

CPLV NEWS October 2016

CITIZENS TO PRESERVE LIGONIER VALLEY

P. O. BOX 914 + LIGONIER, PA + 15658

Dedicated to preserving the quality of life in the Ligonier Valley so that it remains a safe, healthy, and attractive place for living, working, recreation, and tourism, for now and for generations to come.

<http://cplvweb.wix.com/preserveligioniertwp>

Facebook Site- We are using the site of Westmoreland Marcellus Citizens' Group
<https://www.facebook.com/groups/1510469912594025/>

CPLV continues its work to protect the Ligonier Valley area. The legal team continues to evaluate the challenge of the new zoning ordinance, and we have several new board members. We appreciate and encourage the continued input of community members. **CPLV Board Meetings** are the Third Tuesday of each month 7:30 PM at the Unitarian Church on Rt 30. All are welcome to attend.

Calendar



*****Oct 21-- 7:00 PM Ligonier, Film *Groundswell Rising***

Movie Groundswell Rising
Friday, October 21, 7:00 PM
Unitarian Church, Ligonier, near Ligonier Beach

Groundswell Rising, a new powerful documentary film focused on fracking in communities across America, will be shown in Ligonier at 7:00 p.m. on Friday, October 21, 2016 at the Unitarian Universalist Fellowship of Ligonier Valley, located on Route 30 East, between Ligonier and Laughlintown.

Groundswell Rising documents a social movement that resulted from a heated debate concerning drilling non-renewable energy sources. This film explores moral and ethical issues surrounding the process of unconventional drilling, also known as fracking. Viewers will meet mothers, fathers, scientists, farmers, and people from all sides of the political spectrum who are united in taking a stand against energy extraction techniques that have not proven to be safe.

The screening will be followed by a discussion with Mark Lichty, the documentary's Executive Producer.

Light refreshments will be served.

Sponsored by the Unitarian Universalist Fellowship of Ligonier Valley and Citizens to Preserve Ligonier Valley, a 501c3 organization. There is no charge, free-will donations will be accepted.

*****October 25 Ligonier Public Comprehensive Plan Meeting**
Ligonier

Public input is critical to the development of the Comprehensive

Plan. CPLV will send out details.

*****Nov 16 Shale & Public Health Conference, League Women Voters**

November 16, 2016, 8:30 a.m. - 5:30 p.m.

University of Pittsburgh University Club, 123 University Place, Pittsburgh, PA 15260.

Presented by the League of Women Voters of Pennsylvania's "Straight Scoop on Shale" initiative and hosted by the Pitt Graduate School of Public Health.

Among the highlights of the conference:

Brian Schwartz, MD and Sara Rasmussen MHS of John Hopkins presenting new research on fracking and asthma, published this summer in the Journal of the American Medical Association (JAMA Internal Medicine)

Eduardo (Jay) Olaguer, PhD from Houston's HARC presenting research on benzene emissions from petrochemical plants, air quality and health in the Houston Ship Channel, and citizen air monitoring projects.

A panel with two research studies on setback distances

... and lots more!

More Information and Registration <http://shalepalwv.org/2016-shale-public-health-conference/>

Or call 1-800-61-SHALE

You may also pass along this information to a friend or colleague who would be interested in attending.

There is also a special breakout session on addressing shale issues in practice for those seeking professional credit hours.

This activity has been approved for AMA PRA Category 1 Credit(s)[™].

The University of Pittsburgh is an affirmative action, equal opportunity institution. ACCREDITED FOR NURSING CE's, SOCIAL WORK, CPHCEU' through Mid Atlantic Regional Public Health Training Center

*****December 2 FERC Hearing By the People, D.C.**

***We The People* are holding our own hearing in Washington, D.C. on December 2, 2016 at the National Press Club between 11:30 and 4:30.**

We The People are holding hearings to investigate the abuses of power and law being inflicted by FERC in communities across America.

When: December 2, 2016

Panels will be testifying from 11:30 to 4:30

Where: National Press Club, Washington, DC

Who: People who have experienced abuse at the hands of FERC and the pipeline industry

Every day there is a new example of how the Federal Energy Regulatory

Commission is abusing its power and the law in its biased reviews of fracked gas pipelines and its disregard of the rights of people, states and regulatory agencies:

- * Aggressive use of the power of eminent domain;
- * Stripping states of their legal authority by leap frogging over it;
- * Creating legal loopholes that put people in legal limbo, unable to challenge pipelines in court before FERC sends them in to construction;
- * False public hearings that divide and conquer communities;
- * Commissioners who approve projects that will benefit them personally;

- * Supporting pipeline and consultant self-dealing;
- * Never saying no;
- * Never forcing compliance with community protection laws as projects proceed through construction;
- * And on and on and on ...

Will you be among those to testify and bear witness to the abuses of FERC?

If you are interested in submitting testimony, testifying or attending this People's Hearing into abuses by FERC please fill out this google form:

<http://bit.ly/PeoplesHearingSurvey>

Organizers of the People's Hearing include:

Berks Gas Truth, Clean Water Action, Delaware Riverkeeper Network, Earthworks, Food & Water Watch, Catskill Mountainkeeper

TAKE ACTION!!

Please take these surveys. They take about ten minutes or so each. This is our chance for input as to what we want our communities to look like.



***County Survey

TAKE WESTMORELAND CO. SURVEY *Reimagining Our Westmoreland*

If you have property or a business in Westmoreland : **Please take the 5 minutes to do this survey and let the county know you do not want unconventional gas development or a MEO near our homes and schools** - this is a great and easy opportunity to be heard.

Everyone should do this. This is an opportunity to emphasize valuing the environment, clean air and water. Westmoreland has no health department and no county air monitors that could evaluate frack areas. It has a failing grade for air quality from American Lung due to ozone. And of course comment on fracking near our homes. Please take a few minutes to complete the resident and/or business questionnaire located at

<http://www.hlplanning.com/portals/westmoreland/project/840/>.

