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

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Tuesday, December 11, 2012

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The transcript of a Public Hearing, taken before me, the undersigned, Jacquelyn P. Sherwood, held at the Highland Township Fire Hall, Pennsylvania Avenue, James City, Pennsylvania 16734, commencing at 7:13 p.m., the day and date above set forth.

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REPORTED BY:

JACQUELYN P. SHERWOOD, PROFESSIONAL REPORTER

ORIGINAL



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

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2
3 MS. JOHNSON: At this point I would like to
4 open the public hearing. Good evening, ladies and
5 gentlemen, I would like to call this public
6 hearing to order. Thank you for your attendance
7 tonight.

8 This is a formal public hearing on a proposed
9 permit under the federal underground injection
10 control program, or the UIC program, for a project
11 consisting of one brine disposal well known as the
12 Seneca Resources Corporation, or Seneca disposal
13 well No. 38268 in Highland Township, Elk County,
14 Pennsylvania.

15 Public notices for this permit were
16 distributed to state and local government
17 officials, interested parties who have written
18 or called EPA and also published in the Kane
19 Republican on November 7th, 2012. I ask for
20 your cooperation in adhering to the procedures
21 I will outline for you shortly so that we may
22 make the most of this opportunity for public
23 comment.

24 First of all, however, I will introduce
25 myself and other members of the agency in

1 attendance this evening. I am Karen Johnson,
2 I'm the chief of the ground water and enforcement
3 branch of the water protection division of
4 the U.S. Environmental Protection Agency in
5 Philadelphia, Pennsylvania. With me tonight
6 are Stephen Platt, our senior hydrologist;
7 Roger Reinhart, our enforcement lead; and Dave
8 Rectenwald, our oil and gas inspector.

9 For those of you who came here today out of
10 general environmental interest and concern, I
11 would like to acquaint you with the basic goals
12 of the UIC program which EPA is administering in
13 the Commonwealth of Pennsylvania.

14 The Federal Safe Drinking Water Act of 1974
15 and its consequent amendments recognized the
16 importance of safeguarding our nation's drinking
17 water supplies in a number of ways. One program
18 authorized by the act is the public water system
19 supervision program or the drinking water program,
20 which is designed to ensure that public water
21 supplies deliver safe drinking water to their
22 users. This program is currently being operated
23 by the Pennsylvania Department of Environmental
24 Protection.

25 Congress also recognized at the time of the

1 law's enactment that our ground water resources
2 which supply approximately half of our nation's
3 drinking water resources also needed protection
4 from potentially harmful practices such as the
5 underground injection of fluid. Sections 1421
6 through 1424 of the Safe Drinking Water Act
7 addresses the provisions which authorize the UIC
8 program and covers the procedures under which EPA
9 must implement a federally administered program in
10 those states, such as Pennsylvania, whenever a
11 state does not assume primary enforcement for the
12 program.

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

23 Underground sources of drinking water, or
24 USDWs, are basically defined as those aquifers
25 which supply or could supply drinking water for

1 human consumption. The regulatory definition of
2 an underground source of drinking water also
3 includes consideration of the quality and quantity
4 of water available. It protects all ground water
5 with less than 10,000 parts per million total
6 dissolved solids in order to allow for future uses
7 of the resource.

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

18 I would like to clarify the need for a
19 federal program on this issue and the relationship
20 to state and local authorities. Existing programs
21 within the state have not historically addressed
22 injection operations in the preventative sense
23 as does the federal program. EPA's program is
24 designed to protect ground water resources through
25 stringent casing, cementing, testing and

1 continuous monitoring requirements. It is a
2 program which seeks to address many of your
3 concerns you have for the protection of ground
4 water supplies from contamination as well as
5 protection of other natural resources.

6 The UIC program, however, does not address or
7 have jurisdiction to enforce against issues such
8 as noise, air emissions, truck traffic or siting
9 related to residential buildings, et cetera, that
10 you may also have as concerns.

11 The UIC permit does contain a condition that
12 requires an operator to meet all required local
13 and state laws. A UIC permit does not override
14 local or state regulations.

15 The purpose of the UIC permitting process for
16 new wells is to control and prevent any injected
17 fluids from endangering underground sources of
18 drinking water. All injection operations must
19 comply with the construction, operation,
20 monitoring and reporting requirements specified in
21 the UIC regulations.

22 The specific technical requirements for
23 construction of the well, maximum injection
24 pressure limitations and a corrective action
25 plan in the area of review, which is required

1 to address any unplugged wells which penetrate
2 the injection formation and which may serve as
3 conduits for fluids migration, are all designed
4 to ensure that injected fluids are contained
5 within the well and the intended injection zone.
6 The EPA has several mechanisms for identifying
7 non-compliance and has made a commitment to strong
8 enforcement of permit conditions and the overall
9 program provisions. EPA routinely inspects all
10 facilities to assist in evaluating compliance by
11 regulated facilities.

12 There are penalties for noncompliance. The
13 severity of a penalty will be based on the
14 seriousness of the violation. Violators of the
15 UIC regulations are subject to either civil or
16 criminal penalties ranging up to \$32,500 per day
17 per violation. Parallel state enforcement
18 authorities under the Commonwealth's oil and gas
19 regulations may afford additional protections.

20 Now having supplied you with a brief overview
21 of the UIC program and purposes of this public
22 hearing, I would briefly like to explain the
23 protocol and procedures which govern this hearing.

24 Persons wishing to testify will be called in
25 the order -- in the following order: Elected

1 officials representing federal, state or local
2 governments first; second, representatives of
3 federal, state and local agencies and; third, all
4 private citizens, representatives of public and/or
5 environmental groups or other representatives of
6 industry and the regulated community.

