

2857

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF

ENVIRONMENTAL QUALITY BOARD

* * * * *

IN RE: PROPOSED RULE MAKING OIL AND GAS WELL CASING
AND CEMENTING

* * * * *

BEFORE: Patrick D. Henderson, Executive Director

HEARING: Monday, July 19, 2010
7:09 p.m.

LOCATION: Tunkhannock Area High School Auditorium
120 West Tioga Street
Tunkhannock, PA 18657

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Reporter: Andrew M. Minnick, Jr.
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WITNESSES

1
2
3 Emily Krafjack
4 Victoria Switzer
5 Craig L. Stevens
6 Virginia Cody
7 Joyce E. Stone
8 Patrick Walker
9 Craig Sautner
10 Wayne Chudleigh
11 Jody Fall
12 JoAnne Fiorito
13 Paul Rocher
14 William F. Ernest
15 Tom Frost, Jr.
16 John Rothschild
17 Rebecca Roder
18 Angela Seyler
19 Pat Farnelli
20 Kristin Jones
21 Sarah Chudleigh
22 Jay Sweney
23 Rebecca Roder
24 Michelle Thomas
25

I N D E X

1		
2		
3	OPENING REMARKS	
4	By Director Henderson	7 - 10
5	TESTIMONY	
6	By Ms. Krafjack	10 - 20
7	TESTIMONY	
8	By Ms. Switzer	20 - 25
9	TESTIMONY	
10	By Mr. Stevens	25 - 34
11	TESTIMONY	
12	By Ms. Cody	34 - 41
13	DISCUSSION AMONG PARTIES	41 - 43
14	TESTIMONY	
15	By Ms. Stone	43 - 44
16	TESTIMONY	
17	By Mr. Walker	44 - 46
18	TESTIMONY	
19	By Mr. Sautner	46 - 49
20	DISCUSSION AMONG PARTIES	49 - 52
21	TESTIMONY	
22	By Mr. Chudleigh	52
23	TESTIMONY	
24	By Ms. Falls	53 - 54
25		

I N D E X (cont.)

1		
2		
3	TESTIMONY	
4	By Ms. Fiorito	54 - 55
5	TESTIMONY	
6	By Mr. Rocher	56 - 58
7	TESTIMONY	
8	By Mr. Ernest	58 - 61
9	TESTIMONY	
10	By Mr. Frost	61 - 63
11	TESTIMONY	
12	By Mr. Rothschild	63 - 64
13	TESTIMONY	
14	By Ms. Roder	65 - 66
15	TESTIMONY	
16	By Ms. Seyler	66 - 67
17	TESTIMONY	
18	By Mr. Farnelli	67 - 75
19	DISCUSSION AMONG PARTIES	76 - 77
20	TESTIMONY	
21	By Ms. Jones	77 - 79
22	DISCUSSION AMONG PARTIES	79 - 81
23	TESTIMONY	
24	By Ms. Chudleigh	81 - 84
25		

I N D E X (cont.)

1		
2		
3	TESTIMONY	
4	By Mr. Sweney	85
5	DISCUSSION AMONG PARTIES	85 - 87
6	TESTIMONY	
7	By Ms. Roder	87 - 88
8	TESTIMONY	
9	By Ms. Thomas	88 - 90
10	DISCUSSION AMONG PARTIES	90 - 91
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

E X H I B I T S

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<u>Number</u>	<u>Description</u>	<u>Page</u> <u>Offered</u>
	NONE OFFERED	

P R O C E E D I N G S

DIRECTOR HENDERSON:

Good evening, everyone. If I could have your attention. Can you hear me in the back? Okay. My name is Patrick Henderson and I am the Executive Director of the Senate Environmental Resource and Energy Committee, and I am here today for Senator Mary Jo White, who is a member of the Environmental Quality Board to facilitate as chairman of tonight's hearing.

I'm going to start by reading a statement laying out the ground rules and topic for tonight's hearing. After that, I will call upon those who have pre-registered to testify tonight. And at the conclusion of that we will then open up to members of the public who would like to come forward and offer their comments as well. So with that I would call tonight's 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 will be holding a public hearing on the proposed regulations in Williamsport on July 21st, in Meadville and Pittsburgh on July 22nd, and an additional hearing

1 in Pittsburgh on July 26th.

2 The proposed rulemaking, which was
3 adopted by the Environmental Quality Board, or EQB, on
4 May 17th, updates existing requirements in 25 PA code,
5 Chapter 78 regarding the drilling, casing, cementing,
6 testing, monitoring and plugging of oil and gas wells,
7 and the protection of water supplies. The proposed
8 rulemaking includes updated material specifications
9 and performance testing and amended design,
10 construction, operational, monitoring, plugging, water
11 supply replacement and gas migration reporting
12 requirements. The additional requirements will
13 minimize gas migration and will provide an increased
14 degree of protection for both public and private water
15 supplies.

16 In order to give everyone an equal
17 opportunity to comment on this proposal, I would like
18 to establish the following ground rules. One, I will
19 first call upon those witnesses who have
20 pre-registered to testify at this hearing. After
21 hearing from these witnesses, I will provide any other
22 interested parties with the opportunity to testify as
23 time allows. Two, testimony is limited to ten minutes
24 for each witness.

25 Three, organizations are requested to

1 designate one witness to present testimony on its
2 behalf. Four, each witness is asked to submit, if
3 available, three written copies of his or her
4 testimony to aid in transcribing this hearing. Please
5 hand in your copies prior to providing your testimony.
6 Five, please state your name, address and affiliation
7 for the record, prior to presenting your testimony.
8 We would appreciate your help by spelling your name
9 and terms that may not be generally familiar so that
10 the transcript can be as accurate as possible. Six,
11 because the purpose of the hearing is to receive
12 comments on the proposal, EQB staff may question
13 witnesses; however, the witnesses may not question the
14 EQB or DEP.

15 In addition to or in place of oral
16 testimony presented at today's hearing, interested
17 persons may also submit written comments on the
18 proposal. All comments must be received on or before
19 August 9, 2010. Comments should be addressed to the
20 Environmental Quality Board, P.O. Box 8477,
21 Harrisburg, PA 17105. Comments may also be e-mailed
22 to RegComments@state.pa.us. And I will repeat those
23 later in the hearing.

24 All comments received at this hearing, as
25 well as written comments received on or before August

1 9th, will be considered by the EQB and will be
2 included in a comment/response document prepared by
3 the Department and reviewed by the EQB prior to taking
4 final action on this regulation.

5 Anyone interested in receiving a copy of
6 the transcript may contact the EQB for further
7 information. With that I call our first witness
8 tonight, Emily Krafjack. She's followed by Victoria
9 Switzer and Craig Stevens. Ms. Krafjack.

10 MS. KRAFJACK:

11 Can you hear me? My name is Emily
12 Krafjack, E-M-I-L-Y, K-R-A-F-J-A-C-K. My address is
13 RR 1 Box 175A, Mehoopany, Pennsylvania, 18629. Good
14 Evening. I would first like to thank the
15 Environmental Quality Board and the Pennsylvania
16 Department of Environmental Protection for continuing
17 to provide a public forum for those who are interested
18 in participating and assisting in the updating of the
19 existing requirements which will minimize gas
20 migration and provide an increased protection for our
21 water supply. I also appreciate the location of this
22 hearing in Tunkhannock, near the area where I reside.

23 Members of the Board, and fellow
24 citizens; my name is Emily Krafjack and I reside in
25 Mehoopany Township, Wyoming County. The northwest

1 corner of Wyoming County is largely a rural,
2 agricultural community, just in the beginning stages
3 of Marcellus Shale Natural Gas exploitation. In our
4 four township region of Forkston, Windham, Mehoopany
5 and North Branch townships, there are presently,
6 according to e-facts, a total of 12 pending and issued
7 expedited e/s site permits, and 27 pending and issued
8 drill/operate permits, including one well having been
9 drilled in Mehoopany township.

10 My husband and I live within hundreds of
11 feet of the first drilled well in Mehoopany Township.
12 Living in that close proximity, along with educating
13 ourselves and preparing for this change in our
14 community, has provided us with the opportunity to
15 hopefully provide you with some worthwhile comments
16 this evening.

17 Mehoopany Township has three well
18 operators, and this is a great concern in regard to
19 gas migration and protecting water supplies, since
20 presently each has different company standards of
21 operation. Creating these new standards will create a
22 level field of operation and at the same time provide
23 protection for all of us living in the gas patch.

24 I am limiting my comments to only those
25 parts of the proposed updates where I feel I can make

1 a contribution. I understand the Board has indicated
2 they are specifically requesting comments in certain
3 areas, however, there are some areas that are beyond
4 my scope of knowledge.

5 78.51, protection of water supplies, A, I
6 would like to suggest that when a situation occurs
7 where water is affected, that a time table be
8 established whereby a temporary water supply must be
9 provided, and define the period when the temporary
10 supply necessitates permanent status. Establishing
11 this would put everyone on the same page of
12 understanding concerning what is happening and what is
13 expected. Other than that, the proposal seems reasonable.

14 78.52, pre-drilling or pre-alteration
15 survey. Having had a frustrating experience trying to
16 obtain our water test from the well operator, this
17 revision requiring that the operator must provide the
18 results within ten days of the receipt is a welcomed
19 revision.

20 78.73, general provision for well
21 construction and operation. Any proposals that
22 significantly reduce the possibility of a gas
23 migration event are much welcomed.

24 78.75a, area of alternative methods. I
25 would suggest that in addition to publishing in the

1 Pennsylvania Bulletin that an area has been
2 established, giving the public an opportunity to
3 comment, that also, some type of notice, either via
4 press release or classified ad, be published in the
5 appropriate local paper to further notify the public.
6 Not everyone has time to be a diligent reader of the
7 Pennsylvania Bulletin.

8 78.83b, casing and cementing lost
9 circulation. The requirement for operator to notify
10 the Department, while this is relying on self
11 compliance, one would hope they do follow through and
12 that this provides the Department with information
13 worth of either investigation or available reference,
14 should something further occur.

15 78.83c, perhaps there needs to be some
16 consideration towards future land use. Allowing
17 different casing requirements, in this case a single
18 string of surface casing through all water zones,
19 simply because presently there is no fresh groundwater
20 being utilized as a source of drinking within a 1,000
21 foot radius of the well, does not mean that in the
22 future someone would not purchase property and build a
23 home and drill a water well there. I would not
24 advocate different casing tiers based on proximity to
25 drinking water sources. We have already seen issues

1 beyond 1,000 feet. Casing requirements must be
2 standard throughout all areas.

3 78.84, casing standards, there needs to
4 be some sort of verification of the pressure testing
5 for used casing and casing which is attached to a
6 blow-out preventer with a pressure rating of greater
7 than 3,000 psi. I do understand that the Department
8 is to be notified at least 24 hours in advance of the
9 test and results entered on the drilling log. Does
10 this advance notice mean that the Department will be
11 spot-auditing these events? If so, perhaps that is
12 reasonable as verification, providing it is done
13 randomly and regularly.

14 78.85, cement standards, I am addressing
15 B, C and Four. As was stated in the EQB documentation
16 regarding the proposal updates, the Department finds
17 that most gas migration issues stem from inadequate
18 cement procedures. Keeping that in mind, along with
19 the statement regarding that prudent operators comply
20 with industry best practices, I would like to bring
21 this to your attention. During the previous public
22 comment period, we had submitted a written comment
23 concerning a few of the proposed updates. Our comment
24 was, there must be a sort of DEP certification that
25 the eight-hour cure period is adhered to. It is easy

1 enough to document logs to meet that criteria. But it
2 would not be easy with actual verification of the
3 eight-hour cure. This curing is critical to insuring
4 the casing's integrity.

