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Contacts:

Tracy Carluccio, Delaware Riverkeeper Network, 215-369-1188 ext. 104
Nadia Steinzor, Earthworks Oil and Gas Accountability Project, 202-887-1872 ext. 109
Steve Hvozdoich, Clean Water Action, 412-765-3053 x 210
Karen Feridun, Berks Gas Truth, 610-678-7726
Thomas Au, Sierra Club Pennsylvania Chapter, 717-234-7445
Nick Kennedy, Mountain Watershed Association, 724-455-4200
Kristen Cevoli, PennEnvironment, 215-732-5897 ext. 4

PA Environmental Organizations Challenge PA-DEP Claims of Adequate Oil & Gas Oversight

Agency's response to Auditor General neglects to address water contamination issues from natural gas drilling

Harrisburg, PA – Environmental and citizen organizations sent Pennsylvania Department of Environmental Protection (DEP) Secretary, Chris Abruzzo a letter today challenging the agency's response to issues raised in Auditor General Eugene DePasquale's DEP Performance Audit, released on July 22nd. The audit identified serious flaws in the DEP's oil and gas monitoring and enforcement programs.

A copy of the letter can be downloaded at <http://bit.ly/1qDS7OB>. The organizations take issue with DEP's claim that flaws in the agency's programs have been fixed and details critical gaps that put water quality and health at risk. In addition, the organizations express disappointment with DEP's rejection of all of the eight key deficiencies uncovered in the Performance Audit. Although DEP simultaneously agreed with all or parts of 22 of the 29 related recommendations from the Auditor General, the agency has yet to provide any evidence of how they intend to implement the recommendations.

"PADEP has fallen down on the job despite their attempts to favorably spin the critical analysis laid out so graphically by the Auditor General's performance audit. The Auditor General explains how the agency simply isn't effectively serving the public in its oversight responsibilities of shale gas development and DEP defensively responded with lots of weak excuses. The people of Pennsylvania and our clean water and air are paying the price of DEP's failings and until they make fundamental changes they will continue to contribute to the shale gas problems communities are experiencing," said Tracy Carluccio, Deputy Director, Delaware Riverkeeper Network.

"The DEP's press release states that the Auditor General's report found no instances where the agency failed to protect public health, safety, or the environment from unconventional gas drilling activities. Secretary Abruzzo said that the report 'validates' his agency's performance, but perhaps Secretary Abruzzo doesn't know what 'validates'

means,” said Karen Feridun, founder of Berks Gas Truth. “A scathing 145-page report that cites numerous significant deficiencies and makes no fewer than 29 recommendations for overhauling the DEP’s record keeping systems and addressing its completely inadequate process of conducting inspections is hardly validation of the agency’s clearly skewed self-perception. It certainly provides no validation of matters that were outside of the scope of the audit, namely the DEP’s ability to protect public health, safety, or the environment.”

The organizations have regularly met with DEP staff for more than a year to discuss impacts from oil and gas operations on water quality. Earthworks, one of the organizations involved in the meetings, recently released their own report *Blackout in the Gas Patch*, which details similar problems in how DEP permits and oversees gas and oil operations and subsequent impacts on air and water quality. Both that report and the Performance Audit confirm many of the same issues the organizations have directly asked DEP to address.

“We’ve met with DEP, analyzed the response to the Auditor General, and conducted our own research with one central goal in mind: to help Pennsylvania’s regulators step up and protect the environment and health,” said Nadia Steinzor, Eastern Program Coordinator for Earthworks and author of the Blackout report. “DEP should stop refuting strong evidence of problems and start advocating for more agency resources and stronger industry oversight. Only then will it be able to fulfill its mandate and serve the public”

“We wholeheartedly agree with the overall conclusions of the Performance Audit and the Blackout in the Gas Patch report,” said Steve Hvozdoch, Marcellus Shale Policy Associate, Clean Water Action. “If these reports validate anything, it is the message we have been publicly delivering for over a year now that DEP is underfunded, understaffed, and does not have sufficient policies in place to meet the continuing demands placed upon it by expanded shale gas development and to protect the environment and health.”

The organizations believe the reforms adopted by DEP and outlined in the comment response section of the Performance Audit are insufficient. Their letter details steps DEP needs to take in five key areas, including transparency of information; communication with citizens; tracking of complaints and agency responses; tracking of oil and gas field waste; and the frequency of well inspections. The organizations hope these comments will spur DEP to provide clarification and enhance measures to solve and prevent environmental and health impacts associated with oil and gas operations, and to be more responsive to the public it serves.

“The DEP’s attempts to shirk all negative critiques make our calls for greater transparency louder. It is time for the DEP to own up to its flaws and start a real dialogue with the public. Our organizations will not stop applying pressure until the DEP institutes essential department-wide reform,” said Nick Kennedy, Community Advocate, Mountain Watershed Association.

“Unfortunately for Pennsylvania’s environment and the health of the state’s residents, the AG’s report validated many of the deficiencies that citizens and experts in the field already knew about the DEP’s oversight of fracking in the Commonwealth,” stated Kristen Cevoli, Fracking Program Director of PennEnvironment. “For the health of Pennsylvania’s citizen’s and its environment, it is critical that the DEP, as well as our elected officials in Harrisburg, embrace the recommendations laid out by the Auditor General’s office. If not, fracking will leave Pennsylvania with the same toxic legacy as the coal industry before it, and future generations will be left footing the bill and doing the cleanup.”

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