

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

US ENVIRONMENTAL PROTECTION AGENCY
PUBLIC HEARING ON A PROPOSED PERMIT UNDER THE
FEDERAL UNDERGROUND INJECTION CONTROL PROGRAM

- - -

Monday, December 10, 2012

- - -

The transcript of a Public Hearing, taken before me, the undersigned, Jacquelyn P. Sherwood, held at the Brady Township Community Center, 71 Community Street, Luthersburg, Pennsylvania 15848, commencing at 8:08 p.m., the day and date above set forth.

- - -

REPORTED BY:

JACQUELYN P. SHERWOOD, PROFESSIONAL REPORTER

COPY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P-R-O-C-E-E-D-I-N-G-S

MS. JOHNSON: Okay. Good evening, everyone. I'd like to call this public hearing to order. Thank you 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 Windfall Oil and Gas, Incorporated, disposal well, Zelman No. 1 in Brady Township, Clearfield County, Pennsylvania. Public notices for this permit were distributed to state and local government officials, interested parties who have written or called EPA and also published in the Courier Express on November 7th, 2012. I ask for your cooperation in adhering to the procedures I will outline for you shortly so that we may make the most of this opportunity for public comment.

First of all, however, I would like again to introduce myself and other members of the agency in attendance. I am Karen Johnson, chief of the ground water enforcement branch of the water protection division located in the U.S. Environmental Protection Agency's office in

1 Philadelphia, Pennsylvania. With me tonight are
2 Steve Platt, our senior hydrologist; Roger
3 Reinhart, our enforcement lead; and David
4 Rectenwald, our oil and gas inspector.

5 For those of you who came here today out of
6 genuine environmental interest and concern, I
7 would like to acquaint you with the basic goals of
8 the UIC program which EPA is implementing in the
9 Commonwealth of Pennsylvania.

10 The Federal Safe Drinking Water Act of 1974
11 and its subsequent amendments recognized the
12 importance of safeguarding our nation's drinking
13 water supplies in a number of ways.

14 One program authorized by the Act is the
15 Public Water System Supervision Program which is
16 designed to ensure that public water supplies
17 deliver safe drinking water to their users.
18 This program is currently being operated by the
19 Pennsylvania Department of Environmental
20 Protection.

21 Congress also recognized at the time of the
22 law's enactment that our ground water resources
23 which supply approximately half of our national
24 drinking water resources also needed protection
25 from potentially harmful practices such as the

1 underground injection of fluids. Section 1421
2 through 1424 of the Safe Drinking Water Act
3 addresses the provisions which authorizes the
4 UIC program, and covers the procedures under
5 which EPA must implement a Federally administered
6 program in those states, such as Pennsylvania,
7 whenever a state will not or cannot assume primary
8 enforcement for the program.

9 Since June 25th, 1984 EPA has been enforcing
10 the Federal UIC program in Pennsylvania. The
11 program addresses a variety of different types,
12 or classes, of injection wells including nearly
13 1,000 active oil and gas related wells in
14 Pennsylvania. The objective of the program and
15 permits authorized under it are to ensure that the
16 construction and operation of these wells provides
17 the highest level of protection to underground
18 sources of drinking water.

19 Underground sources of drinking water, or
20 USDW's, are basically defined as those aquifers
21 which supply or could supply drinking water for
22 human consumption. The regulatory definition of
23 an USDW also includes consideration of both the
24 quantity of water available and its quality. It
25 protects all ground water with less than 10,000

1 parts per million total dissolved solids in order
2 to allow for future uses of the resource.

3 Any and all new injection wells constructed
4 after June 1984 are required to apply for an
5 EPA permit to ensure compliance with the
6 construction and operational requirements to
7 safeguard our ground water resources. It is our
8 intent to enforce the provisions of the
9 UIC program for Pennsylvania to enhance and
10 protect the Commonwealth's ground water resources
11 by assuring that injection operations meet
12 protective standards mandated by the UIC program.

13 I would like to clarify the need for the
14 Federal program on this issue and relationship to
15 state and local authorities. Existing programs
16 within the state had not historically addressed
17 injection operations in the preventative sense
18 as does the Federal program. EPA's program is
19 designed to protect ground water resources through
20 stringent casing, cementing, testing and
21 continuous monitoring requirements. It is a
22 program which seeks to address many of the
23 concerns you have for the prevention of water
24 supply contamination, as well as protection of
25 other natural resources.

1 The UIC program, however, does not address
2 or have jurisdiction to enforce against issues
3 such as noise, air emissions, truck traffic or
4 siting related to residential buildings, et
5 cetera, that you may also have concerns about.
6 The UIC program does contain a condition that
7 requires an operator to meet all required local
8 and state laws. A UIC permit does not override
9 local or state regulations.

10 The purpose of the UIC permitting process for
11 new wells is to control and prevent any injected
12 fluids from endangering underground resources of
13 drinking water. All injection operations must
14 comply with the construction, operation,
15 monitoring and reporting requirements specified
16 in the UIC regulations. The specific technical
17 requirements for construction of the well, maximum
18 injection pressure limitations and a corrective
19 action plan in the area of review which is
20 required to address any unplugged wells which
21 penetrate the injection formation, and which may
22 serve as conduits for fluids migration, are all
23 designed to ensure that injected fluids are
24 contained within the well and the intended
25 injection zone.

1 The EPA has several mechanisms for
2 identifying non-compliance and has made a
3 commitment to strong enforcement of permit
4 conditions and the overall program provisions.
5 EPA routinely inspects all facilities to assist
6 in evaluating compliance by regulated facilities.
7 There are penalties for noncompliance. The
8 severity of a penalty will be based on the
9 seriousness of the violation. Violators of the
10 UIC regulations are subject to either civil or
11 criminal penalties ranging up to \$32,500 per
12 day per violation. Parallel state enforcement
13 authorities under the Commonwealth's oil and gas
14 regulations may also afford additional protection.

15 Now, having supplied you with a brief
16 overview of the UIC program and purposes of this
17 hearing, I would briefly like to explain the
18 protocol and procedures which govern this
19 hearing. Persons wishing to testify will be
20 called according to the following order: 1,
21 elected officials representing federal, state or
22 local governments; 2, representatives of federal,
23 state or local agencies and; 3, all private
24 citizens and representatives of public and/or
25 environmental groups, representatives of industry

1 and the regulated community.

2 We will adhere as close as possible to the
3 order in which you expressed your interest in
4 presenting testimony either by your advance notice
5 to EPA or to the order you registered for this
6 hearing. If you wish to present testimony today
7 but have not signed the register, please do so
8 now. In presenting oral testimony we ask that you
9 clearly identify yourself and your organizational
10 affiliation, if any. We also request that you
11 limit your testimony to a maximum of three to five
12 minutes to ensure that all interested parties have
13 equal opportunity to speak, and for those of you
14 who are submitting written testimony this evening
15 we ask that you supply us with a copy for the
16 record of this hearing, and if possible, we would
17 also appreciate a summary of your main points.

18 I stress the fact that this hearing is not a
19 debate or dialogue. We will not be responding to
20 your comments or questions because our purpose in
21 being here is to formally solicit your input on
22 the permit proposal before us. Any additional
23 comments that you may care to make after this
24 hearing may also be made in writing no later than
25 one week from today, December 17th, in care of

1 Stephen Platt, EPA Region 3, 1650 Arch Street,
2 Philadelphia, PA.

3 As I said, I'd like to call elected officials
4 and representatives from federal, state and local
5 governments. The ones that we have identified are
6 Diane Bernardo from city council.

7 Is there anybody else here who is -- if you
8 would, please come to the mic. State your name
9 and --

10 MS. BERNARDO: My name is Diane Bernardo,
11 DuBois City Council. The following brief letter
12 was adopted and signed by everyone on our city
13 council including our mayor and our city manager.

14 This letter is to request a public hearing
15 on the Zelman No. 1 Class 2 disposal injection
16 well proposed for Brady Township, Clearfield
17 County, PA, and please put these comments on the
18 record.

19 Back when House Bill 2350 known as the
20 Injection Well Safe Water Act was introduced in
21 April 2012 the DuBois City Council, the mayor and
22 the city manager immediately responded with a
23 letter of support urging the Environmental
24 Resources and Energy Committee to adopt this bill.

25 As a municipal water service provider, the

1 City of DuBois felt this proposed bill provided
2 necessary water protection measures, some of those
3 include a 5,500-foot setback from public water
4 supplies. The bill also bans the deep water
5 disposal wells in flood plains and provided for a
6 2,000-foot setback from trout streams and high
7 quality and exceptional value waterways.

8 Approximately six acres of deep mines exist
9 within the quarter mile review area for this
10 proposed disposal injection well. It's our
11 understanding that the deep mines begin in Brady
12 Township and stretch to the area known as the
13 DuBois Mall. If there was ever a breach with
14 this frack water, it could go so far as the DuBois
15 Mall and into Sandy Lick Creek. Sandy Lick Creek
16 runs along the city's parkway system and is a
17 designated catch and release fishing site, and I
18 can guarantee you that much volunteer time and our
19 residents' taxpayer money and state taxpayer money
20 made this facility and that park possible.

21 The earthquakes in Ohio, which have been
22 linked to injection wells near Youngstown, were
23 felt by the residents in the City of DuBois. It
24 is our understanding that the geographic fault
25 lines run through the Brady Township area where

1 the well has been proposed, and Brady Township is
2 only two miles from the DuBois city limits and our
3 corporate boundaries.

4 We must do everything possible to ensure the
5 integrity and protection of our water resources.
6 Ohio has recently adopted new regulations to
7 address many of the DIW issues, and we should do
8 the same.

9 And now I'd like to present a representative
10 from the DuBois Watershed Committee.

11 MR. VOLPE: This letter is from the watershed
12 committee.

13 "Please consider this letter a request for
14 a public hearing on the Zelman No. 1 Class 2
15 disposal injection well proposed for Brady
16 Township, Clearfield County, Pennsylvania. Please
17 also consider this a request to enter these
18 comments on behalf of the City of DuBois Watershed
19 Committee.

20 "The proposed injection well on the Zelman
21 property in Brady Township is not only an issue
22 for the residents of the surrounding communities
23 but also the state of Pennsylvania as it would
24 be the first injection well located within a
25 residential area.

1 "The area in question happens to be located
2 near two watersheds, the Susquehanna and Ohio
3 River basins, and is also close to the DuBois
4 Reservoir which is a main water supply for the
5 city Of DuBois," as well as "neighboring
6 communities."

7 "The DuBois City Council was very quick to
8 respond to the Injection Well Safe Water Act,
9 which was introduced under House Bill 2350 in
10 April 2012." A municipal water service
11 provider -- "As a municipal water service
12 provider," excuse me, "it was felt that this bill
13 would ensure necessary water protection."

