



**LEAGUE OF WOMEN VOTERS®
OF PENNSYLVANIA**

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**Public Comments
League of Women Voters of Pennsylvania
To the
Citizens Advisory Council
Of the
Department of Environment
April 15, 2014**

Good morning, I am Bonita Hoke, a member of the League of Women Voters of Pennsylvania for whom I am speaking. We sincerely appreciate your consideration of the issues we have brought to your attention over the past several months. Today, we would like to reinforce our concerns regarding Act 54.

As you know, the citizens of Pennsylvania have a Constitutional right to pure water as underscored by the recent Act 13 decision.¹ The Department has an obligation to protect our surface and source waters, the lifeblood of this Commonwealth. Act 54, as written, does not provide adequate safeguards for our streams or surface properties. In fact, it allows those who seek to obtain underground bituminous coal to do so provided that they mitigate the results. Some of you have visited the sites where significant subsidence and irreparable consequences have occurred. Historic homes have literally been shaken to their foundations, a dam in our public lands has been structurally damaged, and babbling brooks no longer flow. Some private wells no longer provide drinking water, and even some farmlands, without natural water sources, are no longer viable for livestock. Numerous landowners have sold their properties rather than litigate for irreparable damages that are often too difficult to assess. Please review the five-year Act 54 Reports on the Impact of Underground Coal Mining and take time to analyze the data presented.²

Those who represented the League of Women Voters, one of the stakeholder groups designated to draft these regulations, realized the shortcomings of the proposed language and withdrew from the process before completion. With positions that advocate safeguarding our natural resources, the League did not want to be a part of replacing previous language that protected and prevented damage with proposed regulations that provided mitigation and financial compensation to offset

¹ See <http://www.pacourts.us/assets/opinions/Supreme/out/J-127A-D-2012oajc.pdf?cb=1>

² See http://www.portal.state.pa.us/portal/server.pt/community/act_54/20876

loss. With the sale of coal on the global markets unlikely to diminish in the near future, we cannot afford to operate as if it is business as usual. The timelines are long overdue for rewriting Act 54. We urge your support as members of the Citizens Advisory Council to prompt this process to begin and move forward efficiently and expeditiously to restore needed protections.

On a broader scale, the League asks you to consider how Act 54 serves as an exemplar for other regulations – both existing and proposed. Act 54 was crafted at a time when new technologies, in this case long-wall mining, was evolving as a means to increase production, reduce manpower, and maximize profits. Today, the Commonwealth is faced with similar technological advances in fossil fuel extraction. Proposed Oil and Gas Regulations, while currently being finalized to address unconventional natural gas extraction from Marcellus Shale, must be reviewed with an eye to protect rather than mitigate. The public interest and credible science, rather than special interests, need to be the primary consideration of our elected and appointed officials. Once in place, we are optimistic that you will do all in your power to establish processes to assure adequate monitoring and enforcement needed to safeguard our air and water. Further, we urge you to seek periodic reviews of the final regulations to examine on-going impacts of these evolving unconventional technologies on generations yet to come.

On a final note, the League was appalled to read reports that staff of the Department of Environment Protection was not allowed access for nearly two days to the fatal incident at a Chevron well pad in Greene County.³ This is contrary to the drilling companies requirement to do so regardless of the circumstances. While the DEP issued a notice of violation that cited Chevron for “hazardous venting of gas,” “open burning,” and “discharge of production fluids onto the ground,” we believe that the company’s reaction to DEP staff presents an unacceptable risk to the public. Without full knowledge of the nature, extent, and location of the resulting hazards at the time of the incident, the DEP is thwarted from fulfilling its mission. Thus, on behalf of the citizens of the Commonwealth, we hope you, as our voice, will take a strong stand so that no company will repeat such a deplorable denial and delay tactic that may serve to obscure real and hazardous threats to public health and well-being.

Thank you.

³See <http://stateimpact.npr.org/pennsylvania/2014/04/09/chevron-blocked-access-to-dep-after-fatal-well-fire-in-southwest-pa/>