

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF ENVIRONMENTAL

PROTECTION AGENCY

* * * * *

IN RE: PENNECO ENVIRONMENTAL SOLUTIONS

DRAFT UIC PERMIT

* * * * *

BEFORE: JAMES BENNETT, Chair

Kevin Rowsey, Member

David Rectenwald, Member

HEARING: Tuesday, August 30, 2022

6:00 p.m.

LOCATION: Plum Community Center

499 Center New Texas Road

Plum, PA 15239

Reporter: Allison Walker

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WITNESSES: David Vento, Matthew Kelso,
John Stolz, Pat Emich, Louise
Drunheller, Michelle Fetting, Zachary
Barber, Sophia Fackaros, Ed Grystar,
Katie Sheehan, Jay Ting Walker, Don
Ziegler, Greg Kochanski, Gillian
Graber, Jack Rearick, Michelle
Naccarati-Chapkis, Frank Smolanski,
Dee Frederick, Nick Futules

A P P E A R A N C E S

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ALSO PRESENT:

KELSI CREPS

BOB TOURSI

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NONE OFFERED

P R O C E E D I N G S

MR. BENNETT:

So if you could please listen, we're going to go through the steps that we're going to go through today for this hearing. First of all, I want to thank you all for your attendance tonight. This is a formal public hearing on a proposed permit under the Federal Underground Injection Control Program, or the UIC program, for a project consisting of one brine disposal well, known as the Penneco injection wells with that number core A in Plum Borough, Allegheny County.

Public notice for these permits was distributed to state and local government officials, interested parties who have written or called EPA and also published in the Pittsburgh Post-Gazette on July 28th, 2022.

I ask for your cooperation in the hearing procedures

1 I will outline for you shortly so that
2 we may make the most of this
3 opportunity for public comment. First
4 however, I'd like to introduce myself
5 and other members of the agency in
6 attendance tonight. I am James
7 Bennett, the source holder and UIC
8 section chief of the water division
9 located in the U.S. Environmental
10 Protection Agency's office in
11 Philadelphia, Pennsylvania. With me
12 tonight is Kevin Rowsey, our
13 permitting specialist, and David
14 Rectenwald, our oil and gas
15 specialist.

16 For those of you who
17 came here today out of general
18 environmental interest and concern, I
19 would like to thank --- I would like
20 to acquaint you with the basic goals
21 of the UIC program. Which is EPA's
22 administering in the Commonwealth of
23 Pennsylvania. The Federal Safe
24 Drinking Water Act of 1974 and its
25 amendments recognize the importance of

1 safeguarding our nation's drinking
2 water supplies in a number of ways.
3 One program authorized by the Act was
4 the public water system supervision
5 program which is designed to ensure
6 that public water supplies deliver
7 safe drinking water to the very users.

8 This program is
9 currently being operated by the PA
10 Department of Environmental
11 Protection. Congress also recognized
12 at the time of the law's enactment
13 that our ground water resources which
14 supply approximately half of our
15 national drinking water resources also
16 needed protection from potential
17 harmful practices such as the unground
18 injection fluids. Sections 1421
19 through 1424 of the Safe Drinking
20 Water Act addresses the provisions
21 which authorize the UIC program and
22 covers the procedures under which EPA
23 must implement a federally
24 administered program in those states
25 such as Pennsylvania wherever ---

1 whenever a state will not and cannot
2 assume primary enforcement for the
3 program.

4 Since June 25th, 1984,
5 EPA has been enforcing the federal UIC
6 program in Pennsylvania. The program
7 addresses a variety of different types
8 for plans of injection wells,
9 including nearly 1,500 oil and gas
10 related wells in Pennsylvania. The
11 objective of the program and permits
12 authorized under it are to ensure that
13 the construction and operation of
14 these wells provides the highest level
15 of protection to underground sources
16 of drinking water. Underground
17 sources of drinking water or USDWs,
18 are basically defined as those
19 aquifers which supply or could supply
20 drinking water for human consumption.

21 The regulatory
22 definition of a USDW also includes
23 consideration of both the quantity of
24 water available and the quality. It
25 protects all ground water with less

1 than 10,000 parts per million total
2 dissolved solids in order to allow for
3 future uses of this resource. Any and
4 all new injection wells constructed
5 after June of 1984 are required to
6 apply for an EPA permit to ensure
7 compliance with the construction and
8 operational requirements to safeguard
9 our ground water resources.

10 It is our intent to
11 enforce the provisions of the UIC
12 program for Pennsylvania, to enhance
13 and protect the Commonwealth's
14 groundwater resources by ensuring that
15 the injection operations meet
16 protective standards mandated by the
17 UIC program. I would like to clarify
18 the need for a federal program on this
19 issue and the relationship to state
20 and local authorities. Existing
21 programs within the state have not
22 historically addressed injection
23 operations and the preventative stent
24 as the federal program.

25 EPA's program is

1 designed to protect ground water
2 resources through the stringent
3 casing, cementing, testing, and
4 continuous monitoring requirements.
5 It is a program which seeks to address
6 many of the concerns you have for the
7 prevention of water supply
8 contamination as well as the
9 protection of other natural resources.
10 UIC program, however, does not address
11 or have jurisdiction to enforce
12 against such issues as noise, air
13 emissions, truck traffic, or sighting
14 related to residential buildings that
15 you may have also concerns about. UIC
16 permits does contain a condition that
17 requires an operator to meet all
18 required local and state laws. The
19 UIC permit does not override local or
20 state regulations.

21 The purpose of this UIC
22 permitting process for existing and
23 new wells is to control and prevent
24 any injected fluids from endangering
25 underground sources of drinking water.

1 All injections operations must comply
2 with the instruction, operation,
3 monitoring, or reporting requirements
4 specified in the UIC regulations. The
5 specific technical requirements for
6 construction of the well and maximum
7 injection pressure limitations and a
8 corrective action plan in the area of
9 review which is required to address
10 any of the wells which penetrate the
11 injection formation and which may
12 serve as conduits for fluid migration
13 for all design to ensure that the
14 injected fluids are contained within
15 the well and the intended injection
16 zone.

17 The EPA has several
18 mechanisms for identifying non-
19 compliance, and has made a commitment
20 to strong enforcement and permitting
21 conditions in the overall program
22 provisions. EPA routinely inspects
23 all facilities to assist in evaluating
24 compliance by regulated facilities.
25 The severity of a penalty for

1 violations are based on the
2 seriousness of the violation.
3 Violators of the UIC regulations are
4 subject to either civil or criminal
5 penalties. Parallel state enforcement
6 authorities of the Commonwealth's oil
7 and gas regulations may afford
8 additional protection.

9 Now having supplied you
10 with a brief overview of the UIC
11 program and the purposes of this
12 public hearing, I would like to
13 briefly explain the protocol and
14 procedures that govern this hearing.
15 Please be advised, this is a public
16 hearing. It's being recorded by a
17 stenographer, and as required by
18 federal regulations, a written
19 transcript will be made of this
20 hearing and that transcript will be
21 made publically available. That means
22 that everything that is said is taken
23 down word for word and this transcript
24 will be available for anyone to
25 request it.

1 Persons wishing to speak
2 or provide information will be called
3 upon from the list of people who
4 signed up requesting to speak. Once
5 called upon, I ask that you wait for
6 the microphone before speaking. If
7 you wish to give your name, please
8 spell it for the stenographer. You
9 are not required to provide your name
10 or the name of the group you are
11 speaking for or representing. If you
12 wish to remain anonymous, just state
13 that you prefer not to give your name
14 or the name of your group. However,
15 if you do identify yourself be aware
16 that this will be part of the
17 transcript.

18 We want everyone to have
19 an opportunity to be heard, and we
20 will limit time to speak based on the
21 number of people that who've requested
22 to speak at the start of the hearing.
23 Additional comments can be submitted
24 in writing. I stress the fact that
25 this hearing is a listening session.

1 It is not a debate or a dialogue. We
2 will not be responding to your
3 comments or questions during the
4 hearing because the purpose of this
5 public hearing is to hear and make an
6 official record of your input on the
7 permit proposal before us.

8 Under federal
9 regulations found at 40 CFR 124.13,
10 anyone who wants to appeal this permit
11 or any permit conditions must raise
12 all reasonably discernable issues and
13 submit all reasonably available
14 arguments supporting their position
15 during the public comment period,
16 which I want to notice since the
17 public comment period ended on August
18 30th which is the hearing, I'm going
19 to extend the public hearing, the
20 public comment period to close on
21 September 7th, 2022 to allow
22 additional time for those of you
23 tonight that want to submit additional
24 written comments.

25 You can go to

1 <https://www.epa.gov/publicnotices> to
2 find information on EPA public notices
3 and how to submit a comment.

4 For those of you who
5 wish to provide a copy of your
6 statement or comments in writing, we
7 ask you to send that information no
8 later than September 7th, 2022.
9 Please send your statement or comments
10 to Ryan Hancharick either by mail, to
11 US EPA region three, or Penn Center,
12 1600 John F. Kennedy Boulevard,
13 Pennsylvania 19103, mail code 3WD22,
14 or by email to r3_uic_mailbox@epa.gov.
15 That is r3_uic_mailbox@epa.gov. You
16 can also contact Ryan by telephone at
17 215-814-3278.