14 "After earthquakes were linked to injection
15 wells near the Youngstown area, the state of Ohio
16 adopted regulations to address disposal injection
17 wells and it is strongly urged that we do the
18 same. Our water is one of our most valuable
19 resources and we must take every step necessary to
20 protect it.

21 "Your time and consideration concerning these
22 comments are greatly appreciated."

23 MS. JOHNSON: Sir, can you state your name?

24 MR. VOLPE: David Volpe, Planning Commission
25 for the city of DuBois.

1 MS. JOHNSON: Thank you.

2 Please state your name.

3 MS. MOORE: Hi, I'm Nancy Moore, and I chair
4 the planning commission of the City of DuBois.

5 "The waste injection well proposed by
6 Windfall Gas and Oil and the Hoovers on the Zelman
7 property in Brady Township is not just a Brady
8 Township concern. It is an issue for the DuBois
9 area, Clearfield County and all of Pennsylvania.

10 "Historically, industries have targeted small
11 municipalities with limited financial resources
12 and multiple municipal borders for locating this
13 type of unacceptable land uses which we call ULU.
14 They take advantage of a natural reluctance of
15 municipalities to influence land uses in adjoining
16 municipalities.

17 "Five area municipalities with adjoining
18 borders worked together to formulate the Northwest
19 Clearfield County Regional Comprehensive Plan.
20 Representatives from the City of DuBois" --

21 (Discussion off the record.)

22 MS. MOORE: "Representatives from the City of
23 DuBois, Sandy Township, Brady Township, Huston
24 Township and the Borough" --

25 MS. JOHNSON: It's not working, just wait a

1 second.

2 (Discussion off the record.)

3 MS. MOORE: "Representatives from the City of
4 DuBois, Sandy Township, Brady" --

5 (Discussion off the record.)

6 MS. MOORE: -- "Township, Huston Township" --

7 (Discussion off the record.)

8 MS. MOORE: -- "and the Borough of Falls
9 Creek invested in two" --

10 MS. JOHNSON: It's off.

11 (Discussion off the record.)

12 MS. MOORE: -- "invested in two years of
13 planning meetings and the hiring of a professional
14 consultant with the vision of future area growth.
15 The comprehensive plan was unanimously adopted by
16 all five municipalities in 2009.

17 "The Northwest Clearfield County Regional
18 Comprehensive Plan clearly identifies the Highland
19 Street area as a village. This neighborhood
20 residential designation of Highland Street as it
21 crosses the boundaries of DuBois, Sandy Township
22 and Brady Township has been longstanding. Sandy
23 Township and Brady Township neighborhoods are
24 predominantly single family homes with onsite
25 wells and septic systems.

1 "If the proposed Hoover Zelman waste disposal
2 well is allowed to locate in this long established
3 residential area, it will be the first such well
4 located in a residential area in Pennsylvania.
5 This action will negate countless hours of hard
6 work on our area's future land planning and will
7 open the door for more of these unacceptable land
8 uses in residential areas.

9 "We have a unique opportunity for local
10 governments to retain some control over land use
11 within their municipalities. It is time we stood
12 together as municipal governments with a strong
13 participation by county governments.

14 "Consider this a request to enter the
15 Northwest Clearfield County Comprehensive Plan as
16 part of the comments and testimony."

17 There are some things that are featured in
18 the plan. One is the need to preserve the
19 character of our residential neighborhood; the
20 need to provide more housing; the need to
21 extend water and sewer lines where possible to
22 developable areas; the need to protect our water
23 sources both municipal and on site; the need to
24 encourage development in appropriate areas by
25 enacting land use ordinances.

1 The waste water injection well proposed by
2 Mike Hoover on the Frank Zelman property in Brady
3 Township is in direct conflict with these plans.

4 Can I ask a question? It's my understanding
5 and I don't have it, you know, completely
6 verified, that it was proposed at a meeting or put
7 out there at a meeting with Windfall that this
8 being identified as the Zelman Well No. 1, they
9 said they expect more injection wells to be
10 permitted. What information does DEP have on
11 those proposed doubling of amounts of waste water,
12 truck traffic and the expressed intent to increase
13 the number of wells by modifying the application
14 and amending it?

15 And they state in the permit as I read it
16 that they are required to test water wells within
17 2,000 feet prior to construction and only annually
18 after that? On a well that's on three acres of
19 leased land, there's just too many questions out
20 there. Thank you.

21 MS. JOHNSON: Are you going to turn in your
22 comments? Thank you.

23 MS. MOORE: Thank you.

24 MS. JOHNSON: Are there any Clearfield County
25 commissioners who wanted to speak?

1 MR. SOBEL: Thank you, members of the panel,
2 ladies and gentlemen, my name is John Sobel. I'm
3 the chairman of the Clearfield County Board of
4 Commissioners.

5 I'm here with Joan McMillen and Mark
6 McCracken, my fellow commissioners. I'd like to
7 read into the record, if I may, a record we have
8 already mailed out to the Environmental Protection
9 Agency, and it is addressed to Mr. Platt, the
10 gentleman at the table.

11 "Dear Mr. Platt: Please be advised that we,
12 the Clearfield County Commissioners, are opposed
13 to the construction of the injection well," in
14 Brady Township. "The proposed well is to be
15 located in a residential neighborhood stretching
16 along Highland Street, which extends across two
17 townships and up to the City of DuBois. The
18 potential for contamination of the residents'
19 water supply and potential impact of increased
20 truck traffic upon their quality of life causes us
21 to request that you deny final issue of the above
22 draft permit."

23 We are aware that issues of traffic are
24 within the purvue of the Commonwealth, but this is
25 a practical problem that the citizens of Brady

1 Township and the additional municipality will have
2 to deal with if the injection well is approved.

3 "Additionally, we are troubled that the
4 process of fulfilling the EPA's monitoring
5 requirement of the proposed well would be self-
6 reporting in nature. The inmates are, in effect,
7 being asked to run the asylum. There is just too
8 much potential for critical information not to be
9 shared with the EPA, as what happened at the Bell
10 Township, Clearfield County, injection well site."

11 Finally, "We believe the fracking fluids are
12 better treated and recycled as opposed to being
13 injected underground. Modern treatment plants
14 have the technology to properly dispose of frack
15 water such that the gas industry can develop an
16 environmentally safe manner.

17 "We absolutely support the development of
18 Clearfield County as a leader in the production of
19 energy in the 21st century. However, it must be
20 done safely and not at the expense of our
21 citizens' quality of life. Therefore, we would
22 ask that you not approve the proposed permit."

23 And just two points of summary, ladies and
24 gentlemen. Thank you for the opportunity to
25 speak.

1 Two points: Number one, we do not believe
2 that the operations model is one whereby tracking
3 of what's going on with the well can be safely
4 handled where information is being provided to
5 EPA. We feel it's better handled with the EPA
6 physically retrieving information.

7 Secondly, in the 21st century we do believe
8 that there is technology such that produced
9 fluids, frack water, brine water can be properly
10 disposed of. That's with treatment, that's with
11 filtration, things of that nature. Although
12 federal regulations do permit injection well
13 technology, that's technology that was developed
14 in the 1930s and basically we would like that
15 issue disposed of in the 21st century with 21st
16 century technology. Thank you very much.

17 MS. JOHNSON: Is there anybody else here from
18 Brady Township?

19 What about Sandy Township? Oh, I'm sorry.

20 MS. BEATTY: I'm a Brady Township supervisor
21 and we're going to have Wilson Fisher for -- my
22 name is Darla Beatty.

23 MR. FISHER: I'm Wilson Fisher, Brady
24 Township engineer. There's a copy for the record.

25 The -- several points that I'd like to

1 address and the first interestingly John Sobel
2 just referred to and I feel as though this is a
3 primitive or archaic technology for disposal. As
4 John indicated, it goes back a long time. We've
5 advanced a long way with distillation, reverse
6 osmosis, ultra-filtration technologies, and even
7 others that are on the drawing board.

8 The disadvantage of permitting a system of
9 this old style, it's a cheaper methodology so it
10 encourages the gas industry to continue to use
11 what's cheaper. The advanced technology is a
12 little bit more expensive, but if we had our
13 druthers from an environmental perspective we
14 would embrace the current technology rather than
15 the old technology.

16 The casing and the cementing of the first
17 ground water protective string is scheduled for
18 170 feet. I feel more appropriately and recommend
19 that it be at least 350. The hillside, the
20 hilltop that the well is scheduled for is about
21 150 feet above the homes in the nearby valley area
22 and some of the private wells are almost 200 feet
23 deep. So the first string should be greater than
24 or at least equal to 350 feet.

25 Also, the long string casing which extends

1 from the surface to the full depth of the well
2 about 7,300 feet, I recommend that it be cemented
3 back to the surface instead of 5,000 feet below
4 the surface and then we'd have more complete
5 isolation.

6 My next point goes to the legality of the
7 injection fluids which obviously are going to
8 disperse more widely than just the well area, and
9 the question is: Does the -- are our subsurface
10 rights being infringed upon? I didn't see any
11 reference to a lease or other legal instrument
12 that expresses the right of the company planning
13 to venture to be able to inject fluids under
14 adjoining property to which they are certainly
15 going to migrate into and this is a serious legal
16 matter, especially in Pennsylvania where
17 frequently subsurface rights are owned by others,
18 and there may be serious legal issues of trespass
19 and perhaps even unlawful taking of rights by
20 contamination of resources that would be
21 prohibitive to recover by the rightful owner if
22 and when they elect to do that and if there is no
23 lease that grants that legal right.

24 EPA is the regulatory agency obviously in
25 charge of issuing the permit, but I didn't hear

1 EPA's role from an inspection basis, especially
2 during the construction phase and through random
3 inspections during the operation phase. I presume
4 that the agency does that.

5 MS. JOHNSON: Um-hmm.

6 MR. WILSON: But I didn't see that so the --
7 whenever a construction project is undertaken of a
8 public works project or an industrial activity of
9 significance, a performance bond is required. I
10 see that none has been asked for or offered in
11 this particular case, and it's an industry
12 standard to compel a performance bond. The bond's
13 characteristics would be specific to a financial
14 guarantee, and in this particular case if the well
15 as developed is guaranteed to be consistent with
16 the plan; secondly, if the well fails, there's
17 adequate resources to repair or seal it, even
18 if the company goes out of business or goes
19 elsewhere; private supply owners have a source of
20 funds, if necessary, to build a public water line
21 to their home and; that nearby public water wells
22 owned by the Brady/Troutville Water Association
23 are adequately at least financially protected. I
24 didn't hear anything about a bond. I'd like to
25 see a bond provision developed.

1 Lastly, given the public and the municipality
2 concern and anxiety, as well as the apparent
3 diminishment of value of the nearby private
4 properties, one would have to question and has
5 questioned, why here?

6 And I think it was stated before and I'll
7 reinforce that. Pennsylvania has thousands of
8 acres of public lands, that would be a much better
9 place for it. It's out of sight and certainly not
10 next to private property. Thank you.