5 The response noted in regards to that
6 comment was, the Department believes the entry of this
7 information in the cement job logs is sufficient for
8 our inspectors to check and verify.

9 I was able to observe cement trucks
10 arriving and departing the site near our home on March
11 11th, 22nd, April 6th, 16th and 17th of 2010. On at
12 least one day, I observed the drilling operation to
13 commence within a few minutes of the cement truck
14 departures. I actually witnessed a drill pipe going
15 down from the viewpoint of our yard. So I am
16 wondering about the curing time that is currently
17 being followed, if at all. Also, on March 25th, 2010
18 the same site received a violation cited as the
19 drillers log not on-site. I do understand that the
20 proposed amendments were not yet effective. However,
21 I am also aware that if the cementing process requires
22 a cure period, whatever that length would be, a best
23 practices policy would insure that it would be adhered
24 to. And this particular operator is considered a
25 prudent operator, complying with industry best

1 practices.

2 Thus, I wonder if DEP had not made the
3 inspection, how long the log would have been absent,
4 and what period of time and method would have been
5 involved with the recreating of the drillers log for
6 the absent period.

7 While I realize that the violation of the
8 drillers log not on site is not the most common
9 problem DEP may encounter, nevertheless I do wonder
10 about relying solely on the well operator's
11 information as being sufficient for inspectors to
12 check and verify, and how that verification would
13 occur.

14 I am commenting on this again, to see if
15 further consideration would be given, as to what are
16 the chances that the very item we commented on, turns
17 out later to be a questionable item at the site
18 hundreds of feet from our home. And the Department
19 has noted that most gas migration issues stem from
20 inadequate cement procedures, and thus the proposed
21 updated casing may not be disturbed for a minimum of
22 eight hours by running drill pipe into or out of the
23 wellbore.

24 E, it is excellent that the operator
25 shall notify the Department a minimum of one day in

1 advance before cementing. What would be even better
2 would be to have a DEP inspector onsite during the
3 cementing process.

4 78.89, gas migration response, this
5 section is a much welcomed proposed update. Prior to
6 the commencement of drilling at the location near us,
7 I phoned the DEP office that covers our area with some
8 basic questions, such as, if this happens whom do I
9 call, and what do I do.

10 When I asked about gas migration, such as
11 our methane meter in the basement alarm sounding,
12 which by the way, we knew to install thanks to the
13 information on the DEP website, I was told there was
14 no clear-cut procedure, however, that it is a very
15 serious situation, and to contact both the well
16 operator and DEP. I was told the well operator should
17 immediately come and investigate the matter. I asked
18 for information as to what to expect, who would tell
19 us to possibly evacuate, and for how long, et cetera,
20 and there really wasn't any information. I contacted
21 the local emergency office, and the person that
22 answered the phone there did not understand what I was
23 calling about. I am just the kind of person who would
24 like to know in advance what the procedures are, and
25 not need to use them, rather than be reacting and not

1 know what to do.

2 E, I would recommend that a copy of the
3 follow-up report or summary be provided to the
4 Complainant. I know that if I was impacted by such an
5 event, I would want to know the exact nature of what
6 occurred, the results, and measures taken by the
7 operator concerning repairs or other actions.

8 G, benefits, costs and compliance
9 benefits, protecting our private and public water
10 supplies, and reducing the potential for gas migration
11 are concerns on most resident's minds living within
12 the shale that are of utmost importance. Hopefully
13 once these proposed updates become a reality, that is
14 what we will experience. There are no methods of
15 improvements that can be allowed to fall short of this
16 most important priority. Detecting potential safety
17 or environmental impacts in advance of serious events
18 will be most welcomed by all Marcellus Shale
19 residents.

20 Best practices, it is an excellent move
21 to codify existing best practices deemed to be used by
22 the prudent operators. I know that I have been
23 concerned by reading news where there are variances in
24 the methods of operation. Having different operators
25 within municipal boundaries, it is imperative that all

1 are operating within the same guidelines. Taking best
2 practices and making them the official code hopefully
3 will help eliminate the somewhat reckless situations
4 that we have read about thus far.

5 Costs, I would like to suggest that there
6 be an update to replacing one private water supply,
7 being approximately \$4,000 to drill a new well. In my
8 most recent experience, that number is substantially
9 low. In preparation for drilling in our area, we
10 decided our best action would be to drill a water
11 well. We had been relying on a most bountiful spring
12 that had fed this property for perhaps a hundred years
13 or more. But since we could find no reliable
14 information on how springs could be affected by
15 drilling, we chose to go to the expense and drill a
16 well. We feel we made the best decision for our
17 situation. The cost of that endeavor was about \$7,400
18 in October of 2009. Mehoopany Township municipal
19 building drilled a water well during the month of May
20 2010 and the cost of that endeavor was also around
21 \$7,000. Both of these wells cost substantially more
22 than the approximately \$4,000 amount referenced.

23 In conclusion, there are many
24 requirements of the proposed updates, whereby
25 operators are required, for example, to do inspections

1 on a regular basis or to notify the Department when
2 certain situations occur. We have to insist that
3 these operators comply with their best practices and
4 comply with these requirements. The Department needs
5 a procedure whereby they can also audit to insure
6 there is compliance, and when compliance is lacking,
7 that a penalty be the reward. Thank you.

8 DIRECTOR HENDERSON:

9 Thank you. Victoria Switzer followed by
10 Craig Stevens.

11 MS. SWITZER:

12 Can you hear me? My name is Victoria
13 Switzer. I'm a resident of Dimock. My address is SR
14 3023, P.O. Box 113, Dimock, Pennsylvania.

15 Our operations are subject to the risks
16 inherent in the oil and natural gas industry,
17 including the risks of fires, explosions and blowouts,
18 pipe failures, abnormally pressured formations,
19 environmental accidents such as oil spills, gas leaks
20 ruptures or discharges of toxic gases, brine or well
21 fluids into the environment including groundwater
22 contamination.

23 We have in the past experienced some of
24 these events during our drilling operations. These
25 events may result in substantial losses to us from

1 injury or loss of life, severe damage to or
2 destruction of property, natural resources and
3 equipment, pollution or other environmental damage,
4 environmental cleanup responsibilities, regulatory
5 investigation, penalties and suspension of operations,
6 attorney's fees and other expenses incurred in the
7 prosecution or defense of litigation taking from Exco
8 Resources, Incorporated common stock prospectus,
9 February 8, 2006.

10 The gas industry very clearly itemizes
11 the risks involved in the extraction of natural gas to
12 their stockholders. Those of us who signed leases in
13 the fall of 2006 certainly did not have access to this
14 pertinent information. Apparently, this particular
15 gas company and dozens of other companies did not
16 believe it was necessary to inform its partners, the
17 landowners, of the risks. Their hired landmen left a
18 few of the details out.

19 I submit this question; were you, the
20 Environmental Quality Board, offered the same
21 information or list of concerns prior to permitting
22 gas wells in the Commonwealth?

23 I believe both the Board and the
24 landowner were not given that information. But if I
25 am wrong, and you, the Environmental Quality Board,

1 had this information, and failed to notify the
2 landowners of these very dire risks, you have
3 seriously failed to uphold not only the Constitution
4 of the Commonwealth of Pennsylvania, but the very core
5 of your purpose or the reason for your existence. I
6 further add, why didn't you know of these risks? The
7 industry boasts of decades of safe operations.

8 Secretary Hanger stated in a Marcellus
9 hearing earlier in June, this industry's got to look
10 in the mirror. Any spill is a problem. You the
11 Environmental Quality Board must hold up that mirror.
12 You must make the industry believe that Pennsylvania
13 will not stand for anything less than the highest of
14 safety standards and that the consequences for
15 non-compliance are more than a notice of violation,
16 repeated warnings without severe penalty. The penalty
17 should be monetarily significant, money is their
18 motivation. Remember the stockholder? The punishment
19 should be a serious deterrent to further negligence
20 and reckless endangerment of the environment.

21 The response to Secretary Hanger's lament
22 came from Kathryn Klaber, director of the Marcellus
23 Shale Coalition. Any spill is a problem for PR
24 reasons, for fines, for reputation, stock price, no
25 good reason to have one. I think if we are looking

1 across multiple industries, the question I'd like to
2 pose is, is it worse or better than others? Notice
3 there is no mention of pollution or water
4 contamination in her response.

5 Comments on proposed or revised rules,
6 subchapter C, Environmental Protection Performance
7 Standards 78.51 Protection of Water Supplies. This
8 rule states a well operator shall restore or replace
9 the affected water supply with an alternate source
10 what is missing from this regulation is a time frame.

11 In Dimock, Pennsylvania families went
12 without a replacement supply of water for ten months
13 or more. Ordinary household functions became
14 burdensome. Elderly people hauled water to their
15 kitchens and young people were afraid to bathe. Lives
16 were upended. Home sweet home became our nightmare.
17 Water, something you do not think about until you have
18 too much or too little, became the focus of our
19 existence, literally.

20 I submit that within 24 hours of the
21 receipt of a complaint by the landowner or DEP
22 inspector that the Department sends an experienced
23 investigative team to the site. This team will
24 examine the evidence and make a determination
25 promptly.

1 I submit that the response to water
2 contamination be measured in days, not months. From
3 complaint to a replacement water supply should be no
4 longer than one week. Count the number of showers,
5 baths, loads of laundry, glasses of water, meals
6 prepared and dishes washed in that time. Also, take
7 into account gardens, pets and livestock.

8 Conclusion; water is the issue. Without
9 a clean, viable source of water for the Commonwealth,
10 we are doomed. The economic boom will simply be the
11 destruction or degradation of rural Appalachia.

12 Residents of Susquehanna, Bradford,
13 Wyoming County and maybe others are relying on
14 alternate sources of water. Water buffaloes dot the
15 landscape. Water delivery is the norm for 32 families
16 in Dimock. That is not an insignificant number of
17 people. Will this be the price we, the citizens, pay?
18 We should not be the necessary sacrifice, as described
19 by a Penn State professor.

20 The task before the Environmental Quality
21 Board is to assure the citizens of this state that we
22 will be protected. If the current regulations or
23 revised regulations cannot do that at this time, then
24 it's time to consider a pause. This work that we
25 attend to this evening should have been done before

1 the first permit was stamped. Catch-up is never as
2 effective as prevention. Figuring it out as we go, to
3 quote a state representative who drinks bottled water,
4 is not acceptable. Please hit the pause; there is no
5 rewind button, only a fast forward into a disastrous
6 future. Sincerely, Victoria Switzer.

7 DIRECTOR HENDERSON:

8 Thank you. Our next witness is Craig
9 Stevens, to be followed by Virginia Cody and Deborah
10 Chielli. And I apologize if I mispronounce anyone's
11 name. Please feel free to correct me as you come up.
12 And just a reminder to state your name and help with
13 the spelling so we can have an accurate transcript.
14 Thank you.

15 MR. STEVENS:

16 Good evening everybody my name is Craig
17 Stevens, that's C-R-A-I-G middle initial L Stevens,
18 S-T-E-V-E-N-S. I live at 1527 Silver Creek Road,
19 that's in Silver Lake Township, Pennsylvania, 18801.
20 I have a business, Clean Life Systems.

21 My name is Craig Stevens and I am a sixth
22 generation landowner in Silver Lake Township,
23 Pennsylvania. My family has a farmhouse on one acre
24 called Snow Hollow Farm that was established in 1832.
25 We also own 115 acres just down the road that has the

1 pipeline and gas leasing scheduled. I have only lived
2 here for six months full time but have been coming
3 here for all my 50 years. My grandmother Bernice
4 Marie Hill Stevens Price just passed away on January
5 21st at 97 years old. She was born on the Salt
6 Springs Park property in 1912 in a cabin that is still
7 standing, and lived 80 years of her life in the little
8 house in the Hollow.

