

For Immediate Release  
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**Organizations Demand PADEP Reveal all Data from Water Tests,  
Provide Information to Homeowners**

*Pennsylvania policies do not provide needed protection from gas drilling pollution*

*Harrisburg, PA* – 25 organizations sent a letter to Governor Tom Corbett today criticizing the PA Department of Environmental Protection’s well water testing and notification policies as outdated, lacking transparency, and inadequate to protect residents and drinking water from pollution caused by gas drilling. The groups called on the Governor to take immediate action to reform PADEP’s procedures and disclose all data collected through DEP water tests but only partially reported to households where the testing occurred.

The letter and requests for action were prompted by information revealed through depositions in the case of Kiskadden vs. PADEP and DEP Secretary Michael Krancer’s recent announcement of changes to how suspected water pollution from shale gas operations is investigated.

The organizations’ letter made three requests:

- **DEP report all data from households where well water was sampled due to suspected pollution from gas and oil operations.** A court deposition of the technical director of DEP’s Bureau of Laboratories indicated that DEP routinely omits data on 16 of 24 heavy metals for which it conducts water analyses from the final reports provided to well owners. Some of the omitted metals have serious health impacts and have been found in drilling flowback and produced water. DEP should revise its testing protocol to include all potential contaminants so the agency can accurately evaluate drinking water impacts and affected residents can make informed decisions about their water supplies.
- **DEP revoke the new policy requiring administrators in Harrisburg to approve any positive notices of water contamination before public notification is made.** In response to previously made requests in this regard, Secretary Krancer claimed DEP was fully transparent. In light of the revelations of Kiskadden vs. PADEP, the

groups reasoned that the data used by DEP and provided to the public is neither complete nor accurate, and should not be the basis of determining whether pollution has occurred. Notification of contaminated water should be made without delay and bureaucratic red tape eliminated due to the potential harmful health impacts on residents waiting for testing results.

- **The missing results from all well water tests ordered by the DEP should be provided immediately to well owners.** This includes all tests using special reporting codes that omit from reports data that is necessary for accurate determinations by DEP of whether pollution occurred and whether residents' health and water supplies are being harmed. Determinations by DEP based on partial data must be questioned.

The groups concluded that such actions are key to ensuring that the DEP, as a public agency, fulfills its responsibility to serve the public interest and rigorously protects Pennsylvania's residents and the environment. The groups pointed out that current policies fly in the face of DEP's mission to protect the state from gas drilling pollution, increase the risk of residents' exposure to contaminated drinking water, and undermine DEP's credibility in the eyes of the public.

"One the biggest fears for people living near drilling is the possibility of having your drinking water supply impacted. We trust DEP to look out for us and safeguard this vital resource. However, that trust is shaken and eroded when you learn about procedures and policies like this. Clean Water Action is proud to join with other organizations in calling for swift response to correct these procedures and policies and restore faith that DEP is looking out for the public's best interest not the oil and gas industry's," says Steve Hvozdoch, Marcellus Shale Policy Associate, Clean Water Action.

"As gas development spreads across Pennsylvania, problems with drinking water and health often follow," says Nadia Steinzor with Earthworks' Oil & Gas Accountability Project. "Residents of the Commonwealth turn to the DEP to help them find answers—not limit the very information on which those answers depend. Transparency and reliability are hallmarks of responsible public agencies, which the DEP in this case clearly is not."

"Pennsylvanians need protection from the invasive pollution that drilling and fracking is bringing into communities and into the water people drink. But when pollution of a water well is suspected, DEP isn't on the job. Instead of digging deep to discover the facts, they are doing cursory testing and holding back critical information from those affected, making their decisions fatally flawed. This is flat out wrong and we're calling on Governor Corbett to make immediate changes," says Maya van Rossum, the Delaware Riverkeeper.

"Pennsylvania residents in fracked communities have complained for years that DEP has protected the industry instead of protecting their water, air, land and health. Withholding information from impacted homeowners endangers public health and is inexcusable. We call for a complete reversal in DEP's priorities and an end to their betrayal of Pennsylvania communities," states Iris Marie Bloom, Director, Protecting our Waters.

"The deposition testimony shows where DEP's priorities lie - the agency doctored lab reports in order to protect the fracking industry from the people it is charged with safeguarding," said Sam Bernhardt, Pennsylvania Organizer for Food & Water Watch. "The process of fracking simply cannot be done safely," he concluded.

"As citizens concerned for the health and safety of their families, property owners deserve better from the DEP than having any water test results withheld. Moreover, as taxpayers, property owners are entitled to all 24 data points in the test results because their tax dollars paid for them," states Karen Feridun, founder of Berks Gas Truth.