11 MS. JOHNSON: Thank you.

12 MR. FERRARACCIO: My name is Blaise
13 Ferraraccio and I'm the solicitor for Clearfield
14 County. I'd like to begin by offering to the
15 panel today an opinion that was written in the
16 Courier Express today by the editor Denny Bonavita
17 and I will just read the caption, "Injection Well
18 Won't Dispose of Anything. EPA Should Deny
19 Permit."

20 (Discussion off the record.)

21 MR. FERRARACCIO: If you were to permit this
22 injection well, in my opinion and in the opinion
23 of the supervisors of Brady Township, you would be
24 permitting an industrial outhouse. Instead of
25 treating the problem, you're burying the problem

1 thousands of feet underground.

2 Clearfield County has become the dumping
3 ground of Pennsylvania. You spoke earlier of the
4 well that failed in Bell Township; we have this
5 well that is presently before you individuals.
6 20 miles away in Elk County you have one of the
7 largest landfills in Pennsylvania, Greentree, and
8 there are presently two other landfills that are
9 attempting to be permitted in Clearfield County.
10 It's central Pennsylvania. We're turning into the
11 dumping ground.

12 I was a former teacher and I always taught
13 my students, those who do not know their history
14 repeat their history, and alls we have to do is
15 to go back a hundred years ago and we are still
16 dealing with the red, the green and the purple
17 waterways that have been ruined because of the
18 mining industry and we don't want that to happen
19 again to our children and to our grandchildren.

20 Presently Brady Township is in the process
21 of securing a \$6 million loan from the U.S.
22 Department of Agriculture to put a sanitary sewer
23 system to eliminate the poisons from the septic
24 tanks, from the sand mounds that go down into the
25 earth. So on the one hand the government is

1 saying we want to eliminate this, but on the other
2 hand we're speaking of injecting 33,000 barrels of
3 contaminated water that none of us would drink
4 down into this hole, down into the outhouse.

5 We speak of brine water, that's a nice word
6 to use, but what does this brine water contain?
7 It contains toxic chemicals that is a mystery.
8 People don't want to tell what these toxic
9 chemicals are, but yet we make it sound nice and
10 warm and fuzzy as brine water and that's what
11 we're putting down this hole.

12 It's a cheap way to dispose of it, a very
13 cheap way to dispose of it. You pour it down a
14 hole and you forget it. Out of sight, out of
15 mind. Why don't we treat it? We treat our
16 sewage, why don't we treat the brine water? Why
17 don't we treat this, take the chemicals out, put
18 it in a landfill and then recycle the water that
19 is there?

20 Finally, I ask each and every one of you, if
21 you had the opportunity to purchase a home within
22 the radius of this well, ask yourself in your
23 heart, would you buy a house there? Would you buy
24 a house there? No. If you had a water well, no.
25 None of you would, none of us would, and these

1 poor people who are in the immediate vicinity as
2 well as the surrounding area, their property
3 values are going to go down to zero because no one
4 will want to buy, no one there wants to come close
5 to their properties.

6 This area has been undermined for years and
7 years and years. The City of DuBois has just
8 drilled three or four new injection wells to help
9 supplement the reservoir.

10 MS. JOHNSON: Water wells.

11 MR. FERRARACCIO: Water wells, thank you, I
12 apologize.

13 Brady Township is supplied by water wells,
14 all right, and the fear is that what goes down has
15 to come up, and no one in this room and none of
16 you individuals here can sit here and tell us
17 where this water is going to go. Is it going to
18 go up? Is it going to go out? Is it going to
19 go down? And on behalf of Brady Township I
20 respectfully request that you deny this permit.
21 Thank you.

22 MR. BEATTY: Again, my name is Ronald
23 Beatty. I'm against the injection wells for
24 several reasons. I don't even think we can
25 comprehend the truck traffic that we're going to

1 encounter nor the problems from it.

2 We also have some noise ordinances in this
3 township which people in this community would have
4 the opportunities to complain to the township, and
5 we as supervisors would have to try to appease you
6 guys with that ordinance. So, therefore, the
7 amount of truck traffic, I can't even think we can
8 comprehend how much problems we're going -- it's
9 going to be created from this.

10 And I just listened to EPA say that this goes
11 back to local ordinances. I've been always told
12 that EPA and DEP supersedes local governments; so,
13 therefore, I'd kind of like to have them answer
14 where our noise ordinance comes into play. What
15 we're going to do with the truck traffic, how much
16 problems is going to be created from it?

17 There's schools out on this road that's only
18 about two miles from this injection well, and I
19 still feel in Brady Township we don't have any
20 room for screw-ups. In other words, with the
21 amount of people that's on our water system, we
22 can't afford -- everywhere you go in Brady
23 Township you have iron waters and right now we
24 need to probably drill a new well which is going
25 to cost us about \$100,000 after we go through all

1 the EPA and DEP studies, and with the people out
2 of Highland Street, yes, probably Brady Township
3 water system could probably supply the water, but
4 where is the money going to come from to do this?

5 And we also had a gentleman in Brady Township
6 that had lost his water earlier, probably about a
7 year or so ago, he lives out on McGees Mills
8 Road. He was over 2000 feet away from the gas
9 wells. As soon as they started drilling, they
10 lost the water, and of course he went to DEP and
11 because he was out of the limits, they didn't want
12 to do anything for him. The poor bird had to
13 figure out how to get funds to run city water to
14 him which was going to cost quite a bit of money,
15 but fortunately after they quit drilling for
16 whatever reason the water came back, but he never
17 had any problems with that prior to that.

18 So I don't feel that we have any room for
19 screwing up here. Our water lines go almost into
20 Curwensville across the Belgers Rock Road. It
21 supplies Troutville Borough with water and there
22 is no room for error. Thank you.

23 MS. JOHNSON: Thank you.

24 MR. MUTH: I'm Charlie Muth, Brady Township
25 supervisor. I want to commend the solicitor and

1 engineer for the excellent job they've done with
2 their comments. I don't have a lot more comments
3 to make, but I do have a couple questions. And if
4 I missed this in the permit application, I'm
5 sorry, but I didn't see it.

6 One of them pertains to the contaminating of
7 the fluids to the drinking water system. If by
8 chance the drinking water is contaminated, I agree
9 with our engineer, there should be a bond or
10 something in writing that states that Windfall
11 will be 100 percent responsible not only for
12 furnishing those people water on a temporary
13 basis, but putting water there on a permanent
14 basis.

15 I'm sorry again if it's in there, I missed
16 it, but I couldn't find that in the application.
17 I'd appreciate that that be looked at as one of
18 the concerns.

19 I notice also in the application that
20 fracking of this well is not to be -- there's
21 not going to be any fracking of this well.

22 I have a question on the area of injection.
23 How does absorption come into this picture?
24 You're pumping fluids down a hole into a
25 formation, it's still under pressure and through

1 that pressure there's got to be some absorption,
2 and if absorption takes place in the formation,
3 how far out will this absorption go? And if it
4 goes out far enough, is there a chance of it
5 showing up in other residential type wells outside
6 that quarter mile area, and maybe even some of the
7 plugged areas where it could force itself back out
8 of the cemented portion of the piping in those
9 older holes?

10 I do understand the plugging of the wells
11 today are a lot better than what they were back in
12 the '50s and '60s, but there is a chance and we
13 know -- well, at least I know there has been times
14 where there has been a suppression of deep holes
15 where they have been leaking and companies have
16 been going in and replugging them.

17 That is my concern. Thank you.

18 MS. JOHNSON: Thank you. Are there any
19 representatives from Sandy Township?

20 We'll call the City of DuBois next.

21 MR. LaBORDE: My name is Brady Laborde and I
22 am a supervisor for Sandy Township. I've also
23 written a letter to Mr. Platt, and I'm going to
24 read a portion of the letter.

25 I am opposed to the drilling of Zelman No. 1

1 injection well in Brady Township, Clearfield
2 County for the following reasons. According to
3 the map that was supplied by Lional Alexander,
4 professional land surveyor, there are seven other
5 gas wells in that area within 1,800 feet of the
6 proposed injection well. I understand that maybe
7 three of these are plugged, and whatever that
8 means I'm not real sure, but there are also deep
9 mines, a shaft No. 1 and No. 2, located beneath
10 this area. It's my understanding there are
11 numerous private water wells also within the
12 immediate area.

13 My concern is that the pressure that is
14 applied to the Zelman well No. 1 while injecting
15 the waste water will make its way to the surface
16 in one of these areas described in the above
17 paragraph and cause contamination. The seven
18 wells mentioned above may have been drilled as
19 far back as in the 1950s, and even if they were
20 properly sealed at that time, over the past years
21 the seals could have eroded.

22 Now, I heard -- it's not part of this
23 letter -- that they have to plug those wells,
24 but what does plugging mean? That needs to be
25 defined.

1 I know that there are some Oriskany wells
2 that are 7,000 feet deep and there is also shallow
3 gas at about 3,500 feet. So plugging a well,
4 plugging the Oriskany gas off and allowing the
5 shallow gas to continue, that's a question that
6 needs to be answered.

7 The mine water from shaft 1 and shaft 2 comes
8 to the surface on the DuBois Mall property and
9 runs into Sandy Lick Crick. This is alkaline
10 water with a pH of approximately 7, which is
11 pretty good water.

12 If the pressurized water from the injection
13 well makes its way to any of these sources listed
14 above through any type of method, it will be a
15 disaster especially those who live close by and
16 obtain their drinking water from the ground.

17 I respectfully request that the permit for
18 the proposed Zelman injection well No. 1 be
19 located in Brady Township, Clearfield County be
20 denied.

21 Respectfully submitted, Brady Laborde.

22 I also have a -- I've seen a map, I got a
23 copy of the map, it's not a very good copy, but
24 the map of the underground mine that we talked
25 about is available from the DuBois Historical

1 Society, and that water, if you go over to the
2 DuBois Mall right behind the mall, I believe it's
3 the Army Corps of Engineers come in there and put
4 two caps, one cap where the old mine shaft caved
5 in and the other cap is where the water comes up
6 out of the well and surfaces, runs under the
7 DuBois Mall and into Sandy Lick Creek, they had to
8 cap them. It's just like big platforms about a
9 size of a forth of this room over there.

10 MS. JOHNSON: Thank you. Did you submit the
11 maps before of the 11 wells?

12 MS. LaBORDE: No.

13 MS. JOHNSON: Could you do that, please?

14 MS. LaBORDE: Okay.

15 MS. JOHNSON: Thank you.

16 City of DuBois?

17 MR. REPINE: I am from the DuBois School
18 Board. My name is Tom Repine, I am the president
19 of the DuBois Area School Board and we have some
20 concerns because one of our schools lies within
21 two miles of the injection well. That's the
22 Highland Street school.