9 I don't just live on Silver Creek Road;
10 my backyard is Silver Creek which flows down into Salt
11 Springs Park a mile downstream. Living at the lowest
12 point in the valley puts me downstream from any and
13 all potential catastrophes that might occur due to
14 accidents they might have. The well that supplies
15 water at my 178 year old house has been proving for
16 five generations before me. And I hope it will
17 continue for many more to come. The 115-acre property
18 called the Babcock Place has two natural springs that
19 run year round and emanate from the property and also
20 flow downstream to the Salt Springs Spark. My father
21 Lloyd Stevens, who passed away in 2007, was on the
22 Board for the Park and helped get the funding and set
23 up the Friends of Salt Springs. The park is not only
24 a local natural treasure, but as you can see also has
25 sentimental meaning to myself and my family.

1 I was born and raised in California and
2 spent most of my life in Southern California near the
3 Pacific Ocean at Newport Beach. Most people do not
4 realize it but Southern California is a desert and has
5 very little natural water available for the local
6 residents. To support the ten and a half million
7 people that live there they import water from the
8 Colorado River and Northern California otherwise would
9 not support the population. Growing up I swam
10 competitively from 1969 to 1978. And in the late '60s
11 after we finished our workouts we could hardly breathe
12 due to all the air pollution. I was an asthmatic
13 growing up and it felt the same way trying to catch my
14 breath and not being able to breathe and happened
15 daily. In the early '70s the Federal Government
16 passed the Clean Water and Clean Air Acts that, to
17 many, seemed restrictive. But in just a year or two
18 we did not have the same breathing problems. Not just
19 me, everybody that swam and did sports in Southern
20 California. I for one am happy that the Federal
21 Government thought enough of my family to protect all
22 of us. Most states throughout the country also passed
23 their own protection statutes for their air and water.

24 When I moved her in January I did not
25 know much about the gas and oil industry. But because

1 I drive a car, travel on airplanes and have gotten
2 used to plastic in my life, I kept an open mind. The
3 more I became active and educated and met people who
4 had been adversely affected by the problems that have
5 affected my neighbors in beautiful Susquehanna,
6 Pennsylvania, I was most shocked to find out that in
7 2005 the gas and oil exploration companies were
8 exempted from all of this. I can understand wanting
9 to encourage exploration of our natural resources, but
10 this tactic was like putting the fox in charge of the
11 hen house.

12 The process of fracking has many critical
13 flaws from my perspective. The first is, what
14 chemicals are being used? Where is the list and the
15 potential harmful effects? I understand they are
16 calling this proprietary, but even when I buy a box of
17 cereal, it has to show the ingredients on the box
18 because humans are going to ingest it. They do not
19 have to spell out their secret formula, but why do
20 they not even have tell us what to test for? I am
21 being told to get baseline testing on my water so I
22 can tell if anything were to change when they start
23 their work. Let me get this straight; I am supposed to
24 test my water and pay how much to test for what? If I
25 do not pick the right test on a particular chemical

1 they tell me to prove it was not there in the first
2 place. How many millions of gallons of water does it
3 take to frack one well? Where are they going to get
4 that water from? If they do damage my water supply
5 and need to bring me water, where is the safe supply?
6 What happens if you ruin the water for an entire
7 community? Are you going to supply water for bathing
8 and showering for everyone? Are we all ready to wait
9 and see if this happens before we start thinking about
10 these possibilities? None of us thought that you
11 could ruin the Gulf of Mexico with one well. Maybe we
12 should slow down. The amount of fresh water on this
13 earth is only two percent. Are we prepared to gamble
14 with destroying all of it?

15 As a business owner, I know other
16 business owners of all types and I started asking them
17 questions about the regulations of both Pennsylvania
18 and the Federal Government force them to comply with
19 daily. I invited a professional forester up on my
20 property to assess my trees and he determined that I
21 needed a maintenance cut done, as it had been 20 years
22 since my family had done any serious harvesting there.
23 He told me about all the protection regulations that
24 he dealt with for the land and the water and how much
25 insurance that he has to carry in case. They cause

1 damage of any kind and if they are going to cross a
2 creek they have to use portable bridges to protect the
3 environment. Have you ever looked into the
4 regulations to run a stone quarry, One of the
5 businesses that kept this area economy going for
6 years? They have to maintain a proper job site for
7 safety and the environment or are fined and can be
8 shut down. Their trucks and equipment have to be
9 maintained and registered and driven safely on our
10 local highways.

11 A new friend of mine owns an auto body
12 repair shop nearby that fixed my van when a deer
13 committed suicide by jumping into it and destroyed the
14 front end. A week and a few thousand dollars later,
15 it was all better. I asked him if any of the
16 processes that they are using are regulated or for use
17 or disposal and he laughed and said yes, a few. I
18 asked him if he ever decided to just dump the
19 chemicals into the creek in the back of his shop
20 instead of all the expense and time of doing it right.
21 He said they were much more concerned with harming
22 his neighbors or what they would do to him if they
23 found out and any of their family was harmed by his
24 actions. He also said if he was caught by the
25 regulators he would be fined, go to jail probably and

1 lose his business.

2 My question to this board --- or my
3 question is --- to the Board is this, why? Why do the
4 gas and oil companies get a pass from potentially
5 poisoning me, my family, my neighbors and my
6 community? Where in the Constitution, that all
7 officials are sworn to uphold and defend, is anyone
8 allowed to dump unknown chemicals into the ground with
9 impunity? Why is it my responsibility to prove that
10 they harm me instead of them proving that they did not
11 do it? Maybe if we just reinstated the Clean Air and
12 Water Acts nationally or if not do it in our
13 Commonwealth.

14 If I came to your home and did anything
15 to cause your water or air to make you sick and cause
16 long term health issues would I get a free pass or
17 would I be held accountable? If this process is so
18 safe maybe the owners and managers of these companies
19 would like to come here and take a sip of any of the
20 600-plus unknown chemicals that they are asking us to
21 drink, bath and shower in. If there is a problem I'll
22 bet you that not only would they not drink it, but
23 I'll bet they would not be putting it in the glasses
24 at holiday dinner. If you are trying to be a good
25 neighbor then do not come here --- sorry, if you're

1 trying to be a good neighbor and then come here and
2 lie to us or gag order us and act like we are all
3 country bumpkin idiots that you can run roughshod over
4 without consequences.

5 I'm here tonight to demand that the EQ
6 Board look out for the people of the Commonwealth,
7 the same state whose founders wrote the Constitution
8 in Philadelphia at Independence Hall. Ask yourselves
9 a question, what would those men think of anyone who
10 put money and profits ahead of their fellow
11 countrymen? These patriots pledged their life and
12 their liberty to guarantee us these natural rights;
13 Life, Liberty and the Pursuit of Happiness. Practices
14 that may harm or kill others.

15 As our elected representatives, it is
16 your responsibility to inform the gas and oil
17 companies that we want them here --- if we want them
18 here they can do their work without harming the land
19 or the people that live here. My new friends from
20 Dimock are here, and let's make sure that what has
21 happened to them over the last two years does not
22 happen to anyone else in the country and maybe we can
23 show them the compassion of a good neighbor. If you
24 have not yet, please watch Gasland by Josh Fox; it is
25 showing on HBO. I learned more about the gas and oil

1 industry in 90 minutes watching it than my 50 years
2 before. Thank you, Josh, for the heads up, and we
3 heard your message.

4 Enforce the Clean Air and Water Act in
5 Pennsylvania and demand that the President reinstate
6 it immediately so we can hold anyone that harms us and
7 our families liable and encourage them to do the right
8 job --- or do the job right. Imagine, Board members,
9 if you went home tonight and turned on your faucet and
10 poison came out, or worse yet find out months later
11 that your kids have been drinking the tasteless and
12 odorless poison and they have been harmed.

13 You suspect the gas and oil company and
14 when you question them the royalties stop when the red
15 flag goes up. Do you think that this tactic might
16 discourage the owners with questions from stopping the
17 royalty checks while they investigate? I will be
18 watching the decisions made on eminent domain or as
19 they call it certificate of public convenience. It
20 reminds me of a Dracula story. I invite him to enter
21 my home and he sucks everyone dry and then leaves to
22 find more victims. I ask you, in all of this, what is
23 the public convenience? Are we all going to be
24 running our homes on clean burning natural gas or will
25 it be someone in India or China running their homes or

1 business on our gas while we are sucked dry. Thanks.
2 Now is the time to set the rules and regulations
3 before this starts going downhill so fast that it is
4 impossible to fix. Thank you for your time and
5 concern for this very important issue.

6 DIRECTOR HENDERSON:

7 Thank you. Our next witness is Virginia
8 Cody followed by Deborah Chielli.

9 MS. CODY:

10 Good evening. My name is Virginia Cody.
11 I represent the Gas Drilling Awareness Coalition. It
12 is our contention that due to its very nature,
13 hydraulic fracturing of the Marcellus Shale cannot be
14 accomplished safely at this time. Environmental
15 studies must be undertaken; without them, the rules
16 concerning safe construction of the wells designed to
17 utilize this process are, at best, a stab in the dark.
18 Until the Environmental Protection Agency completes
19 its latest study, we the DEP and the public cannot
20 possibly know whether these rules are going to have
21 the desired effect. We recommend the state issue a
22 moratorium on the process until the studies are done.

23 Section 610 of the Clean Streams Law
24 against the Department enforcement power of that law.
25 Revocation of permits can take place if the Department

1 finds that a condition is causing or is creating a
2 danger of polluting the waters of the Commonwealth.

3 That said, however, I would like to
4 express my gratitude to the Board for the hard work
5 they've put into this revision of the Oil and Gas Act,
6 Chapter 78. I stand before you this evening having
7 fully read Chapter 78 and its proposed provisions to
8 identify a number of areas which need further
9 explanation or modification. A copy of this statement
10 has been provided to me.

11 Section 78.1, definitions, I recommend
12 this list include a complete explanation of hydraulic
13 fracturing, both horizontal and vertical. This
14 section should include, but not be limited to,
15 identification of all chemicals used in the fracking
16 process. So that in later years there can be no doubt
17 as to what this process may have caused.
18 Identification of these chemicals is critical to
19 conforming to the requirements outlined in Chapter
20 78.51, protection of water supplies, 78.54 EPA Method
21 9090, Compatibility Test for Wastes and Membrane
22 Liners, the Solid Waste Management Act, and Chapter
23 78.56 The Clean Streams Law.

24 Section 78.13, permit transfers, I
25 recommend that transfers of permits not be allowed

1 under any circumstances. Surface landowners negotiate
2 in good faith with individual companies, some of which
3 are reputable, some of which are not. However, if
4 this section is retained I believe it should be
5 primarily up to the discretion of the surface
6 landowner as to which natural gas company is to have
7 access to their land.

8 Section 78.17, permit renewals, I
9 recommend that water supply owners within one mile of
10 a site be notified of a permit renewal request. I
11 also recommend that these owners have the ability to
12 veto such renewal if they have been impacted
13 negatively by the natural gas companies.

14 Section 78.19, permit applications fee
15 schedule, this fee schedule is thoroughly inadequate.
16 In general, homeowners requesting permits to improve
17 their properties with new windows, doors, et cetera
18 are required to pay permit fees in an amount
19 approximately five percent of the improvement cost.
20 The gas company's cost for each well is approximately
21 \$5 million. Gas companies should not be receiving a
22 break on permit fees. Charge them the full five
23 percent per well. If necessary, hold any excess in
24 escrow in order to assist in any contamination
25 abatement of abandoned wells which has arisen or may

1 arise in the future.