7 We will adhere as close as possible to the
8 order in which you expressed your interest in
9 presenting testimony either by your advanced
10 notice to EPA or to the order you registered for
11 this hearing. If you wish to present testimony
12 today but have not signed the register, please
13 do so now. In presenting oral testimony we ask
14 that you clearly identify yourself and your
15 organizational affiliation, if any. For those of
16 you who are submitting written testimony this
17 evening, we ask that you supply us with a copy for
18 the record of this hearing, and if possible we
19 would also appreciate a summary of your points.

20 I stress the fact that this hearing is not a
21 debate or a dialogue. We will not be responding
22 to your comments or questions at this time because
23 our purpose in being here is to formally solicit
24 your input on the permit proposal before us. Any
25 additional comments that you may care to make

1 after this hearing may be made in writing no later
2 than one week from today, December 18th, in care
3 of Roger Reinhart, U.S. EPA Region 3, at 1650 Arch
4 Street, Philadelphia Pennsylvania. This
5 information is also in the statement of basis
6 that was available tonight.

7 If time allows we will have an informal
8 question and answer session and the opportunity
9 to ask questions and more fully understand the
10 UIC program and the permitting action before us
11 tonight.

12 I will ask: Are there any elected officials
13 representing federal, state or local governments
14 present? We'd ask that you come up and stand
15 about here.

16 And your name?

17 MR. WAGNER: Thomas G. Wagner, Thomas
18 Wagner.

19 (Discussion off the record.)

20 MS. JOHNSON: I'm sorry. Your name again
21 was?

22 MR. WAGNER: Thomas G. Wagner.

23 MS. JOHNSON: Got it, okay, thank you.

24 MR. WAGNER: Thank you for the opportunity to
25 speak this evening and testify.

1 I'm Thomas G. Wagner, I am the solicitor of
2 the County of Elk in which this injection well is
3 intended to be located. I'm speaking tonight on
4 behalf of the Board of County Commissioners of Elk
5 County, that would be Dan Freeburg, June Sorg and
6 Jan Kemmer, they are in the audience this
7 evening.

8 "As the elected representative of the
9 residents of Elk County, Pennsylvania, the Board
10 of County Commissioners of Elk County wish to
11 express their objections to siting and permitting
12 of a waste disposal injection well in Highland
13 Township proposed by Seneca Resources Corporation.
14 We believe that the siting and operation of the
15 proposed well is not in the best interest of the
16 people of Elk County and creates a potential risk
17 of serious damage to water resources that serve
18 not only Highland Township but also Ridgway
19 Township, Ridgway Borough and other fresh water
20 sources in the Clarion and Allegheny River
21 watersheds.

22 "The commissioners are aware that these
23 injection wells are highly regulated by the
24 Environmental Protection Agency both as to siting
25 and operation. However, as recent incidents in

1 neighboring Clearfield County have demonstrated,
2 regulation does not guarantee that private and
3 public water sources will not be exposed to
4 pollution when these wells fail to operate
5 properly.

6 "Highland Township has been heavily developed
7 with oil and gas wells, many of which have been
8 abandoned without proper closure, and there are
9 also abandoned wells that are not identified.
10 Studies show that these abandoned wells present a
11 prime source for the failure of injection wells
12 that result in the pollution of drinking water
13 sources. Information on injection wells also
14 point out that the safe operation of an injection
15 well requires the deposit of the waste into a
16 geologic formation that has no fractures that
17 might allow the waste to escape from the formation
18 and eventually find its way into underground
19 drinking water sources. At the high pressures
20 needed for these injection wells, there is also
21 risk that a well failure will bring the pollutants
22 to a surface discharge into surrounding water
23 sources. The permit application" required -- "as
24 required by regulation identifies the zone of
25 concern around the proposed well site to be only

1 one fourth of a mile or 1,320 feet. Even the
2 Pennsylvania legislature in its recent adoption of
3 Act 13 recognized that the area of concern for
4 drinking water pollution around gas wells using
5 high pressure injection," like those of Marcellus
6 Shale drilling fluids, "should be 2,500 feet. Why
7 should there be a lesser standard here?

8 Because the application involves a Class 2
9 well, the regulations require a mechanical
10 integrity test only once every five years. This
11 means that the failure of an injection well may
12 result in the discharge of pollutants to
13 surrounding ground water for years before the
14 damage is discovered. The recent well failure in
15 Clearfield County involved such an undetected and
16 unreported failure.

17 "While the regulations address the issue of
18 safe drinking water, there is another issue also
19 at stake, the pristine streams and rivers of the
20 northern portion of our county, which are a
21 significant source of recreation and tourism. A
22 surface discharge or even an underground discharge
23 threatens these resources also.

24 "The Board of County Commissioners are
25 proponents of economic development and understand

1 that a continuous and bountiful supply of natural
2 gas is important to the economic and political
3 security of our nation. But there is no resource
4 that is more important to the welfare of our
5 citizens than safe drinking water. The people of
6 Elk County know well that the effects of
7 environmental damage can be insidious and long
8 lasting as we can see from the streams and rivers
9 in our county which still run red from the effects
10 of coal mining nearly 100 years ago. We fear that
11 history may repeat itself with these injection
12 wells.

13 "There are other ways to safely dispose of
14 the brine water from gas drilling, though the
15 commissioners understand that these methods may be
16 more expensive, but that would be a small price to
17 pay to protect such an important resource as fresh
18 water.

19 "We, therefore, respectfully request that the
20 agency deny this permit."

21 And I have also to present to you along with
22 the position statement itself, a resolution which
23 was adopted by the county commissioners last week
24 expressing their objection to the grant of an
25 application. Do you need more than one copy of

1 the position statement?