23 At three and a half miles the way the crow
24 flies you have Oklahoma Elementary which has a
25 student population of well over 400 that lies over

1 a number of these mines that Brady and some of
2 the other people have referenced to. Our major
3 concern is the welfare of the students and the
4 residents of this area.

5 And what are we getting for this injection
6 well? Well, we're probably going to get lower
7 property values which is going to cut into taxes
8 with the DuBois Area School District. It is very
9 close to the city and it could even affect
10 property taxes or property values near the city.
11 I know that's kind of a ridiculous way to look at
12 it, but you're going to have an injection well
13 that's going to probably be worth millions of
14 dollars which cannot be taxed because we can't tax
15 anything under the ground.

16 So like I said, our major concerns are the
17 students and the people of this area and we have
18 two schools that are right in kind of the zone.
19 So thank you.

20 MS. JOHNSON: Was there anybody here from
21 representative Gabler's office?

22 MR. GABLER: Thank you very much. My name
23 is Matt Gabler, I'm the representative for the
24 75th District which covers all of Elk County and
25 the northwest portion of Clearfield County which

1 includes Brady Township as well as the townships
2 of Huston, Sandy and Union, and the borough of
3 Troutville and the City of DuBois. I'm here
4 tonight to express my opposition to the proposed
5 underground injection well site here in Brady
6 Township.

7 "One of the central themes of the EPA's
8 underground injection control program is to
9 prevent the contamination of drinking water
10 supplies. In fact, the EPA is required under the
11 Safe Drinking Water Act to develop minimum federal
12 requirements in order to prevent contamination of
13 water supplies from injection wells.

14 "In Pennsylvania the EPA has primacy over the
15 premitting of disposal wells in the state, and so
16 I urge the EPA to err on the side of caution when
17 considering the application for the site here in
18 Brady Township.

19 "I have supported the safe development of our
20 natural resources in Pennsylvania, but in doing
21 so, I have advocated for the proper restrictions
22 on this industry so that the protection of our
23 citizens and the environment is not compromised.

24 "This proposed well presents several
25 challenges that must be considered before the

1 process moves forward.

2 "First, as indicated in the plat that
3 accompanied the permit application, nearly two
4 dozen homes are situated within a quarter mile of
5 the proposed well site. Each of these homes
6 relies on drinking water wells for their drinking
7 and household water. Four of these homes have
8 residences within a thousand feet which
9 constitutes the liability radius, or area of
10 rebuttable presumption, for oil and gas wells
11 under Title 58, Chapter 3218 of Pennsylvania state
12 law.

13 "Nearby families depend upon clean ground
14 water to meet their everyday needs, and given the
15 proximity of this proposed disposal well to their
16 water sources, it is not unreasonable to be
17 concerned about potential damages that could
18 result if the well were to be installed at this
19 site.

20 "Second, while I recognize that the EPA's
21 primary focus is on subsurface geology, it is
22 important to note that on the surface the
23 proposed well site is up gradient or uphill from
24 the residential water wells that surround it.
25 Therefore, the possibility that operations at the

1 top of the hill could affect the surrounding
2 propertiiies at the base of the hill, or at least
3 place them at greater risk, must be considered.

4 "Finally, it must be pointed out that while
5 the area is rural, it is still a residential
6 neighborhood. The access to the site by truck
7 would be seriously disruptive to the neighboring
8 residents who will be affected. The risk of an
9 accident or mishap at some point over the life of
10 the well is unacceptable in this proximity to a
11 residential area. There are better places for a
12 well like this. This site in Brady Township is
13 not ideal, and on behalf of my constituents, I
14 would argue that it should not be approved."

15 And I thank you very much for your time this
16 evening.

17 MS. JOHNSON: Are there any other elected
18 officials present?

19 Then with that, I would like to start calling
20 residents in the order in which they signed in or
21 as close as we can with the sheets that we have.

22 Duane and Darlene Marshall, please?

23 MS. MARSHALL: Thank you all for coming
24 tonight, I appreciate it.

25 I'm going to present to the EPA a binder that

1 summarizes all the concerns of the Highland Street
2 Development Extension. So a lot of the people in
3 this room have helped to develop this binder and
4 also there's some written testimony from people
5 who could not be in attendance.

6 For my testimony I'm going to summarize just
7 a little bit of what's in the binder.

8 I started out learning about this situation
9 at a neighborhood meeting and so then from there I
10 started as a librarian who has a master's degree
11 looking into what I needed to know as a resident.
12 The first thing I did was I went to a conference
13 and at a library conference I met a professor who
14 wrote a book called Earth. Richard Alley is a
15 geology professor from Penn State and he asked me
16 what happens when you push on a desk, and gave me
17 that example, and told me that evening that
18 eventually something has to give if you push on
19 it. So his example made me start thinking and in
20 his book he says since the 1960s pumping waste
21 underground has caused earthquakes.

22 So during this last year I've researched and
23 learned so much as a librarian. I got the job to
24 pull all this information together for the
25 residents of Highland Street Development and so

1 I'm presenting the binder for the residents of all
2 of our findings, and there is a lot.

3 My testimony is 17 pages long so we do not
4 want to be here all night reading it. I have
5 four pages of a cover sheet summarizing everything
6 that is in the binder. These testimonies and
7 attachments are supporting documents along with
8 pictures.

9 This written testimony covers the need for
10 more time to review the permit application and
11 respond. Local leaders didn't have enough time
12 for meetings and the engineer didn't have enough
13 time to review the geology, so we need more time.

14 There was no one mile topographic map
15 submitted in the permit application. The location
16 of my home is outside of the quarter mile radius.
17 My husband is going to show where my home is.
18 This is in the permit application, it's the map,
19 and my home is right outside the quarter mile
20 radius right here (indicating). So right behind
21 my home there is a deep gas well into the
22 Oriskany.

23 We found in the permit application that from
24 surface down 1,160 feet, that is air space. I do
25 not want anything coming up into my yard, but also

1 we found that there are five of these deep gas
2 wells in our area, not only in my yard -- not in
3 my property, but behind my yard. There's one down
4 here (indicating) and these are the two I'm going
5 to point out because in the permit application
6 they show a fault line, these fault lines are in
7 a triangular form. At the end of this fault line
8 you can see that these deep Oriskany wells reside.

9 If these casings have been perforated over
10 time, they'll have worn out and this waste could
11 leak up if the casings aren't plugged properly.

12 There are also coal mines in this area and
13 those coal mines sit right here (indicating), and
14 as you can see, if the fault lines as the permit
15 application states confine the waste to this spot
16 (indicating), it goes right towards the deep gas
17 wells and the coal mines. Thank you.

18 As you heard from Brady Laborde, these coal
19 mines go into -- eventually they can come out at
20 the Sandy Lick Creek at the DuBois Mall. The coal
21 mines are not addressed appropriately in the
22 permit application.

23 Something else I learned when I was writing
24 my testimony is the significance of the Onondago
25 formation that has a fault in it. In the binder

1 there is information on the Onondago fault
2 received from a Penn State professor. Those
3 faults are in the containing layer above the
4 Oriskany.

5 If those faults are there, that Oriskany is
6 where they say the fluid will go. If the faults
7 are in the formation above that is supposed to
8 contain the waste, this fault may make the waste
9 come up. So faults on the permit application are
10 also a concern and the faults in the Onondago
11 formation.

12 Right near my home, I showed you the map,
13 there are 16 water well sources right within that
14 area. They are not in the quarter mile review.
15 So I ask that the quarter mile review be expanded.
16 If it was toxic waste as we believe it is, it
17 would be reviewed for two miles and two miles we
18 would be into the City of DuBois, and if these 16
19 water well sources would be affected by any leak
20 from these deep gas wells improperly plugged, we
21 would have to find water.

22 There are 26 old gas wells in a one mile
23 radius, the map is in the binder, with at least
24 five deep gas wells.

25 There was no map in response to the

1 deficiencies showing water sources outside the
2 quarter mile radius. I believe there was a list
3 of property owners, but this was on the map.

4 What is in the binder is the cost to replace
5 the contaminated water. Sandy Township gave us an
6 estimate for well over a million dollars in the
7 end because you have to go along the highway,
8 that's a state highway, plus every home would have
9 connection fees which would be well over \$3,000 a
10 piece if you're a hundred feet from where you
11 would connect.

12 The plugging may cost well over \$60,000 for a
13 gas well that goes 3,000 feet down based on a
14 Carnegie Mellon study and this is more for over
15 7,000 feet.

16 The United States General Accounting office
17 found the need to review financial assurances for
18 deep injection wells, and the information is in
19 there, and this is certainly true for our area to
20 decide what the financial assurances should be.

21 Highland Street Extension Development has
22 57 wells, five springs and one cistern. Brady
23 township has over 800 customers; City of DuBois
24 has over 4,485 customers.

25 Remember the two mile radius? We know in the

1 1960s in Erie waste went underground for five
2 miles and came up in 1968 and it came out five
3 miles away. If waste goes two miles away, two and
4 a half, we are to our city water source, we can't
5 take that chance.

6 So the City of DuBois has over 4,485
7 customers. Sandy Township has 684 and City of
8 DuBois is at 3,801. They also serve the
9 Sykesville area because I know my family lives
10 there, and in a one mile radius we have 107 water
11 well users still in use. Most of the homes have a
12 water well in their property with 370 properties
13 in a one mile radios.

14 In the binder there's a list of all the
15 Highland Street Extension Development residents
16 and their water sources. In the binder there's a
17 list of every resident in a one mile radius and
18 their water source, if we were able to identify
19 it, and pretty much we were, thanks to a lot of
20 people.

21 Property values are at 17 and a half million
22 dollars in a one mile radius.

23 The proposed site is near headwaters of local
24 water sources.

25 This area has deep gas wells all over and

1 needs further study.

2 The Caledonia Syncline, there's a map in the
3 binder, goes through this area and brings fluids
4 to the surface, and it looks like that syncline
5 goes right through our area.

6 We have questions on low permeability and I
7 believe one of our residents is going to address
8 low permeability, but it's a very big concern
9 because it was well lower than the lowest EPA
10 noted in the deficiencies. I believe it was 6.1
11 millidarcies.

12 This is just a brief summary of what the
13 residents have already found in a short amount of
14 time. I want to thank our residents who came out
15 to show their support against this and to have
16 this application denied. Thank you to everyone.

17 The three application deficiencies we find
18 lacking: One, coal mines not addressed in the
19 application; two, no one mile topographic map,
20 and; three, no map of water sources outside
21 the quarter mile review in response to the
22 deficiencies.

23 If you have any other questions, it's in the
24 binder.

25 MS. JOHNSON: Thank you.

1 Okay, Valerie Powers is next.

2 (Discussion off the record.)