2 Section 78.21, opportunity for objections
3 surface landowners, I recommend that a surface
4 landowner be able to object to any well location for
5 any reason. The surface land is what the surface
6 landowner lives off of. If he is prevented from
7 living his life the way he chooses, then the gas
8 company is infringing on his rights. The gas company
9 has leased the minerals, not the entire tract of land
10 above those minerals.

11 Section 78.32, recommendation by the
12 panel, the panel should not make a recommendation as
13 to the location of the well based on the financial
14 considerations of the parties, but on the most
15 environmentally sound location of the well.

16 Section 78.51, protection of water
17 supplies, I recommend the Department investigate a
18 claim within 30 days not 45.

19 Section 78.51-1(v), I recommend a
20 sentence be added to the effect that the permanent
21 payment cannot be negated if the operating company
22 sells its interest in the well drilling operation.
23 Any sales agreement must stipulate this, or the
24 offending operating company must place in escrow
25 sufficient funds to pay for water in perpetuity.

1 Section 78.51-4, I recommend this section
2 include a requirement to provide a water purification
3 system to the landowner.

4 Section 78.52 (a)(d), pre-drilling or
5 pre-alteration survey, I recommend that the landowner
6 be given the right to ask for and receive a second
7 opinion on the results of these surveys.

8 Section 78.72 (a)(1), I recommend the
9 sentence to be revised to read when drilling any well
10 including exploratory not just a well.

11 Section 78.72 (a)(2), recommend the
12 sentence read whether or not well head pressures or
13 natural open flows are anticipated. Instead of it's a
14 web that's anticipated.

15 Section 78.72 (a)(5)(c), this section
16 states that controls must be located away from the
17 drilling rig. I recommend a safe distance be
18 established and included in this section.

19 Section 78.83 (b)(c), I recommend that
20 freshwater based drilling fluid not be an option in an
21 alternative method.

22 Section 78.89, gas migration response,
23 this section says that when an operator or owner is
24 notified of a natural gas migration, the operator
25 shall conduct an investigation, if the Department says

1 it should. It is my contention that any report of a
2 natural gas migration should be investigated
3 immediately whether or not the Department makes that
4 recommendation. Furthermore, while the company may
5 initiate said investigation, it is up to the
6 Department to fully examine the situation and order
7 the company to take corrective action.

8 John Hanger has stated that he is, quote,
9 not pleased with the performance of the industry and
10 that this industry must be tightly regulated and do
11 better than it's doing. I, therefore, recommend that
12 this section include a statement that failure to
13 comply with these requirements will result in civil
14 and criminal charges.

15 Finally, there are four items about this
16 revision which are of concern to us. Number one,
17 while Chapter 78 addresses the construction of wells
18 in detail, it doesn't address elevations of well pads
19 in relation to homes, barns, paddocks, et cetera. It
20 should. The materials used in this industry are
21 highly toxic and are liable to flow downhill.

22 Number two, Chapter 78 does not address
23 the building of roads on well sites. The location of
24 the necessary roads should be coordinated with and
25 approved by the surface landowner.

1 Number three, Chapter 78 does deal with
2 certain personnel issues such as training. In light
3 of that fact Chapter 78 should also contain verbiage
4 regarding use of drugs and alcohol by well workers.
5 Both drugs and alcohol should be explicitly forbidden,
6 with alcohol being forbidden within 24 hours of
7 manning any position on a well site, and well
8 operators' permits should be placed in jeopardy if
9 there are violations.

10 Finally, we are very concerned as to
11 whether adherence to the tenets of Chapter 78 by the
12 natural gas companies can protect our aquifers. The
13 process by which these companies extract the gas
14 leaves horizontal boreholes in the underlying
15 structure, the shale that holds our aquifers in place.
16 Will this structure be compromised? If the earth at
17 8,000 to 12,000 feet beneath our feet shifts, do we
18 know whether vertical fissures will form? Will those
19 aquifers collapse into the earth? Data from the U.S.
20 Geological Survey office indicates that this area is
21 prone to minor earthquakes. Attached to my statement,
22 you'll find a reprint of some of that data. Please
23 allow me to read a short expert from one of the USGS
24 essays; this is a report of problems associated with
25 an earthquake here in 1954 which resulted in mine

1 subsidence and caused damage estimated at \$1 million
2 in Wilkes-Barre. Hundreds of homes were damaged,
3 ceilings and cellar walls split and backyard fences
4 fell over. Sidewalks were pushed sharply upward and
5 then collapsed. Gas and water mains snapped, methane
6 gas rising from cracks in the earth presented a
7 temporary emergency. Two days later a second
8 disturbance was reported. More cracks appeared in
9 ceilings and walls of apartments. Curbs pulled away
10 from sidewalks and street pavements buckled.
11 Additional water and gas mains were broken.

12 If this is what can happen at the
13 surface, can the DEP or the natural gas companies be
14 sure that worse will not occur 8,000 to 12,000 feet
15 below ground. You cannot because there is no history
16 of horizontal hydraulic fracturing through shale.
17 Thank you.

18 DIRECTOR HENDERSON:

19 Thank you. Our next witness is Deborah
20 Chielli to be followed by Bill Earnest and then Craig
21 Sautner. At the conclusion of those three witnesses
22 we will open it up to the public for anyone who would
23 like to step forward.

24 I also want to note for the record that I
25 am entering copies submitted by State Senator Lisa

1 Baker. Senator Baker submitted her comments for the
2 record to enable the public more time with their
3 comments. And with that, Ms. Chielli.

4 MR. EARNEST:

5 Mr. Henderson, I'll yield my time to
6 floor and go to the next speaker.

7 DIRECTOR HENDERSON:

8 Are you Mr. Earnest?

9 MR. EARNEST:

10 Yes, I am.

11 DIRECTOR HENDERSON:

12 Okay. Thank you, sir. Craig Sautner.

13 AUDIENCE MEMBER:

14 He just went to get a drink.

15 DIRECTOR HENDERSON:

16 Okay. As he comes back we will recognize
17 him. That concludes the folks that I have that are
18 pre-registered. At this time we will open it up to
19 folks who would like to step forward and offer
20 comments.

21 AUDIENCE MEMBER:

22 I just wanted to ask can we hear or read
23 Senator Baker's comments?

24 DIRECTOR HENDERSON:

25 They will be part of the record. I

1 believe Senator Baker is posting them on her website,
2 SenatorBaker.com. I will follow up and make sure that
3 they are there. And all written testimony as well as
4 oral testimony will be included in a copied response
5 document, which I talked about earlier and I will
6 revisit it later. So you will be able to see
7 everybody times and DEP responses to those questions.

8 With that I would open it up to anyone
9 that would like to step forward, show of hands. I
10 would like to get us in our group. If I'm ignoring
11 anyone let me know. And if you could state your name
12 and address for the record. And we will try to keep
13 the comments to about ten minutes. Thank you.

14 MS. STONE:

15 My name is Joyce E. Stone. My address is
16 RR 6, Box 3229, Montrose, PA. I've lived in Dimock
17 Township for 35 years and daily worry about the
18 quality of my water. I just wanted to make a comment
19 that you sir, said that you were representing --- a
20 representative of Mary Jo White. And if any of you
21 have not looked at Mary Jo White's webpage along with
22 Senator Gene Yaw, you'll find that she is strongly
23 endorsing the gas industry. And that's a commercial
24 of herself visiting a gas site.

25 And I would like to say that I think that

1 there should not be allowed any member of the
2 Environmental Quality Board that shows us robot
3 support of the gas industry. I think that the EQB
4 should investigate and remove any individual from
5 their Board that has accepted donations to their
6 campaigns.

7 DIRECTOR HENDERSON:

8 Thank you very much. I want to note just
9 for the record Senator Mary Jo White is the one who
10 requested the EQB hold these hearings as a regularly
11 scheduled meeting to compensate any public hearings.
12 We spoke with Senator Hanger requesting these hearings
13 to support the folks had the opportunity to come out
14 and state their case. With this following the
15 previous comment I would invite you to visit
16 SenatorMJWhite.com and you can view information the
17 Senator has put out. With that, sir, can you come
18 forward. Is Mr. Sautner ---?

19 MR. SAUTNER:

20 Right here.

21 DIRECTOR HENDERSON:

22 I will come to you next, sir. Your name
23 and address for the record, please, sir.

24 MR. WALKER:

25 My name is Patrick Walker. I live at 243

1 Riverside Drive, in Factoryville, Pennsylvania. Good
2 evening everyone. I was actually supposed to speak in
3 the fourth spot tonight, but I got involved with other
4 initiatives, so I let my wife Virginia take my place.
5 I must say she did superbly awesome. There's only one
6 thing that she left out, and I thought was necessary
7 to add to the record; these companies have given ample
8 evidence that if they're not watched carefully. They
9 can't be trusted. One of the most recent things that
10 came to light was that we found out from an intern at
11 Chesapeake --- we found out from an intern at
12 Chesapeake that they recently gave two sizable
13 donations to the Dietrich Theater in Tunkhannock.
14 Anybody wonder about the relation of that and the
15 showing of the movie Gasland?

16 We had heard that the movie Gasland was
17 supposed to be shown at the Dietrich sometime in July.
18 We had asked about it. It's July, it's not on
19 schedule and there are those two hefty donations about
20 which we had heard. It seems very clear that these
21 industries are determined to keep information from the
22 public. They don't want to give any chance to know
23 whether their drilling is being done responsibly.
24 After they can withhold information from us. Anyway
25 that's all I have to say. Thank you.

1 DIRECTOR HENDERSON:

2 Thank you. Mr. Sautner. If you could
3 state your name and address for the record? Thank
4 you.

5 MR. SAUTNER:

6 Yes. My name is Craig Sautner,
7 C-R-A-I-G, Sautner, S-A-U-T-N-E-R, 1101 Carter Road,
8 Dimock. I don't have anything prepared so this is
9 going to be short and sweet, if you call this sweet.
10 This is water that came out of my well after natural
11 gas drilling in the area. We noticed it in our well
12 on September 11th which was about a month after they
13 began drilling. So I'm just going to lay this down
14 right here and put in the light so you guys can take a
15 look at that. I'm hoping it's going to scare a lot of
16 people. Because this could happen to your well. It
17 happened to our well and it happened to a lot of other
18 peoples well. We have a natural you know we have gas
19 coming into the wells. We have iron, aluminum --- I
20 mean just so many different things coming into the
21 well.

22 They provided us with some water through
23 a buffalo. And then they put a system in our house to
24 clear the water up. Well, with the system using
25 chemicals to clean water. Now, why in the world would

1 you take fresh water out of the ground and mix
2 chemicals with --- into it to clear the water? Who
3 wants that? You know, who wants to use that kind of
4 stuff, I don't. I'm not going to drink it, but we use
5 that water for almost a year with these chemicals in
6 there and have been treating the water. And my
7 daughter, and this is the honest to God's truth, she
8 would get in the shower in the morning before school.
9 And she would have to get out because she thought she
10 was going to pass out from the methane poison, lay on
11 the floor. And she didn't tell us about it in the
12 beginning. And then she finally thought she was sick.
13 And it wasn't that, it was the methane poison. So
14 they decide the system that they put in our house and
15 add onto it more and more things they put into it,
16 methane remover, just a number of things. The tank
17 was growing mold, it was growing bacteria and you know
18 this is America for crying out loud, we shouldn't have
19 to live like this.