2 MS. JOHNSON: No, just one is fine. Thank
3 you.

4 MR. WAGNER: Thank you.

5 MS. JOHNSON: Thank you.

6 Paul Burton?

7 MR. BURTON: I want to know, why did you
8 choose that particular well? Why did they choose
9 that particular well to inject? There's other
10 wells they could inject. I'm sure they have other
11 ones in mind, but why did they choose that one?
12 I can't understand that. It's easily accessible,
13 I understand that, it's right off the road, but
14 the drinking water is just down over the hill.

15 I don't know what you're injecting in there,
16 nobody else knows. You got to be a chemical
17 engineer to figure it out if you get on the
18 Internet, there's several solvents, and I don't
19 know many things and I don't understand, but I'd
20 like to ask a geologist and the other man there
21 why they chose that particular well.

22 MS. JOHNSON: That's not something we can --
23 we are not going to have a discussion here, but we
24 can have a -- you can ask questions later.

25 MR. BURTON: Okay.

1 MS. JOHNSON: Thank you.

2 Let's see. Are there any other elected
3 officials present this evening?

4 Then I'm going to just go through the order
5 in which you signed in and indicated you wanted to
6 make testimony, and if each of you would come up
7 and stand near the stenographer and make your
8 statement.

9 Mary or Lloyd Morris?

10 MS. MORRIS: That's me.

11 Excuse me, folks, I haven't got good legs
12 anymore.

13 MS. JOHNSON: If you want to just rest here.

14 MS. MORRIS: What I was about to ask was some
15 questions that she already answered and some other
16 person already answered for me. I wanted to know
17 what contaminants might be in that water and I
18 wanted to know what chemicals might be in there
19 that would be injected into that well.

20 What chemicals are currently used in the
21 hydrofracking process that may end up in that
22 injection?

23 What is the name of the sand formation that
24 is near the injection well?

25 How deep is it from our formation?

1 What is the surrounding rock formation that
2 may cause seepage?

3 What direction is the sand formation
4 located?

5 What is the evaluation -- I can't even say
6 that word -- the James Springs on the lower part
7 of it and they are on the high part of it, and if
8 you're going to pump that water down there, you're
9 going to have gravity flow down to our springs and
10 James City is known for crystal spring water. Any
11 time you go down to the bottom of the hill, then
12 up at the top of the hill and you get a glass of
13 water, it's clear water, it don't have anything in
14 it. That's why it's called crystal spring water,
15 and these people might not know, but that's what
16 it was years ago and still is, crystal spring
17 water.

18 And how can you be certain the contaminated
19 water will remain in the sand formation or in
20 the shale for as long as it might be? The older
21 wells that have been drilled next to that site
22 have been torpedoed and glycerined with use and
23 are surrounding the rock formation fracture. That
24 is not -- that will not make it stable. Will that
25 keep it stable?

1 Across the road from it, up the road from it,
2 there's already been wells fractured. Will that
3 fracture interfere with the fracture at the well
4 location site now?

5 MS. JOHNSON: Again, we aren't going to be
6 answering questions.

7 MR. MORRIS: That's all right, dear, I just
8 want to make --

9 MS. JOHNSON: If you'd like to leave those
10 with us, that would be great, too.

11 MS. MORRIS: Thank you.

12 MS. JOHNSON: Thank you.

13 John or Mary Dean?

14 MR. DEAN: I decline to speak at this time
15 because the gentleman from Elk County, he
16 summarized a lot of the things that are on my mind
17 about the testing every year. It takes a long --
18 it could happen tomorrow and years from now it's
19 going to be tested, that's not sufficient for me.

20 And another thing, if our underground waters
21 are contaminated, say we have earth tremors or
22 whatever, and what is to guarantee the possibility
23 that this could leave and go into our underground
24 waters -- our underground waters? This isn't a
25 steady stream one way, they branch out and it

1 could contaminate that way, so that's my concerns,
2 but the gentleman from Elk County, he said
3 basically what I wanted to say.

4 MS. JOHNSON: Thank you.

5 Lisa Pence?

6 MS. PENCE: Most of my concerns were also
7 addressed.

8 MS. JOHNSON: Thank you.

9 Thomas Wagner already spoke.

10 Duane and Darlene Marshall.

11 MS. MARSHALL: Roger, can I borrow your big
12 binder, can I borrow your binder?

13 Hi, I'm Darlene Marshall. I live in
14 Clearfield County, Highland Street Extension,
15 DuBois. I work in Brockway, Jefferson County, and
16 I am assistant administrator of Jefferson County,
17 so I'm a librarian for the Brockway Library and
18 the county.

19 So the reason I have interest in this is in
20 the last year I have been studying about disposal
21 injection wells for my neighborhood, and since I
22 work in Jefferson County and there's been a lot of
23 activity on the watershed for Brockway, I'm very
24 concerned about neighboring watersheds, and so I
25 came today to present some testimony, but after I

1 wrote my testimony I ran into a couple concerns.

2 One is that this is the watershed for James
3 City and others and that it probably flows toward
4 Clarion and the Clarion River watershed and the
5 Allegheny River watershed, so it might not flow
6 towards Brockway, but that is a watershed and as
7 the lady said before it's known as Crystal
8 Springs.

9 MS. MORRIS: Crystal Springs.

10 MS. MARSHALL: The other thing I ran into is
11 that leaders in the community do not understand
12 that there is a packet that many of us get in the
13 mail when we ask for information about this and
14 it's this size (indicating), and then there's a
15 packet that's housed at a library that's this size
16 (indicating), and so everyone thinks they got
17 everything in the mail this size (indicating) and
18 it's just miscommunication because this packet
19 says, "See the library," and as a librarian we
20 know many people do visit the library, but they
21 think they got it all in here. You guys need to
22 visit the library, and I'm not sure -- I think
23 it's Highland Township.

24 AUDIENCE MEMBER: It's Memorial Library.

25 MS. MARSHALL: So as a librarian, I find that

1 very important that leaders in your community need
2 to know where the real information is found, so
3 just to the EPA, I know it's confusing because we
4 have a lot of community members who don't
5 understand.

