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ENVIRONMENTAL GROUPS CALL FOR TOUGHER MEASURES IN MARCELLUS SHALE BILLS

(Harrisburg) – Two of Pennsylvania’s leading environmental organizations today called on the General Assembly to enact tougher environmental protections in proposed legislation aimed at regulating development of the state’s Marcellus Shale natural gas reserves.

The Pennsylvania Environmental Council (PEC) and the Chesapeake Bay Foundation (CBF) have outlined a number of specific environmental protection measures that are critical to any legislation that passes into law.

The General Assembly is currently poised to take action on Senate Bill 1100 and House Bill 1950, both of which are proposals for regulating the development of natural gas from the Marcellus Shale. While both bills contain important measures, each is missing critical environmental safeguards needed to ensure public health and safety, clean water supplies, and effective use of the land.

“As currently written, both bills fall short of what is required,” said Paul King, president of the Pennsylvania Environmental Council. “We stand at a point where the better of both bills must be combined, and more added, to offer Pennsylvania most of the environmental safeguards needed to effectively regulate this industry.”

In May of this year, PEC and CBF submitted to the General Assembly and the Administration a detailed proposal for amending the Oil & Gas Act and creating a framework for the comprehensive management of the natural gas industry in Pennsylvania. Both organizations pursued this proposal through Governor Corbett’s Marcellus Shale Advisory Commission, and many of the key elements from the proposal were adopted as recommendations in the Commission’s final report. Many are also reflected in the House and Senate bills now under consideration.

“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,” said Matthew Ehrhart, Pennsylvania Executive Director for CBF. “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.”

With only nine voting days left in the legislative session, time is running out to craft legislation that both houses will pass before the end of the year. “The time to act has arrived,” said PEC’s King. “We have before us an opportunity to get this right, or to get it half-right.”

PEC and CBF identified a number of specific issues that span three general areas that must be included in any final legislation: amendments that are still needed to the Oil & Gas Act; due consideration of local land use conditions and controls; and the need for an impact fee that will fund environmental programs around the state, including:

- The permitting process must be enhanced to ensure that all appropriate site data is collected and assessed to be certain that all conditions have been properly addressed before drilling activity begins. What’s more, PEC and CBF reject proposals to outsource the review of permitting to third parties.
- The Act should grant DEP greater ability to identify areas where drilling may be further restricted or prohibited; including areas of recognized high ecological value, floodplains, or in close proximity to public water supplies.
- DEP should also be given clear authority for more robust water resource management, such as water withdrawal review and public reporting of wastewater reuse or disposal.
- Meaningful setbacks must be created for well sites and should require best management practices when site conditions warrant. The act should set a floor, not a ceiling, of what is required of operators.
- DEP should be tasked to implement a review of spill containment systems at Marcellus Shale well sites. This analysis will lead to the new containment practices, structures, and procedures to safeguard the public and environmental quality.
- Financial assurance for well site operations must, at an absolute minimum, match the potential costs associated with well site accidents or other impacts. Blanket bonds are insufficient.
- A reasonable impact fee or severance tax must be enacted to provide meaningful, *additional* support to the resource management agencies tasked with the growing charge of overseeing the industry. Revenues should also be used to replenish the environmental stewardship fund, the state’s premiere program for environmental restoration and protection efforts.
- While the industry faces a significant challenge in meeting local land use controls, there are critical site or regional considerations that cannot be effectively addressed within a state statute. The state should not grant special preemption for any one industry in this regard.

About the Pennsylvania Environmental Council

The Pennsylvania Environmental Council is a statewide organization that brings people, government and business together to find real world solutions for environmental challenges. These solutions bring about sustainable communities, protect our water resources, and address energy and climate issues. The Council was founded in 1970 and serves the entire state through offices in Meadville, Luzerne, Pittsburgh, Harrisburg, and Philadelphia.

For more information, visit www.pecpa.org.

About the Chesapeake Bay Foundation

The Chesapeake Bay Foundation (CBF) is the only independent 501(c)(3) organization dedicated solely to restoring and protecting the Chesapeake Bay and its tributary rivers. Since its founding 40 years ago, CBF's goal has been to improve water quality by reducing pollution. Their motto, Save the Bay, has been the battle cry for that goal. CBF's vision is that the Chesapeake Bay and its tributary rivers, broadly recognized as a national treasure, will be highly productive and in good health as measured by water clarity, lack of toxic contaminants, and abundance of natural filters in the water and on the land.

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