20 We were in New York City and some girl
21 came up to me and she saw the water. And she said you
22 know what, she says, my mother lives in a third world
23 country and her water is better than your water. I
24 just couldn't believe it, you know. So what they give
25 to us and how they got --- you know, I mean, what is

1 going on there, it's really criminal what is
2 happening. We're just hoping that it's going to open
3 the eyes of a lot of people, you know, and step back
4 and take a look at this whole situation. I mean, you
5 know once you ruin a --- there's no turning back. You
6 can't say, oh, we shouldn't have done that. I mean
7 once it's gone, it's gone. I mean, water I can live
8 without gas, I can't live without water. And I don't
9 think anybody else can.

10 Think about what causes the most
11 discessions, the modesty we have in the whole world.
12 Countries fight over just to have water. So you know,
13 just everybody step back and take a look at this.
14 This happened to us, there's 32 --- I think, 32
15 families that are getting bad water. How would you
16 like to live with a water buffalo in your garage and
17 they come and fill it every day. And that's how you
18 get your water. And a hose runs out the back end of
19 --- the back of your house. And that's how you get
20 all your water like that. And it's just not the way
21 we want to live. The pipes freeze up and the hose
22 freeze up in the wintertime.

23 And we've been putting up with this since
24 the end of September of '09. And you know, we should
25 not have to live like this. And assisting that the

1 people in that house must not have been --- the DEP
2 took it offline, that's what's going on with that. So
3 just everybody I'll take the water with me. Anybody
4 that wants to look at it close up you can look at it.

5 MS. FIORITO:

6 Sir, who pays the additional electric to
7 run all the devices that they gave you to use to get
8 your water?

9 MR. SAUTNER:

10 We all do. The homeowners pay for it
11 all.

12 MS. FIORITO:

13 And are they ever going to pursue
14 responsibility, DEP, EQB --- be responsible for this?

15 MR. SAUTNER:

16 We said something to them about it, to
17 this day it raised our electric bill up \$100 a month
18 for electrical tape and heat lamp to keep the water
19 from freezing in the winter time. And \$100 a month
20 all winter long and we paid it all.

21 AUDIENCE MEMBER:

22 Do you know where your fresh water or the
23 water supply is coming from that you're being given?

24 MR. SAUTNER:

25 The water that we're being supplied with

1 now is coming from Lakemont. It's being trucked in,
2 they go and pick it up and what they. It's
3 chlorinated water, it has chlorine in it and
4 everything. And they also have Allen Topaz
5 (phonetic); it's a chemical. And the reason I know
6 that is Bobby Kennedy --- he did a tour up in Dimock
7 not too long ago. And he was at my house and I asked
8 him what was in the bottom of my tank. There's a
9 thing in there that was approximately that big around
10 it looked like sawdust. He said I don't know that's
11 Allen. He said unfortunately the Allen in there mixes
12 with the chlorine and just the natural things in the
13 water. And what it does is produces trihalomethane,
14 which produces known carcinogens. So here we are, all
15 of us in the Dimock area we're taking showers with,
16 you know, this kind of water. What are they doing to
17 us? My daughter has rashes up and down her legs to
18 this day that don't go away. This is really terminal.
19 Something has to be done.

20 DIRECTOR HENDERSON:

21 If I could, just for the accuracy of our
22 hearing we need to know who is speaking.

23 MS. FIORITO:

24 Well, my name is JoAnne Fiorito, and I
25 represent C6 for clean water for this area. And I

1 want to know how come if you're buying these water
2 buffalos and supplying these people with this stuff
3 how come there isn't regulations and governance over
4 this. And number two, if you do look at plastics
5 there's a BPA quality that's not even being discussed.
6 If you store this water and it sits in the sun and the
7 heat and it transfers endocrine disruptors.

8 DIRECTOR HENDERSON:

9 I appreciate that. If I could --- and
10 bear with me, we're all on the same page here. If I
11 could I would be happy to recognize you to come up.
12 As I stated earlier first we need to follow our
13 protocol here. If you stated on the record the
14 Department will be obligated to respond to your
15 question. I believe that's most prudent course of
16 action.

17 MS. FIOITO:

18 Yeah, I'll go on the record, no problem.

19 MR. SAUTNER:

20 Just saying before you know you make any
21 decisions.

22 DIRECTOR HENDERSON:

23 A show of hands --- get an idea for
24 everybody here of who else would like to come forward
25 to speak. Can I get a show of hands? I'm going to go

1 to this gentleman first. And then I will go to you
2 next, ma'am. And I will circle back there.

3 MR. CHUDLEIGH:

4 Wayne Chudleigh, 284 Stark Road,
5 Uniondale, Pennsylvania, 18470. I think the key thing
6 we have to be concerned about is the lack of the DEP
7 personnel to expect things as they come. We know that
8 the problem is they take the money in a careless
9 manner and that's caused a lot of trouble. I think
10 what has to happen is, is that right now if the gas
11 company gets around to do doing things like cementing,
12 they have to notify DEP, but there's no DEP person
13 available they can go ahead and cement without them
14 being there.

15 I think the rules should change so they
16 can't proceed until a DEP person is available so that
17 they can't be doing things without being trained.
18 That's our big problem. I think that's the most
19 important rule that we have. And if they have to slow
20 down to however many people are available and that's
21 it. And if they're not available, they'll just have
22 to wait until they are.

23 DIRECTOR HENDERSON:

24 Thank you. Ma'am, could you come down
25 please and then I will go with you next and then you

1 sir.

2 MS. FALLS:

3 My name is Jody Falls and my address is
4 28 Melody Lane, Pittston, Pennsylvania. And I'm a
5 trained EMT and we are trained to protect the people
6 and I am so --- I feel in Dimock I feel like they are
7 like my family. And we're trying to protect them and
8 here they're drinking gas. Well, I think one child
9 drinking the gas is one child too many. And we need
10 to do some kind of test kit. So a test kit at the
11 faucet, because when you go get a test, you pay for
12 the testing it's like \$350 or so. When you go get the
13 water test and it can be very pricey. And a lot of us
14 are paying high taxes like me and the high utility
15 bills. And we can't afford to keep getting these
16 expensive water tests.

17 Really they should be at the gas
18 companies --- they should pay for it, not us. They
19 really should disclose what chemicals that they're
20 using because how --- like Dr. Jannetta's report here
21 before the Senate everybody should read that, it's
22 great to help and he's really looking out for us. And
23 there's a lot of hazard. I'm very thankful that, you
24 know, everybody stood up today, but we really need
25 some kind of test where we could guarantee 100 percent

1 that we're not going to pour a glass of water from the
2 faucet and give it to our family.

3 So that's my main concern and I really
4 feel the gas company should pay for that test to
5 ensure our children's health. I think we have a right
6 to safety and that should be part of being a citizen,
7 a taxpayer and all of that.

8 MS. FIORITO:

9 Hi my name is JoAnne M. Fiorito,
10 J-O-A-N-N-E, M, Fiorito, F-I-O-R-I-T-O. I live at 173
11 Brookside Road, Tunkhannock, Pennsylvania. I belong
12 to a couple of groups here in Tunkhannock, one is the
13 Wyoming County Taxpayers Political Action Committee.
14 I am a board member there and also a board member of
15 the Wyoming Citizens for Clean Water that extends from
16 the Susquehanna down to Luzerne County and up through
17 New York.

18 I am currently in favor of a complete
19 moratorium, because there is no found sound signs that
20 is represented by this industry that has been
21 reviewed. There has been no ecological studies done
22 by the state nor the fed. And up until that time, we
23 are at risk. We are the taxpayers and without us
24 you're jobless.

25 We can't get mortgages on our homes, we

1 can't get insurance on our homes, we can't even drink
2 the water. So I mean, if you want to poison yourself
3 feel free, don't count me in on it and don't expect me
4 to abide by law. I think the Dimock people are being
5 poisoned by their water buffalos. I think they're
6 buying them through a company called TSC. I did some
7 research on it. There is no clear literature on the
8 product stating that they are BPA free, which is a
9 known carcinogen and an endocrine disruptor.

10 And I think the people in Dimock have
11 gotten the shaft. I think the people in Bradford and
12 elsewhere throughout the state have gotten the shaft.
13 I think that we should have a site and the DEP, the
14 EQB whatever agency wants, you know, hand the money to
15 do absolutely nothing with toothless laws that only
16 represents an arrogant company or an industry that has
17 come in here and treated us like we're trailer trash.

18 And I'm sorry, the majority of these
19 people here are educated and we need a fair shake. So
20 until you have impact study from the state and the fed
21 and can sit down and can get some type of truth of
22 this industry it shouldn't go forward.

23 DIRECTOR HENDERSON:

24 Thank you, sir. Can I get a show of
25 hands who also would like to offer testimony? You,

1 sir, then you, sir, and then you. And I will put them
2 in three at a time. So I don't miss anyone.

3 MR. ROCHER:

4 Paul Rocher, 101 Sisburgh Road,
5 Tunkhannock, Pennsylvania. I'm unprepared because I
6 was unaware of this program until just the other day
7 when I read the paper, so I'm going to wing it and I'm
8 going to try and deal with facts. I'm an elected
9 supervisor --- elected official for Eaton Township. I
10 was sworn in when I took the office to uphold an oath,
11 and I'm trying to do that. I'm very concerned about
12 Eaton Township, because we're next. And after hearing
13 what has happened up in Dimock I haven't seen a lot of
14 law changes. And again, I'm very concerned that we're
15 next on the target.

16 I think down the road in a year or two
17 they're going to look back at our area also and learn
18 lessons from it. I was also told as an elected
19 supervisor I need to be careful of what I say in
20 public forum. But I never operated it that way. I
21 think I was elected because I say what I think, and
22 I'm trying to represent the people.

23 And the reason I got up here I would like
24 to request --- and I don't know any other way to do
25 this, I would like to request the DEP to go back to

1 several months ago. I was here and testified about a
2 proposed frack plan, a frack water treatment plan
3 that's going to go in the airport, which is still on
4 the drawing board. I'm very much concerned to my
5 understanding but I've never seen the paperwork, the
6 DEP's proposal, which is good and it's an improvement
7 over what's there now.

8 But the treatment of the plant allows a
9 certain percentage of pollution. So that means that
10 they don't have to treat it to drink the water quality
11 before they dump it in the river. I'm very concerned
12 about that because I think the same thing is happening
13 here as it has happened with the gas industry. We're
14 letting them go and then we're trying to reel them in.
15 And I think that the DEP really needs to look at it
16 and have a public forum. And I've been watching for a
17 public forum so we all could have our inputs saying
18 it's necessary to do that.

19 The proposed plant that was going to go
20 at East Lemon, I talked to the folks up there. And at
21 least what they're telling me is that the technology
22 is there to treat it a hundred percent. Drinkable
23 water, why doesn't the DEP demand that? I certainly
24 --- I live down river a third of a mile so I
25 definitely have an interest.

1 I asked also if they're treated by
2 dilution, how far down river before it's diluted. I
3 could not get an answer, that's a fact it's on the
4 record here. I could get no answers. And again, I'm
5 asking the DEP before they authorize any frack water
6 permits to have a public forum on what they're going
7 to allow so we all know it and we all can have input.

8 I also asked them to please, the
9 technology is there but it's going to cost the
10 operators a little more money. They're going to make
11 this money that it be treated a hundred percent.
12 Thank you.

13 DIRECTOR HENDERSON:

14 One moment, sir, we need to get this
15 gentleman.

16 MR. ERNEST:

17 My name is William F. Ernest, I live at
18 RR 3, Box 3308 in Laceyville, Pennsylvania, 18623. I
19 have an editorial published on July 15th of this year
20 in the Towanda paper if anyone really wants to find
21 out that they can read that. But I'd like to read you
22 a letter that was written on behalf of Representative
23 George to John Hanger, Secretary of Department of
24 Environmental Protection.