3 MS. POWERS: Good evening, my name is Valerie
4 Powers, and I live within the quarter mile area of
5 the review.

6 When this injection well leaks, not if,
7 either the overflow or the underneath the surface
8 will flow through the bedrock formed directly to
9 my well. The toxic fluids will be channeled into
10 my water well just feet away. That's not
11 acceptable. We have good water.

12 It also states in the permit application that
13 my water well will be tested while drilling and
14 filling the injection well. No one from Windfall
15 Oil and Gas asked permission to test my well
16 water, but printed it in the permit application.
17 That's not acceptable. It is not acceptable that
18 the well owners in the area are forced to pay to
19 test their water and feel unsafe to drink it on a
20 daily basis.

21 Residents have been told by Brady Township
22 that they cannot afford to bring them water when
23 the contamination happens. When we purchased our
24 homes, they came with clean water and we want it
25 to stay that way. If this well is permitted, I

1 will never feel safe drinking a cup of water
2 again. I ask respectfully that you reject this
3 permit. Thank you.

4 MS. JOHNSON: Marianne or Richard Atkinson?
5 We ask if you're giving written testimony that you
6 give a summary of it rather than reading it the
7 whole way through. That would be great, thank
8 you.

9 MR. ATKINSON: My name is Richard Atkinson.
10 My wife and --

11 MS. JOHNSON: Can you push the mic up just a
12 little bit?

13 MR. ATKINSON: My name is Richard Atkinson.
14 My wife and I have a property and we own about
15 15 acres of the land inside the area of review,
16 and I'd like to respectfully disagree with Karen
17 Johnson. She said that EPA has jurisdiction over
18 the casing and cementing of the well, but I gave
19 myself a headache and I read Act 13 as best as I
20 could and it defines in there that there are three
21 kinds of wells. One is an unconventional well,
22 another is a conventional gas well and the other
23 one is a plain well, and a plain well includes
24 disposal wells.

25 And if you read further down, it says to

1 drill a disposal well you have to have a DEP
2 permit, which Mr. Hoover probably knows, and if
3 you have a DEP permit you have to follow the
4 guidelines in the DEP drilling regulations, and
5 the EPA draft permit doesn't have that casing plan
6 that Mr. Hoover presented specified in it and I
7 believe that the permit should be changed to have
8 a casing plan as Mr. Hoover proposes.

9 There are two other points where I disagree
10 with the DEP draft permit. One is a relatively
11 small disagreement, but it could be important.
12 The statement of basis says that the Onondago
13 confining layer for the well is 50 feet thick. I
14 went through all the well records of the wells
15 surrounding the area of review and came up with an
16 actual thickness of the Onondago containing layer
17 to be between 14 and 18 feet, and in Mr. Hoover's
18 plan over there he has 14 feet for the thickness
19 of the Onondago, not 50 feet.

20 The other thing is the EPA claims they did a
21 calculation of the zone of endangering influence
22 and I looked up in the code of federal regulations
23 and there's five assumptions you have to make to
24 do that, assuming that's the way they did it.

25 One of them is that the home of the injection

1 zone is homogenous and isotropic, and another
2 one -- number two is the injection zone has
3 infinite area extent. You can see on that map
4 that they had up back there that has since fallen
5 down there's two faults that go right through the
6 area of review and in the statement of basis it
7 says, "The permittee submitted and EPA Region II
8 has also obtained geological information of public
9 record which indicates the possible presence of
10 several faults within one quarter mile. Historic
11 gas production results in the vicinity of the
12 injection well site have shown that nearby faults
13 appear to act as a geologic trap for gas
14 production," and on down it says, "This would
15 indicate that the faults are not transmissive to
16 gas migration and would also indicate good
17 confinement of injection fluid and existing
18 formation fluids as well."

19 Based on that I concluded that this circular
20 area of review which is based on the injection
21 fluids radiating from the injection well is
22 invalid. There's a V shaped confinement zone that
23 opens up towards the west and it's going to cause
24 all the fluid flow -- and the Chert/Oriskany is
25 already full of fluid. I know that because

1 there's a gas well on our property and they pump
2 fluid out of it all the time. Well, it's not
3 running now, but anyway, that's another story, but
4 I know it's probably already full of brine down
5 there.

6 So any brine that they inject is going to
7 have to push away the brine that's already in
8 there and it's going to go west right over to
9 Darlene's house and Darlene has the Carlson well
10 up behind there and that well is famous because
11 you can go up to the vent and it smells terrible.
12 I don't know what's coming out of there, methane
13 isn't supposed to have any odor, but there's a bad
14 odor coming out of there, and supposedly you can
15 light it.

16 So I would like to see before this permit is
17 granted, if it is granted, I would like to see the
18 technical corrections that I mentioned made to it.
19 Thank you.

20 MS. JOHNSON: Are you going to turn those
21 in?

22 MR. ATKINSON: Yeah, Marianne will turn it
23 in.

24 MS. ATKINSON: My name is Marianne Atkinson.
25 I'll briefly bring up four subjects, just

1 summarize them, and just give a couple of excerpts
2 from the UIC permit application. It states,
3 "Submit a topographic map extending one mile
4 beyond the property boundaries," and "Within the
5 area of review, the map must show the following:
6 Mines (surface and subsurface)."

7 Well, I went to the DuBois Public Library and
8 examined the permit application and did not find a
9 single topographic map extending one mile beyond
10 the property boundaries as required in the permit
11 application. Furthermore, there are approximately
12 six acres of subsurface mines within the western
13 side of the area of review. Nowhere in the permit
14 application materials is the presence of these
15 mines shown on a map or even mentioned. These
16 subsurface mines are continuous for several miles
17 out to the DuBois Mall where ground water is
18 discharged into the Sandy Lick Creek. You can see
19 this map probably at the DuBois Historical
20 Society, it's a very old map that shows the extent
21 of the mines.

22 Right here the Zelman property actually looks
23 like it's under Highland Street Extension on this
24 side of the road or real close to this side of the
25 road, that's probably within 400 feet.

1 MS. JOHNSON: Are you going to turn this map
2 into us?

3 MS. ATKINSON: Who owns this map?

4 Val, can they have this map, can EPA have
5 this map?

6 And they also mentioned the discharge coming
7 up by the DuBois Mall. Where this shaft comes out
8 at the DuBois Mall there is big cement caps over
9 them, they're next to the Italian Oven if you ever
10 go there, take a look at them. Therefore, since
11 there is no single topographic map extending one
12 mile beyond the Zelman boundaries and no
13 indication there are subsurface mines within the
14 area of review, the application is deficient.

15 And this is about injection fluid, the draft
16 permit states that "the permittee shall be
17 restricted to injecting fluids produced solely in
18 association with oil and gas production
19 operations." Well, in the permit application
20 Windfall says that they intend to add additional
21 fluids to treat the injected fluids. These fluids
22 are FE Ox Clear and Alpha 2278W. Windfall says
23 that one is an oxygen scavenging agent and the
24 other is for corrosion control. Windfall will
25 also add Alpha 3207 after the waste fluids are

1 filtered, which is a corrosion inhibitor before
2 injecting. Since the draft permit states that
3 Windfall is only permitted to inject fluids
4 produced solely in association with oil and gas
5 production operations, adding the additional
6 fluids would constitute a violation of the
7 permit.

8 And the third one is fractures of confining
9 zone in the area of review. There are two deep
10 conventional wells that are just outside the area
11 of review which also go into the Oriskany
12 formation which is where they want to inject the
13 fluids. Both of these deep gas wells have been
14 fracked.

15 The draft permit for the injection well
16 states that the injection well shall inject only
17 into a formation that is free of known open fault
18 or fractures within the area of review. How can
19 we know that the fractures from these fracked gas
20 wells do not compromise the confining layer and,
21 therefore, violate the disposal injection well
22 construction requirements? These fractures could
23 provide a conduit for toxic injected fluid to work
24 its way into USDWs, which is underground sources
25 of drinking water, which supplies private water

1 wells.

2 The last thing is USDW replacement or
3 remediation. The owners of water wells within the
4 actual zone of endangering influence have no
5 assurance that their water supply will be replaced
6 or remediated if their water wells are
7 contaminated by the construction, operation or
8 plugging and abandonment of the disposal injection
9 well. It could take many years for the brine or
10 frack flowback from the Zelman disposal injection
11 well to work its way through the strata to
12 possibly contaminate USDWs.

13 So this brings in my questions. Is the
14 DEP or EPA responsible to enforce the replacement
15 or remediation of ground water which is used in
16 drinking water wells if it becomes contaminated
17 from toxics fluids?

18 Will the drinking water be replaced or
19 remediated for an indefinite period of time?

20 Will the drinking water be replaced or
21 remediated for an indefinite period of time at no
22 cost to the water well user?

23 Who will be financially responsible to
24 replace or remediate drinking water if Windfall
25 Oil and Gas or any other subcontractors who work

1 for Windfall Oil and Gas go bankrupt?

2 Will the water well owner need to hire an
3 attorney and go to court in order to be made whole
4 if their water is contaminated?

5 So I have many details supporting what I
6 mentioned and what my husband Richard has
7 mentioned, so thank you.

8 MS. JOHNSON: Rona or Ted Crytser.

9 MS. CRYTSE: My name is Rona Crytser. This
10 will be short. My specific concerns deal with
11 contamination of the underground sources of
12 water.

13 We live within a fourth mile radius of the
14 proposed injection well. In fact, we live
15 directly across the street from it. When an
16 accident happens, who is responsible for our
17 water? What do you propose we do then? We are
18 in a residential area here with no public water
19 access. Why in the world would you allow a toxic
20 waste dump to be located here?

21 MS. JOHNSON: Darryl Beatty?

22 MS. MARSHALL: He already spoke.

23 MS. JOHNSON: Okay, thank you.

24 Lester Wacholb?

25 (Discussion off the record.)

1 MS. JOHNSON: And next will be Michael
2 Murray.

3 MR. WACHOLB: My name is Lester Wacholb, I'm
4 president of the Brady Township/Troutville Borough
5 Water Association and the nice thing about being
6 last anything I say is repetitious, you know that,
7 but I work with an engineer over in Huntington,
8 Pennsylvania, he's been with me 48 years.

9 I hear these people talking 20 and 30 years,
10 I'm 48, but I deal with water, water wells. Brady
11 Township system comes off of deep wells. We have
12 one in Troutville that's 50 feet deep. It was
13 636. We had to plug the bottom part of that off
14 because of salt.

15 We have one on the London property here in
16 Luthersburg that is about 336, on the Beatty
17 property, it's 450 -- or, 436, I beg your pardon.

18 The email we sent Mr. Platt was from our
19 engineer. We wanted to address a couple of items.

20 I know you're all concerned mostly for your
21 water for one thing and then of course the
22 valuation of your properties. We know that's
23 going to affect them. So the email we sent to
24 Mr. Platt, we've -- I'm not going to read it
25 because it's just strictly repetitious with what's

1 already been mentioned, but I deal with water
2 wells, that's my pay grade. I don't go deep, I
3 stay up high, so I can speak from that angle, and
4 I think I know what I'm talking about because I've
5 drilled a lot of wells.

