



January 16, 2014

**Presented to the Environmental Quality Board, DEP,
at Good Hope Middle School, 451 Skyport Rd, Mechanicsburg, PA 17050**

Testimony from Barbara Sheffer Rooney, York, PA, speaking on behalf of the PA-AAUW (American Association of University Women) as Chair of the Marcellus Shale Committee. In addition, I speak as the mother of 6, the grandmother of 12 (perhaps I may be part of the problem) and I am concerned about the future our children and coming generations in PA may experience with our water supply, the effect on our streams, rivers and agricultural land, secondary to this relatively new industry known as hydraulic fracturing of the natural gas covering 63 % of the state.

I am prefacing my comments with the approved position statement of April 2012 – "AAUW-PA opposes the development of shale resources in PA unless the environment, public health and safety and the welfare of the communities involved are protected. Any such permitted development should prioritize the value of water resources above gas resources.....".

Our full report is available at AAUW-PA.AAUW.net

We make the following points:

1. The proposed regulations need to be scientifically valid and based on best practices and state of the art methods and NOT upon any agenda of the gas industry or political plan.
2. We note that in the 167 pages of the PA Supreme Court decision of December 2013, and based on the principles derived from the state Constitution of 1972, Section 27 is the most important. And I Quote: "The people have a right to clean air, pure water and to the preservation of the natural, scenic, historic and aesthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people".
3. Currently, the PA Auditor General, Eugene DePasquale, is auditing how DEP is regulating the Marcellus Shale Natural Gas Industry. This audit is ongoing and close to completion. Therefore, the PA-AAUW recommends that the EQB study this audit and take the findings into accountBEFORE.....any new regulations are approved.
4. Because of the PA Supreme Court decision, we are holding this board to a higher standard and hope we do not have to go to court again.
5. The public comment period should be expanded to 120 days minimum and more hearings set in affected counties. 59 organizations and thousands of people signed the petition calling for more time.
6. Under pre-drilled water testing & the restoration and replacement of containment water supplies (sections 78.51 & 78.52)we have learned that natural gas drilling operations have impacted at least 161 water supplies statewide. And that DEP leaves it up to drillers to decide when, where and how to conduct water quality tests before drilling begins. We agree with the recommendations submitted by Clean Water Action on this issue.
7. Standards for fresh pit impoundments (Section 78.56, 78.57, 78.58, 78.59), mounting violations & the potential for water and air pollution have already led some companies to transition away from pits and standardize the use of closed loop systems which utilize tanks to store wastewater: DEP should prohibit operators from using open pits for storage of regulated substances, including wastewater, drill cuttings, substances (like gels and cements) that return to the surface after fracking. Many spills, leaks, and other problems involving pits have occurred statewide that contaminate water, soil, and air. Waste should be stored only in closed systems.

- The processing of shale oil cuttings, often containing hazardous substances and radioactive materials, should be prohibited. "Freshwater" needs to be defined.
8. Disposal of brine, drill cuttings & residue waste (Sections 78.60, 78.61, 78.62, 78.63 & 78.70). PA should apply U S Resource Recovery & Conservation Act standards to regulate all aspects of the storage, transport, & use of hazardous materials contained in pits, centralized impoundments and tanks. In addition, DEP's CH 78 changes do not address the risks posed by hazardous waste regulations or secure safe disposal. Therefore DEP should prohibit the onsite burial of waste pits, etc. Prohibit the use of brine for dust suppression, de-icing, & road stabilization. Stormwater runoff carries brine into nearby waterways and wetlands. Etc. Prohibit the land application of topsoil water, pit water, fill, or dredged material etc.
 9. Identification of orphaned & abandoned gas and oil wells (Section 78.52). This is an important change as there about 200,000 abandoned wells in existence across PA. As drilling spreads and intensifies, so does the chance of accidents, blowouts & pollution from the intersection of new wells, DEP should expand these changes and make requirements of operators to plug and seal or appropriately address abandoned & orphaned wells according to state safety standards....PRIOR to well site construction. The state of PA lacks funding to address the large number of old wells , so drillers should be responsible for preventing pollution of adjacent water wells & air pollution from accidents when they occur.
 10. Current Health Impact Reports should be included in regulatory decisions: such as SHALE DRILLING and PUBLIC HEALTH, released and presented on November 23, 2013 by the League of Women Voters in the Heinz History Center in Pittsburgh.
 11. Another study to take into account is the PIPELINES of PA, A CASE STUDY of LYCOMING COUNTY, prepared for the LWV in 2012.
 12. Defragmentation of our state parks and forests is a growing concern and well documented.
 13. The so called "revolving door" of nearly 50 current or former state officials who have links to the energy industry and gas drilling and fracking regulation is of growing concern to citizens of PA.
 14. We are keeping in mind the legacy PA has experienced from extractive industries in the past: logging and denuded forests; coal mining and miles of our rivers with dead zones from acid; and now the new industry of hydraulic fracturing of natural gas. Some questions being asked by our citizens are: Who is making the decisions on the development of Marcellus Shale? And what part does the public play in all this? Is the public adequately represented? It appears that decision making is in the hands of a few. And will the people have to pay for the results of Marcellus Shale natural gas drilling in the future? The economy of PA requires a delicate balance of industrial and economic development..... with tourism, recreational, agriculture, dairy, grapes and wine, hunting, fishing and wildlife watching. The states of New York and Maryland are learning from the rush into horizontal fracturing in PA and are waiting until full impact studies are complete before permitting gas companies to drill. West Virginia has serious & current problems with impacts from industry on their water and land.
 15. Pennsylvania was the birthplace of the Articles of Confederation and the Declaration of Independence. In the spirit of learning from history, PA may again become a beacon of environmental leadership in regards to this natural resource lying under 63 % of the Commonwealth. We hope our elected representatives and regulatory agencies are prepared to lead the state and heed the inspiring words of the PA Constitution.