



## **RIVERTOWNCOALITION**

FOR CLEAN AIR AND CLEAN WATER

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Dear Members of the Board and Staff Leaders of SEDA-COG,

It is normal human behavior when we need to expand our knowledge to talk with people we know and trust and to consider their recommendations. If I am new to a town, I ask people I have met for recommendations for a dentist, a mechanic etc. It is called networking. However, when we only interact with a small exclusive group, it becomes a 'clique' and the group often excludes others and other ideas.

This seems to be the situation of the revolving door between the gas/oil industry, their lobbyists, the politicians they donate to, and the industry people then appointed to write and enforce the regulations that govern the industry. Dory Hippauf has done extensive research and "follows the dots" to demonstrate the revolving door roles in this process for the gas/oil extraction industry in Pennsylvania. Her informational presentation was put together almost two years ago, but the effects of this process remain current. It can be viewed at <https://vimeo.com/68605605> *The Messengers*.

A regulation is a principle, rule or law designed to control or govern conduct. Regulations are only as effective as the cooperation of those regulated or the enforcement capabilities of the regulator. They are not a guarantee of any sort. In addition to this revolving door between industry and government, the situation developed that as more and more work was assigned to Department for Environmental Protection, the budget for the DEP was consistently reduced, making it humanly impossible to keep a rigorous inspection program in place for Pennsylvania. Even with this handicapped situation as of March 16, 2015, there were 4006 violations reported and \$6.1 million fines for problems in Pennsylvania. There is an interactive map available at <http://stateimpact.npr.org/pennsylvania/drilling/> which shows this information and more.

Yet another aspect of regulation problems is "exemptions." Vice President Cheney, a former Halliburton gas company executive, chaired President Bush's Energy Policy Task Force in 2005. At this time the [Energy Policy Act of 2005](#) was passed which *exempts* the hydraulic fracturing process from federal oversight as was established in the [Safe Drinking Water Act](#) of 1974. This [Energy Policy Act](#) also amended the [Clean Water Act](#) (CWA), which Congress enacted in 1972 as a way to regulate discharges into the country's rivers and streams. The CWA was amended in 1987 to include storm water run-off. But both gas and oil production, are *exempted* from those regulations including construction of the well pads, pipelines and construction sites. [The Clean Air Act](#) passed by Congress in 1970 *exempts* oil and gas wells from aggregation. That means, each well site is considered an individual source of pollutants and does not take into account the total number of well sites in a specific area. This consistently underreports the effects in an area.

When it comes to the handling of waste or frack water, that too is *exempt* from a federal statute called the [Resource Conservation and Recovery Act](#) (RCRA) which tracks industrial waste from "cradle to grave." But for the oil and gas industry, as long as the waste water in on the drill site, or being transported, it is not considered hazardous. This also applies to drilling mud. That's why trucks carrying waste water, which contains high levels of salts, toxic chemicals, as well as radioactive material, may be labeled "residual waste." [The National Environmental Policy Act](#), or NEPA, requires federal agencies to do environmental impact statements if major industrial projects would impact the environment. But the [Energy Policy of 2005](#) *relegated oil and gas operation a less stringent process*. Finally the [Toxic Release Inventory](#) requires industries to report toxic chemicals to the EPA. But the oil and gas industry are *exempt* from this reporting. Every other industry complies with these policies to protect our environment. Life without the Halliburton Loophole would be cleaner and more just for all businesses and citizens as well.

Respectfully,

Carol Parowski, President  
Shirley Rowe  
Mark Heuer, PhD  
Peg Lauver

Lana Gulden  
Rev. Mary Peterhaensel