6 The first well we drilled here in the Brady
7 Township area was 700 feet and guess what? About
8 one gallon a minute, that's what we call dry.
9 Now, how do you run a town on a gallon a minute?
10 It's pretty hard. So we had a gentleman come up,
11 he was a ground water geologist come out of
12 Harrisburg and he come up and said gee whiz,
13 Mr. Wacholb, there's no water where you drilled.
14 I said I know, I hope you didn't drive from
15 Harrisburg just to tell me that. He said you
16 drilled in the wrong spot. He said you got to
17 go down in Mr. Halster's pasture field where those
18 two ravines run together, that's double fracture
19 traces there and I can guarantee you'll have more
20 water than you know what to do with. That's about
21 800 from that other well and that gentleman is
22 certainly right.

23 So all of our wells is drilled on fracture
24 traces and you have them there. Our fracture
25 trace as near as we can tell is quite a bit to the

1 northeast from there if it runs straight across,
2 and most geologists tell us fracture traces run
3 straight as an arrow from what I understand.

4 But you are concerned about your water and I
5 am, too, and it's very important if a well is
6 going to be spotted and used that that water
7 string be put in properly, and that's one of our
8 questions to the engineer. We didn't see the
9 picture, why he has 170 foot string of pipe in
10 there is beyond us. We would look at the water
11 string as that 1,000 foot, but you got to 170. I
12 don't know if you can answer that or not, but he
13 shows two water strings really.

14 MS. JOHNSON: There are actually three
15 strings of surface casing for us -- we're not to
16 answer questions, but there are three strings of
17 surface casings for us covering the underground
18 sources of drinking water. They added the shallow
19 ones because of the location of the shallow wells.

20 MR. WACHOLB: One of the requirements of
21 people that come to our meetings, I spoke on this,
22 is they use a basket and that basket is put on a
23 water string prior to the first source of water.
24 That's a no-no in my book. First of all, a basket
25 is an umbrella upside-down visualized is what it

1 is. It's spring loaded, it's got material around
2 it that holds some water, cement or water, either
3 one, and their concern is they don't want surface
4 water going down to that first aquifer that has
5 water in it. I understand they're changing some
6 of that, at least I hope, but if you do that and
7 you -- and they talk about grouting back to
8 surface. What happens if it doesn't come back to
9 surface or you put enough cement in there to get
10 it past that basket to surface? Once it's in the
11 basket, it won't go back down, it stays there.

12 Well, we don't know what's happening
13 underneath that until they stop putting cement in
14 it. So you may have different sources of water
15 and aquifers mixing together and that's the bad
16 part. If you eliminate the basket and put
17 centralizers on that water string so that you can
18 put a tube down, if it doesn't come to surface,
19 and this is the thing we're looking at, if it
20 doesn't come to surface when they're grout back,
21 you can use a tube and we use a cement pump and we
22 pump cement down that tube until it comes back to
23 surface, but if you got a basket in there and
24 nothing centralized on that water string, there's
25 no way to get a tube down there.

1 So that's the thing I'm concerned about,
2 that's just one of them, but I understand you
3 understand better perhaps of what's coming up
4 there, but our engineer is concerned as to just
5 how that well is being built. How big is that
6 hole that they're going to put that casing down?
7 And what type of centralizers are they putting on
8 it? Are they the centralizers that will still
9 permit a tube to be put back down it if it doesn't
10 come to surface?

11 You know, once you put X number of bags down
12 that pipe and put water behind it to push it back
13 up, if you don't have enough cement to do the job,
14 how are you going to get anymore in there? You
15 can't. You got a plug down there with water on
16 top of it and there's no way to add more cement to
17 that casing and push it back up. You have to use
18 another process and that is a tube going down
19 around the outside of that casing in that bore
20 hole and get that cement back up to the surface.
21 So that's one of our big concerns when that well
22 is drilled, to be sure that that water string that
23 protects all you people's water is done properly
24 and that's very important to us and that's one
25 thing our engineer and I are looking at. Thank

1 you.

2 MS. JOHNSON: Michael Murphy -- Murray,
3 Michael Murray?

4 Okay, we'll come back if he stepped out.
5 (Discussion off the record.)

6 MS. JOHNSON: Jack Donahue?
7 Ralph Hemby?

8 MR. HEMBY: Hi, I'm Ralph Hemby, a citizen of
9 DuBois, Pennsylvania.

10 My big concern about the project is currently
11 I believe the fines and penalties that are
12 attached from violations aren't significant enough
13 to really stop individuals from doing something
14 that's improper. If it's cheaper for me to pay
15 the fine, I'm going to pay the fine and continue
16 to dump whether that well is good or not. So who
17 is going to make sure those rules and regulations
18 are followed 24/7?

19 As we know, business owners today sometimes
20 have unscrupulous acts that they do to get their
21 bottom line and their profit. So who is going to
22 protect the citizens and our water?

23 The EPA said its bigger function is to
24 protect the water. Really, its major function is
25 to protect the people. We, the taxpayers, pay

1 their bill. We own this country and we own our
2 property around this area. So you need to listen
3 to the public, the people that are present here
4 when they're asking that this project does not go
5 forward. Thank you.

6 MS. JOHNSON: Mike Kamandulis,
7 K-a-m-a-n-d-i-l-u-s?

8 MR. KAMANDULIS: Kamandulis, u-l-i-s.

9 My name is Mike Kamandulis. I live up in Elk
10 County, but we have an injection well meeting
11 tomorrow night for James City so that's going to
12 be a repeat performance I'm afraid.

13 Marcellus Shale produces the fossil fuel
14 known as natural gas which many of us use and
15 appreciate. Unfortunately the production of this
16 resource produces a waste material that must be
17 dealt with which is the focus of this meeting
18 tonight.

19 I wish to remind anyone here that
20 anthropogenic climate change is occurring and
21 science has spoken on this area, water scarcity
22 may occur sooner than any of us would wish. I
23 earnestly hope that someday soon all of us may
24 change the conversation to a rapid and serious
25 switch from fossil fuels to renewables. Thank

1 you.

2 MS. JOHNSON: Thank you.

3 Terry Lawson?

4 MR. LAWSON: Darlene has my written
5 testimony.

6 MR. JOHNSON: Is it in here already?

7 MR. LAWSON: That's Darlene's packet.

8 My name is Terry Lawson. I live 600 yards
9 outside the critical quarter mile area.

10 When I moved in 30 some years ago I started
11 remodeling the house. One day I woke up no water.
12 Well, the first person I call is my dad, he has a
13 little bit of knowledge about drilling. He said
14 I'll come out. He came out, he started laughing
15 at me and he says your water will return in three
16 days. My mouth fell open, I didn't know what to
17 say. Three days my water came back.

18 They had cased off the well they were messing
19 with which is just across the road at Atkinson's
20 place. Twice since then when the drilling
21 companies have messed with that well I get dirty
22 water and it goes away, my water is drinkable.

23 That well is over 7,300 feet deep, the same
24 depth they want to drill. The Oriskany, the other
25 word for the Oriskany is Oriskany Sands, sand is

1 porous, it's going to come through, there's no
2 doubt about it. You cannot take a chance with as
3 many wells and the way they were put in back in
4 the '50s that my father knows about and other
5 drillers. You have a lot of drillers in this area
6 that know what was done back in the '50s to those
7 wells, deep and shallow, it's not pretty. You
8 have 40, 50 years on those plugs. No, they're not
9 holding. You cannot take a chance. It's like
10 Russian roulette, it's coming. Thank you.

11 MS. JOHNSON: Brady Laborde?

12 Janet Robinson McMillen?

13 MS. MCMILLEN: Joe did.

14 MS. JOHNSON: John Sobel?

15 Well, all done.

16 Nancy Moore I think we also had, yes.

17 Randall Baird?

18 MR. BAIRD: My name is Randall Baird, I'm one
19 of the residents of Highland Street Extension.

20 This proposed injection well would be
21 approximately 400 and some odd feet from my
22 property line, 400 and some odd feet from my well.
23 Some of the information I have here is probably
24 redundant, but I'm going to go over it again. I
25 also have many other paragraphs that I can't read

1 because of time, but I'll try and hit on the most
2 important ones to me.

3 Within a half mile of the proposed injection
4 well are many old gas well fracks. These fracks
5 can open to 600 feet according to the oil and gas
6 industry. That would put some of these fractures
7 inside the quarter mile review area and create a
8 path for injected fluids to flow uncontrolled.
9 Five of these old wells are into the same
10 formation that is proposed for the injection well
11 and other places outside the quarter mile review
12 area.

13 Unplugged or poorly plugged wells are a
14 serious obstacle to all potential uses of the
15 subsurface. They provide a direct flow path
16 through which saline water can reach the water
17 aquifers. These waters may also leech into one of
18 the many mine shafts within the review area and
19 travel towards DuBois, DuBois Mall area where they
20 reach Sandy Lick Creek. No question these wells
21 could contribute to the contamination of many
22 waters and ecosystems.

23 The Caledonia sink line is approximately
24 2,750 feet from the proposed waste well and I
25 believe the permit says 5,000 feet, but it's 2,750

1 feet. Sink lines are typically bad places also to
2 inject fluids because it tends to travel up the
3 top of the sink line or up into fresh water
4 aquifers.

5 One professor contracted to investigate the
6 earthquakes in Youngstown, Ohio that were caused
7 by the injection of fracking waste said this stuff
8 plumes out for miles.

9 The periodic operation of a water well supply
10 at a cannery is detectable in a gas storage field
11 ten miles away. Water flooding is reflected in
12 pressure responses in another pool 12 miles away
13 within a few days. Salt water from a ruptured
14 casing in an oil well is detected in a water well
15 for two months. Oil field and ground water
16 experience shows too many examples of far ranging
17 and unpredictable displacement and pressure to
18 justify these simplistic calculations based on
19 idealized conditions.

20 The complexities of the geology of
21 Pennsylvania creates particular difficulty in
22 developing truly reliable interpretations of the
23 subsurface without extensive exploratory testing.
24 There has not been extensive testing of the
25 proposed well site or the zone of endangering

1 influence.

2 In almost any kind of commercial endeavor
3 there is a reluctance on the part of the people
4 responsible for an operation to report a failure
5 and defects to their superiors. We saw this just
6 several months ago at the Irwin injection well in
7 Clearfield County where they were fined \$160,000
8 for over pressure in order to inject waste.

9 Also I feel the area of review should be
10 extended to two miles. That would encompass more
11 residents and water sources that may eventually be
12 affected by leaks, spills, accidents, well
13 failures and leeching toxic waste from this well.

