

RECEIVED

MAR 12 2014

INDEPENDENT REGULATORY
REVIEW COMMISSION

**LEAGUE OF WOMEN VOTERS®
OF PENNSYLVANIA**

226 Forster Street, Harrisburg, PA 17102-3220
717.234.1576

*Making Democracy Work®
Grassroots leadership since 1920*

League of Women Voters of Pennsylvania
Public Comment to the Environmental Quality Board
Regarding the Proposed Oil and Gas Regulations
Tunkhannock, PA January 27, 2014

I am Peggy Maloof, 703 Heart Lake Road, Montrose. I am speaking for the League of Women Voters of Pennsylvania. The League applauds the Environmental Quality Board for extending public hearings on the proposed oil and gas regulations. This is consistent with our on-going commitment to informed citizen participation in government decision-making.

Tonight we focus on the Protection of Public Resources provisions of the Proposed Oil and Gas Regulations. Based on our national position, we believe government policies should promote an environment beneficial to life through the protection and wise management of natural resources in the public interest.¹ In concert with the Pennsylvania Constitution, our advocacy stems from Article 1, Section 27 that assures us a right to clean air, pure water, and the preservation of our natural resources today and for generations yet to come.

Based on our state-wide study, consensus and position², we recognize that the production of natural gas significantly impacts the environment and the economy. However, such economic development should not come at the expense of our public resources and natural recreation areas.

Given these positions, we address Application Requirements (78.15). The inclusions of the mandatory notification of well permits within close proximity of public resources [78.15 (f)] and of the identification of parent subsidiary business entities [78.15 (b)] are most helpful. The following League recommendations strengthen protection of public health and the environment:

- Post the entire text of all well permit applications when submitted and grouped by watersheds and political subdivisions. This should be in easily accessible and user-friendly for public review [78.15 (a)].
- Extend proof of consultation regarding State and Federal threatened or endangered species to all ecologically significant species and communities. Given the rapidly increasing rate of environmental degradation and evolving issues related to climate change, a broader purview will offer greater protection of our Constitutional rights [78.15 (d)].

¹ <http://www.lwv.org/content/natural-resources>

² production significantly affects the environment and the economy of the Commonwealth. U

- Trigger the initiation of the application process (78.15) when modifications or renewals of permits occur while still avoiding other permit (25PACode 102.5) duplication [78.15 (e)].
- Expand distances around proposed surface locations. The proposed 200-foot distance from these sites is inadequate. Degradation from noise, light, and air pollutants extend beyond such limits. The 1000-foot distance from a drinking water source is inappropriate. Homeowners have a 3000-foot distance from water wells and springs for required notification.³ Taxpayers deserve the same consideration for their public resources. Based on the Duke study, a distance of a mile or more is needed to safeguard public health⁴ [78.15 (f) (1)].
- Extend the fifteen-day period to thirty-days for a public resource agency to make recommendations based on a comprehensive review, analysis, and response. The national park review⁵ should be the minimum standard used to protect Pennsylvania's public sites [78.15 (f) (2)].
- Allow the public - not the applicant -to determine a description of the function and uses of the public resource required by the permit application [17.15 (f) (3) (ii)].
- Include conditions for cumulative as well as site specific modifications to avoid and mitigate impacts to public resources. The rights of Pennsylvanians should take precedence over the optimal development of oil and gas resources. It should be the industry's responsibility to prove their actions will not be harmful, and their executives should be held financially and criminally responsible for damages to public resources [78.15 (g)].
- And post permit renewals consistent with the recommendation for all permit applications [78.17].

Finally, we support the addition of disposal and enhanced recovery well permits to the proposed regulations [78.18]. However, we suggest these relatively new hazards be examined with greater scrutiny consistent with environmental impact studies of the National Environmental Policy Act (NEPA).

The League appreciates your consideration of our comments this evening.

³ <http://extension.psu.edu/natural-resources/water/marcellus-shale/drinking-water/gas-well-drilling-and-your-private-water-supply>

⁴ http://sites.nicholas.duke.edu/avnervengosh/files/2012/12/PNAS_Jacksonetal2013.pdf

⁵ http://www.nps.gov/frhi/parkmgmt/upload/GRD-M-Shale_12-11-2008_high_res.pdf