6 I want to first thank the EPA because I've
7 been working with them and they are doing a
8 great job. They only can do what their job is
9 and that's regulate the underground sources of
10 water. Our job is to look at the community and
11 ask: Is this right? And as our geologist, our
12 hydrogeologist, our community that we know and
13 say these are our concerns and present them to
14 them. And so for a year we were fortunate in
15 Clearfield County to do that.

16 Here, I don't know if you've had that
17 opportunity and I don't believe you have, they are
18 thick.

19 What Seneca said was they have a vested
20 interest in this area, and they do, and we all
21 appreciate what they do for the area, but a gas
22 well is not the same as a disposal well, and I'm
23 not against the gas industry because I have family
24 in it, and when I was learning about this I went
25 to the drillers and one of the drillers I gave our

1 packet that big to and said tell me what your
2 concern was out of that if you were a driller.
3 And he said I'm a driller. I said yes. He said
4 my paycheck.

5 So think about it. When they're drilling,
6 they're there doing their job, drilling, but when
7 we put it on paper, it's the ideal presentation,
8 and so that's my concern is because a gas well is
9 not a disposal well and instead it's taking gas
10 out of the ground, it's putting something into the
11 ground that is waste.

12 So this testimony for EPA is only based on
13 the statement of basis, a very brief overview
14 because, you know, I've been working on the other
15 one, and so like I said, I'd like to thank the
16 EPA.

17 And, secondly, I'm requesting an extended
18 period of time to review this permit application
19 based on the several concerns that I stated, and
20 there's six concerns in the statement of basis
21 that I saw quickly and I just would ask that you
22 address them a little more fully.

23 One of those is reusing existing traditional
24 gas wells for purposes of waste disposal. I know
25 this one isn't very old, but we met someone when

1 they pulled an old casing out that over time these
2 chemicals and things that are put into it degrade
3 it. So that's my first one.

4 The second one is the proposed depth of the
5 traditional gas well is very shallow and disposal
6 of waste fluids have potential to quickly migrate
7 up natural pathways into water sources in a two
8 mile radius or more since waste goes out
9 underground for miles. And I would just cite -- I
10 don't believe it may have contaminated water, but
11 it did back in the 1960s in Erie go out under the
12 ground for five miles. So we don't know how far
13 this waste goes and that's why I'm concerned.

14 The fluids, waste, that would be disposed
15 into this proposed disposal well need to be
16 defined since the Marcellus gas waste is known to
17 be toxic, and of course we know it's exempt from
18 being made toxic because of the Halliburton
19 loophole, but it is totally different fluids than
20 fluids disposed of from traditional gas well
21 brines. So I would like to understand the
22 difference, if they're taking it from a
23 traditional gas well or if they're taking it from
24 a Marcellus well, and to me the statement of basis
25 said fluids from oil and gas production and so I

1 would like it to say if it's shallow, it's
2 shallow, if it's Marcellus -- because if it's
3 Marcellus, it's two different things. If the
4 fluids being disposed of are able to come from
5 Marcellus gas production, then this permit needs
6 an area of review for two miles showing all water
7 sources in this area.

8 The fifth is, the confining layer looks to be
9 shale and from what I have learned shale is not a
10 good barrier for fluids. So I would like more
11 information from geologists to understand what is
12 the containing cap rock to protect this wonderful
13 watershed we have.

14 Pennsylvania geology is not ideal for
15 disposal of waste or disposal injection wells and
16 more research should be done by the community on
17 the actual geology in the area. Pennsylvania has
18 went from like five to eight, we're not sure how
19 many disposal wells actually are in Pennsylvania.

20 And then my other big concern was an adequate
21 review time for this permit needs to be provided
22 to this community and I request that the EPA take
23 into consideration some key points.

24 The permit applicant has as long as it
25 takes to answer all the questions and find the

1 answers for an EPA permit application for a
2 disposal injection well to be submitted. So the
3 applicant -- they have as much time as they want
4 to apply, then they also have as much time as
5 they want to respond to your deficiencies, and
6 I know EPA gives public comments for 30 days or
7 approximately that, and I appreciate that you do,
8 but this community is still kind of reeling from
9 knowing about it and by the time they got to know
10 about it, they still don't know anything about
11 disposal waste, so they need time to understand
12 and research and have a geologist and a
13 hydrogeologist and local leaders just look at
14 the ground and know where the gas wells are
15 because if they had a little bit more time, they
16 would understand, they've had time to review this
17 and they could get -- have more input and maybe
18 they wouldn't be as concerned.

19 Any deficiencies found to the disposal
20 injection well application are provided to the
21 permit applicant with no restraint on timeframe.
22 Sorry, I'm repeating myself.

23 So community leaders need to be involved
24 in the process and often they have limited time to
25 learn about the disposal injection well process,

1 and representatives for the community need to have
2 input from the geologist and engineers as well
3 which they don't have adequate time to employ or
4 contact within the EPA public comment period.

5 Local residents who have experience in the
6 drilling industry and the water sources for the
7 area need to be involved and provide input as
8 well.

9 These are just some of the reasons the permit
10 application review time for the public needs to be
11 extended.

12 This community has just experienced a major
13 issue of an environmental nature due to their
14 sewage treatment plant. Wastes were being
15 discharged into Wolf Run. Human error is what
16 caused this environmental impact. This is a good
17 case for the EPA to consider that allowing those
18 who are working -- who are doing the work for a
19 disposal injection well company to monitor and
20 self report becomes an issue that needs to be
21 addressed before a permit is issued.

22 I just want to mention a geology professor
23 I met. He wrote the book "Earth: the
24 operator's manual," and his big statement was,
25 "hydrogeologists have lent their weight to

1 efforts to keep pollutants out of the ground,
2 because keeping them out is often a lot easier
3 than getting them back out," and that's why I
4 would ask for an extended amount of time.