Julie Edgar of Lehigh Valley Gas Truth states, "Lehigh Valley Gas Truth thinks that this development, though superficially shocking, is unfortunately characteristic of the DEP under the regime of Governor Corbett, and we call out as demonstrated by these shady procedures that benefit privatized corporate profit agendas while sacrificing public health."

**Organizations that signed on to the letter:**

Berks Gas Truth  
Center for Coalfield Justice  
Clean Air Council  
Clean Water Action  
Cross County Citizens Clean Air Coalition  
Delaware Riverkeeper Network  
Earthjustice  
Earthworks' Oil and Gas Accountability Project  
Food and Water Watch  
Gas Truth of Central PA  
Greenpeace  
Lehigh Valley Gas Truth  
Lower Susquehanna RIVERKEEPER®  
Marcellus Outreach Butler  
Marcellus Protest, c/o Thomas Merton Center  
Mountain Watershed Association  
PennEnvironment  
Pennsylvania Alliance for Clean Water and Air  
Physicians for Social Responsibility – Philadelphia  
Protecting our Waters  
Responsible Drilling Alliance  
Sierra Club Pennsylvania Chapter

Three Rivers Waterkeeper  
Tour de Frack  
Youghiogeny Riverkeeper

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**A COPY OF THE LETTER FOLLOWS:**

November 14, 2012

The Honorable Tom Corbett  
225 Main Capitol Building  
Harrisburg, PA 17120

**Re: DEP Procedures on Reporting of Water Test Results and Notices of Violations Related to Shale Gas Operations**

Dear Governor Corbett:

On behalf of the undersigned organizations, we are writing with regard to current Pennsylvania Department of Environmental Protection (“DEP”) policies and procedures. Specifically, this regards water quality testing protocols for samples taken due to suspected impacts from oil and gas development, and notices of water contamination related to Marcellus Shale gas operations.

In sum, we have grave concerns that these procedures lack transparency; result in the withholding of vital data from affected households and the public; force residents to potentially undergo prolonged exposure to contaminants that can impact health; and delay action necessary to correct pollution of drinking water supplies.

With these concerns in mind, we have three requests for your immediate consideration. These requests are based on issues that came to light through recent depositions in the legal case of Kiskadden vs. PADEP and that were detailed in a letter submitted to you by Earthjustice and several other organizations on October 23, 2012 (“the Earthjustice letter”).

**First, the DEP must, without delay, take action to correct its procedures for analyses of water samples from private water supplies.** As revealed in the Kiskadden vs. PADEP deposition of Taru Upadhyay, technical director of DEP’s Bureau of Laboratories—and as subsequently widely reported in the media—DEP routinely omits data on 16 of the 24 heavy metals for which it conducts water analyses (per EPA Method 200.7) from the final reports provided to households where the sampling occurred. These samples are often collected in response to complaints of changes in water quality and suspicion of water contamination from oil and gas operations. It is scientifically well-established that many of these heavy metals pose human health hazards and some are carcinogenic; some have been found in flowback and produced water from drilling operations.

The current procedure represents a significant lack of transparency that flies in the face of the responsibilities of a public agency. Most concerning is the blatant disregard for the potentially serious impacts on the people whose water supplies may have been affected by oil and gas operations. There is

simply no justification for withholding the full results of water sampling from the people whose water supplies have been tested. Residents have the right to receive all available information pertaining to both their water supplies and health, and it is not DEP's role to limit that access.

Furthermore, this reporting procedure reflects an anachronistic approach to water testing that is gravely insufficient in light of the new and specific impacts of high-volume drilling and hydraulic fracturing in deep shale formations. In particular, this includes the use of a much larger number of chemicals by operators and the mobilization of heavy metals and other dangerous substances that naturally occur in the formations that are drilled—both of which pose significant risks to drinking water supplies and should therefore be reflected in water testing protocols related to oil and gas development. The testing protocol should be revised to include testing for all these potential contaminants.

Assertions by DEP that reporting of heavy metals detected in water analyses isn't necessary because levels are "low" also represents an outdated approach given emerging evidence of the health and environmental impacts of gas development, as well as prevailing gaps in both science and testing standards. In particular, Maximum Contaminant Levels (MCLs) for drinking water don't even exist for many chemicals and substances of concern, including several metals (such as aluminum, nickel, molybdenum, and manganese)—making it impossible for DEP to judge whether particular levels are "safe" or not. Information on the impacts of exposure to multiple contaminants simultaneously, even at low levels, and exposure to chemical compounds that are synergistically created in the extraction process is also very limited.

**Second, we request that the DEP rescind its recently revised policy on notices of water contamination related to Marcellus Shale gas operations,** which requires administrators in Harrisburg to approve any positive notices before they are issued to affected members of the public. Similar to the water analysis procedure discussed above, this policy reflects a significant lack of transparency that compromises the public's right to information on matters that impact their health and the environment.

