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**TESTIMONY PROVIDED AT EQB HEARING
JULY 21, 2010
WILLIAMSPORT PA**



Good evening. My name is Barbara Jarmoska. I own and reside on 20 clean and green and unleased acres of rural land in Gamble Township. My mailing address is 766 Butternut Grove, Montoursville PA.

Butternut Grove is a no outlet country road ending in a recently drilled and hydrofracked gas well on state forestland atop Jacoby Mountain.

I appreciate the opportunity to participate in the democratic process and appear here tonight to offer my testimony on the proposed changes to Chapter 78 regulations.

I also want to publicly state my appreciation for the work of DEP staff who, in spite of severe budget cuts, are attempting to improve oversight and regulations regarding drilling for natural gas in Pennsylvania's Marcellus Shale.

If you want to understand the scope of a problem as well as the best solutions – ask an expert. Better yet, ask an expert with over 2 decades of experience and no vested interest in the outcome.

Regarding proposed changes to Chapter 78 regulations – those with far more expertise than I have read DEPs' proposals and made their recommendations.

I am referring to the 49 recommendations provided to DEP by Harvey Consulting, LLC via Earth Justice on March 1st, 2010 and signed by organizations representing hundreds of Pennsylvanians and thousands of US citizens.

I do not have Susan's Harvey's qualifications as a petroleum and environmental engineer. The best I can do as a concerned citizen of Pennsylvania is to remind DEP that Pennsylvania's constitution guarantees my rights to clean air and water and that those rights need to be protected to the fullest extent of the law. I believe those rights are currently being threatened by both domestic and multinational energy corporations. I believe that threat is real.

I believe the new Chapter 78 recommendations of DEP are needed. I also believe these proposals do not go far enough. I favor each of the 49 additional proposals set forth by Harvey Consulting and further recommend that DEP adopt the Harvey Consulting recommendations as set forth in the aforementioned document.

I would like to take this opportunity to highlight a few recommendations that I believe to be most critical

#1 – regarding cement.

DEP's definition for cement sets a 24-hour compressive strength standard of at least 500 psi. However, other states, such as Texas, have found that standard insufficient to prevent vertical migration of fluids or gas behind pipe. Texas requires operators to have knowledge of the location and extent of all usable-quality water zones, and an **additional** 72-hour compressive strength standard of at least 1,200 psi across critical zones of cement. The Texas law is a 58% increase over DEP's proposal. I believe the PA new regulations should match or exceed the 72-hour, 1200-psi standards.

#2 – regarding water contamination reporting.

Chapter 78 revisions would require a well operator to notify DEP if a water supply contamination complaint has been received from a landowner, water purveyor, or affected person, within 10 calendar days. A 10-day notification period is far too long. Notification should be made within 24 hours of initial report. This way, DEP is promptly notified and can send a technical team to the site to commence the investigation while the factors that may have contributed to the complaint are still present.

#3 – regarding drinking water remediation and replacement

Operators should not be permitted to construct any new or replacement water supply that does not meet the minimum standards of Pennsylvania's Safe Drinking Water Act. No exceptions.

#4 - regarding testing of drinking water

Current recommendations for reporting only require that "results of the laboratory analysis" are to be provided. There are no clear instructions on what tests must be

reported or what test methods must be followed. All chemicals commonly used in the fracking process should be tested for. Water quality lab reports should include a summary verifying whether any contamination was found. And if found, the report should clearly describe the amount of contamination and by what factor it exceeds Pennsylvania's Safe Drinking Water Act. All reports should be made available to the public, and provided to agencies responsible for drinking and ground water protection. Additionally, DEP should require a minimum of annual water quality testing as long as drilling, completion and well production continues.

#5 - regarding the use of blowout equipment:

We need only look to the Gulf of Mexico and to recent events in Clearfield County to acknowledge the need for blowout preventers and the dire consequences of ignoring the need for such protection. A Blowout Preventer (BOP) cannot be installed until surface casing is set and cemented; therefore a gas flow diverter system should be installed to provide safety during the initial stages of well drilling and setting surface casing. Once surface casing is set, a BOP can be installed to control the well as it is drilled deeper into higher-pressure zones. The proposed DEP regulations provide no criteria or standards for what constitutes an acceptable design for a drilling diverter system. Shallow gas hazards are well known in the oil and gas industry to be the root cause of many well blowouts and explosions. Many of these situations could have been prevented by a more rigorous diverter system design. I recommended that DEP improve the safety device regulations to include diverter system specifications.

Industry standard practice is to design, size, and install a BOP to handle maximum expected wellhead pressures during the drilling process. Currently, in Pennsylvania, operators can attain a drilling permit without installing a blowout preventer. Simply stated, a BOP should be required on all wells. Current regulations also do not require BOP devices on the drilling rig itself. This change should be included in the new regulations, again with no exceptions.

6 – regarding air pollution from venting and flaring of gas wells

New DEP proposed regulations require operators to ensure that excess gas encountered during drilling, completion, or stimulation be flared, captured, or diverted away from the drilling rig in a manner that does not create a public health hazard. I agree. I also believe this proposal does not go far enough. There should be a mandate that operators select

the most environmentally preferable, lowest impact methods available. This includes the installation of devices designed to reduce methane, VOC and other toxic emissions into the air. Technology is available to require this, and capturing gas rather than flaring it off into the atmosphere could actually make this a profitable regulation for the industry. However, it is an extra step – and if not required to do so, the gas companies have thus far not volunteered to follow this best management practice. It is my hope to see this technology employed as a requirement in the new Chapter 78 regulations.

Once again, I would like to remind the EQB that I am in favor of each of the 49 recommendations set forth in the Harvey Consulting document of March 1, 2010. The six recommendations I have outlined this evening are those I feel are needed most urgently.

We have a narrow window of opportunity to improve the odds that drilling for natural gas in the Marcellus Shale does not permanently and irrevocably diminish or destroy the way of life we have come to appreciate in Pennsylvania's endless mountains and rural communities.

These new proposed regulations already come too late for the folks in Dimock, and elsewhere.

I urge the board to implement all best management practices designed to guarantee, to the fullest extent of the law, the health and safety of Pennsylvania residents and the guarantee of clean air and water as set forth in our state constitution.

I urge the EQB to expedite the regulatory process and I once again, thank you for the opportunity to be heard.

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Sent: Sunday, August 08, 2010 8:52 PM
To: EP, RegComments
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Attachments: testimony - chapter 78.doc

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INDEPENDENT REGULATORY
REVIEW COMMISSION

Attached please find a written copy of the testimony I presented in Williamsport PA at the DEP hearing on Chapter 78.

Thank you.

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