18 In addition, if you
19 would like to receive a copy of the
20 written transcript produced of today's
21 hearing, please also send your email
22 or mailing address to Ryan Hancharick
23 so we can share the transcript with
24 you directly.

25 Thank you, and with that

1 I would like to ask those who want to
2 speak to hold on for one minute.
3 Kevin, did you print out ---? Has
4 anyone not signed in yet? If you
5 haven't signed in, please sign in at
6 the back --- back page, and if you'd
7 like to speak please put a checkmark
8 in the last box. Thank you. So we'll
9 just go in the order of when it was
10 issued here. David Vento. I'll make
11 it easier on you.

12 MR. VENTO:

13 My name's David Vento,
14 V-E-N-T-O.

15 I'm here tonight as a
16 Pittsburgh resident and I'm also a
17 member of Borough Council. However,
18 I'm not representing them personally
19 tonight. I am however on the
20 committee that has been meeting about
21 these when we found out about the
22 coming of this new injection well
23 through the Borough. And me, myself
24 and others have been here along with
25 the residents that you'll probably

1 hear from tonight.

2 And I just want to say
3 real quickly that the residents in
4 this community did, been to these
5 meetings. They're dead set against
6 it, most of them live right in close
7 proximity to that well. And the
8 Borough of Plum is against the
9 expansion permit.

10 AUDIENCE MEMBER:

11 Can you turn it up,
12 please?

13 AUDIENCE MEMBER:

14 We can't hear a thing.

15 MR. VENTO:

16 Is the mic on? How
17 about now?

18 MR. BENNETT:

19 Hello, hello? Get a
20 little closer.

21 MR. VENTO:

22 It was on --- it was on
23 before, so I don't know what the
24 problem is. Do I have to do it all
25 over again? All right.

1 But I am here tonight to
2 speak for myself and also to say that
3 obviously the people that are here
4 tonight are pretty much in agreement
5 that they're --- they're not in favor
6 of this well, and the Borough itself
7 is not in favor of the expansion of
8 this same wellsite. We didn't ever
9 expect, you know, expect it to be
10 this. So we are going to do what we
11 can to fight the permit and everything
12 that happens from this point on.
13 Although, we're pretty sure there's
14 not enough that we can do that's going
15 to make any difference.

16 But the problem is that
17 the EPA, whether you put these
18 comments out, you're done with it.
19 And the people here are already living
20 with --- with it. And most of it
21 detrimentally. And the Borough itself
22 doesn't have enough resources to make
23 this a fight that we can constantly
24 have. So that, you know, I just want
25 you to, as people, you know,

1 So what --- whether you
2 pass these permits, please look at the
3 geographical area that they're in. I
4 know you say well they're, we have to
5 have these. And that might be but
6 there's enough uninhabited places that
7 they can go that they're not in close
8 proximity to residents that really
9 can't afford to have it at their
10 property. That's all. Thank you.

11 MR. BENNETT:

12 Thank you. Matthew
13 Kelso.

14 MR. KELSO:

15 All right.

16 So my name is Matthew
17 Kelso, K-E-L-S-O. Can you hear me?
18 And I'm with Frac Tracker Alliance.

19 So five years ago,
20 hundreds of people filed into this
21 room to argue against converting Sedat
22 3A, an old production well from the
23 '80s, into an injection well which
24 would pump dangerous oil and gas
25 fluids underneath people's homes here

1 in Plum Borough. Today, the same
2 operator wants to do the same to an
3 adjacent site, the Sedat 4A site. At
4 this time, even closer to people's
5 homes. This brief but troubled
6 history of the 3A well is very much
7 relevant to whether the second
8 wellsite should be approved.

9 So let's talk about
10 mechanical integrity tests. Let's
11 establish the facts here. So first,
12 according to waste data from
13 Pennsylvania DEP, operator started
14 taking their ways to the 3A site in
15 February of 2021. On June 3rd of
16 2021, less than four months later, a
17 problem was noticed at the site. On
18 June 11th, 2021, Senior Vice President
19 Jacobs wrote to David Rectenwald and
20 this is a quote here. As you are
21 aware, the facility automation shut
22 down injection operations on annular
23 pressure threshold on the morning of
24 June 3rd, 2021. The specific cause of
25 the development pressure pathway

1 remains undetermined, but speculations
2 point to the threads of the four and a
3 half inch casings. Mr. Jacobs then
4 goes on to say that they inserted a
5 new three and a half inch packer to
6 the depth of injection, or 1,875.

7 So basically there is
8 now one item with integrity on this
9 converted facility where a brand new
10 well of this type would have three. I
11 had the opportunity to sit in on a
12 call with EPA officials that discussed
13 the events, a call that happened to
14 involve lawyers. When the phrase
15 casing failure was used, you could
16 also hear them squirm over the phone.
17 And yet, we have the receipts, you
18 know, for the failed mechanical
19 integrity test, right? We --- not
20 from EPA, which stonewalled our
21 Freedom of Information Act requests,
22 but from the state DEP which is also
23 privy to this information.

24 The failure means that
25 there was a loss of at least ten

1 percent of pressure during a 30 minute
2 test, a test is only required every
3 five years by the way. So why does
4 this phrasing matter of mechanical
5 integrity failure versus casing
6 failure? I'm honestly not sure.
7 Perhaps it calls for specific steps
8 that weren't taken. What I do know is
9 that shortly thereafter, residents
10 started complaining of impacts to
11 their underground sources of drinking
12 water.

13 Federal regulations
14 require that operators either repair
15 or permanently plug the well. And
16 this is where that single three and a
17 half inch pipe comes into play. In
18 addition, the potential impact of the
19 failure on underground sources of
20 drinking water need to be addressed.
21 I'm not sure how contaminated aquifers
22 could possibly be cleaned. I'll defer
23 to those closest to the wells to see
24 if the problems have been resolved or
25 not, but the answer is certainly not

1 to do it all over again, converting
2 another decades old well to a use that
3 it was not engineered for, affecting
4 these very same residents to these
5 very same risks. That's unacceptable.
6 EPA's drop permit for Sedat 4A is
7 unacceptable.

8 MR. BENNETT:

9 John Stolz.

10 MR. STOLZ:

11 Okay.

12 I am John Stolz,

13 S-T-O-L-Z.

14 MR. BENNETT:

15 Sir, use the mic --- use
16 the microphone.

17 MR. STOLZ:

18 Is it --- okay, yeah,

19 can you hear me? I'm John Stolz,

20 S-T-O-L-Z. I live in Glenshaw,

21 Allegheny County. But I'm also a

22 professor of biology and the Director

23 of the Center for Environmental

24 Research and Education with Duquesne

25 University. I spent the last decade

1 investigating water quality issues in
2 Pennsylvania related to unconventional
3 gas extraction. This has included
4 testing both surface and ground water
5 as well as reviewing PADP files and
6 the likes. It also includes testing
7 private water wells at Plum Creek here
8 in Plum.

9 I am once again
10 providing testimony in objection to
11 the permitting of a class 2D injection
12 well in Plum. The first time was back
13 in October of 2018 for permitting the
14 repurpose of a Sedat 3 gas well. Then
15 it was this year earlier and now
16 tonight for the second well, Sedat 4.
17 The objections are the same, but come
18 with additional concerns that the
19 current operations have already have
20 issues and revelations about the
21 radioactivity associated with oil and
22 gas.

23 The new well, Sedat 4,
24 is to be located off of Old East Curb
25 within 760 feet of the current

1 operating well. It will also inject
2 in the same Murrysville sandstone at a
3 similar depth. The proposed injection
4 volume will also be 54,000 barrels per
5 month. So essentially, it's double
6 their volume. The access road to the
7 injection road is winding with many
8 hills and limited visibility. This is
9 important considering now that there
10 will be a thousand truck loads this
11 month to meet the injection volumes.

12 I will reinstate my
13 original concern about the
14 undermining. Plum Borough is
15 completely undermined according to the
16 mine maps of the PA DEP, and has a
17 history of mines of mine subsidence.
18 The PA DEP abandoned mine program
19 recommends mine subsidence insurance
20 throughout the Borough. So the
21 possibility of migration of ---
22 unattended migration of fluids is
23 great. In late November of last year,
24 I did indeed receive a call from a
25 resident requesting water testing of

1 their geothermal well. I was able to
2 confirm what the DEP already knew.
3 That the well did have high
4 concentrations of methane and
5 constituents that could be attributed
6 to oil and gas waste. I understand
7 that the individuals currently
8 pursuing litigation.