***Take Ligonier Survey

It is important that those of us who care about the environment and character of Ligonier Township **have input into the comprehensive plan which establishes goals for the zoning ordinance**. You can include the concern that fracking is an industrial activity and should not be allowed in previously zoned RA and conservation districts.

Sample Comments, please reword "I feel that my municipality needs to enact additional requirements to assure well planned and orderly development and to avoid future problems and conflicts, specifically industrial development including unconventional gas operations.

"I favor limited and regulated growth that provides for a healthy and safe environment, clean air and clean water, preserves the natural environment,

maintains a rural atmosphere, and encourages and promotes tourism, not industrial growth as hydraulic fracturing.

About the survey

- Ligonier Borough and Ligonier Township are partners in this planning process.
- Attendees commented that the survey will not be statistically accurate since there is no way of identifying participants.
- Township **officials made it clear that they expect there may be more than one adult participant in a household, more than one survey from a household, e.g. each spouse, adult children can also participate.**
- They noted that people can copy the survey to have additional copies as needed or picked up at the Township office.
- They noted that **computer completed surveys are limited to one per IP address.**

Link to survey for comprehensive plan.

<https://www.surveymonkey.com/r/2016LigonierSurvey>

*****Comment On: Army Corp of Engineers Draft for Pennsylvania Sunoco Pipeline Project Crossing USACE Properties Loyalhanna Lake, Conemaugh River, and Raystown Lake**

Posted: 10/11/2016

Notice of Availability: Draft Environmental Assessment (EA) and Draft Finding of No Significant Impacts (FONSI) Pennsylvania Pipeline Project Crossing of United States Army Corps of Engineers' (USACE) properties at Loyalhanna Lake, Conemaugh River Lake, and Raystown Lake

US Army Corps of Engineers has prepared a Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) to evaluate an easement agreement allowing Sunoco Pipeline, Limited Partnership (SPLP) **to construct and operate a five (5) mile pipeline through USACE owned/administered properties at Loyalhanna Lake, Conemaugh River Lake, and Raystown Lake**, parallel to and adjacent to SPLP's existing rights-of-way (ROWs) and parallel to and adjacent other utility ROWs. **The results, as found in the Draft EA, show that the Proposed Action would not have significant adverse impact to the environment.** At the conclusion of the public comment period, it is anticipated that a FONSI would be appropriate and would be signed for the Proposed Action. An Environmental Impact Statement; therefore, is not necessary to implement the Proposed Action.

An electronic version of the Draft EA and Draft FONSI are available online at:

- USACE Baltimore District Public Website:

<http://www.nab.usace.army.mil/Home/Public-Notices/Ops-Public-Notices/>
(Listed under "Attachments" at the top right of this page)

Hardcopy versions of the documents can be found at the following locations:

Indiana Free Library: 845 Philadelphia Street, Indiana, PA 15701, Phone: (724) 465-8841

Adams Memorial Library: 1112 Ligonier Street, Latrobe, PA 15650, Phone (724) 537-2821

Ligonier Valley Public Library: 120 W Main Street, Ligonier, PA 15650, Phone (724) 238-6451

Blairsville Public Library: 113 N Walnut Street, Blairsville, PA 15717, Phone (724) 459-6077

Greensburg-Hempfield Area Public Library: 237 S. Pennsylvania Avenue, Greensburg, PA 15601, Phone (724) 837-5620

USACE Conemaugh Lake Administration Building: 1665 Auen Road, Saltsburg, PA 15681, Phone: (724) 459-7240- USACE Loyalhanna Lake Administration Building: 440 Loyalhanna Dam Road, Saltsburg, PA 15681, Phone: (724) 639-9013.

Comments on the Draft EA and Draft FONSI may be submitted to the Baltimore District Corporate Communication Office either by mail to 10 S. Howard Street, ATTN: CCO Room 11400, Baltimore, MD, 21201 [or by email to cenab-cc@usace.army.mil](mailto:cenab-cc@usace.army.mil) **no later than 30 days from the 11 October, 2016**, which was the publication date of this notice. (which would be about November 10, Jan)

Zoning Decisions and Court Cases



*****Penn Future Does Not Succeed on Injunction- Mt Pleasant Twp.**

"PennFuture filed a motion seeking a court injunction to stay any action on gas drilling activity by Mt Pleasant township as it seeks a resolution to a separate complaint on the validity of the township's ordinances **allowing gas drilling in all zoned**

districts.

The three-page ruling from Washington County President Judge Katherine Emery said, in part, PennFuture's goal to halt the Range Resources application process was inappropriate because a conditional use application for gas drilling is not considered land development."

"http://www.observer-reporter.com/20160830/pennfuture_denied_injunction_to_halt_mt_pleasant_twp_gas_drilling_

*****MarkWest Loses In Cecil Ruling**

Former state rep. Jesse White posted this: "The Washington County Court of Common Pleas has issued an order ruling the **Cecil Township Zoning Hearing Board did not violate the law by requiring MarkWest to use electric compressors and conduct air quality monitoring before they can build their proposed compressor station along Route 980.**

It's important to understand what's happening here. Cecil NEVER prevented MarkWest from building the compressor station; they just asked for some reasonable conditions like any other industry would be asked to comply with. So instead of working with Cecil to comply with the conditions (which are totally reasonable), MarkWest decided to sue the township. Again."

