

Katie Muth Senate Hearing- Pennsylvania's Shale Gas Boom: How Policy Decisions Failed to Protect Public Health and What We Can Do to Correct It

June 2, 2022 (Comments to Katie by the 26th)

3-5 or 10 minutes

<https://www.senatormuth.com/policy/>

The community experience.

Let me tell you what happens when the fossil fuel industry comes to your town. You don't know it but they have been planning for the heavy industrial development of your community for years. You don't know that the two proposed well sites are going to turn into four sites, then seven, then twelve, then pipelines, compressor stations, pigging stations, and injection wells. You are told that this new well site less than a half-mile from your home may have 5 wells; you are not told it may have 20. You are told at a public meeting by the CEO of Huntley and Huntley (now known as Olympus Energy) that (and this is a direct quote) "We have no plans to drill in Penn Township". This is the first of many lies they will tell you, your municipality, and the regulators.

Your municipality is utterly unprepared for what is to come. Your elected and appointed officials do not have the benefit of years of preparation, and expert advice; but the gas industry does. When the gas industry comes to town to make an application for a gas pad, its engineer arrives at the municipal building with a dozen file boxes filled with highly technical documents that the municipality is required to review immediately. If the municipality fails to act at once, they will be sued. You and your neighbors typically have at most two weeks to look over those same volumes of documents. You are then required to formulate hundreds of questions based on this highly technical information. And when you or your neighbor asks a pertinent question that obviously has a damning answer, the gas company will not answer or will avoid the question. This is all to say: **there is a huge disparity between the preparation time and resources that the oil and gas industry has versus what we have; the local officials who are charged with protecting us and the people who will live with this industrial development in their backyard.**

If the municipality denies the gas company's application, then they are slapped with a lawsuit claiming 380 million dollars, just as Penn Township was. You have no idea that the municipality will ultimately cave to the tremendous pressure applied by the gas company, and all future applications will bring approvals, no matter what you do. The gas company claims the municipality, by denying its application, is violating their property rights, but what about the residents' rights? There is very little consideration there.

At the hearing on the permit application, the municipality doesn't have the resources to hire experts to dispute the gas company's claims and designs. Don't worry, says the gas company: "it's regulated by the PA DEP so it must be lawful; the DEP wouldn't permit an unlawful activity, would they?" In fact, the PA DEP allowed Apex Energy to contaminate and destroy a wetland for four years. This is the same company that sued Penn Township for \$380 million for denying permits to build gas well pads. Complaints were filed, harms were

documented, pictures were taken, follow-up phone calls were made. It wasn't until the legislature and others pressured the DEP to finally DO SOMETHING that the company negotiated a small fine in a settlement with the state (the cost of doing business really). And Apex, after multiple failed attempts to clean up their mess, the DEP declares that it is magically fixed "to the satisfaction of the Department." By the way, the DEP's declaration does not give the community or individuals any legal recourse. In the meantime, Apex gets permit after permit after permit. It is also shocking that the DEP is granted wide discretion in its enforcement decisions. Discretion is often necessary, but should not be granted when the fundamental rights granted by the 27th amendment are at issue. Enforcement of pertinent regulations should be mandatory and not permissive.

But it doesn't get any better when residents hire their own experts to look over the gas company's plans for erosion and sedimentation, air, water, and emergency preparedness. Legitimate experts in the respective fields testify as to how high the risk is to you and your neighbors. At the hearing, the gas company's lawyers manipulate and bully local boards. Gas companies claim that because your experts advise reasonable precautions, because they follow the science when they determine what will be harmful to human health and the environment, because of this, they must be biased against the gas company and must be ignored. If your experts cannot testify, with 100% certainty, that the well pad will be harmful, those experts should be ignored. But wait, it's you and your neighbors who are taking all the risk. A risk you and your children, neighbors, and friends did not agree to when you purchased your property. A risk, that if it comes to pass, will permanently destroy the value of your home and property. Residents rights are trampled because the municipalities live in fear that if the well pad permit is not granted, they will be sued. The residents' right to sleep undisturbed in our own beds, or to breathe clean air or drink clean water, are secondary to the rights of the gas company.

Experts know, and have testified, that the emissions from these well pads, compressors and legions of trucks pollute our air with harmful particulates and Volatile Organic Compounds. They predicted that this air pollution would cause impacts like asthma, respiratory conditions, endocrine disruption, cancers and more. And the reality of these predictions has been borne out. When the air is contaminated with harmful particulates and VOCs, residents call the PA DEP and they do nothing. The local municipalities are overmatched by the gas companies. Residents, left on their own to complain to the agencies empowered to protect them are called "Ninny Nanny's, Nimby, Greenie, Treehugger, and other names - just for caring about your kids and neighbors.

These are facts: In this state, an operator with hundreds of recorded violations to health, safety and the environment, on record with the DEP, is permitted to build 4 well pads less than a mile from a school. Another operator, also with hundreds of documented violations, is also permitted build a well pad 1,500 feet from a school. Then, the gas company, without input or oversight from anyone prepares its Emergency Response Plan. This plan is NEVER reviewed by anyone in the state government. In Pennsylvania, toxic, radioactive waste can be injected into a well located a few hundred feet from a tributary that feeds into the drinking water system for the entire Pittsburgh region. In Pennsylvania, a landfill accepting radioactive fracking waste that

leaches out and is incorporated into the local water treatment plant is issued another permit. This time, with the direct aid of the DEP, concocts a plan to evaporate their radioactive leachate into the air. As if radioactivity in the air is less harmful than radioactivity in the water. And the community, that is already sick, is never given a second thought.

The problem is a regulatory agency that ignores the people, neglects the science, and is in the thrall of the industry that it is charged with regulating.

The problem is one size setbacks that are already too small; we need 2500 feet for a residence, minimum, more for schools, hospitals, and nursing homes.

The problem is discretionary enforcement on matters where enforcement should be mandatory; setbacks, emissions, and disposal of waste.

The legislature and the executive can solve these problems, both current, and those that will lead to legacy pollution. If you don't take action now, your legacy will be one disease, destroyed landscapes, and an impoverished environment.

The oil companies are here to take the money and run. We are here for the long run. We hope you are too.

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