9 Then there was the
10 matter of the composition of the
11 waste, something I know something
12 about because again, my research group
13 has tested a variety of different,
14 both conventional and unconventional
15 waste fluids. According to the
16 permit, the permittee shall monitor
17 composition of injected fluids, quote,
18 at the initiation of the injection
19 operation and every two years
20 thereafter. They will only need to
21 test for pH, specific gravity, sodium
22 chloride, iron, barium, manganese,
23 magnesium, dissolved oxygen, hydrogen
24 sulfide, total organic carbon, and
25 total dissolved solids hardness ---

1 hardness and alkalinity. Sounds like
2 a lot. However, they won't test for
3 bromine strontium or radioactivity,
4 all known to be associated with
5 production fluids of unconventional
6 wells.

7 It's important to know
8 this because these fluids wind up in
9 some of these private water wells or
10 their surface water. You can test
11 that.

12 The data provided in the
13 current permit indicates that they
14 have received waste which has 7,000
15 picocuries per liter of radium-26 and
16 2,456 picocuries per liter of radium-
17 228. Therefore, radioactivity needs
18 to be monitored.

19 It is for these reasons
20 that I again oppose the permit
21 application for the Penneco
22 Environmental Solutions, LLC injection
23 well at Sedat Number 4. Thank you.

24 MR. BENNETT:

25 Thank you. Pat Emich.

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MS. EMICH:

My name is Pat Emich,
E-M-I-C-H. I wanted to talk about
earth waves, and I know that you all
are concerned with the water and so am
I, but there's another concern too
with the earthquakes. And this is
called Earthquake Nation, and it was
published by Popular Science. I
attended the original meeting back
some years ago with the first well
that was projected. And I was proud
to stand with hundreds of people who
showed up at that meeting. And we've
lived in this, I've lived in this area
all my life and I'm not a young person
even though I might look like I am,
but I'm not a young person. And we're
so heavily undermined by the
activities in the past that we cannot
afford to put hundreds of thousands of
people in jeopardy of losing
everything they have, including their
lives due to this type of industrial
application.

1 The January, February
2 2016 addition and I know that's a
3 couple years back, but not much has
4 changed. Oklahoma, which this is in
5 addition to Popular Science. Oklahoma
6 which historically has had few
7 earthquakes of a magnitude of 3.0 or
8 higher started rumbling regularly in
9 2009. Oklahoma geological survey
10 recorded 30 such --- 35 such quakes in
11 2012, 109 in 2013, 584 in 2014. The
12 prior annual average was fewer than
13 two. By late October, the 2015 figure
14 had already exceeded 700 earthquakes.

15 Scientists have figured
16 out the reason, and the oil and gas
17 industry practice of injecting
18 wastewater deep underground is the
19 cause of it. Our own PAD peak
20 funneling between fracking and
21 earthquakes in Lawrence County, PA in
22 February of 2017. There's a great
23 possibility that this highly
24 contaminated water will enter these
25 coal mines and flow who knows where.

1 We are all at risk of this type of
2 pollution entering our drinking water.
3 The Beaver Run Reservoir is also
4 close. Our great waters of the three
5 rivers are very close.

6 I ask you to do your due
7 diligence and deny this permit. Thank
8 you.

9 MR. BENNETT:

10 Louise Drunheller.

11 MS. DRUNHELLER:

12 Can you hear me? I'm
13 Louise Drunheller,
14 D-R-U-N-H-E-L-L-E-R. I have not lived
15 here all my life, but I have been a
16 respiratory therapist, recently
17 retired, after 43 years in the field,
18 including mechanical ventilation for
19 very sick patients in the ICU.

20 And there are some
21 things that kind of relate to
22 mechanical, as was mentioned by a
23 couple of things here. Monitoring
24 HIPAA I heard, testing as I also
25 heard, mechanical integrity. Not from

1 the EPA necessarily are these things
2 serially monitored, but in the ICU for
3 instance patients who are receiving
4 mechanical ventilators are there for
5 any number of reasons. It could be
6 just post-operatively and they're off
7 the ventilator. It could be a much
8 more recent occurrence with COVID
9 where the lung is so damaged that high
10 pressures are used to push air
11 mechanically into the lung and
12 hopefully exhale in a proper way.

13 All of these things came
14 up at the same time as I was trying to
15 read through some literature. I had
16 to go back a little ways to find
17 something, but I did find something
18 from ProPublica. According to a risk
19 analysis cited in EPA documents, a
20 significant well leak that leads to
21 water contamination is highly unlikely
22 on the order of one in a million.
23 Once waste is underground though,
24 there are few ways to track how far it
25 goes, how quickly, or where it winds

1 up. There are plenty theory, but
2 little data to prove the system works.

3 As was quoted in this
4 article, and I just tried to snap a
5 couple of paragraphs from it. A
6 person was quoted as saying I do think
7 the risks are low, but it has never
8 been adequately demonstrated, that was
9 John Eps, a leading geo scientist who
10 advises the Department of Energy for
11 Lawrence Berkley National Lamps. He
12 goes on, every state in this is based
13 on a collection of experts that all
14 gave their opinions. Then they do a
15 scientific analysis of their opinions
16 and gives a probability of it.

17 This is a wonderful way
18 to go when you don't have any evidence
19 one way or another, but it really
20 doesn't mean anything scientifically.
21 The hard data that does exist comes
22 from well inspections conducted by
23 federal and state regulators who can
24 issue citations to operators who are
25 injecting illegally or not maintaining

1 wells or for operating wells at unsafe
2 pressures. This information is the
3 EPA's primary means of tracking the
4 system's health on a national scale.

5 Now, I am quoting from
6 2012 but I don't believe the
7 guidelines that support the CFR law
8 were much further than 2014, correct
9 me if I'm wrong. I know you're not
10 able to, but ---. Yet their response
11 to questions from ProPublica, the EPA
12 acknowledged that it's done very
13 little with the data it collects. The
14 agency could not provide ProPublica
15 with a tally of how frequently wells
16 fail or how often disposal regulations
17 are violated. It has not counted the
18 number of cases of waste migration or
19 contamination in more than 20 years.
20 Again, this is 2012.

21 The agency often accepts
22 reports from state injection
23 regulators that are partly blank,
24 contain conflicting figures, or are
25 missing key details ProPublica found.

1 This was by Abraham Lustgarten June
2 21st, 2012. And again, I'm going to
3 circle back to that patient who some
4 of these --- these things that were
5 mentioned, I think I wrote a letter to
6 the editor recently that mention
7 injection wells will have high
8 pressure cycle strength or, and
9 eventually causing fatigue. That's no
10 different than being in the ICU and
11 seeing that patient on mechanical
12 ventilation.

13 You can cause shearing
14 forces in the lungs because of the
15 pressure that it takes to ventilate
16 those lungs. If you don't monitor
17 serially, if you don't document, and
18 if you don't do it carefully, you're
19 not only not meeting the standards of
20 care as would be expected but you are
21 killing the patient eventually or at
22 least assisting in that, not being
23 able to correctly monitor.

24 Shearing pressures that
25 I describe from a clinician's point of

1 view is no different than the cycling
2 pressures. It takes a great deal of
3 pressure, and what you're doing, it's
4 like me going and taking a Bird Mark 7
5 which as from 1950, putting a bygone
6 circuit and try and ventilate that
7 patient and not having anyway of
8 understanding that I'm using an old
9 device to try to sustain life. And
10 when you take an injection well now
11 from a previously non-injection well,
12 a well that was --- a vertical well
13 and --- and had its cycle of all the
14 extraction that it did as a vertical
15 well, and now you insist on having
16 pressure cycles.

17 It's a matter of time,
18 and it's a matter of serial
19 measurement, and it's a matter of how
20 do you measure what you're not ---
21 you're not getting by --- by going
22 there every two years or however the
23 frequency is. It's just a matter of
24 time that a severe circumstance comes
25 from that. I would never be able to

1 face myself if I didn't understand the
2 standards of care, and EPA needs to do
3 the exact same thing here.

4 You don't use old
5 technology and expect to do some of
6 the things that you're doing with
7 injecting hazardous chemicals from
8 fracking sites. You can't expect to
9 do that over and over again with the
10 high shearing pressures and not have
11 something give. Thank you.

12 MR. BENNETT:

13 Thank you. Michelle
14 Fetting? Fetting?

15 MS. FETTING:

16 Hello. My name is
17 Michelle Fetting, F-E-T-T-I-N-G. And
18 I live downstream of the proposed
19 injection well site. I'm a customer
20 of Pittsburgh Water and Sewer
21 Authority, a source of clean drinking
22 water for me and my family and over
23 300,000 others.

24 The City of Pittsburgh
25 has come a long way. The surrounding

1 communities have continued to
2 rejuvenate after decades of industrial
3 pollution. Bald Eagles are nesting on
4 the river, the Great Blue Heron has
5 returned, the smoky city no more. But
6 what we cannot see may in fact be more
7 toxic to human health than anything we
8 could have imagined. This well site,
9 like its wicked stepsister next door,
10 would be located in close proximity to
11 the intact pumps for our drinking
12 water.

13 The existing well on
14 that same site has already failed.
15 Water has been contaminated and lives
16 have been changed. How much more
17 should we be asked to endure? Are we
18 expected to continue to be a sacrifice
19 now because we were in the past?