*****Commonwealth Court Rules DEP Can Consider Impact of Wells on Public Resources**

"A Pennsylvania appeals court has ruled that the **DEP has the authority to consider the impact of gas drilling wells on public and natural resources including, but not limited to, public drinking water supplies, parks, forests, game lands, habitats of rare and endangered species, historic and archeological sites, scenic rivers, and historic landmarks.** The Commonwealth

Court ruled 5-2 in favor of DEP, and against the Pennsylvania Independent Oil and Gas Association, or PIOGA, which includes about 550 members primarily engaged in conventional drilling operations. Acting DEP secretary Patrick McDonnell praised the ruling." <https://stateimpact.npr.org/pennsylvania/2016/09/01/gas-drillers-lose-case-over-well-permit-requirements/>

Several Articles on Recent Supreme Court Decision on the Remaining Act 13 Issues

We won a major victory in the PA Supreme Court!

The following were ruled unconstitutional: the gag order on doctors in regard to sharing information with patients or other medical professionals about fracking and health effects, the DEP not notifying private water well owners of risk of water contamination from nearby fracking spills, a private corporation appropriating private property for gas storage, and PUCs ability to review and decide if local ordinances violate the MPC. Jan

*****Quotes from Attorneys Jordan Yeager and John Smith about the Supreme Court Win**

"The decision is another historic vindication for the people's constitutional rights," said Jordan Yeager, lead counsel representing the Delaware Riverkeeper Network and Bucks County municipalities on the case. "The court has made a clear declaration that the Pennsylvania legislature cannot enact special laws that benefit the fossil fuel industry and injure the rest of us."

*"A majority of our state legislators joined with the oil and gas industry in placing corporate desires and profits over the Constitutional rights of Pennsylvania citizens. *The Pennsylvania Supreme Court correctly found that the Constitution is not a document to be ignored," said John Smith, who represented four Western Pennsylvania municipalities in the case.*" <http://powersource.post-gazette.com/powersource/policy-powersource/2016/09/28/Supremes-say-Act-13-provisions-unconstitutional/stories/201609280179>*

*****Very Encouraging Article Quoting Att. Chris Papas**

" Municipalities are now free to say drilling is not permitted in agricultural and residential areas. The court also affirmed that local governments have the right and duty to preserve environmental rights, he noted.

This is "a big, big push But now, Papas said, *"The court made it very clear that municipalities can be as restrictive as they want" in determining where oil and gas drilling can be located.*

While the law does not allow local communities to forbid fracking, "you don't have to remake your community to suit every use," he said. In other words, *if the geology of the allowed zoning districts are not suitable for fracking, the community doesn't have to remake its zoning map."*

http://www.ncnewsonline.com/news/fracking-decision-big-pushback-against-oil-and-gas-industry/article_6161f794-8b4c-11e6-9ad2-83b7b483b7af.html

***** Townships Have New Legal Standing**

"Of additional importance to natural gas operators, the Court repeatedly emphasized a municipality's right to enact a zoning ordinance that precludes oil and gas development in various zoning districts, to establish setbacks in excess of those required by Act 13 and, possibly, to limit noise and hours of operation.

This dicta is important because the Court recently granted an allowance of appeal in the Gorsline case, which will determine whether unconventional natural gas development is an industrial activity and, as such, should be restricted to industrial zoning districts. Further, the joinder of the three newly elected justices to the Sept. 28th majority opinion may also indicate an openness to permit municipalities to further limit natural gas development via local ordinance restrictions.

"So the upshot ... is that townships (like Peters, see today's companion story) who are hellbent on restricting or essentially banning drilling in their municipalities have important new legal standing to do just that." (this quote is from a pro-industry website digesting the recent PA Supreme Court ruling) <http://marcellusdrilling.com/2016/09/pa-supreme-courts-final-evisceration-of-act-13-big-deal-or-not/> This is a membership only site.

Ordinances

*****Protect PT Responds to Penn Township Vote to Approve Fracking MEO**

"Protect PT is disappointed in the Penn Township Board of Commissioner's decision to approve the Mineral Extraction Overlay. For nearly two years Penn Township's ordinance has been in pending status and on September 19, 2016 the Board voted to finalize the pending ordinance. Despite the tremendous efforts of our community and organization, the township board of commissioners still voted to finalize the pending ordinance, which included the MEO. The Board had an opportunity to limit the impacts of this industrial activity within the Township, but they missed that chance with this vote and ignored the wishes of the public. We will continue to advocate for our community's health and to ensure industrial activity is restricted to industrial zones", said Graber."

REGS

*****DEP New Chapter 78 Regs begin October 8**

"After six years, Pennsylvania's new unconventional drilling regulations are set to take effect Oct. 8, despite opposition from the Pennsylvania Independent Oil and Gas Association (PIOGA).

Some details:

- The new regs **prohibit the storage of waste in pits** at shale wells, Waste must be stored in tanks with secondary impoundments.
- Drillers will have to **restore any tainted water to its original condition** or better.
- The new rules presume that any **water contamination near a new well is the driller's fault**, but allow for **predrilling water tests to rebut** that presumption.
- The **100 foot setback of a well from water resources remains**, but requires notification of responsible state agencies if a well is within 200 feet of a public park

or forest, as well as notification of a public water utility if it is within 1,000 feet of a utility's water extraction point.”

The new regs affect only unconventional shale drillers. For more information:

WITF STATE IMPACT / Marie Cusick

<https://stateimpact.npr.org/.../trade-group-seeks-to-block-n.../>

POST-GAZETTE / Laura Legere

<http://powersource.post-gazette.com/.../.../stories/201610070192>

BUT

“The Legislature is considering bills and amendments that would ease some of the new standards by requiring less frequent waste reporting, less stringent construction standards for freshwater holding ponds and more time for well site restoration without companies needing to ask DEP for an extension.”

<http://powersource.post-gazette.com/powersource/policy-powersource/2016/10/07/Pennsylvania-publishes-new-rules-for-shale-drillers-natural-gas/stories/201610070192>

Fracking News

*****Two good Post Gazette Articles On Climate Change.**

"Russia planning to kill a quarter million Siberian reindeer because anthrax was released from melting permafrost in the tundra (due to warm temperatures.). 2000 reindeer have already died and 100 people sick.