In its letter, Earthjustice and 13 other organizations requested that the notices approval policy be reversed in order to protect the people whose water test results could be underreported or delayed, and emphasized that DEP's internal decision to revise its procedures lacked the opportunity for citizen participation. The Earthjustice letter concluded that ending the policy is necessary "...to ensure that contamination of Commonwealth waters is fully and promptly disclosed to affected citizens" (emphasis added).

DEP Secretary Michael Krancer responded by letter on October 26 by defending DEP's reporting process, stating that "Your statements regarding transparency are a red herring" and "We are driven by the facts, and the results of our investigations inform our determinations." However, we must question such assertions considering what has been revealed through the Kiskadden vs. PADEP deposition, which underscores that DEP is, in fact, quite willing to withhold data from those directly affected and the public.

In addition, in his response to the Earthjustice letter, Mr. Krancer uses flawed reasoning to explain his agency's determinations regarding potential or actual water contamination by gas operations, as key data integral to making those determinations is, quite simply, missing. With incomplete data as its basis, the current notices approval process subsequently fails.

The question now must be asked, “Are determination letters issued by DEP under this policy valid or should those determinations be revisited based on the full data?” **With this in mind, and to begin to address this issue, our third request is that DEP now provide full testing results to any well owner who received test results under Codes that were incomplete.**

Both the withholding of information from those who are dependent on a full and accurate analysis of their water supply and limited determinations of violations reflect an agency that is losing its credibility. Residents of the Commonwealth must be able to trust the DEP to oversee and regulate industry in a manner that protects public health and the environment. Yet current policies and procedures violate that trust—and provide evidence of DEP’s failure to serve the interests of the state’s residents before those of the oil and gas industry it is charged with overseeing.

A positive response and swift action with regard to our three requests outlined above would signal that your office is committed to ensuring that the DEP carry out its mandated responsibilities in a manner that serves the public interest and rigorously protects Pennsylvania’s residents and environment.

Thank you for your time and consideration.

Sincerely,

*In alphabetical order:*

Berks Gas Truth, Karen Feridun, Founder  
Center for Coalfield Justice, Patrick Greuter, Executive Director  
Clean Air Council, Joe Minott, Executive Director  
Clean Water Action, Steve Hvozdoch, Marcellus Shale Policy Associate  
Cross County Citizens Clean Air Coalition, Rebecca Roter, Coordinator  
Delaware Riverkeeper Network, Tracy Carluccio, Deputy Director  
Earthjustice, Deborah Goldberg, Managing Attorney  
Earthworks’ OGAP, Nadia Steinzor, Eastern Program Coordinator  
Food & Water Watch, Sam Bernhardt, Pennsylvania Organizer  
Gas Truth of Central Pennsylvania, Susan Norris  
Greenpeace, Phil Radford, Executive Director  
Lehigh Valley Gas Truth, Julie Edgar, Organizer  
Lower Susquehanna RIVERKEEPER®, Guy Alsentzer, Director of Operations  
Marcellus Outreach Butler, Diane Sipe, Planning Committee  
Marcellus Protest, c/o Thomas Merton Center, Gloria Forouzan  
Mountain Watershed Association, Beverly Braverman, Executive Director  
PennEnvironment, Erika Staaf, Clean Water Advocate  
Pennsylvania Alliance for Clean Water and Air, Jenny Lisak, Co-director  
Physicians for Social Responsibility – Philadelphia, Cherie Eichholz, Executive Director  
Protecting our Waters, Iris Marie Bloom, Director  
Responsible Drilling Alliance  
Sierra Club Pennsylvania Chapter, Thomas Au, Conservation Chair  
the Delaware Riverkeeper, Maya van Rossum  
Three Rivers Waterkeeper, John Stephen, Executive Director  
Tour de Frack, Jason Bell, co-founder  
Youghiogheny Riverkeeper, Krissy Kasserman

Cc:

Michael Krancer, Secretary, Department of Environmental Protection

Scott Perry, Deputy Secretary, Office of Oil & Gas Management, DEP

Michael Wolf, Acting Secretary, Department of Health

S.I. Shahied, Director, Bureau of Laboratories

Robert F. Powelson, Chairman Pennsylvania Public Utility Commission

Eugene DePasquale, Auditor General Elect

Shawn Garvin, Director, EPA Region 3

Kathleen Kane, Attorney General Elect

Sam Smith, Speaker of the House

Frank Dermody, Pennsylvania House Minority Leader

Jay Costa, Pennsylvania Senate Minority Leader

Dominic Pileggi, Pennsylvania Senate Majority Leader

DEP Citizen Advisory Council