6 loose in Pennsylvania the same. Well, they know how  
7 they lost in New York. How New York got the  
8 moratorium. That's what we need to follow. However  
9 New York did it, there's people that know. We need to  
10 find out. And I live in Lincoln place, that's a city  
11 neighborhood. There's over 80 leases signed in the  
12 city neighborhood and we sit right directly opposite  
13 the Allegheny County Airport, which is one of the  
14 sites that they've all ready earmarked to allow for  
15 the drilling. And we know that area is all  
16 undermined. It's all undermined and the methane gas  
17 that blew in Moundsville was from an abandoned coal  
18 mine that they knew wasn't there. That's the problem.  
19 They didn't chart the coal mines. They don't know  
20 where the coal mines are. Because it was a  
21 deregulated industry, they came in here, the people  
22 needed jobs and they gave us jobs, at what price?  
23 We're still paying the price with abandoned coal  
24 mines, acid mine run off.  
25 And there's another thing that bothers

1 me. If they're so up and up, the gas industry and  
2 they're only here for our best interest to give us  
3 these jobs. Why do they need to be de-regulated in  
4 2005? Why? If you're on the up and up, why did you  
5 need de-regulated? I think it's obvious. Everybody  
6 here knows the answers to those questions. They  
7 couldn't pull off what they're pulling off. And we're  
8 the people it's, you know, it's a shame. And one  
9 other thing and I'll be done. It was just for all of  
10 us people who --- we're the little people, right?  
11 We're just the little people, we're here. Billy Joel  
12 wrote a song, right? We didn't start the fire, the  
13 fire was always burning and there's a reason for that.  
14 Because this has been a classic struggle, it's the  
15 haves who are up here and their dictating to us. And  
16 this is ours --- if it was your football or your  
17 basketball, it was your court, would you allow someone  
18 else to come in and tell you what to do? There coming  
19 in there and telling us what to do with our resources.  
20 Why? How did that ever come about? Probably the  
21 best ally Eddie Rendell did it. He gave them all the  
22 land. And you can't blame the poor guy that's sitting  
23 out in the field making no money and they come in and  
24 say, Here, here's money for you ---, you know, what's  
25 he going to do? That shouldn't even been an option.

1 These things should all been worked out before. And  
2 I'm done. But one more thing, one more thing.  
3 Tomorrow night, Lakewood Place, Ellis, there's a  
4 meeting being held. It's in Lakewood Place on  
5 Buttermilk Hall at 7:00. We got a big hall there,  
6 we're going to try to get as many people and we're  
7 going to see if the little people can do something  
8 about this big problem.

9 MR. LEFT:

10 Scott Left. 1211 Shady Avenue,  
11 Pittsburgh, private citizen. Just a simple, small  
12 point but I think a significant one, and maybe I've  
13 been mishearing because I haven't read the regs, I'm  
14 new to this. But in hearing the discussion about pre-  
15 testing the water with conversation of the operator  
16 getting the water tested. It brings to mind a little  
17 economic downturn some of you may have remembered ---  
18 remember that we had a couple of years ago when there  
19 were a lot of securities that collapsed, that had been  
20 rated as perfectly fine securities by standard. And  
21 people were kind of shocked to learn who paid the  
22 rating agencies, the folks who were being rated. I  
23 think if we are having regulations about water testing  
24 in place, the folk's highering the water testers  
25 should not be the companies who are potentially going

1 to be liable. Thank you.

2 CHAIR:

3 Thank you very much for your testimonies  
4 tonight. And on behalf of the Environmental Quality  
5 Board, I hereby adjourn this hearing at 9:34 p.m.  
6 Thank you.

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HEARING CONCLUDED AT 9:34 P.M.

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CERTIFICATE

14 I hereby certify that the foregoing  
15 proceedings, public hearing held before Chairperson  
16 Conner, was reported by me on 07/26/2010 and that I  
17 Kayla Godkin read this transcript and that I attest  
18 that this transcript is a true and accurate record of  
19 the proceeding.

20

Kayla Godkin

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