14 Within Pennsylvania there are no known
15 reservoirs of truly good disposal quality.
16 Pennsylvania has few reservoirs of adequate
17 permeability and porosity for feasible liquid
18 waste disposal.

19 Faulting is in close proximity and referenced
20 in the permit. It also states that there have
21 been earthquakes in Pennsylvania. These faults
22 are inside the quarter mile area and pose another
23 threat to the well casing.

24 Unanticipated avenues of fluid migration is a
25 very real possibility, and it's feasible in

1 Pennsylvania.

2 Fractures and sluice channels are possible in
3 almost all lithologies. The transmissibility of
4 the fractures and sluice channels may equal and
5 furthermore they are directional both vertically
6 and laterally. These fractures and channels may
7 conduct the injected fluid rapidly and in large
8 volume to wholly different locations than what was
9 originally anticipated thus threatening fresh
10 water aquifers.

11 Most so-called impermeable formations have
12 measured permeability. Exploration reveals
13 geological situations where from all available
14 evidence should have supplied a trap yet failed to
15 do so. The actual flow pattern, therefore,
16 depends on the path and the greatest permeable
17 amount may be more complex than indicated by
18 generalized flow lines inferred from broadly
19 spaced potential metric data.

20 The long term injection of large volumes of
21 waste must eventually result in the upper
22 displacement of the brine intraformationally or
23 through fractures into fresh water zones. It is
24 difficult to predict where an injected liquid will
25 be at any given point in time.

1 Since I was once in the employ of a well
2 service I have a fair understanding of the
3 industry operations. In my opinion spills and
4 failures are all too frequent and drilling is a
5 risk by this industry's own admission. If our
6 water becomes contaminated from the injection
7 well, there are no other sources available to us
8 at this time. The Northwest Clearfield County
9 Regional Comprehensive Plan of Brady Township
10 states no significant expense of the water system
11 is recommended at this time.

12 The Brady Township Water Authority says that
13 they are running at or close to their capacity.

14 I want the water I have now and I have an
15 inalienable right to it under the Pennsylvania
16 Constitution Part 1, Section 27.

17 I have a son in the home who has a serious
18 neurological disorder. Many of the chemicals that
19 we know are in fracking fluid are highly toxic
20 neurological agents. Obviously the last thing my
21 son needs to come in contact with is any of these
22 toxins either in the water or the air.

23 As demonstrated here there are many and
24 varied ways these injection wells can sell highly
25 toxic and sometimes radioactive waste into our

1 aquifers through the geological locations of
2 Pennsylvania. Protection comes before the fact
3 and I sincerely hope that we warrant that
4 protection.

5 There are many other concerns with this well
6 and well site which I know the EPA does not
7 address due to regulatory issues that will not be
8 discussed at this time, and then my references are
9 on the bottom for everything I've written there
10 and I already gave Steve a copy.

11 MS. JOHNSON: Good, thank you.

12 Jenny Lisak?

13 MS. LISAK: The risks of an injection well in
14 a residential area are just too great especially
15 considering that there are viable alternatives
16 such as already existing injection wells and waste
17 water treatment facilities. There are now more
18 than 150,000 Class 2 injection wells in 33 states
19 into which oil and gas drillers have injected at
20 least 10 trillion gallons of fluid. Don't you
21 think that's enough? And what happened to the
22 recycling plan that the Marcellus industry talked
23 about?

24 This area of PA is rife with unique
25 geological features that pose dangers for the

1 successful containment of hazardous waste. In
2 addition, most of our aquifers in this area of
3 coal mining, despite a neutral pH, are highly
4 corrosive in nature due to acid mine drainage
5 which can cause steel and cement to prematurely
6 age, corrode and dissolve, according to the
7 testimony of acid mine drainage expert Robert
8 Hedin.

9 It's indisputable that injection wells cause
10 earthquakes which therefore could possibly
11 compromise water quality. University of Oklahoma
12 seismologist Katie Keranen reported earlier this
13 year that there was a compelling link between
14 injection and the magnitude 5.6 earthquake in
15 November that injured at least two people and
16 damaged up to 200 structures east of Oklahoma
17 City.

18 It's indisputable that the Safe Drinking
19 Water Act was initiated because of a failed
20 injection well. ProPublica analyzed records
21 summarizing more than 194,000 Class 2 well
22 inspections conducted between 2007 and 2010.
23 1,000 times in the three-year period operators
24 pumped waste into Class 2 wells at pressure levels
25 they knew could fracture rock and lead to leaks.

1 In at least 140 cases companies injected waste
2 illegally and without a permit.

3 I have to wonder how boring it must be for
4 you ladies and gentlemen who live in Philadelphia
5 and don't have to live with frack waste in your
6 backyard to have to listen to the same testimonies
7 and pleas over and over. Does one form some
8 sort of mental callous? I don't want to be
9 disrespectful, but I feel that it must be a
10 certitude that you hear repeatedly about injection
11 wells and earthquakes, injection well failure
12 rates, injection well violations, injection wells
13 and PA geology, et cetera, ad nauseam.

14 What will it ever take to take the -- to have
15 the laws changed to protect human and animal life
16 rather than the profits of a few? I hope Windfall
17 withdraws the permit. I'm afraid they may see
18 everyone in a three-mile area of the injection
19 well sue them for subsurface toxic trespass.
20 Thank you.

21 MS. JOHNSON: Do you want to turn that in?
22 Judy Amik?

23 MS. AMIK: My name is Judy Amik, I'm from
24 DuBois.

25 First of all, I'd like to thank all the folks

1 that have spoken ahead of me. Like Mr. Wacholb
2 said, they made my speaking a little bit easier.

3 There have been many fine points that have
4 been brought out this evening concerning mines,
5 different deep wells, but I have some information
6 as it was given to me that I think you will find
7 very interesting.

8 I also want to share this with you folks. A
9 few years ago my husband and I had to -- we had to
10 employ a mining attorney and through the course of
11 us meeting with him he told us that the Cramer
12 mine shaft which begins down at Stump Creek and it
13 ends up by the mall, which many have testified
14 here tonight, that this mine shaft was opened in
15 1920, it was closed in 1957. In 1929 that mine
16 shaft was the No. 1 bituminous coal producer in
17 the world. Now, this isn't a little hole in the
18 ground, this is the main No. 2 mine shaft. I bet
19 you there's not a person in this facility that has
20 not heard of the No. 2 mine shaft. As it began in
21 Stump Creek, it went underground, and this does
22 not include all the tributaries that came from
23 this mine shaft, and it ended up at the mall.

24 Now, many people have talked about this this
25 evening and I'm so glad when they presented you

1 with this map. This entire area has been
2 connected by numerous -- this isn't just one deep
3 mine shaft, there are other mine shafts as well.
4 I always thought I knew a lot about the history of
5 DuBois, but I practically fell on the floor when
6 this attorney told us this because he had taken
7 this back over a hundred years.

8 Now, what you need to recognize is this, and
9 I address this to you folks from being from
10 Philadelphia, this entire area is honeycombed and
11 it's not just by one deep mine shaft, it's by
12 numerous ones, and these other deep mines, they
13 were connected by various tunnels. So not only
14 here in Brady Township, but this goes to Falls
15 Creek, it goes practically all under DuBois, and
16 if you just go and do a little bit of the history
17 of it you'll understand why.

18 So if they can be the No. 1 coal producer in
19 the world in 1929, those holes are still here.
20 Sure, some of them may have caved in, but like
21 most have testified ahead of me, just a few
22 earthquakes and whatever, but we have been known
23 for this for years and years and years up here.
24 There's many of the relatives that are related to
25 those here in this facility, I'm sure that worked

1 in the mines.

2 So I just ask that you consider this because
3 this is not conducive for this type of procedure
4 of injection wells. I only ask this and you take
5 that into consideration.

6 And I'm very grateful that they presented you
7 with that mine map. I saw this map years ago.
8 And as a young girl I remember seeing the open
9 mine shaft that's up by the mall. So it's there,
10 I've seen it, and I just hope that they rule in
11 favor of all of us and for the many, many points,
12 fine points that have been made in this course of
13 this evening. So at the risk of letting all of
14 you at least get up and stretch, I'm done.

15 MS. JOHNSON: Thank you.

16 Ross Orner?

17 MR. ORNER: I want to thank you for the
18 opportunity tonight for coming here and leaving us
19 speak. I'm outside the review area, but I came
20 tonight to learn a little bit about the review
21 area and how far this stuff stretches underneath
22 the ground.

23 Now, I'm a local dairy farmer out of Home
24 Camp which is where the DuBois reservoir is and
25 where you have all types of practices then to

1 protect that water, but around that reservoir in
2 the soil survey of Clearfield County you'll find
3 in the 1950s there was quite an area of Oriskany
4 wells and a lot of those wells are still producing
5 today, some has been plugged.

6 We also have a little thing called the
7 Continental Divide on our farm and I'm not sure
8 how the geology works underground if that weakens
9 it or whatever, but there's Oriskany wells very
10 close to the reservoir there and if there's any
11 chance at all of this material, brine water,
12 coming into that area coming up, you've polluted a
13 major water supply of this whole area. You've
14 polluted Anderson Creek, you've polluted the west
15 branch of the Susquehanna, you've polluted the
16 Chesapeake Bay with this stuff. I mean, as
17 agriculture, EPA is on DEP to protect water
18 supply, so please take -- like I say, I don't know
19 if that's possible, but it's very feasible to
20 pollute that water supply out there, let alone the
21 local water supplies here, so please take that
22 into consideration. Thank you.

23 MS. JOHNSON: Thank you.

24 Brenda Peoples?

25 MS. PEOPLES: Peoples.

1 MS. JOHNSON: How do you spell it?

2 MS. PEOPLES: P-e-o-p-l-e-s. I don't own a
3 bank or a drugstore or anything.

4 My name is Brenda Peoples and I live within
5 the radius of this so-called injection well and my
6 husband and I thought 12 years ago that we were
7 building our dream house on four and a half acres
8 on Highland Street Extension, and I was told then
9 that I would never get cable for my television and
10 I can live without that and I still haven't got
11 it, but I can't live without water. And, you
12 know, everybody is talking about what's going to
13 happen with the water going in the well. I'm more
14 worried about what happens with the water coming
15 out of the trucks going up the hill. I mean,
16 there's all kinds of waste this water is going to
17 be dripping. You're not going to tell me they can
18 stop all of it and, I mean, it's a big concern of
19 mine. I'm really worried about it.

20 And as I mentioned before, I want this to go
21 on the record, that I think if the state wants to
22 regulate the gas and wants to regulate the
23 drilling, then the state should put the wells on
24 the state land and then they can regulate it and
25 everybody in the state will share in all the

1 troubles and all the problems and all the suing
2 and all the money because they're going to get the
3 money, they're not going to get the problems, we
4 are. Thank you.