5 And one other study was subsurface
6 liquid waste disposal and its feasibility in
7 Pennsylvania. One of the findings says, "The
8 long-term injection of large volumes of waste must
9 eventually result in the upward displacement of
10 the brine intraformationally or through fractures
11 into the fresh water zone."

12 So these are things that I just ask that more
13 time and preparation be given. So thank you for
14 your time. I wrote some notes on the back that I
15 didn't email Roger.

16 MS. JOHNSON: Which is more complete?

17 MS. MARSHALL: You can keep that.

18 MS. JOHNSON: Thank you.

19 Daniel Freeburg?

20 MR. FREEBURG: I'm a commissioner and we
21 already testified.

22 MS. JOHNSON: Thank you.

23 Brian Punk.

24 MR. PUNK: I'm Brian Punk, I'm from the water
25 authority.

1 I just want it to be on record, if they are
2 permitted to do this, our local source of water
3 should be monitored daily at their cost. Anything
4 that happens with this injection well should
5 not -- it should not cost the people of James City
6 anything. If something does happen with our water
7 source, there's only one thing that will correct
8 it and that is laying a line to Kane to bring a
9 water source to our town, and that should be at no
10 cost to us. It should be all on them.

11 MS. JOHNSON: Thank you.

12 Jim Bergman?

13 MR. BERGMAN: My name is Jim Bergman, I'm
14 here as a concerned citizen.

15 My house is less than a mile from the
16 injection well and I have a water well, and
17 reading from this DEP paper, it says any unplugged
18 or abandoned well within the area has to be
19 plugged -- or, located and plugged. Well, I
20 personally know of five of them that are abandoned
21 that aren't plugged and I want to know if they're
22 aware of them. Or if you're aware of them, if
23 they are going to be plugged? That's all I want
24 to say.

25 MS. JOHNSON: If you have information about

1 the location, if you got them on a map, that would
2 be very beneficial to us to add to the record.
3 The record will be open for another week. If you
4 can either contact us and either give us well
5 numbers, usually there's a marker or something on
6 the well, if you can give us the number for it,
7 that would be --

8 MR. BERGMAN: Two of them are Shell which is
9 Kane gas and it was East and Shell, and one of
10 them is Mountain Gas which went defunct years ago.
11 In fact, my neighbor has Mountain Gas, it's got a
12 hole in the casing. So my concern is it migrating
13 to his well or my well.

14 MS. JOHNSON: Okay, that kind of information
15 is very beneficial, so if you could send it to us,
16 that would be helpful.

17 William Granche?

18 MR. GRANCHE: My name is Williams Granche,
19 I'm a citizen of Elk county and I was going to
20 address -- I have about 12 bold face questions
21 here, but the representative of Seneca and
22 Mr. Wagner covered a lot of them, but some of them
23 need a little bit more coverage and specificity in
24 regards to, for instance, what's in the water?

25 You know, in 1980 it was declassified, as

1 anything that was in the water that was released
2 from drilling gas and oil was to be classified as
3 non-hazardous, okay. So that's a concern that I
4 have. One of the other -- and that includes
5 things like benzine which we know isn't good for
6 us.

7 The issue of abandoned wells is also a big
8 issue. I think anybody who spends much time in
9 the woods hunting, fishing, running, camping,
10 hiking, has come upon them. Oh, look at this,
11 look what is around here, and so it's incumbent
12 upon Seneca if they do this, they have to be
13 100 percent sure they got them all and they
14 plugged them thoroughly and that's a major issue.

15 Somebody mentioned earlier an issue about
16 paychecks and that certainly is something that we
17 can all understand that people need jobs and I'm
18 for that as well, but when I consider even the
19 risk to the workers, you know, when I said earlier
20 about the -- what's in the water, one of the
21 things is radioactivity and it's not just salt
22 water, okay. When some people say salt water,
23 they think of the ocean and breezes, and this is
24 no water you can breathe and think this is good
25 for us.

1 But the radioactivity, there was a spill in
2 November 2009 and when it was sampled, the amount
3 of radioactivity was 3,600 times more than federal
4 safety limits for drinking water and 300 times
5 higher than a Nuclear Regulatory Commission limit
6 for industrial discharges to water. Radiation is
7 not confined by the walls of the tank truck and
8 I'm thinking of the man driving the tank truck
9 with the tank at his back.

10 So as Mr. Punk mentioned it and, you know,
11 five years for a mistake to take place, that
12 kind of regulation has got to be changed. That
13 number of years I think -- or, that number of
14 times, daily checks just makes sense because of
15 the potential for poisoning.

16 What is Seneca's emergency contingency plan?
17 What is their protocol? This isn't a buzzing
18 metropolis, we don't have all kinds of highways
19 and et cetera. And access, what happens if
20 there's a spill? What's the reaction time, what's
21 the communication? Are the people who are sent to
22 the emergency going to be adequately protected?

23 Will tracers be put in the water? We all
24 know that accidents occur and have occurred, but
25 then it becomes a legitimate -- I mean, a

1 litigation as to, well, that's not our garbage,
2 that came from them. I mean, thinking of -- I
3 mean, it's a different story, but Halliburton and
4 the people in the gulf all blamed one another, it
5 took forever to find out who was at fault. So
6 tracers should be put in the water so we know
7 where this came from.

8 Liability insurance, as Mr. Punk mentioned,
9 it shouldn't cost the people of this community a
10 dime, and the real problem is that without water
11 they become sort of a love canal or a Centralia, a
12 ghost town, because what's your home without
13 water?

14 MS. JOHNSON: Thank you.

15 Kevin Moran?

16 MR. MORAN: I'm the chairman of the James
17 City Water Authority. The questions I had was
18 pretty much what Brian already covered.