20 I'm here to ask the DEP
21 to deny this permit for the Penneco
22 Sedat 4A injection well, and to revoke
23 the permit for the Sedat 3A.

24 In Ohio, there are over
25 200 deep injection wells, but in

1 Pennsylvania there are only 14 and
2 there's a reason for that. Previous
3 administrations, whether Republican or
4 Democrat alike, understood the risk to
5 our beautiful and abundant waters.
6 They kept these wells out of our state
7 because of our hilly topography and
8 the risk of contamination. That is,
9 until more recent administrations.

10 But you, the EPA, can
11 change that. Enough is enough. The
12 toxic flow back from fracking is not
13 safe. We say no to the three million
14 gallons of frack waste every month.
15 We say no to the mercury, arsenic,
16 lead, betadine, toluene, and more, all
17 found in groundwater near injection
18 sites in Ohio. We say no to
19 radioactive radium-266 or 228 in our
20 drinking water. It is not good for
21 us. Radium is known by scientists as
22 a bone seeker. It goes right for our
23 bone marrow when it gets into our
24 bodies, and guess what? There are
25 alarmingly high rates of Ewing's

1 sarcoma in this region, a rare
2 pediatric bone cancer. Children are
3 dying.

4 Drinking water
5 authorities downriver cannot handle
6 this waste. Fracking waste has
7 already shut down water treatment
8 systems. The EPA leadership is needed
9 now to do what is necessary to protect
10 our air, our water, our soil, and our
11 public health, deny this permit and
12 have the courage to do the right thing
13 and stand up to this industry. Thank
14 you.

15 MR. BENNETT:

16 Kelsi Creps.

17 MS. CREPS:

18 I apologize, I was ---.

19 MR. BENNETT:

20 Next meeting?

21 MS. CREPS:

22 I'll submit it

23 afterwards, I apologize.

24 MR. BENNETT:

25 Okay.

1 Zach Barker? Barter? I
2 can't read the last name on this one.

3 MR. BARBER:

4 Sorry, my pen was bad.

5 MR. BENNETT:

6 That's okay.

7 MR. BARBER:

8 Good evening. My name
9 is Zachary Barber, that's B-A-R-B-E-R,
10 Z-A-C-H-A-R-Y. I'm the Cleaner
11 Advocate with Penn Environment, a
12 statewide pupil powered environmental
13 advocacy group working for clean air,
14 clean water, and open spaces. And I'm
15 here tonight to join in the residents
16 and my fellow advocates in asking EPA
17 to deny the permit for this injection
18 well.

19 We've already heard
20 quite a few really compelling reasons
21 from the violations that we've already
22 heard about at the existing well,
23 evidence that this is unsafe, why
24 would we double down on that? We've
25 heard about radioactivity, unresolved

1 concerns about well water
2 contamination, residents and leaders
3 are strongly opposed. One thing that
4 we're also not truly sure the full
5 extent is the risk of PFAS
6 contamination. More and more, they're
7 finding forever chemicals linked to
8 cancer in basically everywhere we
9 test. And studies have shown that
10 fracking has actually increased PFAS
11 contamination. We've not gotten a
12 clear answer from our regulators here
13 in PA about the extent of PFAS
14 contamination, and it would be
15 dangerous to risk more PFAS
16 contamination especially with the
17 Allegheny River. Downstream,
18 thousands of people get their drinking
19 water from it as well as the residents
20 who rely on well water for their water
21 as well. They're very quick.

22 So there are just
23 countless reasons. There --- there
24 are more that I'm sure I missed, but
25 it would be unsafe and imprudent to

1 place an injection well here. So
2 we're asking the EPA to deny this
3 permit. Thank you.

4 MR. BENNETT:

5 Thank you. Okay, Sophia
6 Fackaros.

7 MS. FACKAROS:

8 Can two people come
9 or ---?

10 MR. BENNETT:

11 Sure.

12 MS. FACKAROS:

13 Great.

14 MR. BENNETT:

15 If you'd like to remain
16 anonymous or you can just put both
17 your names on here?

18 MS. FACKAROS:

19 Yeah. Can we say both
20 our names? This is already on?

21 MR. BENNETT:

22 Yes.

23 MS. FACKAROS:

24 Sophia Fackaros,
25 F-A-C-K-A-R-O-S, presently the Mayor

1 of Oakmont.

2 MR. GRYPSTAR:

3 And I'm Ed Grystar with
4 the Citizens Protect Oakmont Volunteer
5 Environmental Group that helped to
6 change the oil and gas ordinance in
7 Oakmont a few years ago.

8 MS. FACKAROS:

9 On August 17th, we
10 presented a letter to Mr. Hancharick
11 if I'm pronouncing that correct, and
12 stating our position of Plum Borough
13 Council and the Mayor to deny this
14 permit request to number four.

15 Several reasons, one
16 being that the several violations that
17 this company has prior have not been
18 resolved and nor has it completed its
19 permit application as it should. It's
20 unconceivable that a company can
21 pursue and continue to move forward
22 with violations that aren't resolved
23 because of the inadequacy of a
24 governmental agency of EPA to take
25 advantage of this moment that's

1 happening, and we're totally against
2 it. We agree with everyone with the
3 water being contaminated in the area
4 surrounding where it's being done,
5 downstream. As you know, we're right
6 below Plum.

7 As it reaches down to
8 the Allegheny River, it almost brings
9 back thought of the story of Dupont,
10 West Virginia. You have to wait until
11 people get sick of cancer for
12 something to happen.

13 MR. BENNETT:

14 Sir, if you wouldn't
15 mind spelling your name for the
16 stenographer?

17 MR. GRYPSTAR:

18 Sorry. It's Ed
19 G-R-Y-S-T-A-R, and I just want to say
20 that as a citizens group, we're active
21 in presenting to the --- to the
22 Oakmont Council and to the first EPA
23 hearing that happened a few years ago.
24 The Borough has passed two resolutions
25 against the well. Now they've passed

1 a resolution against the second well.
2 The Oakmont Water Authority, we sit
3 actually closer to the possible
4 pollution coming from these wells.
5 They have the Pittsburgh Water
6 Authority. So we would say that
7 rather than reiterate all of the
8 scientific and practical evidence that
9 you should stand up to the industry
10 and do the right thing for the health
11 and safety of the citizens.

12 MR. BENNETT:

13 Katie Sheehan.

14 MS. SHEEHAN:

15 Hi. My name's Katie,
16 S-H-E-E-H-A-N.

17 I was at the first EPA
18 meeting and several meetings since,
19 and in opposition to any of these
20 injection wells. I live at 1835 Old
21 Leechburg Road, right below the Sedat
22 3A injection well about 500 feet.
23 Myself and my family are probably at
24 the highest risk for health impacts,
25 both physical and mental.

1 From the current Sedat
2 3A and proposed 4A injection wells. I
3 filed several complaints with the EPA,
4 DEP, health department, local and
5 state police departments, our
6 municipality, and as well as PennDOT
7 concerning water contamination, air
8 pollution, truck traffic leading to
9 road degradations and emissions.
10 Congress passed the SDWA in 1974, and
11 part of the SDWA, it requires the EPA
12 to develop mineral --- minimal federal
13 requirements for UIC programs and
14 other safeguards to protect public
15 health by preventing injection wells
16 from contaminating underground sources
17 of drinking water.

18 The mission of the EPA
19 is to protect human health and
20 environment. It states on the EPA
21 website that the EPA works to ensure
22 that Americans have clean air, land,
23 and water. National efforts to reduce
24 environmental risks are based on the
25 best available scientific information.

1 However, in June of
2 2021, the Sedat 3A injection well had
3 failed mechanical integrity tests
4 which corresponds with the water
5 complaints that myself and neighbors
6 have made to the EPA and DEP in early
7 July of 2021. Our water and
8 neighbor's water now tests for
9 elevated levels of total chloroforms,
10 iron, manganese, sodium, E. coli,
11 methane, and
12 hexachlorocyclopentadiene.

13 Our water is not
14 recommended safe to drink and
15 contributes to stress, anxiety, and
16 depression. According to sun.org,
17 scientific research also suggests that
18 common drinking water pollutants such
19 as lead impacts mental health. While
20 we rely on natural water sources for
21 drinking, bathing, cooking, washing,
22 and other residential uses, I have to
23 pay for water to be trucked in and
24 stored in a water buffalo. For now, I
25 am fearful for using my well water.

1 This was never an issue
2 prior to the first injection well
3 site. My husband and I are now living
4 at my grandmother's house where this
5 is never an issue. My parents have a
6 natural spring, which had never had a
7 problem prior to the first injection
8 well site. They have had to spend
9 over \$3,500 for a water filtration
10 system, but it may still not be enough
11 for possible future contamination.