5 MS. JOHNSON: Thank you.

6 Melissa Troutman?

7 MS. TROUTMAN: My name is Melissa Troutman.
8 I currently reside in Westmoreland County, but my
9 family lives in DuBois and works there, owns
10 multiple properties, so they couldn't be here so
11 I'm here on behalf of them.

12 By the way, you're doing a great job because
13 some people are talking really fast, so slow down
14 a little.

15 "Casings don't last forever. The EPA cannot
16 guarantee that ground water aquifers will not be
17 contaminated in five, ten, 20 years or even during
18 injection. So understandably this is a grave
19 concern for those who live near these injection
20 wells for folks that will depend on this drinking
21 water forever, unless it's contaminated.

22 "What is the lifetime maintenance plan for
23 this well? Does the EPA require one? After the
24 well is plugged, a hundred years from now, who
25 will be monitoring this well?

1 "A June 21st, 2010 article by investigative
2 news nonprofit, ProPublica.org, reported that a
3 review by ProPublica of 'well records, case
4 histories and government summaries of more than
5 220,000 well inspections found that structural
6 failures inside injection wells are routine.
7 From 2007 to late 2010, one well integrity
8 violation was issued for every six deep injection
9 wells examined,'" one in six, "'with more than
10 17,000 violations nationally. More than 7,000
11 wells showed signs that their wells were leaking.

12 "'ProPublica's analysis of case histories and
13 EPA data from October 2007 to October 2010 showed
14 that when an injection well fails, it is most
15 often because of holes or cracks in the well
16 structure itself.

17 "'Operators are required to do so-called'" --
18 by the way, I'm sorry, I should have mentioned,
19 I'm quoting the article at this point.

20 "'Operators are required to do so-called
21 'mechanical integrity' tests at regular intervals,
22 yearly for Class 1 wells and at least once every
23 five years for Class 2 wells. In 2010 the tests
24 led to more than 7,500 violations nationally with
25 more than 2,300 wells failing.

1 "The article also quotes 'Mario Salazar, an
2 engineer who worked for 25 years as a technical
3 expert with the EPA's underground injection
4 program in Washington,' Mr. Salazar stated," and I
5 quote, "'In 10 to 100 years we are going to find
6 out that most of our ground water is polluted. A
7 lot of people are going to get sick and a lot of
8 people may die,'" end quote.

9 "As someone who has personally investigated
10 water contamination cases in northcentral and
11 northeastern Pennsylvania, I know some very sad
12 cases of illness resulting from consumption of
13 residential drinking water contaminated by faulty
14 oil and gas wells where the contaminants were not
15 detected because of the lack of taste, color or"
16 smell "until it was too late."

17 So please consider and please take all of
18 this into consideration for this permit. My
19 family lives, works and owns multiple properties
20 in DuBois and they couldn't be here tonight, but
21 their safety is in your hands. Thank you.

22 TMS. JOHNSON: Do you want to turn in your
23 notes?

24 MS. TROUTMAN: I apologize, it's handwritten.

25 MS. JOHNSON: That's fine, thank you.

1 Henry Mileski?

2 MR. MILESKE: Hi, my name is Henry Mileski.
3 I live on Highland Street Extension.

4 There's not really a whole lot to add about
5 everything that can go wrong because with all
6 the -- with the local -- well, pre-existing wells
7 and the extension mine No. 2 shaft so close to it
8 and extension into the No. 1 shaft, everything is
9 depending on your calculation for how much
10 pressure that strata in that area can hold and on
11 the well itself structurally remaining intact.

12 For as many things and as many variables as
13 there are in the area, I don't think it's worth it
14 to trust that, and also depending on the operator
15 to continue to do the right thing which I don't
16 think anything about this operator in particular,
17 but that doesn't always happen. There's just too
18 many risks to allow this to happen, to allow this
19 to go in there with all the local water sources
20 that are dependent on the water right there.
21 That's all.

22 MS. JOHNSON: Thank you.

23 Timothy Rosefke?

24 (Discussion off the record.)

25 MS. JOHNSON: Timothy Rosefke,

1 R-o-s-e-f-k-e?

2 Grace Bergin?

3 AUDIENCE MEMBER: They left.

4 MS. JOHNSON: Tim Bodt?

5 AUDIENCE MEMBER: He asked questions earlier
6 and both of them left.

7 MS. JOHNSON: Yeah, there were a number of
8 duplicates.

9 Veronica Coplis?

10 MS. COPLIS: It's okay, it's good, go ahead,
11 you can move on.

12 MS. JOHNSON: Let's see.

13 Jack Chewning, C-h-e-w-n-i-n-g?

14 AUDIENCE MEMBER: He left.

15 MS. JOHNSON: Thomas Repine? I think we
16 already had -- yes.

17 Matt Gabler already went.

18 Linda Ferraraccio?

19 MS. FERRARACCIO: Did you say Ferraraccio?

20 MS. JOHNSON: Yes, I mutilated it and my
21 voice is going too.

22 MS. FERRARACCIO: Well, my name is Linda
23 Ferraraccio, I've never spoken in public before.

24 MS. JOHNSON: Good opportunity.

25 MS. FERRARACCIO: I thank you for your

1 information and the respect you've shown everyone,
2 but a few things were brought up tonight that
3 caused me concerns.

4 My only credentials are I'm a wife, a mother
5 and a registered nurse and I'm passionate about
6 the prevention of illness and the promotion of
7 health, and in my opinion there's absolutely no
8 way to assure that our water will not become
9 contaminated.

10 These dear people could theoretically test
11 their water daily and not know that it's not going
12 to be contaminated the next day.

13 A few words were brought up tonight that
14 caused me a lot of concern. They were words
15 specifically, quote, "a break could never happen,"
16 and "we are always regulated," in quotes. These
17 in my opinion are false reassurances.

18 I want to share with you a personal
19 experience that our family had. We lived in a
20 community with naive confidence that our gas lines
21 were safer. A beautiful new development, new
22 homes, we lived there for several years and our
23 neighbors house blew up with them in it and they
24 both died, and it was determined and confirmed
25 that it was human error, that there was a specific

1 error that caused the break in these gas lines.
2 So regardless if these lines are checked, there's
3 always the potential for human error. It's not
4 God's will, it's human error, and I just want to
5 share that with you.

6 Can we really afford to be naive about our
7 water quality? Can we just believe that there's
8 no error in these casings or anything else? I'm
9 sure that everyone here is concerned for the
10 quality of their children's health and their own
11 health and their water, but we can never be
12 assured that there's not human error. Thank you,
13 that's all I have to say, thank you.

14 MS. JOHNSON: Thank you.

15 Dave McKolanis it looks like?

16 MR. MCKOLANIS: You're getting towards the
17 end of the line here, so I might be the last one
18 and everyone can go home.

19 My name is Dave McKolanis, I'm a member of
20 the Pennsylvania Alliance for Clean Water and Air
21 and we pretty much heard -- you all heard enough
22 tonight about this well, but I'm here to give you
23 a little bit of an overview, okay. Now --

24 MS. JOHNSON: Could you use the mic?

25 MR. MCKOLANIS: I think it's loud enough for

1 everybody to hear.

2 Dave McKolanis, Pennsylvania Clean Water and
3 Air here in this part of the state, and I just
4 watched a Travis Smiley show last night or the
5 other night where they did an interview with a guy
6 that wrote a book that said the biggest problem in
7 this coming century is not going to be terrorism,
8 it's going to be clean water and that's going to
9 be worldwide.

10 So with that in mind you people are supposed
11 to be the Environmental Protection Agency, not the
12 expediting permits agency. So we are asking you
13 to show some protection because presently right
14 now in Vancouver there's small aquatic life,
15 oysters that their shells are being eaten away by
16 the acid water that they're exposed to in the
17 ocean. New York City is planning -- it's been
18 mentioned that they want flood gates put in after
19 that hurricane that went through, Sandy. Norfolk,
20 Virginia is already starting to have their streets
21 flooded from the rising sea level.

22 We all know that the arctic circle, the ice
23 is getting thinner and it's getting smaller so
24 we're going to have a problem here with our
25 environment. Now, a little bit by little bit by

1 little bit these problems are getting bigger and
2 bigger and bigger and it's going to be up to you
3 people to try and stop this little bit by little
4 bit of ruining our environment, not just for you,
5 not just for us, but for everybody and it's in
6 your hands to do that.

7 All we can do -- we've given you enough
8 information on this little bit. It's crucial to
9 us in our area. To you people in Philadelphia,
10 you're going to review this stuff and is it going
11 to be sided with the permit side or is it going to
12 be for the protection side, which you are supposed
13 to be standing for, Environmental Protection
14 Agency. Thank you very much.

15 MS. JOHNSON: Thank you. And I think Wilson
16 Fisher has already spoken.

17 MR. FISHER: I did.

18 MS. JOHNSON: Michael Hoover, you're the last
19 on the list.

20 MR. HOOVER: That's all right, I said my
21 piece at the beginning, it's going to take me
22 about a week to respond to most of this stuff.

23 MS. JOHNSON: Are there any other individuals
24 who didn't sign up or who we missed in going
25 through the forms who would like to say

1 something?

2 Then I'd like to make my closing remarks and
3 also I want to stand up. I think we should all
4 stand up and just let our knees stretch for the
5 first time in a couple hours.

6 On behalf of the Environmental Protection
7 Agency I would like to thank you all for your
8 participation here and for your well thought out
9 comments on this permit proposal in Clearfield
10 County under the EPA's program for the underground
11 injection control program in Pennsylvania. I
12 assure you that all of these comments will be
13 given serious attention as we prepare our final
14 decision in this permit request.

15 I would also like to remind you that the
16 comment period on this proposal will remain open
17 until December 17th, one week from tonight, if
18 anyone cares to submit written testimony to our
19 attention at EPA.

20 Again, thank you for your interest in this
21 proposal. This concludes the formal part of this
22 public hearing.

23 My staff and I will remain available to
24 discuss the issues raised if you should care to
25 stay for a few minutes afterwards. Thank you and

1 good night.

2 - - -

3 (Thereupon, at 10:16 p.m., the hearing was
4 concluded.)

5 - - -

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REPORTER'S CERTIFICATE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

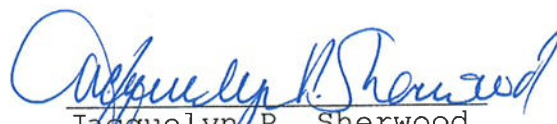
I, Jacquelyn P. Sherwood, hereby certify that the above proceedings are contained fully and accurately in the stenographic notes taken by me of the hearing and that it is a correct transcript of the same.

Jacquelyn P. Sherwood
Court Reporter

REPORTER'S CERTIFICATE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, Jacquelyn P. Sherwood, hereby certify that the above proceedings are contained fully and accurately in the stenographic notes taken by me of the hearing and that it is a correct transcript of the same.


Jacquelyn P. Sherwood
Court Reporter