



TESTIMONY OF JOANNE KILGOUR, DIRECTOR, SIERRA CLUB PENNSYLVANIA CHAPTER

JANUARY 23, 2014 HEARING IN INDIANA, PA ON PROPOSED CHANGES TO PENNSYLVANIA'S OIL AND GAS REGULATIONS BEFORE THE ENVIRONMENTAL QUALITY BOARD

I would like to first thank the members of the Environmental Quality Board for scheduling this public hearing, and for your recent decision to add two additional hearings next month – one in Troy and one in Warren. Further, I would like to thank you for extending the public comment period an additional 30 days with a new deadline of March 14. These hearings provide an important opportunity for the Board and the general public to hear local perspectives on the proposed regulations and firsthand accounts of how the proposed changes would impact those living day to day with the harsh realities of natural gas activity. We appreciate the additional hearings in these vital locations, and the additional time for the public to develop technical comments on the regulations. These are dense and technical proposals, and the extra time will enable us to be as specific and thorough in our recommendations as possible. Again, thank you for recognizing the important role of the public in this regulatory process.

I am here today on behalf of the Sierra Club's more than 24,000 members in Pennsylvania. Many of our members are directly impacted by natural gas exploration, extraction, production, and distribution - and many others are engaged in advocacy on behalf of our public lands that are exposed to threats from increasing natural gas development.

The EQB was established, in part, to formulate, adopt and promulgate rules and regulations as necessary to accomplish the Department of Environmental Protection's work. It is the stated mission of the Department of Environmental Protection to protect Pennsylvania's air, land and water from pollution and to provide for the health and safety of its citizens through a cleaner environment. The EQB is therefore charged with promulgating regulations to help carry out this mission to prevent pollution and restore our natural resources. Similarly, it is the mission of the Sierra Club to explore, enjoy, and protect the wild places of the earth and this Commonwealth. It is through this shared lens that I provide you with the following comments on these proposed regulations for what is known as Chapter 78 of the Pennsylvania Code.

First, while not directly related to natural gas activities, we cannot ignore the implications of the tragic and avoidable situation in West Virginia. When dealing with industrial activities, especially those of the extractive industries, it is essential to ensure that our residents are protected by strong regulations. While Section 78.55 of the proposed regulations requires a Preparedness, Prevention, and Contingency Plan to prevent and address pollution events, I appeal to you to strengthen this section by including a requirement that these plans FULLY DISCLOSE ALL CHEMICALS, THEIR AMOUNTS AND MIXTURES, as well as any potential harm they may cause, to all agencies, landowners, and first responders.

Similarly, Sections 78.56 and 78.57 strengthen the standards for the storage of liquid and solid wastes, but do not set forth a regulatory scheme that will adequately protect the residents and resources of the

Commonwealth from the risks associated with contaminated waste products. These sections should require DEP to apply US RCRA Subtitle C standards to regulate hazardous materials contained in pits, and should prohibit the use of any pits and open tanks. The bottom line is that the use of pits and open tanks is an irresponsible practice that must not be allowed to continue.

In addition to contamination events resulting from the widespread use of pits and open storage tanks, the residents of this Commonwealth have been forced to endure accidents, blowouts, and pollution events from the intersection of new wells with unidentified orphaned or abandoned wells. I commend the Board on its effort in Section 78.52(a) to require the identification of orphaned or abandoned wells, but I appeal to you to go further in the interest of protecting landowners and local resources in the areas around the estimated 200,000 abandoned wells statewide. To adequately prevent harm associated with new wells intersecting orphaned or abandoned wells, the abandoned wells must be identified before site development and well construction and drilling, not just the hydraulic fracturing stage. In addition, these wells must be plugged and sealed prior to new well site construction. Without taking these additional measures, simply identifying the orphaned or abandoned wells before hydraulic fracturing will not adequately protect Pennsylvanians or our resources from harm.

Though we don't have time to cover every section tonight, I will briefly mention that the Sierra Club is also concerned about the sections covering pre-drilling water testing and replacement of contaminated water supplies, standards for frack pits and impoundments, and the disposal of drill cuttings, brine, and residual waste.

For too long, the natural gas industry has been allowed and enabled by the Commonwealth to engage in harmful, irresponsible practices that run contrary to the mission of the Department of Environmental Protection and this Board. This process for updating the oil and gas regulations is an opportunity for us to stand up for that which it is our mission to stand for – a cleaner environment and better health and safety for the citizens of Pennsylvania.

Thank you very much for the opportunity to comment.