



CHESAPEAKE BAY FOUNDATION
Saving a National Treasure

Remarks

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GOOD MORNING.

MY NAME IS MATT EHRHART; I'M THE PENNSYLVANIA EXECUTIVE DIRECTOR FOR THE CHESAPEAKE BAY FOUNDATION.

I'D LIKE TO RE – EMPHASIZE WHAT PAUL HAS ALREADY MADE VERY CLEAR. WE HAVE NINE VOTING DAYS LEFT IN THE LEGISLATIVE SESSION.

IT IS IMPERATIVE THAT WE ADDRESS THE CRITICAL CONCERNS AND OPPORTUNITIES RELATED TO THE DEVELOPMENT OF THE MARCELLUS SHALE GAS PLAY AND THE FUTURE OF UNCONVENTIONAL GAS DEVELOPMENT.

WE CAN'T AFFORD TO SETTLE FOR LEGISLATION THAT ADDRESSES ONLY SOME OF THE ISSUES OR LEAVES OUT CRITICAL DETAILS THAT WILL IMPACT OUR COMMUNITIES AND OUR ENVIRONMENT.

SAVE THE BAY

THE GENERAL ASSEMBLY MUST ENACT COMPREHENSIVE LEGISLATION THAT BRINGS THE ANTIQUATED OIL & GAS ACT UP TO 2012 STANDARDS, FULLY ADDRESSES THE CONCERNS, PROVIDES PROTECTION FROM THE REAL IMPACTS, AND ENSURES PUBLIC HEALTH AND SAFETY AND ECONOMIC SECURITY FOR OUR COMMUNITIES.

IT WAS MY PRIVILEGE TO SERVE ON THE GOVERNOR'S MARCELLUS SHALE COMMISSION. WHILE MANY OF YOU MAY HAVE ATTENDED THE FULL COMMISSION MEETINGS AND THE WORK GROUP MEETINGS, WHAT YOU DIDN'T SEE WAS ENDLESS HOURS OF PHONE CALLS AND DAYS OF MEETINGS THAT TOOK PLACE BETWEEN INDUSTRY REPRESENTATIVES AND MEMBERS OF THE ENVIRONMENTAL COMMUNITY.

THIS EFFORT YIELDED 43 SPECIFIC RECOMMENDATIONS FROM THE PUBLIC HEALTH, SAFETY AND ENVIRONMENTAL PROTECTION WORKGROUP, AND SEVERAL ADDITIONAL RECOMMENDATIONS FROM OTHER WORKGROUPS.

WHILE THE CONSERVATION AND ENVIRONMENTAL INTERESTS ON THE COMMISSION DID STRENUOUSLY OBJECT TO A FEW OF THE RECOMMENDATIONS – THE VAST MAJORITY HAD UNANIMOUS SUPPORT FROM THE FULL COMMISSION.

I'D LIKE TO HIGHLIGHT A FEW OF THE VERY SIGNIFICANT ISSUES ADDRESSED IN THE COMMISSION'S RECOMMENDATIONS THAT MUST BE INCLUDED IN THE LEGISLATION THAT MOVES FORWARD:

- DRILLING SETBACKS MUST BE INCREASED FOR OUR HOMES, DRINKING WATER SUPPLIES, AND PENNSYLVANIA'S STREAMS AND WATERWAYS. THE PA OIL & GAS ACT MUST INCREASE THE MINIMUM SETBACK DISTANCE OF A WELL PAD FROM A SPRING, STREAM, OR WATER BODY FROM 100 FEET TO A MINIMUM OF 300 FEET; INCREASED TO 500 FEET IF WATERWAY WAS DESIGNATED AS EITHER HIGH QUALITY OR EXCEPTIONAL

VALUE. ADDITIONALLY A 100 FOOT SETBACK TO THE LIMIT OF DISTURBANCE MUST BE IMPLEMENTED. THIS WILL PROTECT OUR WATERWAYS FROM THE ENCROACHMENT OF WELL PAD OPERATIONS.