Towns in Louisiana and Alaska vie for federal funding because the entire towns have to move due to rising sea levels. Native Alaskans lost out to Louisianans."

(Methane from fracking is a contributor to warming. Methane emissions totaled almost 115,000 tons in Pennsylvania in 2014 and the number is almost certainly higher because fugitive emissions are so difficult to quantify. Jan)

*****The PA Power Plan Will Increase Gas Usage by 72% by 2030**

The following is a statement from Pennsylvanians Against Fracking regarding the Clean Power Plan .

Key findings:

***Natural gas consumption will increase by 72% by 2030** if all of the PA DEP-approved natural gas power plants are built.

***A loophole in the plan allows exemption of 40+ plants built after January 8, 2014 from the plan.**

***Without having to include them, the state may appear to meet its Clean Power Plan target on paper, but in reality will fall 4.5% short of the 23% emissions**

reduction in stack emissions and would fall 15% short if lifecycle emissions were to be factored in.

Putting all these emissions into the air is the equivalent of putting 27.2 million more cars on the road annually. <http://www.paagainstfracking.org/new-report-under-clean-power-plan-natural-gas-consumption-in-pa-will-increase-by-estimated-72-by-2030-if-all-approved-power-plants-are-built/>

AND

“And make no mistake; regardless of what they pretend, they don’t intend gas to be a bridge fuel; they intend it to be the next energy fuel because once the infrastructure is in place, it will be our primary energy fuel for decades to come.

If you doubt me, see the data. PAF filed a right to know request for planned gas plants and found there are over 40 (they reported 42 and we found 3 others not included) in the planning stage. And, coincidentally (or not), 29 or so will be exempt for compliance with the new regulations due to loopholes of either being approved after January 2014 or have a capacity of under 45 megawatts.

Sadly, many environmentalists are not getting it about the CPP.”

<http://www.paagainstfracking.org/dirty-gas-has-no-place-in-a-clean-power-plan/>

*****Gas Industry Plans to Become More Aggressive**

"The industry plans on trying to re-brand their image, messaging and being more pro-active rather than reactive. And unfortunately they have the support of elected officials who should be acting as climate leaders for their constituents.

Ohio Lieutenant Governor Mary Taylor told an audience that the industry needs to do a better job marketing and “explaining the importance” of the industry to the public. And she wasn’t the only elected official to side with the industry. Speaker and **PA State Representative Mike Turzai proudly boasted that he helped to introduce a bill to create keystone energy zones for manufacturers in Pennsylvania that would help attract petrochemical manufacturers to the state,** such as the toxic Shell ethane cracker plant coming to Western Pennsylvania.” <http://www.foodandwaterwatch.org/insight/fracking-industry-feeling-heat-and-plans-fight-back>

*****Methane from Fossil Fuels**

"Methane emissions from the **fossil fuel industry are responsible for the majority of the recent rise in global atmospheric methane, according to a new study published in the Proceedings of the National Academy of Sciences.**"

<http://www.ecowatch.com/methane-emissions-fracking-2004656908.html>

*****EPA Plans to Dump Frack Wastewater in the Gulf**

"Attorneys for Center of Biological Diversity claim that regulators do not fully understand how the chemicals used in offshore fracking and other well treatments – **some of which are toxic and dangerous to human and marine life** – can impact marine environments, and crucial parts of the draft permit are based on severely outdated data. Finalizing the draft permit as it stands would be a violation of the Clean Water Act, they argue."

<http://www.occupy.com/article/epa-plans-allow-unlimited-dumping-fracking-wastewater-gulf-mexico#sthash.pfHowSb1.CQEFelr6.dpuf>

*****Mt Pleasant Twp hearing ---Thank you Dr Ketyer for putting children's health above gas profits
Gas Industry cites study that was never peer reviewed**

"PennFuture attorney George Jugovic Jr. then called on Dr. Edward Ketyer, a child development specialist with the Pediatric Alliance in Peters Township. *"Children are at higher risk from the effects of pollution. Their bodies are highly susceptible to toxic chemicals. Babies are being born in this country pre-polluted," Ketyer said.*

Attorneys for Range Resources challenged Ketyer's testimony as biased and irrelevant to zoning issues, bringing up his pediatrics blog and editorials published in the Pittsburgh Post-Gazette slamming carbon fuel extraction as a key contributor to climate change. Attorneys presented to him a 2011 study authored by Cardno ChemRisk that said a three-month air monitoring of two Range Resources drilling sites within a half-mile of Fort Cherry schools found no substantial air pollutants that would pose risk to human health.

Ketyer shot back, saying the study was not peer-reviewed and that various concentrations of different pollutants could affect people differently, depending on their age and overall health.

" http://www.observer-reporter.com/20160926/mt_pleasant_twp_gas_hearing_continued_to_oc

*****State Game Commission Official, Capouillez, Found Unethical**

A State Game Commission Official was **Fined \$75,000 for Ethics Violation Over Gas Deals.**

As Director of Bureau of Wildlife Habitat Management, William Capouillez was involved in oversight of gas leases for state game lands. But he also moonlighted by running a business that assisted landowners in making deals with the same drilling companies."

*****Radioactive Drill Cuttings" Approved for Road Construction**

"Pennsylvania environmental regulators have green-lighted a proposal to use **3,950 tons of natural gas drilling waste for an experimental road construction project at a Lycoming County hunting club.**

This approval marks the first time the waste- known as drill cuttings- can be re-purposed as construction material an area that's not an industrial site. The work is being done by Clean Earth, **the same firm that backed out of controversial plans to put 400,000 tons of drilling waste near Pennsylvania's "Grand Canyon" last year** amid a public backlash.

Drill cuttings are the waste dirt and rock that come up from deep underground in gas development and may contain naturally-occurring radiation and chemicals."

