



Greetings!

Before beginning this 9-11 edition of the RDA newsletter, we pause to remember those who died on this tragic day in our nation's history in 2001, and the friends and family members whose lives were forever changed by the loss of their loved ones.

The PA Supreme Court's declaration that portions of Act 13 were unconstitutional has opened the door to victory for local residents. Read the details of this Fairfield Township court case in our feature story.

Subsequent articles provide information on DEP's confirmed cases of contaminated drinking water wells, along with a link to DEP's list of complaints and the agency's letters of response to those complaints. Continue reading to learn about the request to DEP made by numerous civic and environmental groups.

"In Other News" starts out with an infrared view of a condensate tank in Susquehanna County. To the naked eye, these condensate tanks look like inanimate storage containers. A closer look through the lens of a FLIR infrared camera clearly shows otherwise. Big thanks to Frank Finan for providing the public with such insightful footage via YouTube. Through this technology, we can see that vapors are slowly released from these tanks as "condensation," mixing with the surrounding atmosphere.

Don't forget to check out the rest of the sidebar for links to other important stories and information, as well as the events and action points to take part in. The People's Climate March is coming up in a couple weekends, so be sure to finalize your plans and join with RDA and GDAC members on our chartered bus to NYC. The bus has a bathroom and wifi and promises opportunities for good conversation en route. Join us for this historic event.

Thank you for caring, and staying informed.

Sincerely,

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In Other News

Lathrop Township Condensate Tank, Susquehanna County

This is an infrared view of a condensate tank located at the Chief/Korban Compressor Station in Susquehanna County



Chief/Korban compressor station
condensate tank, Lathrop Twp

[Click here to be redirected to this YouTube Video.](#)

Judge Nullifies Township Approval for Gas Well in Lycoming County

by Norman Lunger, RDA Member

In a landmark decision on August 29th, Judge Marc F. Lovecchio reversed a zoning decision by Fairfield Township supervisors that allowed gas drilling in an area zoned Residential-Agricultural (R-A) under the township's zoning ordinance. The judge ruled that the supervisors had ignored their own zoning standards in permitting an intrusive industrial activity in a residential area.

Four residents of Fairfield Township, east of Williamsport, sued the township's board of supervisors for granting a permit to Inflection Energy to drill unconventional gas wells within 3,000 feet of numerous water wells that supply local homes. The appellants claimed that the gas wells would create environmental hazards and other nuisances.

Judge Lovecchio agreed, and ruled that Inflection Energy had not met its burden of proving that the proposed facility was similar to and compatible with other permitted uses in the R-A zone. He found that the township supervisors had wrongly granted a conditional use permit for a well pad from which Inflection planned to drill four or more gas wells.

"The Court finds that the Appellant objectors presented substantial evidence that there is a high degree of probability that the land use will adversely affect the health, welfare and safety of the neighborhood," Judge Lovecchio ruled.

Judge Lovecchio's decision stated that "the issues raised by the Appellants have significant constitutional import." The ruling comes in the wake of controversy over a new oil and gas law, known as Act 13, passed by the state legislature in 2012, and a subsequent decision by the state Supreme Court that the legislature had gone too far. Last December, in *Robinson Township v. Commonwealth of Pennsylvania*, the court struck down some sections of Act 13 as unconstitutional. Under those sections, the legislature sought to preempt local zoning of oil and gas development and require local governments to allow oil and gas development in all zoning areas.

Shale Drillers' Landfill Records Don't Match Those of Pennsylvania DEP

Documents tell different story on drilling waste.

Data submitted by oil and gas operators on the amount of drilling cuttings and fracking fluid sent to Pittsburgh-area landfills don't match up to reporting required of landfills. The DEP has opened an investigation into drillers' under-reporting of the landfill waste.

[Click here to read the full story.](#)

Drilling Related Health Registry Never Implemented

HARRISBURG - An unfinished piece of business with state oversight of Marcellus Shale natural gas drilling continues to rear its head.

That's the matter of how Pennsylvania should track and evaluate potential public health problems caused by hydraulic fracturing, commonly called fracking.

