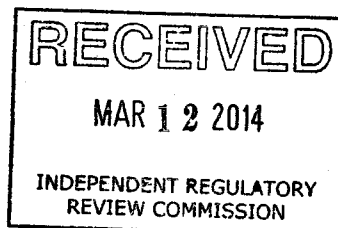


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Good Evening,

My name is Joshua Pribanic, I am here to submit comment as the Editor-in-Chief of Public Herald and as the co-director of the documentary on fracking, *Triple Divide*. Public Herald is an investigative news nonprofit, and while we advocate for truth and justice for all, we are not an activist organization, academic institution, or political entity. We are for truth and creativity in the public interest.

My comments here are mostly my own editorial but also part of what's in the 90 minutes of *Triple Divide*, where myself and Melissa Troutman find out how DEP and industry are handling the negative impacts of fracking.

I want to first comment on the background and purpose of the proposed regulations. In hindsight, the purpose of the proposed regulations are first an overall admission to the public that fracking is a new technology which needs to be regulated differently, and secondly that DEP regulations used to protect the public resources from fracking for the past 10 years have been pathetically out-of-date. In fact, the proposed regulations talked about tonight are stated by DEP to quote "be on the forefront of the curve" for how the Department protects Pennsylvania's resources. This really deserves an applause! (applaud here) However, after what I know about researching DEP's GMI case files, or what's riddled throughout DEP's complaint files, these regulations are nothing more than a freshman level attempt to regulate fracking.

A case in point is the proposed Abandoned oil and gas well section. The proposed regulations would require that an operator identify abandoned oil and gas wells within 1000ft of their vertical and horizontal wellbore, report the findings, then use "sensory monitoring" of the abandoned wells to alert DEP when and where a problem may occur. So, I had to check my calendar on this one to be sure I was still in the 21st century since the sensory monitoring proposed is not something from a mechanical measuring device, but is instead akin to a "sniff test" by industry workers. A sniff test. Not an air monitoring device, not a water monitoring device inside the abandoned well, but a sniff test.

It's a proven fact that abandoned wells in Pennsylvania act as pathways for both biogenic and thermogenic gases, and EPA research dating back to a 1989 study on Class II Injection wells found that abandoned wells will often communicate with nearby injection wells resulting in the transmission of contaminants to the surface. But these are not problems that can be effectively monitored visually, or

even by the expert nose of Scott Perry. Gases are invisible. The over 250,000 abandoned wells will have cracked casings and cracked cementing along the well annulus. When gases from nearby fracked wells communicate with an abandoned well they'll be released into the atmosphere undetected by the new "highly trained visual monitor guy." The public deserves to have regulations that are in fact, "on the forefront of the curve." This proposed regulation is a hangman solution leaving the public resources tied to a noose, vulnerable to reactionary measures and further contamination. The regulatory solution here is simple. When an abandoned well is located DEP should plug it. Afterward, it can be monitored using the best science available for detecting gas emissions at the surface.

Before I finish I want to read this beautiful passage under the section 78.62 on the disposal of residual waste, or pits.

*Section 78.62: "Disposal of residual waste—pits. The proposed amendments to this section clarify that solid waste generated by hydraulic fracturing of unconventional wells or processing wastewater under § 78.58 (relating to onsite processing) may not be disposed of in a pit on the well site. However, residual waste, including contaminated drill cuttings, can be disposed of in a pit on the well site.*

I repeat for all the homeowners in the room with well pads on their property or for wells on public lands, "residual waste, including contaminated drill cuttings, can be disposed of in a pit on the well site." a.k.a. it's buried; it's buried without your permission or you knowing about it. But it's fine since it's required to be buried 20" above the Seasonal High Water Table. So, what is "it?" What are these contaminants? Let's look at *Triple Divide* and fast forward to Judy Eckert's chapter. Okay, we see the contaminants are Iron (that's fine nothing wrong with more iron behind the swingset), manganese (I think that's in toothpaste, no big deal), Barium, Benzene, Strontium, Arsenic, Thorium, Uranium or radium 226 and 228, or in other words radioactive elements that produce radon. Okay... but, these are naturally occurring contaminants. Like the good radon! So, everything is fine... right? It's not like we have cases where a pit was buried above a seasonal high water table and someone found these contaminants in a persons water supply. What? This whole chapter in *Triple Divide* is about Judy Eckert's water supply being contaminated after drilling, and the company illegally buried the waste pit, and DEP found out two years later, and they didn't issue a fine, and they found the same contaminants in the water supply that would be in the waste pit, AND they had a predrill test that showed Judy had clean water uncontaminated water before drilling. So what happened? DEP's investigation concluded that the gas industry wasn't liable for the contamination to Judy's water, because Judy filed her complaint more than six months after drilling.

Look, this is American soil, American resources and american citizens who require that agencies who are provided with the duty to protect the air, land, soil and water do better than sniff test regulations.