<https://stateimpact.npr.org/pennsylvania/2016/08/29/nearly-4000-tons-of-gas-drilling-waste-to-be-used-for-road-project/>

*****Insurance Companies Tired Of Paying the Bill For Climate Change**

"Warning that **climate change amounts to the "mother of all risks,"** three of the world's biggest insurance companies are demanding that G20 countries stop bankrolling the fossil fuels industry.

Multi-national insurance giants **Aviva, Aegon, and Amlin, which together manage \$1.2tn in assets, released a statement calling on the leaders of the world's biggest economies to commit to ending coal, oil, and gas subsidies within four years."**

<http://www.commondreams.org/news/2016/08/29/mother-all-risks-insurance-giants-call-g20-stop-bankrolling-fossil-fuels>

*****"PA Not Bothered By Sick Kids"**

"...Those same state officials could impose tougher regulations on Pennsylvania's natural gas industry -- a.k.a., fracking -- which experts say is the fastest growing source of ozone pollution in the state, even here in Philadelphia, far from the drilling rigs.

But in 2015, it was Wolf who got an education. **The millions of dollars that energy executives have donated to Pennsylvania's top lawmakers over the last decade, and the industry's well-oiled lobbyists made it clear that nothing -- not even the education of school kids -- was as important in Harrisburg as protecting the profits of Big Gas.** Pennsylvania is -- and always will be -- the only state with no severance tax.

And so in 2016, in order to get a budget passed (which didn't even really happen the year before) and to get that warm-and-fuzzy bipartisanship that voters claim they crave, **Wolf made a U-turn. His hard-charging pro-environmental DEP chief was forced out at the first opportunity. What was supposed to be the largest fine for fracking pollution in Pennsylvania history was undone. To get some new oil-and-gas regulations through the Legislature, Wolf was forced to exempt conventional gas drillers from the new rules.** And yet lawmakers are still threatening to scrap other pro-environmental measures, such as new rules to prevent methane leaks from drilling sites."

http://www.philly.com/philly/hp/news_top/391932341.html

*****Clean Air Council Rebuts D'Amico of Oil And Gas Assoc.**

"Louis D'Amico, president of the Pennsylvania Independent Oil & Gas Association, suggested that the large petro-chemical plant that Royal Dutch Shell is building in Beaver County will result in a "net decrease" in air emissions. That is absurd and clearly intended to mislead the public.

When the plant is built and operating, it will significantly worsen the air pollution in Beaver County. There are no ifs, ands or buts about it."

<http://www.post-gazette.com/opinion/letters/2016/07/31/Shell-s-cracker-emissions-data-involves-legal-sleight-of-hand/stories/201607310145>

*****Spectra Saw Pipe Corrosion 4 Years Ago**

"What we saw was about 10 to 15 percent a year, or about five times what conservative assessments would be based on," said Andy Drake, vice president of operations and environmental health and safety for Spectra. *We've never seen*

anything like this before.... a confluence of factors such as the tape coating, loss of wall thickness, higher temperatures from the nearby compressor station and environmental conditions contributed to the blast."

<http://powersource.post-gazette.com/powersource/companies/2016/09/13/Pipe-that-burst-showed-defect-four-years-ago-Spectra-investigation-found/stories/201609130202>

*****Solar Workers Now Exceed Workers in Coal Industry**

"Coal provides 33% of electric generation. Solar provides less than 1% yet employs more workers than coal. If politicians would focus on renewable energy instead of keeping fossil fuel afloat, many more people would be put back to work."

*****Massachusetts Supreme Court Finds It Illegal To Force Customers to Subsidize Private Gas Lines**

"In its decision, the Massachusetts Supreme Court declares it unlawful for Massachusetts to force residential electricity customers to subsidize the construction of private gas pipelines, requiring the companies themselves to shoulder the substantial risks of such projects rather than allowing that risk to be placed on hardworking families across the Commonwealth. "

*****Grant Twp PA Legalizes Civil Disobedience**

"A tiny community sitting on a 27-square-mile piece of Western PA wanted to send a **big message to the energy company planning to deposit toxic fracking wastewater under its neighborhoods**. And its 700 residents wanted it to be perfectly legal for them to loudly object.

Grant Township had seen what happens when people nationwide take to the streets to protest bullying corporations: Arrests. Lots of them.

So Grant Township planned ahead. **Two weeks ago, it passed a law that protects its residents from arrest if they protest Pennsylvania General Energy Company's (PGE) creation of an injection well.**

Residents believe this law is the first in the United States to legalize nonviolent civil disobedience against toxic wastewater injection wells. "We're doing it to safeguard the residents and protect as many people as possible," Township Supervisor Stacy Long said.

Long said legalizing direct action **is a response to the ongoing problem of rural residents seeing their voices excluded from discussions between state governments and big corporations on issues that have local ramifications.**

While the EPA claims injection wells are safe, the toxic contents of the wells don't always remain in the rock layer where they've been deposited. A ProPublica review found structural problems reported for 17,000 wells between 2007 and 2010.

<http://www.yesmagazine.org/planet/faced-with-a-fracking-giant-this-small-town-just-legalized-civil-disobedience-20160513>

Research/Reports

***EPA Advisory Board Criticizes EPA Report

"In a final assessment of the EPA study, the EPA's Science Advisory Board said the EPA should quantify its analysis, which was widely criticized by opponents of the natural gas industry when released in June 2015.



The advisory board called for data to support the EPA's headline conclusion that it had found no evidence of widespread impacts on drinking water but did not call for a quantified analysis.

Dr. David Dzombak, a Carnegie Mellon University engineering professor who chaired the panel that produced the drafts, and sits on the full SAB, said that the latest report added language **raising the possibility that the EPA could scrap language saying that there was no evidence of widespread impacts to water supplies.**

"One option for the agency would be to drop that conclusion," he told StateImpact. "The SAB is asking here for clarification of an ambiguous statement."