19 MS. JOHNSON: Thank you.

20 Robert Vaughn?

21 MR. VAUGHN: My concerns have been addressed
22 also.

23 MS. JOHNSON: Thank you.

24 Michael Brock?

25 MR. BROCK: My name is Mike Brock, I'm from

1 Saint Marys, PA.

2 What I'd like to know, and of course this is
3 kind of a rhetorical question, but I followed this
4 quite a bit since, you know, the gas drilling has
5 really become -- at least the Marcellus Shale
6 drilling, and even before that actually, but
7 I know the information that was passed on from the
8 industry was that this waste water would not be
9 put in injection wells in Pennsylvania because the
10 geology didn't support it, the same way we have a
11 different geology than say Texas or Oklahoma. So
12 I guess my question -- and I think Mr. Freeburg
13 alluded to that a few weeks ago in saying that the
14 industry had said on more than one occasion that
15 Pennsylvania was not suitable for injection wells.

16 So my question is: If the Earth is
17 approximately 4.5 billion years old, has the
18 geology changed in the last five years, five years
19 out of 4.5 billion? I don't think we're getting,
20 you know -- they said years ago we weren't going
21 to do it, now we're going to do it, so I find it
22 extremely difficult to believe that it was
23 inappropriate years ago, but it is appropriate
24 today. Thanks.

25 MS. JOHNSON: Thank you.

1 Diane Bester?

2 MS. BESTER: Thank you, Karen. I'm here for
3 both my husband Raymond Bester and myself Diane
4 Bester. We're property owners in Highland
5 Township. We have three problems with this
6 request.

7 One, we don't feel there is adequate
8 supervision over Seneca Resources' activities to
9 make them accountable for their activities.

10 Two, we do not want a reactive situation
11 after damage has already been done requiring us as
12 taxpayers, as a township to bear the burden and
13 cost to provide proof before any further damage
14 and activities continue. The cleanup could be
15 costly, timely and with permanent damage.

16 Three, we do not have the controls in place
17 to stop a run away freight train once it gets in
18 motion.

19 I am sure this will be argued, but let me
20 explain why we feel this way. Already this year
21 we have lost a spring for a total of two months,
22 one year after a well was started with fracking,
23 this well was owned by Seneca Resources. This is
24 the first time in 130 years that this spring has
25 went dry. It has a substantial flow and is

1 perfectly good quality water which also supplies
2 our five-acre lake.

3 Upon investigation we found out that at the
4 same shallow elevation as our spring, Seneca's
5 well has a permit to draw off 375,000 gallons of
6 water per day, that's over a million gallons of
7 water every three days. That's over two million
8 gallons per week.

9 Now, this same water they can use to truck
10 to any well they choose to go to. There was no
11 monitoring over this activity. I tried to contact
12 Seneca Resources regarding our situation with no
13 avail. I had to contact your Department of
14 Environmental Protection.

15 MR. BESTER: DEP.

16 MS. BESTER: DEP.

17 MS. JOHNSON: Yeah, the state.

18 MS. BESTER: The state.

19 I want you to know that they have a different
20 idea of what was going on than what was actual.
21 Upon investigation what they thought was a
22 500-foot well and a deep well drawing off water
23 way below the surface, the permit and actually the
24 water -- the initiation of the well when they did
25 the testing showed differently. At 41 feet they

1 stopped the casing because they hit water, the
2 same elevation as our spring. They went down
3 another -- until they hit 200 feet, got some more
4 water. They went down to 400 feet and stopped.

5 So this shallow well is drawing off a million
6 gallons of water every three days and can be
7 trucked to any one of their wells. Do you think
8 perhaps that this might have some kind of impact
9 on our drinking water supply? Without adequate
10 good quality water, our property is worthless. It
11 could happen again.

12 It is my understanding that there may be
13 other property owners as well who are even closer
14 to this well than I am who may have water problems
15 also.

16 Now, the burden of proof rests with us, a
17 small taxpayer against the joint gas company with
18 their full-time legal staff. Now we are at a
19 meeting called by the same company, Seneca
20 Resources, to approve another activity that they
21 are again promising will not impact our township.
22 I do not have very much faith in their promise.
23 We had no knowledge of the well that was drilled
24 that we feel may have impacted us. Since we have
25 this opportunity to speak up and the opportunity

1 to prevent a crisis, we need to make sure that
2 nothing can happen to us because we have not been
3 able to successfully monitor this company to date.
4 We feel more investigation is needed.

5 My husband and I are opposing this injection
6 well permit and/or activity for the above reasons.
7 Perhaps as a community we need to get more
8 involved to preserve what we have left. Thank
9 you.

10 MS. JOHNSON: Were you going to turn those in
11 or --

12 MS. BESTER: I have one handwritten copy.

13 MS. JOHNSON: That's fine.

14 Michael Kamandulis?

15 MR. KAMANDULIS: Good evening, thank you all
16 for showing up and thank you for the testimony
17 that's been given.

18 My name is Mike Kamandulis, I'm from Elk
19 County and I have some questions that we can all
20 ask.

21 This is from a book by Dr. Ben Carson, a
22 leading pediatric neurosurgeon. Every day he has
23 to ask these questions to himself before he goes
24 into the operating room and works on children's
25 brains and tries to repair the damage that's been

1 done. These are the questions.

2 No. 1: What are the best things that can
3 happen if we inject contaminated water in your
4 neighborhood? Some of the answers: The gas
5 industry won't have to drive to Ohio to inject
6 their waste. The gas industry won't have to spend
7 millions of dollars constructing a waste water
8 treatment plant. Stockholders and the gas
9 industry may likely receive added value to their
10 shares.