12 The EPA is aware and has
13 documented on their webpage that water
14 runoff from rain fall or snow melt can
15 contaminate private wells by washing
16 microorganisms into the well systems
17 or seeping underground. Heavy metals
18 can contaminate private well through
19 groundwater movement and surface water
20 seepage and runoff. People can ---
21 that consume high levels of heavy
22 metals are at risk for acute and
23 chronic toxicity liver, kidney, and
24 intestinal damage, anemia and cancer.
25 Radionuclides can contaminate well,

1 private wells through ground water
2 flow, wastewater seepage, and
3 flooding. Drinking water with
4 radionuclides can cause toxic kidney
5 infection and increase the risk of
6 cancer.

7 Again, I would like to
8 point out that I'm about 500 feet from
9 the Sedat 3A injection well. And the
10 proposed second site would be in a
11 neighboring location.

12 The EPA is in charge of
13 enforcing the Clean Air Act, and the
14 EPA agreed to abide by the Clean Air
15 Act 42 USC 7401, taking on
16 responsibility of not only improving
17 but also protecting the Country's air
18 quality. Section 7470 of the USC
19 specifically tasks the EPA with the
20 goal to protect health and welfare
21 from any actual or potential side
22 effects which is the administrator's
23 judgement and would reasonably be
24 anticipated to occur from air
25 pollution.

1 On July 28th of 2021, a
2 chemical odor was in the air. Again,
3 never having this issue prior to the
4 first injection well site. This leads
5 --- led me to work with Protect PT and
6 I have an air quality monitor by my
7 device that records data 24/7 and has
8 shown volatile organic compound
9 spikes. Protect PT report shows data
10 of air pollution occurring. VOCs can
11 come from natural sources, for example
12 trees produce some VOCs. However, no
13 research has ever pointed to natural
14 sources producing values above a 50 to
15 300 PPD range at any given moment in
16 time. Only unnatural sources, like
17 oil and gas activity, could produce
18 the numbers that monitors have been
19 recording which is almost 40,000 PPD
20 spikes.

21 Data collects from our
22 monitor reveals VOC concentrations
23 above 500 PPD approximately 18,500
24 times from October 2021 to July 2022.
25 High level of concern values reaching

1 up to 37,333 PPD and VOC
2 concentrations within tens of
3 thousands range have been shown to
4 indicate oil and gas well activity.
5 These levels can be attributed to the
6 nearby Sedat 3A injection well.

7 Such exposures of these
8 levels of VOCs are likely to lead to
9 symptoms such as headaches, nausea,
10 dizziness, and includes vision. I
11 myself have experienced these
12 headaches. Myself and neighbors have
13 filed complaints with the DEP and
14 Allegheny Health Department and the
15 EPA concerning for a chemical odor in
16 the air and symptoms of headaches,
17 nausea, skin burning, and eye
18 irritation.

19 Truck traffic is already
20 a nuisance. On days the truck traffic
21 is heavy, the truck passes average 40
22 minutes or less between 5:00 and 2:00
23 p.m. That's just a brief space of
24 time. It's essentially 24/7 when the
25 trucks are running.

1 On January 7th of 2022,
2 I recorded five trucks going to and
3 from the injection well site in less
4 than an hour, and this is the case on
5 Sundays currently. I am concerned
6 about truck traffic emissions and
7 cacogenic material that they carry
8 that will affect myself and my
9 family's health. Risk segregation has
10 already occurred. Several portions of
11 the road are collapsing and caving in
12 on the road nearest to the Sedat 3A
13 injection well. This is reported to
14 PennDOT, and temporary repairs have
15 been made.

16 Further exposures to
17 toxic chemical and radioactive
18 contamination of drinking water, air
19 quality, mine subsidence, a potential
20 for earthquake and road degradation
21 from hundreds of truck traffic are all
22 the reasons I am once again in
23 opposition to the Sedat 4A injection
24 well site. The EPA needs to deny the
25 Sedat 4A site. We already have proof

1 of concerns from the first site. We
2 do not need any more further health
3 impacts, both mental and physical,
4 from a second site.

5 MR. BENNETT:

6 Jay Watson. Jay Watson,
7 Walkin? Thank you.

8 MR. WALKER:

9 It's Jay Ting Walker,
10 T-I-N-G W-A-L-K-E-R. My name is Jay
11 Ting Walker, and I'm an advocacy
12 coordinator for the Clean Air Council.

13 The Council has been
14 working to protect everyone's right to
15 a healthy environment for over 50
16 years, and has many members in
17 Allegheny County. The Council asks
18 that the Environmental Protection
19 Agency deny the proposed permit for
20 the conversion and operation of a UIC
21 class 2D commercial disposal injection
22 well, Sedat Number 4A, located in Plum
23 Borough, Allegheny County,
24 Pennsylvania.

25 The applicant, Penneco

1 Environmental Solutions, LLC, has
2 several violations at immediately
3 adjacent injection wells and directly
4 related to the current permit
5 application. In addition, the
6 Pennsylvania Department of
7 Environmental Protection has been
8 unable to conduct proper inspections
9 at injection wells that are already
10 permitted.

11 A condition of a permit
12 for the coal located Sedat Number 3A
13 commercial disposal injection well is,
14 and I quote, not allow the underground
15 injection activity otherwise
16 authorized by this permit to cause or
17 contribute to the movement of fluid
18 containing any contaminate into any
19 underground sources of drinking water.
20 If the presence of that contaminant
21 may cause a violation of any primary
22 drinking water regulation under 40 CFR
23 part 141 or if it may otherwise
24 adversely affect the health of
25 persons, end quote.

1 During the last known
2 review of the Sedat Number 3A
3 injection well conducted by the
4 Pennsylvania DEP on July 22nd, 2021,
5 it was found that the well operator,
6 and I quote, well operator failed to
7 notify the Department within 24 hours
8 of receiving notification from the
9 land owner, water provider, or
10 affected person that a water supply
11 has been affected by pollution or
12 diminution, end quote. Since that
13 file review, there have been no
14 subsequent file reviews or inspection
15 of this site.

16 DEP is clearly not
17 equipped to adequately monitor the
18 conditions of disposal injection wells
19 which surely require more than a
20 yearly inspection. The related Sedat
21 1A monitoring well has not been
22 inspected since November 11th, 2020,
23 which will be discussed later in this
24 comment. Additionally, immediately
25 after EPA and DEP approved the

1 disposal injection well permit to
2 Penneco Environmental Solutions, DEP
3 issued five violations to the company
4 for poor construction practices at the
5 Sedat 3A well on August 12th, 2020
6 that could contribute to the failure
7 of the well to contain contaminates.

8 Given these violations,
9 Penneco Environmental Solutions have
10 not met the conditions of its existing
11 disposal injection well permit for
12 Sedat 3A. It should therefore not be
13 granted an additional permit for
14 another disposal injection well permit
15 at the same location.

16 Additionally, the
17 proposed disposal injection well
18 permit for Sedat 4A reads, and I
19 quote, the permittee shall also
20 monitor and record quarterly the fluid
21 level from the Penneco Environmental
22 Solutions Sedat 2A well, located in
23 the quarter mile radius area review
24 using to determine corrective action,
25 if any, must occur to prevent a

1 contamination of underground sources
2 of drinking water from this injection
3 well, and which shall serve as a
4 monitoring well for this injection
5 well. The permittee shall compile
6 this monitoring data included in the
7 annual report referenced in paragraph
8 2D9 of this permit, end quote.

9 However, DEP has not yet
10 inspected the Sedat 2A well after
11 recently granting the transfer of use
12 permit for the Sedat 2A well. It is
13 premature for the EPA to approve Sedat
14 4A before Sedat 2A's inspected.
15 Injection disposal well permit for
16 Sedat 3A, Sedat 1A was identified as a
17 necessary monitoring well to ensure
18 that Sedat 3A was properly
19 functioning. But this well has not
20 been inspected since November 13th,
21 2020 which was the well's first
22 inspection since it was plugged in May
23 of 2020 after being granted a transfer
24 of use permit.

25 Given the previously

1 mentioned violations and DEP's
2 sporadic and infrequent inspection
3 schedule, DEP clearly does not have
4 the resources to ensure that Penneco's
5 injection disposal wells and
6 monitoring wells at this site are
7 properly functioning. I urge the EPA
8 to deny this permit application.
9 Thank you for your consideration.

10 MR. BENNETT:

11 Thank you. Don Ziegler.

12 MR. ZIEGLER.

13 Good evening. My name's
14 Ziegler, Z-I-E-G-L-E-R. My wife Judy
15 and I live in Oakmont, and my wife has
16 a biomedical background and was the
17 chief chemist for the Oakmont Water
18 Authority for five years. She's very
19 familiar with water quality issues.
20 She also was laboratory manager at the
21 Hilton Cancer Institute and McGee
22 Women's Hospital.

23 And during that time,
24 she had to very strictly and precisely
25 account to regulatory agencies for all

1 the chemicals that were used and
2 disposed of in their research. Even
3 though the quantities were relatively
4 small, there was a very high level of
5 transparency and accountability.