<https://stateimpact.npr.org/pennsylvania/2016/08/11/epa-science-advisory-board-sharpens-criticism-of-fracking-report/>

***Report, "Fracking By the Numbers"

"And affected communities are growing in number. **A new report details the sheer amount of water contamination, air pollution, climate impacts, and chemical use in fracking in the United States.**

"For the past decade, fracking has been a nightmare for our drinking water, our open spaces, and our climate," Rachel Richardson, a co-author of the paper from Environment America, told ThinkProgress.

It's not just humans who are being impacted. *In one area of Wyoming, the mule deer population has fallen by 40 percent in the past 15 years* — coinciding, the report says, with a fracking boom in the Pinedale Mesa region."

To link to the report:

<https://thinkprogress.org/frackings-total-environmental-impact-is-staggering-report-finds-7cec0834c0e5#.jzhjuqfpf>

***New Bacterial Communities Created By Fracking

"A Sept 2016 study identified new bacterial communities deep underground- 2.5 km deep- created by fracking. Biogeochemical changes induced in the deep subsurface are poorly understood. Fermentation of injected chemical additives sustains long-term microbial persistence, while thiosulfate reduction *could produce sulfide, contributing to reservoir souring and infrastructure corrosion.*

These microbes can accelerate corrosion of steel pipes and accelerate fracking leaks into water supplies.

The fracking bacteria also produce dangerous, toxic hydrocarbons.(benzene, ethylbenzene, toluene, xylene and naphthalene (BTEX-N)."

<http://www.nature.com/articles/nmicrobiol2016146>

***Adverse Health Effects of Hormone Disruptors in Frack Chemicals

"Even low level prenatal exposure to hormone disruptors found in frack chemicals, equivalent to concentrations reported in drinking water, resulted in **adverse reproductive and developmental health effects. This prenatal exposure to oil and gas operation chemicals suppressed pituitary hormone concentrations across experimental groups (prolactin, LH, FSH, and others), increased body weights, altered uterine and ovary weights, increased heart weights and collagen deposition, disrupted folliculogenesis, and other adverse health effects.**"

<http://dx.doi.org/10.1210/en.2016-1242>"

***** 27,000 Children's Summer Asthma Attacks in Illinois Blamed on Oil/ Gas Pollution**

"Research says 27,000 childhood asthma attacks occurred in Illinois, just over the summer months, due to air pollution from oil and gas operations. **Hundreds of Illinois children spend their days gasping for breath, according to a new report from the Clean Air Task Force.**

Janice Nolen with the American Lung, points out more than 9 million tons of methane and other pollutants are released each year by the oil and gas industry, contributing to the **formation of ozone smog pollution.**

You've got pipelines and engines and equipment that have historically just leaked some of these volatile organic compounds and methane, and have not been recognized as being the contributor that they are," she explains."

***** In PA, Living Near Fracking Tied to Migraines, Fatigue, Sinusitis**

"Living near a natural gas hydraulic fracturing site is associated with increased rates of sinus problems, migraines and fatigue, according to new research.

Scientists had 7,785 randomly selected participants in a large Pennsylvania health system fill out health questionnaires. About a quarter met criteria for one or more of three disorders: chronic rhinosinusitis, migraine headaches and severe fatigue.

The study, in Environmental Health Perspectives, ranked participants according to how closely they lived to fracking sites and larger wells. **Compared with those in the bottom one-quarter by this measure, those in the top one-quarter were 49 percent more likely to have sinusitis and migraines, 88 percent more likely to have sinusitis and fatigue, 95 percent more likely to have migraines and fatigue, and 84 percent more likely to have all three symptoms."**

http://well.blogs.nytimes.com/2016/08/25/living-near-a-fracking-site-tied-to-migraines-fatigue/?_r=1

***** PA Air Pollution Increases From Gas Sites: NOx, CO, Fine Particulate, VOCs**

"Air pollutants from Pennsylvania's gas production sites increased from 2013 to 2014, according to data released by the DEP. The air inventory data for shale gas production relies on information submitted by the industry,. Although the number of well sites reporting information to the DEP dropped by 2.7 percent from 2013 to 2014, the number of pipeline related infrastructure sites increased by 12 percent.

The 2014 shale gas emissions inventories **include increases of 18 percent for nitrogen oxides, 25 percent for both fine particulate matter and volatile organic compounds (VOC's), and 19 percent for carbon monoxide. Particulate matter causes heart attacks, asthma, and difficulty breathing. It can be fatal for people with heart**

and lung disease. VOC's cause a number of symptoms including eye, nose and throat irritations; headaches, nausea, as well as liver and kidney damage.

An epidemiological study conducted by the Johns Hopkins School of Public Health and recently published in JAMA, using medical records from the Geisinger Health System, found that **people with asthma face a larger risk of asthma attacks** if they live near heavy gas drilling activity in Pennsylvania, compared to those who don't.

Although **methane and carbon monoxide emissions had decreased in the 2013 inventory, for 2014 those pollutants were up by 19 percent for carbon monoxide, and 1 percent for methane, a potent greenhouse gas.** The Wolf administration announced new measures to control methane emissions in January but they have not been enacted.

Air pollutants can leak from various stages of the natural gas production and transportation sector.

In addition to well sites and compressor stations, industry reports data from dehydration units, pump seals and valves, heaters, pneumatic controllers and pumps, engines, tanks, pressurized vessels and impoundments, and venting and blow down systems."

https://stateimpact.npr.org/pennsylvania/2016/08/17/air-pollutants-from-pa-oil-and-gas-sites-continue-to-rise/#disqus_thread

Statements /Quotes

Dawn Law of Salem Twp. :

"For all the union members and industry reps in the room tonight, I am not against you having a job, but your job on this proposed project is temporary, and it's for exportation. Taking land by force through eminent domain, restricting its use and destroying our quality of life is permanent."