11 Question No. 2: What are the worst things
12 that could happen if we inject contaminated
13 water near a neighborhood? Ground water aquifers
14 and water supplies may become permanently
15 contaminated. Very serious adverse health effects
16 may affect some nearby residents. Injection of
17 contaminated waste water near neighborhoods may
18 cause other unknown and/or adverse environmental
19 impacts, earthquakes. Nearby housing property
20 values may dramatically plummet. The presence of
21 these so-called industrial outhouses as they've
22 been referred to will spur continued shale gas
23 development, which I know many of you are for,
24 but which is a fossil fuel and will thereby
25 exacerbate global climate change.

1 What are the best things that can happen if
2 we don't inject contaminated water in your
3 neighborhoods? Well, we will preserve your
4 state's fresh water aquifers, clean air, and the
5 natural, scenic, historic and aesthetic values of
6 the environment for a longer period of time, and
7 by the way those are guaranteed in our state
8 constitution. We will very likely protect the
9 health of the residents in those neighborhoods.
10 We may develop a mind set aimed at sustainability
11 and begin to develop innovative sources of clean
12 energy, and therefore, we may teach future
13 generations that we have finally learned that
14 humans are an integral part of the Earth's natural
15 system and that we can no longer destroy nature in
16 order to power our civilization.

17 And then finally question No. 4: What are
18 the worst things that can happen if we don't
19 inject contaminated water in your neighborhoods?
20 Well, the answers would be the gas industries may
21 be forced to build an appropriate waste water
22 treatment plant, although that would incur greater
23 cost to them. The price of natural gas may rise
24 due to these added expenses. Certain injection
25 well related businesses may experience losses.

1 There may be a reduction of natural gas on the
2 world market, and then finally there may be other
3 adverse economic impacts to the economy. So thank
4 you very much.

5 MS. JOHNSON: That brings us to the end of
6 the individuals who have identified that they
7 wanted to make testimony.

8 Is there anybody who did not note that they
9 want to and now wish to give testimony?

10 MR. WAGNER: Thank you. Reintroduce myself?

11 MS. JOHNSON: Yes.

12 MR. WAGNER: Thomas G. Wagner, again I
13 testified on behalf of the county commissioners
14 earlier and in light of some of the other
15 testimony that was given by local residents I
16 would like to ask the agency to consider two other
17 points.

18 I've attended a good number of seminars over
19 the years, recent years about the Marcellus Shale
20 industry and drilling, and one of the points
21 that's always made by the industry is that
22 fracking is an activity that has occurred for
23 dozens if not hundreds of years in the United
24 States so that is not a new technology and it is
25 a technology that has been used in shallow gas

1 wells in Pennsylvania.

2 I know that Seneca takes the position that
3 the fluids that it intends to inject into this
4 well are not from Marcellus horizontal well
5 drilling and presumptively do not contain some
6 of the chemicals that might be in frack water,
7 but if they do use fracking techniques in shallow
8 wells in Pennsylvania as the industry does do,
9 then we very well may see those chemicals in this
10 injection well and I wish you would consider that.

11 The other thing is a point that was made by a
12 gentleman back here about abandoned and unplugged
13 wells and you asked about locating them. If we're
14 given enough time, and I don't know that seven
15 days is an adequate amount of time, but if we're
16 given enough time, the county has the ability if
17 it's given GIS coordinates, to provide the EPA
18 with a map of those wells if they're identified by
19 the gentleman who says he knows where they are.

20 So I would ask if you would be in touch with
21 the county commissioner's office about that issue,
22 perhaps we could help with that.

23 MR. BERGMAN: Why is it up to me to identify
24 them? That's the question.

25 MR. WAGNER: Well, I appreciate it's not up

1 to you to identify them, but it is, whatever we
2 can do to oppose this application, whatever we can
3 do to demonstrate to the agency that there are
4 substantial risks with locating this injection
5 well in this location, you ought to do that
6 because they may not have the resources to go out
7 and do that on their own, but we know, so it's
8 incumbent upon us to tell if we do know.

9 MR. BERGMAN: Aren't there any state agencies
10 that can help with locating these wells?

11 MR. WAGNER: Well, you know the lay of the
12 land, if you have a GIS device of some kind, it's
13 not hard to do, and we have the ability to --

14 MR. BERGMAN: They're right on two dirt roads
15 right here.

16 MR. WAGNER: We probably need a little bit
17 more time.

18 MS. JOHNSON: It's very difficult to have a
19 conversation back and forth for the stenographer.

20 What I would like to point out and we are
21 going to raise after the formal testimony, some of
22 the comments that came into the office immediately
23 after the proposal was out to the public was that
24 individuals did identify a number of additional
25 abandoned wells that were not initially on the

1 maps, and those maps have been updated as part of
2 Seneca's responsibility to identify wells. So in
3 the last couple days those wells have been -- a
4 number of additional wells have been located.

5 So if you know of specific wells, those maps
6 have been updated and you can pretty much find out
7 whether those wells are included or whether there
8 are still issues that are missing.

9 (Discussion off the record.)

10 MS. JOHNSON: Can you start over again?

11 MR. BRZEZINSKI: What are you going to do
12 with all the wells they shoved the casing over
13 with the bulldozer and jammed a big stump in
14 there? We frack open hole wells all the time and
15 they'll be a hundred feet away and you'll never
16 know they're there. I mean, the ones you can find
17 are great, but how many aren't you going to find?

18 MS. JOHNSON: Okay, thank you. Your name?

19 MR. BRZEZINSKI: Matt Brzezinski, I lived a
20 quarter mile away and just built a new house
21 down --

22 MS. JOHNSON: B-r-z-e-z-i-n-s-k-i?

23 MR. BRZEZINSKI: Yes.

24 MS. JOHNSON: Thank you.

25 MR. WAGNER: And just to finish my comment, I

1 would request more than seven days in which to
2 submit that information about the wells.

