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PA Citizens: Officials Have Let Us Down, Need Better Drilling Protections

New report highlights findings from citizens' hearings on Marcellus Shale's impact across PA

HARRISBURG, PA (October 24, 2011) — Pennsylvanians believe that gas drilling in the Marcellus Shale has moved too quickly and that public officials need to do a better job protecting their communities and the environment, according to the final report of the Citizens Marcellus Shale Commission.

The report is the culmination of a two-month effort to give citizens a voice on improving drilling policies and protections. The recommendations made by the Governor's Marcellus Advisory Commission were a first step but did not recognize how severely inadequate Pennsylvania's regulatory landscape is for shale drilling. The Citizens Commission recommendations would further protect the environment and local communities.

At hearings across the state, citizens testified to a variety of concerns, but many common themes emerged. Chief among them, citizens take their right to clean air and water very seriously. Again and again, citizens invoked the state constitution's guarantee to clean air, pure water and environmental preservation, and voiced serious concerns that Pennsylvania wasn't prepared to responsibly address the impacts of gas drilling.

"There has been a rush to drill in the Marcellus Shale, but Pennsylvanians want to slow down and ensure the right protections are in place," said former state Representative Dan Surra, co-chair of the Commission.

Citizens also expressed concerns that policy and regulatory processes are disjointed and lack the cohesion needed to address the cumulative impact of drilling on air, water, open spaces, forests, and human and social infrastructure, according to the Commission's report.

Several citizens testified that elected officials have been unable, or at times unwilling, to balance the interests of industry with those of people and local communities. They think there is a much too high tolerance for industry mistakes and that drilling companies are not being held sufficiently accountable.

"Citizens told us that the gas industry should be held to the same standards as other industries," said former state Representative Carole Rubley, who also co-chairs the Commission. "People want to know their families and communities will be safe."

The Commission heard from 116 testifiers at hearings in Harrisburg, Philadelphia, Southwestern Pennsylvania, Towanda and Williamsport. More than 400 people from 48 counties attended the hearings, while another 110 concerned citizens submitted comments online.

Regional concerns were evident. In Western Pennsylvania, people spoke about noise pollution from compressors, dangers to public water supplies from open frackwater pits and the loss of local zoning authority. In Northeastern Pennsylvania, people worried about well contamination, increased truck traffic and the loss of a rural way of life. People living in Southeastern and Central Pennsylvania raised concerns about the long-term effects of drilling on water supplies and the impact of building new gas pipelines. Those in North-central Pennsylvania worried about the

impact of drilling on sporting activities and tourism, and wanted to see officials take steps to better preserve state forests, game lands and habitats.

Based on the testimony received from citizens and experts, the Citizens Commission has put forward a series of recommendations that would strike a better balance between industry growth and the needs of local communities, the environment and the state as a whole:

- End the privileged treatment of the gas industry. The policy of expedited permits should end immediately and the Department of Environmental Protection (DEP) should refrain from issuing waivers or general permits that effectively circumvent or weaken environmental protections.
- Raise the bar to protect the health and welfare of citizens and the environment. The Commonwealth should improve laws and regulations (explained in detail in the report), provide the funding necessary to ensure vigorous enforcement and significantly increase penalties on violators.
- Specify and protect areas of the state that are unsuitable for gas drilling. This includes extending the moratorium on gas drilling in state forests.
- Fully acknowledge the risks of drilling. The Commonwealth should undertake a full cumulative impact analysis of existing and likely proposed drilling in the Marcellus Shale, including an analysis of impacts on water quality and quantity, air quality, land use, habitat, and human health.
- To better protect the environment and public health, put in place stricter protections for air quality and surface and groundwater prior to issuing a new round of permits.
- Make industry pay its fair share. Institute a drilling tax on gas producers and restore local governments' ability to assess property taxes on the value of oil and gas reserves. Ensure proper bonding and clean-up requirements are in place for all well sites, with an escrow fund established to protect public health and the environment from unintended consequences.
- Abandon the current piecemeal process for permitting gas drilling sites and infrastructure. Institute a comprehensive permit process at all sites and ensure the process is transparent.
- Restore Conservation District review of storm-water permits. County Conservation Districts are trusted by residents to fairly and thoroughly review permits and apply the law.
- Ensure the integrity of well casing to protect water supplies. This includes requiring continued monitoring and repair throughout the production process and beyond.
- Monitor and minimize harmful air emissions and pollutants by requiring the use of the best technology.
- Require companies to report citizen complaints to the DEP.
- Establish an office of consumer environmental advocate in the Office of Attorney General to provide a transparent forum in which public complaints can be heard and investigated.

“Citizens believe their elected officials have let them down and are crying out for help,” said Roberta Winters, Vice President for Issues and Action of the League of Women Voters of Pennsylvania and a member of the Commission. “They want to know that their concerns are being heard and that the agencies entrusted to protect their constitutional right to clean air and water are defending their interests as watchdogs of the industry.”

Read the full report at <http://citizensmarcellusshale.com/finalreport>.

The Citizens Marcellus Shale Commission was formed to assess the impacts of natural gas drilling in the Marcellus Shale and to identify the steps needed to ensure drilling occurs in a responsible manner. Sponsoring organizations include the Pennsylvania Budget and Policy Center, Clean Water Action, Keystone Progress, League of Women Voters of Pennsylvania, Housing Alliance of Pennsylvania, Penn Environment, Sierra Club, Pennsylvania Chapter, and the CLEAR Coalition.