Engineer Seth Kovnat on Pipelines

(I am printing the entire statement because it is so informative. Jan)

"Seth Kovnat

September 13 at 9:43pm

To the attention of Mark Kirchgasser, Norman Shropshire, Scott Galloway, Dean Helm, Jr., Russ Carlson, Christopher Quinn, and Susan Powell and any other members of Middletown township town council

Hi my name is Seth Kovnat. I live at ***** with my wife and 2 small children, both of whom will be attending Glenwood Elementary. I have a master's degree in Mechanical Engineering and am the Chief Structural Engineer for *****, a local company that specializes in developing new technologies for the aerospace industry. My background in piping is extensive. I led the tubing analysis effort for NASA's Orion program and have designed, analyzed, and overseen tubing efforts for R&D aircraft.

When I first learned of the proposed Mariner East 2 pipeline project that could run through the heart of Middletown Township, I was more than a little concerned considering the sheer size, pressures, and materials involved that rival or exceed anything I've seen in my experience with rocket thrusters. I had an expectation that a pipeline within public range would have more regulations, oversight, and requirements than airplanes or spacecraft. Failure is simply not an acceptable option when the lives and property of so many people are involved. I am appalled to learn that this is simply not the case. Now, some of the

procedures in place are very similar to what I am used to seeing with regard to certified welders, destructive/ non-destructive testing, inspection, and proof testing. However, other factors, such as corrosion, trench digging effects, and emergency protocol are simply not addressed in a serious way.

Even if everything is installed perfectly, the risk is still significant, especially since this pipeline will be here “forever”, long enough for most citizens to forget about the associated risks. There are always unknown events that can cause pipe failure and on pipes this large and pressurized to these levels, failure is simply catastrophic. Given enough time (and forever is enough), something will happen. Nothing is foolproof, and Sunoco’s abysmal safety record indicates that a leak or breach might occur sooner rather than later. And the potential consequences of that breach are enormous.

Let me give a little perspective from an engineering standpoint of what a breach would look like on a 20 inch diameter, 1,500 PSI pipeline containing highly volatile liquids. First, the leak would need to be detected by Sunoco, a company whose operating safety systems have failed to detect at least 25% of the leaks on its pipelines over the last ten years. Next, the valves on either side of the leak would need to be closed. These valves will be at least 6 miles apart. It can take 10-30 minutes from the time a leak is identified to the time the shutoff valves are fully closed.

But let’s suspend disbelief and imagine for a moment a best case scenario where the leak is identified and the valves are shut off immediately. Even in this case, the entirety of the volatile liquid within that 6 mile pipeline segment, over 500 thousand liquid gallons, will become depressurized, convert from liquid to gas, and escape into the air. When these materials become gaseous, they increase in volume by about 500 times, meaning over 300 million gallons of heavier-than-air, explosive gas would blanket the surrounding area, potentially asphyxiating anyone in its path even before finding an ignition source.

Assuming the gas spreads over 300 acres of flat topography, the 300 million gallons of heavier-than-air-gas would fill up from the ground to a height of about 3 and a half feet, about the size of the children that congregate at nearby Glenwood Elementary School and Sleighton Park. It would completely engulf any lower lying areas in gaseous fuel. One spark to the over 2.5 million pounds of propane, ethane, or butane gas and the entire gas cloud will ignite, creating a 3,600 degree F fire blanket with energy equivalent to over 15 kilotons of TNT and equal to the energy in “Little Boy”, the nuclear bomb dropped over Hiroshima.

An ignition source could come from anywhere - a car engine, a doorbell, a garage door opener, a cell phone. A leak or explosion in a pipe this large would impact a radius of at least half a mile, over 300 acres. Explosions and leaks of this magnitude have occurred in NGL pipelines before. In fact, a leak occurred on a Sunoco pipeline just down the road in Aston this year. None of the escaped gas was recovered. Luckily there was no spark. But counting on luck is not a credible plan.

Sunoco’s generic emergency protocol suggests that in the event of a known or suspected leak, residents should quickly move away from the pipeline on foot, upwind, to a distance of at least half a mile. As I stand before a group of reasonable people, I must ask you, is this reasonable plan? For residents to be able to determine the direction of the wind, and then run through potentially rough terrain, over fences, around buildings, through woods? Now imagine running carrying a small child, or your elderly parent, in the cold, or through a

snowstorm, with your lungs filling up with ethane or butane or propane. What if the pipeline is upwind? What if the wind changes direction? How do we evacuate schools or preschools or elder care facilities under this plan? Is evacuation even possible? There is no odorant added to these materials to allow people to even smell the odorless gas, so maybe we don't even know a leak has occurred until it is too late for anyone to run.

Sunoco has simultaneously managed to downplay these risks and create a scenario where the public feels we have no choice but to accept these risks. To those who believe this is just another pipeline, I am here to tell you that it is not typical, not a utility, and carries many thousand times the risk of other pipes in the ground, perhaps the lone exception being Mariner East 1.

The difference:

- 1) Propane, ethane, and butane are 10 times more volatile than petroleum products, and they are gaseous, as opposed to liquid, when in the environment, much more difficult to contain when leaks occur.
- 2) The extreme internal pressures being used put the pipeline under incredible stress, increasing the likelihood of rupture, and making any incident one of epic proportions. The utility gas lines distributing to homes are at pressures 2 orders of magnitude lower and are gas inside the pipe.
- 3) The large pipe diameter allows an insane amount of liquid NGL to be packed into each pipe segment, ensuring that any leak will be catastrophic with plenty of fuel to feed an epic explosion. Utility gas lines are typically 2in diameter with 100 times less flow area and 50,000 times less fuel mass since utility gas is transported as a gas.
- 4) Finally, the proximity to densely populated areas, containing homes, schools, hospitals and businesses means that thousands of people are at risk every day.