3 MS. JOHNSON: Thank you.

4 Is there anybody else who wanted to make
5 formal --

6 MR. HULES: Yeah.

7 MS. JOHNSON: If you'd come up and state your
8 name clearly.

9 MR. HULES: My name is Don Hules and I live
10 on some property down here that I own, and this
11 injection well thing, my brother lost his well, he
12 lives -- he's on the outskirts of James City, he's
13 probably 500 feet from anybody else. ARG injected
14 some fluid down here and ruined his well. He's
15 now on city water.

16 And my other concern is our water supply is
17 the head waters of the south branch Tionesta, I
18 don't know if you people are aware of that or
19 not. Thank you.

20 MS. JOHNSON: Thank you.

21 And I think, sir, you had --

22 MR. EDINGER: Yeah, I am Bill Edinger, I am
23 the fire chief here in Highland Township. Our
24 main concerns are the truck traffic that is going
25 to be coming in and out of there with all this

1 contaminated stuff. Last couple days ago we just
2 had an incident down on 948 with the Marcellus
3 wells and stuff coming out and all the truck
4 traffic caused a major accident down there.

5 The other concerns are, the equipment needed
6 to take care of this stuff once everything comes
7 about, are we going to be able to handle a lot of
8 this equipment? Do we need any special equipment
9 or anything like that as a fire department?

10 Our main concerns are just evacuation. James
11 City Road over here, this is our main evacuation
12 out of town. We have another evacuation plan, but
13 it's all dirt roads and big hills and everything.

14 MS. JOHNSON: All right, thank you. Are
15 there any other comments before I close?

16 MR. GRANCHE: My name is Karen Granche and I
17 just have a couple of comments and a couple of
18 questions. My first questions are: Who's your
19 boss? Who's your boss's boss? Ultimately we are
20 their boss. We have the right to self-government.
21 We do not -- they meaning the DEP, EPA or Seneca
22 Resources do not have that right to tell us what
23 we have to do.

24 Now, from sitting here it sounds to me like
25 there's nobody that wants an injection well here

1 and I'm just going to quote something that you
2 probably already heard because this is what
3 someone from Warren County said.

4 They said, "Who are we? Regular people who
5 give a damn. We are in a battle, perhaps the
6 greatest of our lifetimes to preserve what we
7 hold dear. What is it stake? Everything. Our
8 natural environment, our small town quality of
9 life, our property values, our health, our living,
10 our future. Who are we fighting? Those who
11 would put our lives, property and environment
12 at stake for the sake of corporate profit, those
13 who would lie to us on matters of utmost
14 important, those who try to eliminate our right
15 as individuals and communities to make choices
16 that affect the very air we breathe and the water
17 we drink. We are fighting for our lives and
18 yours. Please remember we are the boss. We have
19 the right to self-government, we have the right
20 to clean air, clean water and clean healthy
21 ecosystems. Thank you.

22 MS. MORRIS: I'd like to say one more thing
23 if I can get up again.

24 MS. JOHNSON: Certainly.

25 MS. MORRIS: You'll have to excuse me, I'm

1 getting too dang old to walk anymore.

2 I've lived in James City darn near all my
3 life and almost all on the same street. At the
4 end of the road out here when I was a young child
5 there was a water trough, so when a car come up
6 over James City Hill, they could stop and get
7 water and put it in those cars because in those
8 days they didn't have antifreeze to put in cars.
9 By the time it got to the top of the hill the
10 thing was out of water, they had water or the
11 horse needed to drink.

12 That water feeds James City water supply.
13 That well is not 200, 200 feet from that spring
14 location. It's on that side of the Lamont side of
15 Lamont Road and that well is on that side of
16 Lamont Road. Somebody better check to make sure
17 what's going on there. The last time I looked the
18 bridge is still running that. That spring is used
19 to serve James City properties down over the hill.
20 That spring now still serves James City water
21 supply.

22 And years ago when my husband and I first
23 lived back out here on West Penn Road just outside
24 of Kane, we wanted to put a trailer out at the end
25 of the road so when I was a CB radio operator, I

1 still am, I wanted to have truckdrivers stop and
2 get a place to go to the bathroom so they're not
3 getting out of their truck out there. They told
4 me, no, because you can't put a septic tank out
5 there, you'll ruin the watershed. Well, you guys
6 are doing the same thing. I can't understand it.
7 Thank you.

8 MS. JOHNSON: And thank you so much for your
9 comment. Is your name again Mary Morris?

10 MS. MORRIS: MaryEllen Morris.

11 MS. JOHNSON: Thank you.

12 MS. MORRIS: Everybody calls me Gabby because
13 I talk too damn much.

14 MS. JOHNSON: Thank you. Any further
15 comments?

16 MS. ENDINGER: I am Misty Edinger. I am
17 also from the Highland Township Volunteer Fire
18 Department. I'd like everybody to look around,
19 this is what houses our fire protection area.
20 Yeah, we are not only fire protection, but we are
21 also rescue, that's out there on the highways with
22 these extra heavy truck traffic. As you can tell
23 we are not a very big organization, we are not
24 equipped to handle the type of magnitude of truck
25 traffic and emergencies that may come from this.

1 We're not just equipped and we're not funded for
2 it.

3 MS. JOHNSON: Any further comments? Okay.

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

13 I would also like to remind you that the
14 comment period on this proposal will remain open
15 until December 18th, 2012, if anyone cares to
16 submit written testimony to our attention at EPA.

17 Again, thank you for your interest in this
18 proposal. This concludes the formal part of this
19 public hearing. My staff and I will remain
20 available to discuss the issues raised if you
21 should desire and to answer general questions.

22 - - -

23 (Thereupon, at 8:19 p.m., the hearing is
24 concluded.)

25 - - -

REPORTER'S CERTIFICATE

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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 of the above petition and that it is a correct transcript of the same.


Jacquelyn P. Sherwood
Court Reporter