

Statement of the Alliance for Sustainable Communities–Lehigh Valley to the Pennsylvania DEP

With regard to natural gas extraction from the Marcellus Shale Formation, the Alliance for Sustainable Communities-Lehigh Valley reminds and calls upon the Department of Environmental Protection to carry out the purpose for which it was formed, namely that of protecting and preserving the land, air, water, and energy resources of the Commonwealth. And in carrying out that purpose, we remind the DEP that the Pennsylvania Constitution takes precedence over regulations or any law that fails to meet the requirements of Article I, §27:

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

We call on the DEP to:

- Immediately prohibit the hydrofracturing or “fracking” process, since it is clear that this process is inherently of considerable harm to the environment and to people.
- Issue cease and desist orders for all Marcellus Shale Drilling immediately until alternative processes of extraction can be found that do not threaten the environment.
- Similarly stop issuance of any new Marcellus Shale gas drilling permits
- Convene a Marcellus Shale Commission of scientists, water and wastewater engineers, geologists, administrators, environmental advocates, and public parties from the regions where Marcellus Shale drilling is anticipated to take place, and charge them with ascertaining what, if any, alternative processes of extraction can be found that do not threaten the environment.
- Propose a severance tax on any such extraction—indeed, on all mineral extraction—in Pennsylvania, should a sound alternative process be found.
- Further, ask the legislative body of the Commonwealth to develop a reasonable plan for the application of these severance taxes which will primarily ensure the protection of Pennsylvania’s air, water, and soils as well as the deployment of alternative energy technology infrastructure within the Commonwealth.
- Allow drilling within municipalities only with the consent of the people of that municipality.
- Allow drilling on public lands only with the consent of the residents of the commonwealth.
- Promote implementation of programs of conservation, efficiency and true clean energy technologies (promotion of a carbon fuel runs counter to the state's efforts of the past several years to grow greener – unless the natural gas extracted directly replaces coal usage, we will be increasing the state's carbon footprint).

The DEP’s proposed approach, that of establishing permissible levels of toxins for the fracking process, does not adequately protect the environment nor the people of the Commonwealth. A few of the many reasons why the proposed levels are inadequate;

- The permitting process still allows toxins to be introduced into the commonwealth’s water resources, into the air, and onto the land.
- Of all the toxins resulting from this process, including those introduced to facilitate the process, only a limited number of them are here under regulatory review—this is not only short-sighted but scientifically naïve—what of all the others?
- In the carrying out of the process, the DEP would be relying upon the work of corporations that have demonstrated disregard for the environmental impact of their actions and of the importance of understanding sustainable energy processes. Have we not learned anything from past mining activities?

- Coupled with the volume and significance of the literature available relative to purposefully ill-defined fracking solutions and their incredibly toxic nature is the inability of the Commonwealth to describe a viable plan to treat the millions of gallons of contaminated wastewater that will be generated from these processes, nor has the DEP verified that there is enough treatment capacity within the state to handle these effluents.
- The companies that have submitted permitting documents required by the DEP have not adequately demonstrated a concern for what they leave behind once the gas is harvested nor provided adequate reclamation plans.

It is unconscionable for the DEP to take the position that the economic benefits of drilling for gas in the Marcellus Shale are worth the inevitable environmental damage that will result, even though such damage includes the poisoning of water sources.

If the DEP, because of regulatory law, decides it is unable to refuse to issue drilling permits, members of the DEP should vote to terminate the Department and resign rather than issue drilling permits since they would be failing to protect the environment or the rights of people, communities and ecosystems.

We regard any DEP-issued permits allowing hydrofracking in the Marcellus Shale geology to be in violation of the rights of the citizens of the Commonwealth, its communities and ecosystems and to be therefore null and void.

Be on notice that we hereby claim our rights to clean air, pure water, and to the preservation of the environment as stipulated in the Pennsylvania Constitution. Continued ignoring of the rights of the people is and will remain totally unacceptable.

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