25 Dear Secretary Hanger, a landowner

1 notified my office about a problem involving two
2 Chesapeake Energy gas wells in Tuscarora Township,
3 Bradford County. I'm looking to relay this trouble
4 and I suggest a review of regulatory protocol employed
5 to this incident may be warranted. I would also
6 appreciate being provided with any materials and
7 information stemming from a review. The landowner,
8 William Ernest, RR 3, Box 3308, Laceyville, PA 18632,
9 telephone (570) 869-2815.

10 It says methane began bubbling up from
11 the Beaver Dam shortly after Chesapeake drilled two
12 wells nearby the Stockers Well and the Boundary Two.
13 Mr. Ernest recounted how he notified everyone he could
14 think of including the DEP regional office in
15 Williamsport and Chesapeake and the Fish and Boat
16 Commission. To the credit the Chesapeake and DEP
17 representatives met with Mr. Ernest, Craig Harrison of
18 Chesapeake and Kayla Billow for the DEP.

19 According to Mr. Ernest notes showed a
20 problem existed and most of the troubling is that
21 despite the acknowledgement of a methane problem
22 fracking at least one of these wells we mentioned
23 shortly thereafter. And before any remediation plans
24 for the methane were implemented or even discussed.

25 Secretary, I worked closely with an

1 agency to fine tune provisions at 2213 governing DEP
2 inspections of Marcellus Shale well, drilling
3 operations. We agreed on language requiring of
4 inspections during crucial phases. I think of methane
5 escaping into a water repellent in a close proximity
6 to a well necessitating closer scrutiny and possible
7 suspension of operations. Mr. Ernest is not an
8 opponent of gas drilling, he leased his land.
9 However, he obviously does not want to see water
10 resources risk so cavalierly, or so it would seem. I
11 thank you in advance for your prompt attention in this
12 matter. Sincerely Camille, Bud, George, State
13 Representative.

14 This had a happy ending after probably
15 --- I couldn't tell you how many hours on the phone.
16 I eventually worked my way through the food chain of
17 politicians and got in touch with someone in Governor
18 Rendell's office. And I had them shut down the
19 fracking operation and they moved out. But DEP moved
20 way, way too slow. Those things should have never ---
21 the fracking operations should have never started. I
22 mean, everybody said it was a problem and they just
23 moved too slow.

24 The reason that I'm not totally against
25 this gas drilling is because the Jeanie is out of the

1 bottle and politics is the only way possibly. And
2 we're not going to stop the folks, but we can regulate
3 it. And we can't put pressure on the DEP and our
4 politicians to do something about it. And what I
5 found out was there's very little engagement out here.
6 There's a lot of engagement here, but there's very
7 little engagement --- in which in my area would be the
8 large landowners. And they're the people that we
9 really have to get to.

10 And I was the only one who spoke up about
11 this issue on this Beaver Dams, and I certainly wasn't
12 the only one in my area that knew about it. And I
13 found out extremely more than anything else I found
14 that distressing. But I found out also that if you
15 make enough noise and you call the right people we can
16 get something done. And they stopped this, and
17 hopefully they'll find out the reason and they'll
18 correct it, and if they can't correct it, then they
19 shouldn't frack the well, plug it up. That's it.

20 MR. FROST:

21 Tom Frost, Jr., 325 Cameron Hill Road,
22 Nicholson, but I'm really close to Lenoxville,
23 Susquehanna County. And I have several copies of a
24 video. I have several other copies of videos if
25 anybody wants one. I only recently could afford a gas

1 tank a lot of money. I couldn't even afford a video
2 camera. And I bought it a couple weeks ago. And on
3 my first bike ride with it near Springville I heard a
4 loud --- at first I thought it was a flaring, but then
5 it dawned on me later, no, that's not a flaring I know
6 what a flare looks like. It's a leak, a Cabot leak.

7 I mentioned the name of the company
8 because I have a biased towards South Western and
9 instead of Cabot. I carry two jugs of water around.
10 The South Western Energy water is what I drink. And I
11 actually tried some of the Cabot. From Craig
12 Sautner's driveway I took a jug and carried that
13 around. Then I tried just two small gulps, it's not
14 only ruined water, it's poisoned water. Then I
15 videoed this leak shooting 20, 30, 40 feet in the air.
16 I got the number here of the --- there was a sign in
17 the driveway, it might have been a multiple well site.
18 Anyhow, the one that I wrote down the permit number;
19 there was more than one permit number in the same
20 driveway. A last round well about a half mile north
21 of Springville.

22 Was that reported? I never heard
23 anything about it. I spouted it off the internet
24 about and the DEP called me. I gave them the permit
25 number, I told them I had a video but they never asked

1 for the video, and then I never heard about anything
2 else. So how do we know that wasn't a bunch of frack
3 fluid going into the air and onto the ground like in
4 Clearfield County. Only this one wasn't reported
5 there. And that's all I have to say. Thank you.

6 DIRECTOR HENDERSON:

7 Can I get a show of hands of who else
8 would like to like to come up and testify? We'll go
9 to you next, ma'am, and then you after that. Okay.

10 MR. ROTHSCILD:

11 John Rothschild, R-O-T-H-S-C-H-I-L-D, RR
12 3, Box 144, Harvey's Lake, Pennsylvania. It's in
13 Luzerne County. I have the privilege living on the
14 largest natural lake by volume in the State of
15 Pennsylvania. I also have information that states
16 that the large landowners who surround the lake can be
17 subject to leases. We know who the oil companies are,
18 the gas companies are. There are people who extract
19 from the earth without regard to the surroundings,
20 without regard to the people. We have a long-term
21 international experience with this, it's not here,
22 it's everywhere in the world. I would love the
23 optimism of the new raise. Are they going to be
24 inspected twice a year?

25 These are companies who, as they've

1 proven in the Gulf, will cheat and avoid every
2 possible regulation and rule if they think they can
3 get away with it. If we are going to have rules, we
4 must have inspectors. The inspectors must make rounds
5 at crucial times and also randomly. This requires a
6 huge number, a huge increase in the outright of DEP in
7 terms of personnel. The other part that I'm so
8 optimistic about is where it states that they will
9 restore the water to its previous condition. Of
10 course, I would like to see them clean Harvey's Lake
11 when the gas is bubbling out of the lake, when the
12 fish all die, or even more interestingly if they crack
13 the pipes and the drains I would want to see how they
14 fix that. And I don't think that's possible, which
15 has me distressed. It's a beautiful place.

16 Finally, the fracking fluid is a major
17 point of concern for me. But again, we know the
18 history of these companies. We know that they're not
19 telling us something it's because they're hiding
20 something. And I would assume that the fracking
21 fluids are going to be so toxic that there will be a
22 national uproar if anyone knew what they were pumping
23 into the earth. And that would be the end of my
24 comments. Thank you very much.

25 DIRECTOR HENDERSON:

1 I have two further speakers, is there
2 anyone else who is interested in speaking after that?
3 Sure, I will come to you. I have three speakers left.

4 MS. ROADER:

5 My name is Rebecca Roder. My address is
6 575 Turnpike Road, Kingsley, which is K-I-N-G-S-L-E-Y,
7 Pennsylvania, 18826. And I would applaud any tighter
8 regulations that DEP would pass to apply to the
9 natural gas industry. I think it's agreed just that
10 the Delaware water shed is better protected than the
11 Susquehanna because it's a political decision. I
12 think it would be wonderful to give back the
13 Susquehanna River Basin Commission jurisdiction over
14 water quality. Right now it's my executive order I
15 understand to water quantity.

16 So in addition to DEP regulations I think
17 that the SRBC should be given back their jurisdiction
18 over water quality and so should our local
19 conservation. Because the local conservation district
20 used to have jurisdiction over watershed and water
21 quality. They do not anymore and they were stripped,
22 as was the SRBC.

23 So I think those two things will be ---
24 will have more impact probably than just more
25 regulations. Because the DEP budget was slashed last

1 year, and again they won't be getting anymore this
2 year. So we have to have inspectors to enforce these
3 regulations and we already don't have enough
4 inspectors. So having more regulations on the books,
5 is it really going to do much for us in the field?
6 And that's all I have. Thank you.

7 MS. SEYLER:

8 My name is Angela N. Seyler, S-E-Y-L-E-R.
9 I live at RR 1, Box 115, Noxen, N-O-X-E-N, PA 18636.
10 I'd first like to say I don't have a statement,
11 because I was under the assumption that we had to
12 register beforehand. And I feel that that was
13 somewhat misleading. But thank you for the
14 opportunity to speak on these topics. I commend you
15 on your proposed revisions to cure inadequate
16 regulations of the natural gas industry. I think
17 they're a step in the right direction. However, still
18 not adequate enough.

19 Our water is not something we can afford
20 to play Russian Roulette with. And I feel that is
21 exactly what you are asking all of us to do. All of
22 us the general public and the PA Government don't have
23 nearly enough information about the true dangers of
24 this industry. I don't think they're adequate
25 regulations and adequate DEP personnel to enforce

1 regulations at this time.

2 Therefore, I would just offer a
3 moratorium on the gas drilling until we are 100
4 percent sure that this process can be done safely, if
5 it ever can be. And if it can't be that we have
6 adequate people in place to enforce these regulations
7 that the state made and that are not dictated to us by
8 the natural gas industry.

9 MS. FARNELLI:

10 My name is Pat Farnelli, F-A-R-N-E-L-L-I.
11 And I live at 480 Carter Road, Montrose, PA 18801.
12 That's actually in Dimock. I'm a resident of Dimock,
13 PA. I am a mother of eight children, three
14 grandchildren. Five years ago my husband and I bought
15 a farmhouse and 24 acres on Carter Road. I live on
16 Carter Road. It's a Victorian house with a bright red
17 metal roof on the front porch. And it used to be sort
18 of a landmark. But now we tell everybody that we're
19 right between the two big gas tents.

20 When we first bought the house we were
21 faced with a beautiful view of rolling mountain
22 ridges. It's the most beautiful thing you can
23 imagine. And that is what sold us on the house. And
24 this would have been 2005. And havoc then came to our
25 front door in 2006. And he said that there might be

1 some gas well drilling going on in your area. That
2 they already tried a test well and it looked like it
3 was working out pretty well for them. But they might
4 like to do a little bit more exploration. But they
5 weren't real sure if they were actually going to drill
6 anymore. There might be another well or two. And we
7 were told that, you know, if they did decide to drill
8 we might get some money out of it, that signing all
9 this might be kind of some free money that might help
10 us out. And later on when we hesitated they started
11 saying we might be getting like \$14,000 a month which
12 sounded pretty decent considering we had a \$2,500 a
13 month mortgage.

14 So we asked around our neighbors and
15 nobody knew anything. Nobody knew anything negative
16 either. Everyone was pretty anxious and so we decided
17 to take a chance on it. We had no idea what we were
18 getting ourselves into. Shortly after the gas
19 drilling began my neighbor told me their well had been
20 contaminated with what they said was settlement on
21 September 11th. And then in October my next door
22 neighbors, well, became undrinkable and they smelled
23 --- the water smelled strange like chemicals. And
24 when she told me her well had gone bad something
25 clicked in my mind and I said, my children had been

1 getting continuously sick since the summer. And
2 usually when you get a virus at our house, you don't
3 go to the doctor, you just watch what you eat and
4 you're done with it in a few days. This has gone on
5 August, September, October, November. And I was
6 worried about sending them back to school. And I got
7 five kids going to public school at Elk Lake, and I
8 thought this might be contagious and might get
9 somebody else sick.