6 At the other extreme,
7 Penneco injects millions of gallons of
8 hazardous toxic chemicals into the
9 ground that can potentially impact the
10 quality of our water supply without
11 even revealing the exact hazardous and
12 toxic chemicals they are disposing of.
13 There's very little accountability.
14 We must not permit Penneco to expand
15 to a second injection well. In fact,
16 to preserve the quality of our water
17 supply, we should revoke Penneco's
18 license to discharge these chemicals
19 into the first injection well.

20 I grew up in California,
21 and you've probably seen obviously in
22 the media how the surrounding
23 California surrounding states have a
24 severe water shortage as the Colorado
25 River supplied dwindles. I actually

1 still have a house out there. And but
2 here, we're so blessed in Pennsylvania
3 to have abundant water resources. We
4 must not take them for granted, but
5 cherish and protect them. We trust
6 that you'll look after the residents
7 of our communities to provide safety
8 of our water supply ahead of fiscal
9 concerns for balancing the budget and
10 such. Our water is a precious
11 commodity that we cannot and must not
12 take for granted. Please protect it
13 for us, and for future generations.
14 We ask that you reject Penneco's
15 request to expand. Thank you.

16 MR. BENNETT:

17 Thank you. Greg
18 Kochanski.

19 MR. KOCHANSKI:

20 Kochanski (corrects
21 pronunciation).

22 MR. BENNETT:

23 Kochanski.

24 MR. KOCHANSKI:

25 It's K-O-C-H-A-N-S-K-I.

1 I'm a resident of Pittsburgh,
2 Pennsylvania. And I'm here to talk
3 about what the best science is for
4 leakage of --- of well casings.

5 But before we get
6 started, I want to make sure that
7 everyone understands that with the
8 climate crisis deems that the fossil
9 fuel industry has to present their way
10 in 2030 or thereabouts. And so this
11 is a best in service of a temporary
12 industry.

13 But we actually do know
14 how often these --- these wells leak,
15 and it's not particularly rare. I
16 want to read --- I want to enter two
17 papers into the public record. One is
18 Richard Davies, et al. with nine
19 authors in marine and petroleum
20 geology, volume 56, September 2014,
21 pages 239 to 254 titled oil and gas
22 wells and their integrity implications
23 for shell and unconventional resource
24 exploitation. The other is in the
25 proceedings of the Natural Academy of

1 Sciences volume 111, issue 30, 2014,
2 the integrity of oil and gas wells by
3 Robert Jackson.

4 And basically leaks are
5 not rare. The overall leak rate for
6 the global population of wells that
7 they were able to measure was between
8 two and six percent. And a leak
9 implies almost certain contamination
10 of the groundwater. But the other
11 interesting thing, and I think this is
12 especially interesting to what the EPA
13 and DEP ought to do is that the leak
14 rate depended very strongly on what
15 slice of the data you took. Leak
16 rates could be as low as one percent
17 or two percent for one --- for some
18 slices of the data and upwards of 40
19 percent of other slices of the data.
20 And a large variability from, well one
21 fraction of the data to another
22 suggests that --- that EPA really
23 ought to, really should feel obligated
24 to build a model to tell us whether
25 this particular well is likely to end

1 up down at the one percent end or up
2 at the 40 percent end.

3 And I think it,
4 operating without some sort of model
5 that --- that allows you to reduce
6 this variability and say that wells in
7 this geology, wells with this kind of
8 casing, wells created with this cement
9 that are particularly low or
10 particularly high risk which in my
11 mind as an engineer border on
12 engineering malpractice. And I think
13 that without some --- without
14 quantitative estimates of the
15 probability of leakage, we don't
16 really have a reasonable case for
17 anyone to say that the well is
18 sufficiently safe. Thank you.

19 MR. BENNETT:

20 Thank you. Gillian
21 Graber.

22 MS. GRABER:

23 Hello. My name is
24 Gillian Graber, and I'm the Executive
25 Director for the non-profit

1 organizations Protect PT. Our
2 organization would like to emphasis
3 that the permit request for Penneco
4 Energy Solutions for the injection of
5 hydraulic fraction fluid into the
6 formation at the Sedat 4A well in Plum
7 Borough, Pennsylvania is a direct
8 threat to the health of residents
9 living near the wells and Allegheny
10 County's drinking water. Therefore,
11 the approval of the permit is under
12 the false pretense of safety posed by
13 the US EPA.

14 In order to protect the
15 health of our nation from contaminants
16 into our drinking water, as you stated
17 earlier in this proceeding, the Safe
18 Drinking Water Act was established in
19 1974. This Act prohibits substantial
20 endangerment of human health through
21 the Safe Drinking Water Act which
22 establishes the framework for the
23 underground injection well control
24 system which you stated as well before
25 this hearing.

1 The Sedat 4A presents
2 devastating risk to several downstream
3 public drinking water systems on the
4 Allegheny River and the potential to
5 contaminate underground sources of
6 drinking water. Following a casing
7 failure at the existing 3A injection
8 well, residents experienced
9 contamination of their drinking water.
10 Residents voiced that they have never
11 encountered this issue before the
12 casing failure, but Penneco refuses to
13 take responsibility. If Sedat 4A
14 fails, then hundreds of thousands of
15 Pittsburgh residents and businesses
16 will be without water.

17 Therefore, the permit to
18 improve the Sedat 4A is in direct
19 violation of the EPA's adherence to
20 the Safe Drinking Water Act by leaving
21 the endangerment of human health to
22 chance because of the potential of
23 problem casing failure already
24 experienced at 3A.

25 We question the EPA's

1 ability to protect the region's
2 drinking water and to properly adhere
3 to the Safe Drinking Water Act. It is
4 a concern of ours because EPA has not
5 asked Penneco to address how they plan
6 to protect us from another casing
7 failure. The EPA accepting Penneco's
8 integrity test that just barely passed
9 is reckless. The also taxing EPA with
10 the failure to require Penneco to
11 address their calculations of --- of
12 the geology under Plum, a community
13 that has already experienced a history
14 of extraction practices, exploiting
15 the resources, and leaving the cleanup
16 for future generations.

17 Additionally, over 50
18 years ago the EPA agreed to abide by
19 the Clean Air Act, taking on the
20 responsibility to protect the public
21 health and welfare from any actual or
22 potential adverse effects which may
23 reasonably be anticipated to occur
24 from air pollution. Our organization
25 as you've heard from other testimony

1 has been continuously monitoring
2 ambient volatile organic compounds by
3 on landowner's property that are
4 located in, within 500 feet in close
5 proximity to this well.

6 Our recent --- recent
7 assessment of the data from the
8 monitor shows that residents living on
9 Old Leechburg Road are at high risk of
10 acute health effects from VOC exposure
11 and could potentially experience long
12 term negative affects due to the
13 proximity of this injection well.
14 Research shows that the health of
15 Pennsylvanian residents is actively
16 declining due to the Sedat injection
17 well, regularly leading to headaches,
18 nausea, dizziness, and impairment. In
19 accordance to the Clean Air Act, we
20 request that EPA as a protection
21 agency deny further permitting of
22 injection wells if they have any
23 interest in avoiding further damage to
24 those who live --- of those to the
25 lives of more human beings.

1 Therefore, we emphasize
2 that the issuing permit for the Sedat
3 4A well is a failure by the EPA to
4 adhere to the Safe Drinking Water Act
5 and the Clean Water Act and is in
6 violation of applicable laws,
7 regulations, and our right to clean
8 air and pure water that is unique
9 within our Commonwealth. We demand
10 the EPA's adherence to their own
11 baseline of minimizing adverse impacts
12 of pollution activities in our air and
13 water. This can be done by denying
14 the permit for the Sedat 4A well and
15 withdrawing the permit for the Sedat
16 3A well.

17 It would be in EPA's
18 best interest to avoid causing further
19 harm to residents of Pennsylvania,
20 whether by following the Clean Air Act
21 or the Safe Drinking Water Act. Thank
22 you.

23 MR. BENNETT:

24 Thank you. Jack
25 Rearick? I can't read it, sorry.

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MR. REARICK:

I can't read my own handwriting either. Thank you all for being here tonight.

MR. BENNETT:

If you'd like your name on record. You don't have to, it's no ---.

MR. REARICK:

Jack Rearick,
R-E-A-R-I-C-K. And I've been a resident of Plum almost all my life.

I'm here tonight just to talk a little bit about what the other resident mentioned, the VOC emission. That the health, safety, welfare, and the air quality and things and for the residents of the United States. In addition, Pennsylvania is unique in that our constitution in Article 1 Section 27 states that people have a right to clean air, pure water, and preservation of natural scenic, historic, aesthetic values of the environment. Pennsylvania public

1 natural resources are the common
2 property of all people including
3 generations yet to come. As trustee
4 of these resources, the Commonwealth
5 should concern them and maintain them
6 for the benefit of all people.

7 In 2013 --- in 2013, a
8 court case upheld the constitution and
9 struck down several laws that kept the
10 protected oil and gas industry and
11 allowed them to do more than they were
12 supposed to be doing. In addition as
13 part of that court case, one of the
14 last findings of it was, I'll read it
15 here, is the constitution provision
16 speaks on behalf of the people, to the
17 people directly rather than through
18 the filter of the people's elected and
19 the representatives of the State of
20 Pennsylvania.