As an engineer with knowledge of pipes, I know that installation is critical to the performance and longevity of the pipeline. Inadequate installation, including trench digging, welding, inspection, and testing can result in failure of the pipeline during operation. Embrittlement and corrosion can attack inadequately welded joints and sections of pipe with compromised coatings. Compounding things further is that it is unusual to find seamless tubing over 18 inches in diameter. This means that the proposed 20 inch pipe will likely be made from rolled plate that gets seam welded at the steel mill. This seam-welded pipe is not as reliable as continuous-wall or drawn pipe and further increases risk, as recent structural failures have graphically illustrated.

Inadequate pipe welds may or may not cause the pipeline to fail proof testing. So it is possible for the pipe to pass proof testing and still be inadequate and fail prematurely. Sunoco claims its procedures are sound. However, there have been numerous times when Sunoco has received major federal enforcement action for not following their own procedures and federal safety regulations. One enforcement action was brought by the federal government against Sunoco in April 2016. The federal regulator found that Sunoco used unqualified personnel to perform 3,000 welding operations on a new pipeline. Rather than rectify the problem, Sunoco attempted to "back-qualify" the welders, some of whom were unable to perform satisfactory welds even after multiple attempts. The federal government has proposed a \$1.278 million dollar fine against Sunoco as a result of its investigation.

Consistent maintenance over the lifetime of the pipeline is absolutely critical since we are talking about a forever timeline. Corrosion is a real concern as it is a contributor to many pipeline failures that have occurred. Steel corrodes. New high tech coatings provide significant improvements (believe me, I use them every day), but eventually, they will wear away. Smart PIGs and other inspection techniques are able to clean and inspect the inside of the pipe. However, there really is no reliable way to inspect the outside of an underground pipe for cracks and corrosion. Burrowing these pipes into deep trenches or holes, with the pipes scraping along the edges of hollowed out soil will set the pipe on a course for expedited corrosion.

Again, this is not a hypothetical concern. Sunoco is the owner of the industry-high number of reported incidents, with 26 having occurred in Pennsylvania. The vast majority of these hazardous liquids leaks were caused by one of three causes: corrosion, incorrect operation, or material/weld/equipment failure. As an example not far from here, a Sunoco petroleum pipeline failed due to corrosion in Edgmont Township. The leak was detected by the property owner, not by Sunoco's operating detection system. Shortly after the leak, Sunoco was delivering bottled water to surrounding residences; a few days later, Sunoco found MTBE, a gasoline additive, in a nearby well water. The causes of this event appear to be corrosion; Sunoco's failure to detect the corrosion; and Sunoco's failure to detect the leak.

Sunoco claims to have been operating HVL pipelines safely and for a long time. However, they cannot claim that they have never leaked these materials. Consider the following examples:

- 1) Oregon OH, September 2014
- 2) Beaumont TX, January 2015
- 3) Again in Oregon OH, June 2015
- 4) Again in Beaumont TX
- 5) Finally, down the road in Aston PA, May 2016

I would say that accidentally leaking volatile NGL gas into neighborhoods is not demonstrating safe operation. These leaks did not yield an explosive conclusion. However, there are plenty of examples throughout the US and the world where NGL leaks of similar magnitude have led to devastating explosions. Maybe Sunoco has a different definition of the word "safe."

Protecting the installed pipeline from future digging or tampering is imperative to preventing failure in the line. In highly dense areas, the pipeline will be at risk of people digging on their private properties. Although the township provides underground utility marking prior to any excavation project, people sometimes circumvent that process if they themselves deem that it is not important. At any time people living on these lands may not be aware of the pipeline's presence, and could accidentally dig into the pipeline, causing explosive failure. Sunoco also notes the risk of the pipeline being used as a terrorist target in their own literature for first responders. I absolutely agree.

In summary, the Mariner East 2 pipeline is a wildly unnecessary public health and safety risk to the residents, businesses, and visitors of Middletown Township. It is a classical industrial pipeline of epic proportions unlike anything currently operating in a densely populated area. Its sole purpose: serving to improve the bottom line of Texas-based Sunoco as this material is shipped overseas. The pipeline is not a sustainable source of jobs. It may introduce a few new local jobs for a minute. Given Sunoco's connections to the Gulf and the

downturn in the oil industry down there, even that is not a guarantee. Actually, the likeliest long term jobs to result from this proposed project are environmental remediation specialists and pediatric asthma physicians. Regardless, as soon as installation is complete, most jobs will vanish. Our community will be left only with the anxiety of knowing that a ticking time bomb is literally running under our feet, jeopardizing our safety, our quality of life, and our property values, all at the same time. Sunoco has demonstrated time and time again that they are incapable of keeping their materials contained within their pipes, and we simply cannot entrust them with ours and our children's lives, not for any price.

Sincerely,
Seth Kovnat
Middletown Coalition for Community Safety"

Frack Links

*****Link to Shalefield Stories-Personal stories of those affected by fracking**
<http://www.friendsoftheharmed.com/>



*****To sign up for Skytruth notifications of activity and violations for your area:**

<http://alerts.skytruth.org/>

***** List of the Harmed--There are now over 1400 residents of Pennsylvania who have placed their names on the list of the harmed when they became sick after fracking began in their area.** <http://pennsylvaniaallianceforcleanwaterandair.wordpress.com/the-list/>

***** To See Water Test Results of the Beaver Run Reservoir**

IUP students test for TDS, pH, metals- arsenic, chromium, and strontium. We have not seen results for other frack chemicals including the organics BTEX group, or cesium for example. Here is a link to the IUP site:
<http://www.iup.edu/page.aspx?id=120005>

Newsletter information-Please Contact Jan Milburn