10 Well, they went to school and they felt
11 fine. They spent the whole day at school, came home
12 and said it was fine. They were fine until they had a
13 drink. And then they started to get sick and this was
14 the pattern, you know, they would be sick on weekends
15 and they were sick after five o'clock. So I started
16 realizing that it was the water when my neighbor told
17 me that there was something wrong with hers. And she
18 was told it was bacteria and it had nothing to do with
19 gas well drilling.

20 Later on they tested it and she had very
21 high levels of methane and a lot of contaminants.
22 They tested our water, too, but not right away. They
23 didn't test it then, they didn't test it until January
24 when Norma Farintino's (phonetic) well blew up, up the
25 road. After Norma's blew up because it was gas

1 getting into our water well methane and they started
2 pounding on doors and asking to check our well heads
3 and our water looking for methane. And they did find
4 some because they told me you need to get outside and
5 vent your water well.

6 And I never heard of venting a water
7 well. So I really didn't know how to go about it. It
8 was very cold, it was about ten below and I had a very
9 old water pump, and they told me to get a big wrench
10 and try to get the top lug nut, or whatever you call
11 it, off. And my husband had to do it and it took him
12 quite a while but he managed to get it off. And they
13 said okay that little vent just do that every day and
14 you should be all right. But other people I heard in
15 the same week, their water started to turn bad. And I
16 kept getting phone calls that the water is like apple
17 cider. And I started going to the houses and they
18 would show me that their water was doing really
19 strange things. And started becoming, you know, a
20 thing to see what you could do with your water to see
21 whether it would light on fire or not. See whether
22 your well pump would explode if you turn on the water
23 inside your house.

24 It wasn't just one well that blew up in
25 Dimock, there were quite a few. Most of them have

1 outdoor well pumps and so it would just blow the top
2 off when they pull off their vent or the little lid on
3 top of their vent. But it became a common thing to
4 have your water pump go bam if you used your water,
5 the pressure build up. My neighbors, the Sautner's,
6 have a vent that sounds like a turkey gobbling when
7 the methane builds up in it. My other neighbor's
8 sounds like a volcano a lot of the time, it sounds
9 like it's going to erupt.

10 So we started talking back and forth and
11 trying to find out what in the world was wrong with
12 this stuff. And then we got to the point where Josh
13 Fox came through Dimock and we were just really
14 afraid, and we weren't sure whether we should talk to
15 him or what we should do. We tried to trust the gas
16 company to do the right thing. We were under the
17 impression they were going to restore our property and
18 our water back to what it was supposed to be, back to
19 what it was before and make it sold and make it a
20 situation which still would be positive for all of us.

21 But we found out that wasn't really one
22 of their priorities. And we also thought they would
23 tell us what was in our water that would make our
24 children sick. You know, it wasn't just my children,
25 there were other children down the other road that

1 were sick and the same exact symptoms weak and stomach
2 cramps, vomiting sometimes depending on the kid. Some
3 of them, it would be like a laxative. And there are
4 younger kids down the road that were affected very
5 severely, and so I started thinking I am going to boil
6 the water and that should take care of it. Well, I
7 found out when I boiled the water it made it worse.
8 It seemed like it concentrated it somehow and it
9 didn't make it any better at all.

10 The things that we took for granted,
11 using the water through the coffee maker it would be
12 all right because it would get hot, no, that didn't
13 work. Started pressing our minds on silly things like
14 maybe we shouldn't mop with it because if it didn't
15 evaporate it would --- you couldn't even breathe,
16 whatever it was. People started telling us it's not a
17 good idea to bathe in it. Then my kids started saying
18 that they were getting sort of like almost like a
19 chemical burn rash on my shoulders, the V neck area of
20 the chest and their upper arms. It would gradually go
21 away until they took their next shower. We only have
22 a hot water shower. A cold water pipe is not there
23 it's an old house. And so I think because the water
24 is a little hotter than maybe it should be it was
25 intensifying.

1 So we turned it down but they still get
2 the marks. And one of my daughters, who is 12, she
3 said that --- she came out of the shower one day and
4 she said that her scalp was burning really bad. It
5 felt really hot and it felt like somebody had grabbed
6 a hold of her from the top and was just yanking it
7 really hard. And she was just frantic about it until
8 finally her hair dried and it felt better. This
9 happened two or three times with her probably because
10 her hair is longer and it takes longer to dry.

11 We were just guessing about what to do
12 with this. It turned out the DEP really wasn't very
13 concerned in finding out what was making everybody
14 sick from drinking the water. That never has really
15 been addressed. We still don't know what it is and we
16 test for a few things. I found out that we have some
17 more comprehensive testing done because we're in a
18 lawsuit and the iron --- not iron, I'm sorry. Lead
19 and arsenic showed up on some of my neighbor's test
20 and I hadn't gotten mine back yet.

21 And I got really concerned because I knew
22 that lead and arsenic aren't things that you want your
23 kids to be drinking. And I asked the DEP guy why they
24 don't test for lead and arsenic and he said, oh, we
25 really don't consider those to be connected with

1 drilling. And that week Newsweek had an article about
2 drilling and it said lead and arsenic were the two
3 first things in the list of contaminants that can get
4 into the water from drilling.

5 So I couldn't imagine why they don't test
6 for those things, I still don't. I would be very,
7 very upset if I found out that my kids were drinking
8 water with lead or arsenic in them. And this was
9 quite the educational process, we started getting our
10 test results back and comparing them with other
11 peoples. Some of the things that the DEP guy had told
12 us are things to be concerned about like barium and
13 strontium they had to be quarantined.

14 But that was an okay thing to have in our
15 water because it wasn't anything to worry about, even
16 if it was ten times, it was okay. And I've noticed
17 that since they plugged the wells next door to my
18 house, we're expecting the water to get better, but it
19 hasn't really changed for the better. It seems like
20 the chlorine levels have gone up.

21 So that doesn't seem to be cured. Those
22 are only 3 out of the 14. Gas wells of the DEP said
23 we're affecting people's water supplies. The other 11
24 haven't been plugged yet. I'm not sure if they're
25 getting around to doing that.

1 DIRECTOR HENDERSON:

2 Ma'am, could I just ask you if you could
3 wrap up your comments, thank you.

4 MS. FARNELLI:

5 Yes, I'll wrap it up.

6 DIRECTOR HENDERSON:

7 Thank you.

8 MS. FARNELLI:

9 What I'm here to say is this really has
10 affected my children and myself. We get dizzy from
11 the water in the shower. We have not had a place that
12 we don't get our water buffalo or bottled water. I've
13 got a daughter who has developed, I believe so, and in
14 all seriousness it seems to me from drinking the water
15 and getting sick on it. My eight year old can pick up
16 a water and start to drink it and started gagging on
17 it automatically. And it was like her reflux. I
18 think she went and accidentally picked up the wrong
19 water.

20 What I think that you need to keep in
21 mind is, this can happen to anybody. You don't know
22 how far this water can migrate. The gas can migrate
23 into people's wells and that this really can happen.
24 It is not just a nightmare that people are making up,
25 this is really real and it needs to be addressed. It

1 needs to be taken really seriously because these kids
2 are our future.

3 DIRECTOR HENDERSON:

4 Thank you. Very quickly a reminder.
5 Comments on this regulation will be accepted until
6 August 9th. And if you have a pen ready I will give
7 you an address. I will come to additional speakers.
8 But for housekeeping, I have an address and an e-mail
9 address that I want to again share with you for your
10 comments. You can write to the Environmental Quality
11 Board, P.O. Box 8477, Harrisburg, Pennsylvania,
12 17105-8477. You may also e-mail comments to
13 regcomments, R-E-G-C-O-M-M-E-N-T-S, at state.pa.us.
14 Is there anyone else willing to come over to offer
15 remarks? A show of hands, please?

16 AUDIENCE MEMBER:

17 I just have a question, is there a
18 subject that you want to use?

19 DIRECTOR HENDERSON:

20 It's not required, you can ask Chapter 78
21 oil and gas which is the subject, but it's not
22 required.

23 AUDIENCE MEMBER:

24 I just have one more question, if you
25 made comments tonight, you're still free to make

1 additional comments?

2 DIRECTOR HENDERSON:

3 Absolutely. All comments --- and I
4 apologize if I gave anyone a misunderstanding of
5 today's format. But all comments received in writing
6 after this date will be treated with equal force of
7 comments submitted tonight.

8 MS. JONES:

9 My name is Kristin Jones. I live in
10 Larksville, PA. That whole story that was just told
11 is pretty tragic, I think she even said a nightmare.
12 Some people might not even believe that happens. I'd
13 like to say that Larksville is also by Huntsville,
14 which is a public water source. There's also been
15 some comments about well sources, there's also been
16 some talk of drilling within that area of the
17 Huntsville Reservoir. I think that's something that
18 should seriously have some concerns with the drilling
19 that's being talked about in the area. One point that
20 I want to --- two points that I want to make just real
21 quickly. That all of the comments of people that, you
22 know, this last one you've been seeking of her family
23 and her children remembering the water in Dimock.

24 Before here, I lived on Laurel Lake in
25 Susquehanna County. It's a beautiful area. A very

1 prestige, green and wonderful. It's terrible for me
2 to think of what the people there are going through.
3 But one thing when I lived there, I didn't really
4 encounter too many people, I encountered a lot of
5 wildlife in that area. As part of the Environmental
6 Protection, anyone here is really --- very charged for
7 about the human element, but I have wonders as well
8 about the animals, the wildlife, the fish game. Every
9 morning I wake up to turkey in my yard, deer wandering
10 around, birds that are in the area. And anywhere else
11 that potential drilling could go on, what would happen
12 with them? They don't have a voice to come here and
13 speak about these issues.

14 And the other issue, I just want to keep
15 it brief because I know it's getting late and a lot of
16 people have a lot of heartfelt things to say. So most
17 of them were involved, it seems to me everyone here is
18 sounding pretty against this. You don't see anybody
19 coming here and this meeting was apparently being
20 publicized as a way to be educated on the system of
21 what's going on here. You don't hear anyone coming up
22 here, these people signing leases. You know I was out
23 at Lake Township meeting last week and got to look at
24 a verbal altercation with a few other people obviously
25 signed over their properties. They're not here to be

1 educated on any of these things. So the people that
2 are here that are speaking are talking about their
3 children and the environment and the future safety of
4 Pennsylvania as well as New York has put a moratorium
5 on it. New Jersey people are very concerned and
6 vocal.

7 But I find it kind of curious, a little
8 disappointing that the people that are so supportive
9 of this; you know, everyone here is going to be
10 educated as far as environmental concerns. But the
11 people that are all gung-ho, so to speak, for the
12 drilling industry, they're not here to be educated;
13 it's about money. So I think that our government
14 really needs to take that into consideration because
15 we elect people to protect us. And when it comes down
16 to just saying about money that --- you know, the
17 situation involved in Mexico it's perfect timing. And
18 now they'll use that to be able to turn it around. We
19 need to get off of oil drilling. We have this gas
20 under the ground. And you know, both of my
21 grandfathers were coal miners and --- you know, what
22 happened to the Wyoming Valley area with coal mining.
23 And it's really something that Pennsylvania needs to
24 consider that, yeah, there could be lack of economic
25 benefits from it. But all of the environmental

1 behaviors that come with it last a lot longer than
2 that money in your bank account.

3 DIRECTOR HENDERSON:

4 Thank you. Is there anyone else who
5 would like to come forward and speak, ma'am?

6 MS. RODRIGUEZ:

7 Hi, Mary Rodriguez. I just have a
8 question. Did I miss something at the beginning, you
9 gentlemen are from the DEP; correct?