21 So in our state, we are
22 guaranteed clean air and water.
23 You're tasked with protecting it. One
24 of the things that you have, I sort of
25 question and I know you can't answer.

1 But in your overview statement, you
2 mention that clean air is a privilege
3 considering tonight. And I'm sort of
4 confused by that because that is part
5 of what happens around an injection
6 well, there is air pollution that a
7 resident testifies they're monitoring.
8 There's complaints that haven't been
9 addressed. So I sort of have to ask,
10 who does protect us from --- and who
11 protects the people in that area?

12 In addition in 2020, if
13 I got my year right, it was a grand
14 jury finding in the State of
15 Pennsylvania that found that the state
16 government failed to protect the
17 citizens of Pennsylvania from oil and
18 gas and found eight findings and
19 recommendations, including a 2,500
20 foot setback and things like that.
21 That's still outstanding, but that was
22 a finding of the grand jury.

23 In addition, recently I
24 think through 2021, the residents of
25 Washington County where there's a lot

1 of oil and gas activity, had a formal
2 report done where they are seeing rare
3 cancers. They've actually found
4 traces of fracking chemicals in their
5 bodies and the 35 state senators in
6 Pennsylvania asked Governor Wolf in a
7 formal letter to have this research.
8 Because obviously, these things don't
9 happen the day after they start
10 building fracking oil, but 10, 12
11 years later now we're starting to see
12 them develop.

13 So I have to ask if you
14 can honestly in making your decision
15 guarantee that these residents, the
16 residents living in that area
17 throughout the rest of Plum and down
18 the --- downstream aquifer will never
19 be impacted by another injection well
20 being permitted at that site. You
21 mentioned the casings are regulated
22 and all that, and as the other
23 gentleman mentioned, casings do fail.
24 There's a lot of documentation on
25 casing failures, even within the

1 petroleum industry. And they have to
2 last forever. So it's not like you
3 can say oh, we'll put the casing in
4 the ground and be done with it in five
5 years. No, it has to contain it
6 literally forever. In addition, we're
7 injecting these chemicals in the
8 ground which is undermined and can you
9 honestly say you know where all that
10 fluid's going to end up after five
11 years, ten years, 30 years, 50 years?
12 Because that's how long it's going to
13 be in there, literally forever. So
14 the future generations are also
15 protected by our constitution, and I
16 have grandchildren living here. So
17 how do I know my grandchildren aren't
18 going to be dealing with this and as
19 taxpayers, we're not going to be
20 paying to clean it up later.

21 The last comment I want
22 to make too is regarding an operator
23 itself. Penneco is, you know, my
24 personal opinion cannot be trusted to
25 protect the environment and the

1 welfare of the citizens. Number one,
2 they have violations they aren't
3 addressing in the court. Number two,
4 they're active climate deniers. If
5 you drive through Belmont and see
6 their electronic bulletin board, they
7 put up climate denying very
8 inflammatory messages. So they're
9 also not looking out in our best
10 interests.

11 So those are my
12 statements, thank you very much for
13 listening to me.

14 MR. BENNETT:

15 Thank you. Bob Toursi.

16 MR. TOURSI:

17 I'm not going to speak
18 because I have they said the same
19 things that I was going to ask in my
20 time.

21 MR. BENNETT:

22 Okay. Michelle McCarra?
23 Are you ready? Yeah, yeah. Sorry, I
24 need a stronger prescription I guess.
25 It's the microphone there. Yeah.

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MS. NACCARATI-CHAPKIS:

Good evening. Thank you for the opportunity to speak. My name is Michelle Naccarati-Chapkis and I'm the Executive Director at Women Helping Environment, a statewide non-profit focused on environmental exposures that impact public health. Also here as a resident of Plum Borough and as a member of Allegheny County Council representing over 96,000 individuals across this region, including Plum Borough.

Several years ago, I presented EPA's public hearing imploring you to deny the first Sedat well, 3A, and then again at the Pennsylvania DEP hearing. I'm here tonight to join the residents of Plum and our neighbors in opposing the expansion of the Penneco injection well in order to protect the health and future of residents and generations to come.

Here's what I can share

1 from personal experience. In 2016, I
2 was volunteering my time with others
3 in the Borough to update our zoning
4 ordinance. It was woefully updated
5 and did not contain adequate zoning to
6 protect public health. We took great
7 strides in identifying areas that
8 would be designated as heavy and light
9 industrial zones. Penneco in its
10 efforts submitted a letter to the
11 Borough indicating their intent to
12 develop an injection well on the
13 subject property, thereby being
14 grandfathered by any new zoning
15 ordinance that would be subsequently
16 passed by the Borough Council.

17 This property lies in a
18 rural residential area as such this
19 oil and gas activity would have been
20 prohibited under this revised
21 ordinance. As you know, unfortunately
22 and likely due to our lax and poorly
23 written state regulations for under
24 the Oil and Gas Act, the court ruled
25 that Penneco had the right to utilize

1 this property for development of an
2 injection well and the EPA and DEP
3 provided the permits necessary to
4 begin operation.

5 I was informed that the
6 Borough did not have the authority to
7 put conditions on the operation of
8 this injection well, and that was the
9 function of DEP and EPA. Therefore,
10 no limited amount to truck traffic,
11 hours of operation, noise level, et
12 cetera. You have heard from residents
13 prior to me this evening. Public
14 meetings have been held and residents
15 who live near this site have shared
16 their stories. They have been greatly
17 impacted. Others across the Borough
18 have purchased earthquake insurance
19 with the hopes that they never have to
20 use it. As a side note, many
21 insurance carriers had to consult
22 internally when requests were being
23 received by our Borough for this
24 coverage because they had never
25 received this type of request from

1 this region, and frankly didn't know
2 how to proceed.

3 Residents have attended
4 community meetings to share the
5 travesties that they have encountered
6 first hand, noise from the operation
7 impacting their quality of life, air
8 pollutants and poor air quality
9 resulting from diesel truck traffic,
10 and diminished water quality as a
11 result of the construction and
12 operation of this well site. For
13 those who have private wells, what
14 once was clean water coming from the
15 tap now is cloudy and has an odor. To
16 get a certified drinking water lab
17 report, it costs thousands of dollars,
18 out of the reach for many residents.
19 Their only recourse is to rely on the
20 testing of academic partners, which
21 has shown an impact to drinking water
22 quality.

23 The Sedat injection well
24 is doing harm to our community and our
25 state Oil and Gas Act has so far done

1 nothing to protect public health, and
2 the agencies that were established to
3 protect human health and the
4 environment have done nothing to stop
5 it. There has been no effort to
6 protect the residents of Plum Borough
7 as well as our neighbors as stated in
8 the PA Constitution Article 1 Section
9 27, the right to clean air and water.

10 It is well documented
11 that waste from the oil and gas
12 industry contains toxic and
13 radioactive substances known to
14 negatively impact human health. The
15 flow back water in these reused wells
16 are corrosive to the walls of the
17 well. The injection well will
18 inevitably contaminate the ground
19 water from which Plum residents as
20 well as downstream residents in
21 Pittsburgh receive their drinking
22 water. This has already been
23 demonstrated to you this evening.

24 Toxic chemicals linked
25 to cancer, heavy metals that cause

1 neurological damage, and radioactive
2 materials linked to a diversity of
3 negative health outcome are all found
4 in the waste that has been ingested in
5 the Plum's community.

6 One environmental
7 exposure of particular concern is
8 radon. Radon gas exposure is the
9 second leading cause of lung cancer.
10 Radium, one of the radioactive
11 substances found in oil and gas waste,
12 breaks down into radon gas that is
13 soluble in water and easily makes it
14 way above ground into the buildings in
15 which we spend our time, 90 percent of
16 our time. Moving forward with this
17 injection well, the second one, will
18 only increase the already naturally
19 heightened risk of radon exposure in
20 the spaces that we should be expected
21 to be safe.

22 Many studies have
23 demonstrated the connection between
24 brine exposure and illness. For
25 example, USTS 2011 report on radium

1 content of oil and gas produced waters
2 in the Northern Appalachian Basin
3 found that produced waters elevated
4 radium levels 200 to 2,000 times
5 greater than the US Federal Drinking
6 Water standard for radium. In
7 addition, science informs us that the
8 hazardous air pollutants released from
9 the diesel truck traffic as well as at
10 the well site are harmful to human
11 health by exacerbating asthma symptoms
12 and leading to other chronic
13 conditions such as cardiac and
14 respiratory disease.

15 And just last week, a
16 study was released indicating that PA
17 children born or raised near fracking
18 wells are more likely to develop acute
19 lymphoblastic leukemia. The permit
20 for Penneco's second brine injection
21 well must be denied. Penneco has
22 already demonstrated that it's not
23 capable of being a good neighbor and
24 protecting public health. The
25 expansion of this industry in a rural

1 residential zone is detrimental to our
2 community. Thank you.