The issue was thrust into the spotlight again last week with the controversy over the state Health Department's handling of complaints from citizens about sickness related to drilling activities. Following media reports that employees were told to ignore complaints, the department announced new procedures to make it easier to file a complaint and require a written response to all complaints. Meanwhile, a coalition of health care professionals called for an independent investigation into the department's actions regarding drilling-related health issues.

The health issue has been on the radar screen since 2011 when Gov. Tom Corbett took office.

He created the Marcellus Shale Advisory Commission to chart policy on a wide range of issues regarding development of the deep gas reserves. The commission recommended the state establish a health registry to collect and monitor clinical data from health care providers about individuals living close to gas wells, create a system for timely and thorough investigation of complaints and establish education programs about the potential impact on health.

Three years later, those recommendations have yet to be implemented.

[Click here to read the full story.](#)



gas drilling on Route 220

The Lycoming County ruling puts the burden to show that gas development activities fit in residential neighborhoods squarely on the shoulders of the gas industry. Inflection was not up to the task, and Lovecchio ruled that the Appellants, "persuasively argue that the uses permitted in the R-A District do not involve the use of industrial machinery and chemicals, do not entail thousands of round trips of heavy truck traffic, do not cause loud noises at all hours of the day, do not impose threats to human health and safety and do not have negative impacts on the environment."

Attorneys of the environmental organization Penn Future represented the appellants, Brian and Dawn Gorsline and Paul and Michele Batkowski, in the Lycoming County Court of Common Pleas. There was no immediate indication whether the Fairfield Township supervisors and Inflection Energy would appeal. Other inflection wells have been approved within the township, but have not yet been developed or challenged in court.

According to Mark Szybist, staff attorney for PennFuture and RDA Board member, "Judge Lovecchio's decision that the rights of the township's citizens 'cannot be ignored and must be protected' is a lesson for all municipalities living with gas development. After Robinson Township, local governments cannot ignore their Article I, Section 27 responsibilities - and Pennsylvania's courts understand this."

[Click here to read the "Opinion and Order" from the court case.](#)

Report: Fracking Contaminated Drinking Water Wells in PA

by KEVIN BEGOS, AP and MICHAEL RUBINKAM, AP

PITTSBURG (AP) - 8/28/14 - Six years into a natural gas boom, Pennsylvania has for the first time released details of 243 cases in which companies prospecting for oil or gas were found by state regulators to have contaminated private drinking water wells.

The Department of Environmental Protection on Thursday posted online links to the documents after the agency

Sunday, September 21

This month, world leaders are going to New York City for a historic summit on climate change. With our future on the line, we will take a weekend and use it to bend the course of history.

In New York City there will be an unprecedented climate mobilization - in size, beauty, and impact. Our demand is a world we know is within our reach: a world with an economy that works for people and the planet. In short, a world safe from the ravages of climate change.

This moment will not be just about New York or the United States. Heads of state from around the world will be there, as will the attention of global media. We know that no single meeting or summit will "solve climate change" and in many ways this moment will not even really be about the summit.

We want this moment to be about us - the people who are standing up in our communities, to organize, to build power, and to shift power to a just, safe, peaceful world.

To do that, we need to act - together.

RDA members will be attending this event and joining up with the Gas Drilling Awareness Coalition's (GDAC) bus trip to NYC, please [CONTACT US](#) if you are interested in joining our caravan to Wilkes-Barre with "NYC Carpod" in the reference line. Then, [CLICK HERE](#) to purchase a seat on the GDAC bus for \$20. The bus will be departing the Wyoming Valley Mall in Wilkes-Barre at 7 am.

[Click Here for more information/ to register for the event.](#)

Solutions Grassroots Tour

6 Nights Only!

**Irondale Center
Brooklyn, New York**

**Sunday-Friday, September 21-26
7:30-10 pm**

Oscar-Nominated and Emmy-Winning filmmaker and activist Josh Fox, together with International WOW Company, will present workshop presentations of "The Solutions Grassroots Tour" this summer and fall summer around New York.

The production is an interactive music, theater, and film event that motivates towns to adopt renewable energy solutions for individual, community, and commercial settings, as well as campaign for pro-renewable energy legislation.

The Solutions Grassroots Tour started with two incredible workshop performances in Callicoon & Oneonta.

conducted a "thorough review" of paper files stored among its regional offices. The Associated Press and other news outlets have filed lawsuits and numerous open-records requests over the last several years seeking records of the DEP's investigations into gas-drilling complaints.

