



**LEAGUE OF WOMEN VOTERS®
OF PENNSYLVANIA**

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**The League of Women Voters of Pennsylvania
Public Comment to the
Citizens Advisory Committee of the Department of Environmental Protection
Harrisburg, Pennsylvania
January 15, 2013**

Good morning. I am Bonita Hoke, Executive Director of the League of Women Voters of Pennsylvania for whom I am speaking. The League is indeed grateful for the opportunity to come before you again today to clarify our previous comments about water quality testing.

We have read with interest Secretary Krancer's letter to Representative White and are aware that two protocols or Standard Analysis Codes (SAC) exist regarding testing for potential contamination. We also understand that DEP's Bureau of Laboratories only reports that which is requested. We see this as similar to hospital laboratory results that we as receive as patients when our physicians check certain specified codes. Reports are only issued for prescribed tests – not all possible results that may be determined.

Given this fact, the League would urge DEP to forego SAC 942 and replace it with SAC 946. We are aware that the 1991 code 942 is tried and true for conventional oil and gas wells and, in fact, as indicated by Secretary Krancer, tests for the eight (8) metals quality controlled and verified for accuracy of Marcellus shale contamination. However, it is less comprehensive than the EPA Test Method 200.7 that analyzes levels of 24 metals. We believe that the unconventional drilling process currently evolving for natural gas in our Commonwealth requires the 2010 protocol to be specified by the more current, comprehensive code 946. Further, we believe that it is in the public interest that a full battery of test results, any of which are indicative of any harmful contamination from metals, should be communicated to impacted residents without delay.

Why would the League of Women Voters of Pennsylvania continue to press these issues with you? Our statewide study on natural gas extraction from Marcellus Shale 2009 -2010, now updated with five addenda, has resulted in a position developed through consensus of our members across the Commonwealth. (You may wish to check them out on our website www.palwv.org). Our position states that we recognize that natural gas extracted from Marcellus Shale is a finite, carbon-based, energy resource and that its production significantly affects the environment and the economy of the Commonwealth. We further support the protection of public health and the environment in all aspects of Marcellus Shale natural gas

production, site restoration, and delivery to the customer, by requiring the use of best practices, and promoting comprehensive regulation, communication, and adequate staffing across government agencies. Based on our position we continue to advocate for legislation and regulation that provides for:

- transparency in all stages of exploration, drilling, and production;
- insuring public input into decision-making regarding the location of facilities and related pipelines;
- extending the timelines and parameters for testing water supplies;
- balancing the rights of mineral and surface owners; and
- establishing an efficient and effective oversight system for reporting potential violations and accidents.

Given our right to clean water under Article 1, Section 27 of the Pennsylvania Constitution, we encourage the CAC to join with the League in protecting those threatened from the impact and effects of unsafe drinking water from wells associated with unconventional natural gas extraction. To do so would require assessing both the source and constituents that pose a potential threat to the safety of our water. Prior to sampling, DEP needs to determine the exact composition of the fracking fluid and the waste effluent. A comprehensive sampling plan must also be in place that specifies: locations (i.e. private wells, streams, springs, aquifers); storage conditions for samples; and time constraints for testing or holding given certain less stable components.

Personnel are also critical. We trust that the CAC will lend its support to hiring additional trained and qualified DEP staff to be assigned to this mission. Field technicians or those who do the collecting need to know that samples from private wells should be collected pre-filter. They must be familiar with procedures to collect semi and volatile substances. One of our members, a former EPA employee, noted that there is even a difference in collection procedures for a hexavalent chrome sample than one for a trivalent chrome! Once all laboratory results have been determined, qualified and experienced staff members need to determine the significance of the analytical results as well as their potential risk to public health.

In closing, the League applauds Secretary Krancer's statement that DEP has moved aggressively to protect the citizens of Pennsylvania and hold operators accountable when drilling activities have impacted water supplies. We trust that such commitment will result in expedited adoption of the long-delayed proposed chloride standards and the needed development of standards for bromide in the near future.¹

¹ For background on the chloride standards, see http://www.sierraclub.org/naturalgas/rulemaking/govt_body_ruledescription_short_2010-09-10a.aspx. On April 19, 2011, Secretary Krancer called on drilling operators to stop delivering waste fluids to the wastewater treatment facilities that currently accept it as a result of the revised TDS standards. <http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=17071&typeid=1>. However, bromides are reported to continue to be problematic in Pennsylvania waters. <http://wesa.fm/2011/12/01/salts-drilling-drinking-water-danger-still-showing-rivers>