- THE PERMITTING PROCESS MUST BE ENHANCED TO ENSURE THAT ALL APPROPRIATE DATA IS COLLECTED AND ASSESSED CONCERNING SITE PLANS AND CONDITIONS, WITH FIRST HAND AFFIRMATION THAT ALL CONDITIONS HAVE BEEN PROPERLY IMPLEMENTED BEFORE DRILLING ACTIVITY IS ALLOWED TO BEGIN. WE MUST REQUIRE ENHANCED INSPECTIONS. WE SHOULD FURTHER NOTE THAT IT IS WHOLLY INAPPROPRIATE TO OUTSOURCE THE REVIEW OF PERMIT SUFFICIENCY TO THIRD PARTIES IN THE NAME OF EXPEDIENCY.
- FINANCIAL ASSURANCE AND BONDING FOR WELL SITE OPERATIONS MUST, AT AN ABSOLUTE MINIMUM, MATCH THE POTENTIAL COSTS ASSOCIATED WITH WELL SITE ACCIDENTS OR OTHER IMPACTS. FINES MUST BE INCREASED, AND DEP MUST BE ENABLED TO ASSESS CIVIL PENALTIES.
- DEP MUST BE GIVEN CLEAR AUTHORITY FOR MORE ROBUST WATER RESOURCE MANAGEMENT. THIS INCLUDES WATER WITHDRAWAL REVIEW AND THE MANIFESTING AND TRACKING OF WASTEWATER – FROM CRADLE TO GRAVE.
- COUNTIES MUST BE BROUGHT MORE FULLY INTO THE PLANNING AND PERMITTING PROCESS AND COUNTY CONSERVATION DISTRICTS MUST BE ENABLED TO ENGAGE IN INSPECTIONS OF EROSION AND SEDIMENT CONTROLS AT THE WELL SITES.
- WE MUST IMPOSE ADDITIONAL CONDITIONS AND REQUIREMENTS IN THE FLOODPLAIN, INCLUDING PROHIBITION OF WASTEWATER OR MIXED WATER IN OPEN PITS, AND IMPROVED MANAGEMENT OF INFRASTRUCTURE, CHEMICALS AND WASTEWATER.
- WE MUST ESTABLISH SEDIMENT CONTROL REQUIREMENTS FOR OIL AND GAS DEVELOPMENT THAT ARE AS PROTECTIVE AS THE REQUIREMENTS FOR OTHER

SECTORS. WHILE OIL AND GAS WELL SITES HAVE THE POTENTIAL TO SEND LARGE VOLUMES OF SEDIMENT INTO OUR STREAMS AND RIVERS, SITES LESS THAN FIVE ACRES ARE NOT CURRENTLY PERMITTED WITH THE SAME SCRUTINY AS OTHER SIMILAR CONSTRUCTION SITES. ENFORCING UNIFORM STANDARDS WILL LESSEN THE ENVIRONMENTAL THREATS TO OUR WATERWAYS.

- DEP SHOULD BE ENABLED AND TASKED TO IMPLEMENT A REVIEW OF SPILL CONTAINMENT SYSTEMS AT UNCONVENTIONAL SHALE GAS WELL SITES. THIS ANALYSIS WILL LEAD TO THE RECOMMENDATION AND IMPLEMENTATION OF NEW CONTAINMENT PRACTICES, STRUCTURES, AND PROCEDURES, AS NECESSARY TO SAFEGUARD THE PUBLIC AND ENVIRONMENTAL QUALITY.

THE PENNSYLVANIA OIL AND GAS ACT WAS CRAFTED IN 1984, AND HAS NOT BEEN COMPREHENSIVELY UPDATED. IT HAS BEEN RENDERED OBSOLETE BY THE CURRENT TECHNIQUES UTILIZED IN UNCONVENTIONAL SHALE GAS DEVELOPMENT.

AS THE COMMONWEALTH'S LEGISLATIVE SESSION MOVES INTO ITS FINAL DAYS, WE CALL ON THE LEGISLATURE TO AMEND AND RECTIFY SENATE BILL 1100 AND HOUSE BILL 1950 TO PROVIDE THE CITIZENS OF PENNSYLVANIA WITH A FRAMEWORK FOR THE COMPREHENSIVE MANAGEMENT OF THE SHALE GAS INDUSTRY.

LEGISLATION MUST EFFECTIVELY ADDRESS A REASONABLE SEVERANCE TAX OR IMPACT FEE AND THE LOCAL LAND USE CONCERNS NOTED EARLIER BY PAUL. THE LEGISLATION MUST ALSO UPDATE THE OIL & GAS ACT TO PROVIDE THE NECESSARY PROTECTIONS TO THE CITIZENS OF THE COMMONWEALTH AND THEIR ENVIRONMENTAL RESOURCES.

WHEN PENNSYLVANIA TAKES ON ISSUES AS BIG AS MARCELLUS SHALE IN LEGISLATION, WHATEVER WE ADOPT TENDS TO STAY THE SAME FOR YEARS, SOMETIMES DECADES, LIKE THE OIL AND GAS ACT. WHAT WE DO IN THE NEXT 9 SESSION DAYS WILL BE IN PLACE FOR A LONG TIME. WE HAVE TO GET IT RIGHT OR WE'LL BE STUCK WITH THE CONSEQUENCES

THE TIME IS RIGHT NOW. AND WE MUST GET IT RIGHT.

THANK YOU – AND WE'LL BE HAPPY TO ANSWER ANY QUESTIONS.