

Dear Senator,

We, the undersigned organizations, are writing to express our opposition to SB 411.

SB411 would amend the Environmental Good Samaritan Act (EGSA) and extend immunity for those involved in withdrawing Acid Mine Drainage (AMD) in connection with oil and gas operations and other uses offsite. The bill does not promote the reduction and abatement of AMD pollution and does not clean up streams that are presently impacted by AMD. SB411 would incentivize the spread of AMD-polluted water to other streams and watersheds in Pennsylvania and harm streams and communities through the depletion of water supplies and healthy flows in these vulnerable waterways.

SB411 is not an environmentally beneficial bill; it is quite the opposite. It is no more than an attempt to provide immunity to those who do no more than withdraw and sell AMD for a profit and would do nothing to clean up pollution. This undermines the EGSA and its core purpose of facilitating the cleanup of AMD by providing immunity to those entities who are remedying the AMD problem.

Although proponents of SB411 suggest that that bill would reduce the stress on fresh water supplies that are being depleted by water consumptive natural gas development and other depletive applications while also addressing AMD pollution, it actually works at cross purposes on both counts. SB411 does not require the cleanup of AMD. Rather, SB 411 would spread AMD pollution around, and could lead to depletion of healthy stream flows and aquifers through extensive water withdrawals in AMD-impacted areas. In western Pennsylvania waterways without basin commission jurisdiction, over-pumping is even more likely due to lack of a specific body of regulation with established water withdrawal limits; this is also where many AMD problems exist and many residents are dependent on private water wells. The effect would not benefit the state's residents, water supplies, or environment.

The result of extensive withdrawals could be costly for landowners who lose water supplies or whose water quality is degraded. This is because the bill's provisions regarding damaged water supplies would force landowners to hire expensive expert analysis just to prove that a water withdrawal company caused damage to their water supply. For instance, extensive water withdrawal from mine pools by the over-pumping of groundwater can cause adjacent clean groundwater to be drawn in, depleting regional water wells and reducing the healthy base flow of local streams. This would deplete drinking water and harm downstream water supplies, fish and aquatic life. Over-withdrawal of groundwater could lead to land subsidence as well, but there is no statutory remedy for subsidence damage, leaving landowners without a remedy against the operator.

In summary, we ask you to oppose SB 411. SB 411 can be expected to result in a more wide-spread AMD pollution problem, deplete clean fresh aquifers through over-pumping, and threaten the rights of downstream riparian owners. It also offers no benefits except to operators who will profit off selling AMD-impacted water. SB411 works against the very goals of the EGSA and the protection of the Commonwealth's fresh water resources, a "lose-lose" for Pennsylvanians.

Sincerely,

Allegheny Defense Project, Ryan Talbott, Executive Director

Berks Gas Truth, Karen Feridun, Founder

Center for Coalfield Justice, Patrick Greuter, Esq., Executive Director

Citizens for Water, Joe Levine, Director

Clean Water Action - Pennsylvania, Steve Hvozdoch, Marcellus Shale Coordinator

Damascus Citizens for Sustainability, Barbara Arrindell, Director

Delaware Riverkeeper Network, Maya van Rossum, the Delaware Riverkeeper and Tracy Carluccio, Deputy Director

Earthworks, Nadia Steinzor, Eastern Program Coordinator

Food and Water Watch, Pennsylvania Coordinator, Sam Bernhardt

Green Party of Pa, Jay Sweeney, Chair

Green Party of York County, Steve Izzo, Delegate

League of Women Voters of PA, Susan Carty, President and Betty Tatham, Vice President, Issues and Action

Marcellus Outreach - Butler, Michael Bagdes-Canning, Planning Group Member

Mountain Watershed Association, Beverly Braverman, Executive Director

NYH2O, Buck Moorhead, Chair

Paradise Gardens and Farm, J. Stephen Cleghorn, PhD

Peach Bottom Concerned Citizens Group, Maria Payan, Executive Director, York County, PA

PennEnvironment, David Masur, Executive Director

Pennsylvania Alliance for Clean Water and Air, Jenny Lisak, Co-director

Protecting Our Waters, Iris Marie Bloom, Executive Director and Coryn Wolk, Deputy Director

Responsible Drilling Alliance, Robert Cross, Board President

Shale Justice Coalition, John Trallo, Executive Committee

Transition York, Steve Izzo

Upper Burrell Citizens Against Marcellus Pollution, Ron Slabe, Debra Borowiec, Co-founders

Westmoreland Marcellus Citizens Group, Jan Milburn, President

Youghiogheny Riverkeeper, Krissy Kasserman

If you have any questions, please contact tracy@delawareriverkeeper.org