10 DIRECTOR HENDERSON:

11 I am a representative of Senator Mary Jo
12 White, who is a member of the Environmental Quality
13 Board. The Environmental Quality Board is the state
14 board that approves Departmental regulations.

15 MS. RODRIGUEZ:

16 My question would only be I thought there
17 was supposed to be people from the DEP here? I
18 thought that was supposed to be the form that's
19 supposed to be performed, it's supposed to be public
20 --- in front of the DEP board. Like two people or one
21 person doesn't constitute a Board.

22 DIRECTOR HENDERSON:

23 Correct, I understand that. The format
24 is, and if you have witnesses this is an opportunity
25 to receive both written and oral testimony during a

1 public time period. And this obviously is an update
2 for oral comments. We have a transcript, it will be
3 submitted to the DEP at the end of the comment period,
4 which is August 9th. DEP will may review all copies
5 received both in writing and oral tonight.

6 They will prepare what's called a common
7 response document which will be available online and
8 to anybody who has any comments as well. And we'll be
9 taking their response to the comments that were
10 submitted. They will then have a final rulemaking
11 that they will put out for public review. That is
12 approximately tonight quick handling is a formal side
13 of the ruling making process to receive input and to
14 --- from the public into the rulemaking.

15 MS. CHUDLEIGH:

16 Can I speak for a minute?

17 DIRECTOR HENDERSON:

18 Sure. Absolutely. And is there anyone
19 else who would like to --- sir, in the back I will
20 come to you next.

21 MS. CHUDLEIGH:

22 Sarah Chudleigh, 284 Stark Road, Union
23 Dale. I heard on the radio that another public
24 hearing is going to be held to consider legislation
25 that has been proposed in Harrisburg to eliminate our

1 township supervisors. So that our state officials and
2 other corporations who find township supervisors to be
3 a nuisance only have to deal directly with our county
4 government. They won't have to deal with township
5 supervisors anymore, apparently these people talk too
6 much or something.

7 Our township supervisors, we have three .
8 township supervisors in Herrick Township. One of them
9 was exemplary, doing exactly what we hoped and
10 expected a township supervisor who was elected to take
11 care of the interest of his people. He did what we
12 hoped he would do. He took an act of concern as soon
13 as the gas industries showed up and started trying to
14 sell leases in our area he took an active role --- an
15 active leadership role in trying to develop a gas
16 lease that was acceptable to the people in our area
17 who fought the gas group. We found out people in
18 Dimock truly are very grateful what the risks are of
19 gas drilling. And we informed the people in our
20 township. We believe the people in Dimock and we are
21 very thankful they told the truth about what they're
22 experiencing.

23 And our township supervisor helped
24 develop a gas lease for our area. But the only gas
25 company that was willing to take our suggestions

1 seriously and was willing to sign a gas lease with
2 environmental controls, because we could see the regs
3 were not accurate to protect us enough. And so he
4 carefully worked with a group of citizens and
5 developed a gas lease that we could feel comfortable
6 in signing. And we were very happy to have our
7 township supervisors --- one of the township
8 supervisors actively involved with this doing the kind
9 of leadership that we expected of somebody who cared
10 for continuance.

11 And I don't know that --- if he annoyed
12 the gas industry so much they started lobbying in
13 Harrisburg to get this job eliminated, because one
14 township supervisor was very responsible in caring and
15 worked very hard for his people to protect this area
16 from the dangers and risks that the gas industry
17 posed. I don't know if he was the only annoying
18 township supervisor that they would like now to -
19 eliminate his job, but I understand that there's going
20 to be a public hearing about whether we should
21 eliminate township supervisors. I suppose they'll
22 tell us it's costing us extra tax money to have a
23 township supervisor or something. I don't know what
24 their rational was to get rid of our local government
25 structure.

1 So I wanted to give you a heads up on
2 that. Because a township supervisor can be useful and
3 helpful in our efforts to get a better deal from the
4 gas industry.

5 AUDIENCE MEMBER:

6 When's the public hearing?

7 MS. CHUDLEIGH:

8 I don't know when the public hearing is,
9 but I think they're only going to let us know on the
10 Pennsylvania Bulletin. They don't seem to really want
11 to advertise these public hearings as much. Please
12 keep reading the state bulletin so we can find out
13 what's going on.

14 DIRECTOR HENDERSON:

15 Very, very quickly for informational
16 purposes only the issue the speaker spoke of is not
17 related to tonight's topic. But for your information
18 I want to give you a website address,
19 www.legis.state.pa.us. And when you go on there you
20 can pull up both the House and the Senate and you can
21 see all public hearings that are scheduled, where they
22 will be held and the subject matter. And that will
23 give you more information.

24 AUDIENCE MEMBER:

25 Could you repeat that, please?

1 DIRECTOR HENDERSON:

2 Sure. The e-mail --- I'm sorry, the
3 website address is www.legis. It's short for
4 legislature, the first five letters,
5 legis.state.pa.us.

6 AUDIENCE MEMBER:

7 Thank you.

8 MR. SWENEY:

9 Hello, my name is Jay Sweney, J-A-Y
10 S-W-E-N-E-Y. RD 2, Box 143B, Dalton, PA, and that's
11 in Falls Township. I don't have a lot to add tonight.
12 I've heard a lot of good testimony. But I want to
13 thank the Environmental Quality Board coming out for
14 tonight's hearing. For the elected officials who are
15 in the audience tonight and for the brave residents of
16 Dimock and their testimony.

17 I want to go on the record that I support
18 a moratorium. I agree with Craig Sautner's comment
19 that we can live without natural gas, but we cannot
20 live without water, clean water. And people are
21 proposing natural gas is a bridge to the future. I
22 suggest that water is a bridge to the future. And
23 without water we won't get to the future. I support
24 the moratorium, and I think we have better uses for
25 our water. And in fact I support a ban of a

1 hydro- fracking process. I think there's examples of
2 evidence that it cannot be done safely. Thank you.

3 DIRECTOR HENDERSON:

4 Is there anyone else who would like to
5 come forward and offer testimony, sir?

6 AUDIENCE MEMBER:

7 I'd just like to ask are these proposed
8 regulations --- will they be the most strict in the
9 country or are they going to be compared to other
10 states?

11 DIRECTOR HENDERSON:

12 I will be honest and say that first with
13 all due respect that's an objective question and I
14 don't know that I am in the position to answer that.

15 AUDIENCE MEMBER:

16 I just wondered how you felt. It almost
17 seemed to me like you should had this public hearing
18 before you developed the regulations.

19 DIRECTOR HENDERSON:

20 The way the regulations work --- if I
21 could, the way the regulations work is that a draft
22 proposal is put out for public comment. The first
23 iteration for the public to respond to saying this is
24 a good idea, this is a bad idea, here's how we can
25 make it better and we got a lot of those comments

1 tonight.

2 The Department of Environmental
3 Protection will take all of those comments made, they
4 will review them, revise it for a final regulation
5 based on the input they received. Prepare this
6 comment response document I had discussed, which is
7 available to the public review. And they will come
8 back and then put out again for public review, a final
9 rule making so that you the members of the
10 Environmental Quality Board and legislators can
11 determine if that final product is worthy of approval.

12 That is generally how the process works.
13 Tonight we're obviously in the middle of that public
14 input process. Anyone else willing to come forward
15 and offer remarks?

16 MS. ROADER:

17 Can I just add a comment to what I said
18 before. Can I stand here?

19 DIRECTOR HENDERSON:

20 If you could come forward. Just for our
21 --- the stenographer has been a trooper tonight. And
22 if you could come forward and you can just restate
23 your name.

24 MS. ROADER:

25 Rebecca Roder, and I just wanted to

1 comment after listening to the resident from
2 Larksville talk about wildlife. The other night after
3 watching SNL I flipped around and ended up on PCN,
4 John Arway, who is the --- who I think is the
5 president of the Boat Commission was talking about his
6 concern about the Susquehanna Rivers.

7 He talked about having a very high number
8 of transgender fish attributable to endocrine
9 disruptors, which we do know is involved in the
10 Marcellus industry and in some of the wastewater. He
11 also talked about a small amount of bass having
12 lesions all over their bodies because of low oxygen
13 content in the water. So he himself ended his
14 discussion by saying he was going to contact Secretary
15 John Hanger and ask for a study of the Susquehanna
16 River because he's concerned about degradation.

17 DIRECTOR HENDERSON:

18 Are there any other comments?

19 MS. THOMAS:

20 My name is Michelle Thomas, T-H-O-M-A-S.
21 I live at 169 Pavlik Road in Hunlock Creek, 18621. So
22 far I've heard a lot and it's really heartbreaking.
23 But I also want --- another thing that I think people
24 should consider. And that is that it's not only wells
25 that we're talking about getting contaminated.

1 The Ceasetown Dam and the Huntsville
2 Reservoir, which someone mentioned before ---. The
3 Huntsville Reservoir some of it's already leased land
4 to one of these natural gas drillers. The Ceasetown
5 Dam supplies water to 70,000 families, businesses,
6 churches, grocery stores. The Huntsville Dam supplies
7 30,000 to the same or different ones, but all the way
8 from Shickshinny down almost to parts of Wilkes-Barre.
9 What I'm trying to say is if one of these dams or
10 reservoir gets contaminated, it's not just families.
11 You're talking about peoples' life. If a business
12 gets contaminated they can't operate without water.
13 People in Dallas --- the businesses in Dallas, for
14 instance, if the Huntsville Reservoir gets
15 contaminated, which they're going to drill by, all the
16 businesses will have to close. You cannot have a
17 business operate without water.

18 So you're not just talking about
19 individual families, their health, but jobs,
20 unemployment. BP they're being held responsible for
21 the livelihoods of the people who the water
22 contaminated. Who's going to take care of all the
23 people, who's going to pay the salaries of the people
24 if their jobs are gone? Who's going to take care of
25 them? Who's going to take care of their families?

1 There's, I don't know how many businesses, not just
2 businesses, grocery stores, schools, universities,
3 churches, all this can be affected by contaminated
4 water.

5 Already there is people that signed
6 leases. How can you let them sign leases unsure of
7 the reservoirs that supply over 100,000 people in just
8 our area alone with water? We're talking about
9 businesses shutting down, not only will your house be
10 worth nothing. But you will not have a job. If it
11 does, the worst does happen and they contaminate the
12 reservoirs. Who's going to buy your house that's
13 worth nothing? Whose going to pay your salary?
14 You're not going to have any money to even relocate,
15 you're stuck where you are. I'd like you to consider
16 that.

17 People should not be allowed to lease
18 within a certain amount, especially a reservoir. We
19 have our own private well. But I'm not just concerned
20 about us, I'm concerned about everybody in the whole
21 area. From my point of view we need a moratorium
22 until we get further regulations and more knowledge on
23 what could happen. Thank you.

24 DIRECTOR HENDERSON:

25 Are there any other comments? Okay.

1 It's been a long evening and I recognize that you have
2 taken considerable time of this very important issue.
3 I want to extend my appreciation and acknowledgement
4 of that this evening. Again, comments can be
5 submitted through August 9th. If you still need an
6 address come up and see me after this hearing. But
7 with that I adjourn this hearing at 9:11 p.m. Thank
8 you.

9 * * * * *

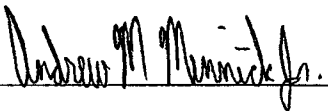
10 HEARING CONCLUDED AT 9:11 P.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before Patrick Henderson was reported by me on 07/19/2010 and that I Andrew M. Minnick, Jr. read this transcript and that I attest that this transcript is a true and accurate record of the proceeding.

A handwritten signature in cursive script, reading "Andrew M. Minnick, Jr.", is written over a horizontal line.

Court Reporter