3 MR. BENNETT:

4 Before we bring the mic
5 and I close out the hearing, that was
6 all that was signed up to speak. Is
7 there --- did you? Okay. Come on
8 then, sir. That's why we double
9 check.

10 MR. SMOLANSKI:

11 My name's Frank
12 Smolanski, S-M-O-L-A-N-S-K-I. I live
13 at 1900 Old Leechburg Road, and on
14 July 17th of '17 --- 27th rather, the
15 first EPA meeting was held here and I
16 spoke in opposition to it because of
17 the fact that I live in close
18 proximity to the well. And at that
19 point, I pointed out the additional
20 truck traffic is only going to benefit
21 Penneco and my biggest opposition to
22 it was the fact that my water
23 originates on Penneco's property.

24 I have a spring that was
25 affected, and just coincidentally they

1 had the issue with their well problem
2 with a casing. In June --- July 10th,
3 I woke up to a mold and --- a mold
4 odor and taste in my water. I
5 notified Penneco, they came, they
6 tested, EPA --- the DEP came and
7 tested the water. They tested it for
8 four months, wasn't conclusive that it
9 was directly related to the chemicals
10 put down into the well, but I lived
11 there all my life. That's 63 years, I
12 drank that water for 40 out of my
13 house. Never had an issue prior to
14 that incident in July of a year ago in
15 2021, rather. And the fact that
16 coincidentally, the only difference
17 was Penneco was involved with their
18 injection well across the street.

19 The biggest problem I
20 have is the situation they've equipped
21 me with water buffalo because I have
22 approximately 25 head of cattle and
23 maintain, you know, I have to maintain
24 a water source for. I had to shut the
25 water off from my spring to my cattle

1 and had to haul water for several
2 days, and afterwards Penneco did cover
3 the costs of the water buffalo and
4 such. But the fact that I have put a
5 filtration system on my --- my house
6 to hopefully prevent any further
7 contamination, you know. And the
8 problem I have is DEP when they did
9 their tests, it takes 30 days for
10 anything to happen as far as test
11 results, whatever.

12 So what am I supposed to
13 do if that happens again? There's no
14 coverage for the residents if --- if
15 there is a problem. For me, because
16 you can't live without water. You
17 just can't. And the fact that night
18 at that hearing, I don't know if
19 you're the same individuals who were
20 here at that point or not, but the one
21 person that I spoke to from the EPA he
22 said, you've got nothing to worry
23 about. Well it's not --- and I told
24 him at that point, it's not in your
25 backyard. It's in mine. And the fact

1 Ben Wallace CEO of Penneco, you know,
2 made the statement, I don't expect
3 people to say thank you for putting an
4 injection well in our backyard, Mr.
5 Wallace said. It's an industrial
6 necessity. It's got to go somewhere.
7 Well, I have a suggestion where it can
8 go but I can't say it. So the fact
9 that, you know, did it happen to me,
10 could potentially happen to me again.

11 Now I've spoke with
12 several people. They've said, well it
13 might not have been directly related
14 to the chemicals going in, but cost of
15 contamination from the activity across
16 the street. Regardless, it's still
17 affecting me. And in fact with the
18 truck traffic, it's only going to take
19 one of them trucks to wreck on 366 and
20 that water goes, that chemical goes
21 into the Plum Creek, then it's going
22 to affect everybody downstream.

23 Now I understand that,
24 you know, it's you know, we all live
25 on gasoline to get to cars, you know,

1 to get to work and such and it's got
2 to be. But you know, there's got to
3 be some, you know, step back and I
4 want you guys to consider what you
5 would feel if you were in my
6 situation. That's what I'm asking
7 because, you know, this affects
8 anybody that has Murrysville sand
9 underneath their property, you know.

10 And that's another
11 thing. I never gave Penneco or
12 anybody else permission to pump this
13 brine, that's basically naturally
14 occurring substance in the sewer. But
15 the stuff they're hauling in didn't
16 come up from underneath my ground or
17 anybody else's ground from the
18 Murrysville. They're hauling it in
19 from other places. So what gives them
20 the right to pump it underneath our
21 property without permission?

22 So that's basically all
23 I have to say. Thank you.

24 MR. BENNETT:

25 Thank you. Would

1 anybody else like to speak before we
2 close out the hearing? Hold on up.

3 MS. FREDERICK:

4 I --- is everybody else
5 done? Because I didn't sign up, and I
6 don't live in Plum but I'm one of your
7 neighbors. My name is Dee Frederick,
8 I live in Allegheny Township.

9 MR. BENNETT:

10 Can you use the
11 microphone?

12 MS. FREDERICK:

13 Can you hear me with
14 this? Because I couldn't hear --- can
15 you hear me? Okay. My name is Dee
16 Frederick, I live in Allegheny
17 Township. So I'm very close to you.

18 All I can say is the two
19 most important things in this world
20 are fresh air and clean water. We
21 can't live without that. If there's
22 even a slightest chance that that
23 could be damaged, you should be trying
24 so hard to work on that so that we
25 don't have to suffer. All of these

1 people and other people that have had
2 meetings, they've told you about all
3 of these things that are happening and
4 it just keeps happening. Why? This
5 shouldn't be.

6 I --- water right now is
7 in danger all over our country. Look
8 what's happening over in the west. I
9 mean, they don't have a choice over
10 there because of the drought and
11 everything. People in, where is it?
12 Michigan had that horrible incident
13 with the contaminated water because of
14 their --- or whatever. Down in
15 Mississippi right now, those people
16 are suffering because of the flood.
17 They didn't have anything to do with
18 that, but they're suffering and it's
19 like that every place all over the
20 country.

21 If there is the
22 slightest chance that this thing that
23 you want to do by dumping that garbage
24 down underground, if there is the
25 slightest chance that that could seep

1 into that Allegheny River, which I get
2 my drinking water from the Allegheny
3 River, I don't want you to do that. I
4 would think you would be fighting as
5 hard as you can to keep things clean
6 and fresh for us. We deserve that,
7 you deserve that.

8 MR. FUTULES:

9 Gentlemen, thank you.
10 I'd like to give you this, if I may?

11 MR. BENNETT:

12 Sure.

13 MR. FUTULES:

14 This is from Oakmont,
15 and I realize that some people ---
16 Mayor is here and these are my cards.
17 We're here because Oakmont Borough
18 notified my and Michelle Chapkis of
19 this hearing this evening. My name is
20 Nick Futules, and my last name is
21 spelled F-U-T-U-L-E-S --- E-S, excuse
22 me. I am an Allegheny County
23 Councilman for District Seven, and I
24 represent the 7th District of
25 Allegheny County. I do not represent

1 Plum in a voting district, but I do
2 represent this entire county.

3 I'm not going to stand
4 up here and tell you that I'm opposed
5 to Marcelles shell because I voted for
6 it several times at the Allegheny
7 County during the Deer Lakes project
8 and at the airports. We were
9 receiving royalties since 2014,
10 actually.

11 But the question here
12 tonight here is this injection ---
13 well in the backyard of these folks,
14 and it seems to be a very big concern
15 for them. And I understand that. But
16 the questions I want, I'm going to ask
17 you to contact me afterwards because I
18 don't want to stand up here and give a
19 long speech. So give me information
20 and more or less educate me on this
21 issue because I'm not very well
22 reversed on the --- reversed on these
23 injection wells. I'm better at the
24 Marcelles shell and of the drilling,
25 but not the backend.

1 And you know, everybody
2 has this theory that not in my
3 backyard, right? And we all say that,
4 but you know, I wouldn't be opposed if
5 it would go to people in Ohio, quite
6 frankly. I'd be able to give it to
7 them, even Cincinnati, but other than
8 that, not in our backyard. That's
9 what we all --- that's what we all
10 say. But the question I will have is
11 simple, are there alternative sites?
12 Is there a liability with the company
13 if something were to go wrong?
14 Because that's very important.
15 People's lives are at stake, their
16 homes, their water supplies, and
17 that's an important issue. And these
18 are things I'd like to discuss with
19 you later at a later time. You know,
20 I just want to thank you for giving me
21 an opportunity to speak.

22 MR. BENNETT:

23 Thank you. Anyone else?
24 Okay.

25 I'm going to --- on

1 behalf of the Environmental Protection
2 Agency, I would like to thank you all
3 for your participation here and for
4 your well thought out comments on this
5 permit proposal in Allegheny County.
6 Under the EPA's program for
7 Underground Injection Control in
8 Pennsylvania. I assure you that all
9 these comments will be given serious
10 attention as we prepare a final
11 decision in this permit request. I
12 would also like to thank --- I would
13 also like to add that EPA extended the
14 time for the public to submit comments
15 until September 7th, 2022.

16 If anyone cares to
17 submit written testimony to our
18 attention at EPA, again thank you all
19 for your interest in this proposal.
20 This concludes the formal part of this
21 hearing. Thank you.

22 * * * * *

23 HEARING CONCLUDED AT 7:31 P.M.

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CERTIFICATE

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

Dated the 26 day of September, 2022



Allison Walker,
Court Reporter