Pennsylvania's auditor general said in a report last month that DEP's system for handling complaints "was woefully inadequate" and that investigators could not even determine whether all complaints were actually entered into a reporting system.

DEP didn't immediately issue a statement with the online release, but posted the links on the same day that seven environmental groups sent a letter urging the agency to heed the auditor general's 29 recommendations for improvement. [an article detailing this letter follows below]

"I guess this is a step in the right direction," Thomas Au of the Pennsylvania Sierra Club chapter said of the public release of documents on drinking well problems. "But this is something that should have been made public a long time ago."

The 243 cases, from 2008 to 2014, include some where a single drilling operation impacted multiple water wells. The problems listed in the documents include methane gas contamination, spills of wastewater and other pollutants, and wells that went dry or were otherwise undrinkable. Some of the problems were temporary, but the names of landowners were redacted, so it wasn't clear if the problems were resolved to their satisfaction. Other complaints are still being investigated. [[Click here to be redirected to the DEP's water supply determination letters.](#)]

The gas-rich Marcellus Shale lies under large parts of Pennsylvania, West Virginia, New York and Ohio. A drilling boom that took off in 2008 has made the Marcellus the most productive natural gas field in the nation, and more than 6,000 shale gas wells have been drilled. That has led to billions of dollars in revenue for companies and landowners, but also to complaints from homeowners about ruined water supplies.



aerial view of a Tioga County gas well pad

Extracting fuel from shale formations requires pumping millions of gallons of water, along with sand and chemicals, into the ground to break apart rock and free the gas. Some of that water, along with other heavy metals

Now we're excited to announce new shows around the People's Climate March in New York City!

[Click Here to buy tickets.](#)

Tickets are \$20 or \$0.99 if you pledge to switch your electricity to 100% renewable energy through Ethical Electric.

Frack Free Parks

The Campaign Continues

It's not too late to participate in the "Frack Free Parks" campaign initiated by the Save the Loysock Coalition. Take a "selfie" in the woods with [THIS SIGN](#) and email it to frackfreeparks@gmail.com so they can upload it to the tumblr site. Then feel free to share it all over your other social media.



[Click here for more information](#)

PA Moratorium Petition

Request a Moratorium on Further Leasing of our State Park and Forest Land

Our state forests are rare places that provide respite and recreation for our citizens. The proposed lift on the moratorium of gas leasing will lead to further drilling that will jeopardize fragile ecosystems. Our state forests and parks should be set apart, protected and held in trust for the future.

We need your help to stop additional gas leasing of state park and forest land. We urge you to please take action by sending a message to your legislators so the General Assembly will not open the door to additional leasing.

[Click here to take action!](#)

Frack Chemical Disclosure

Request Full Disclosure of the Chemicals Used in the Fracking Process

The United States is in the midst of a rapid expansion of hydraulic fracturing ("fracking") to extract oil and gas from deep rock formations. Communities have raised concerns about the more than 750 chemicals and other components used in

and contaminants, returns to the surface.

The documents released Thursday listed drilling-related water well problems in 22 counties, with most of the cases in Susquehanna, Tioga, Lycoming, and Bradford counties in the northeast portion of the state.

Some energy companies have dismissed or downplayed the issue of water well contamination, suggesting that it rarely or never happens.

The Marcellus Shale Coalition, the main industry group, suggested that geology and Pennsylvania's lack of standards for water well construction were partly to blame.

Coalition president Dave Spigelmyer said in statement Thursday that Pennsylvania "has longstanding water well-related challenges, a function of our region's unique geology - where stray methane gas is frequently present in and around shallow aquifers." He said many of the problems were related to surface spills, not drilling.

"Our industry works closely and tirelessly with regulators and others to ensure that we protect our environment, striving for zero incidents," Spigelmyer said.

Rubinkam reported from Allentown, Pa.

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

by Earthworks et. al.

Harrisburg, PA - 8/28/14 - Agency's response to Auditor General neglects to address water contamination issues from natural gas drilling.

Environmental and citizen organisations 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 this letter can be downloaded at <http://bit.ly/VNVneg>. The organizations take issue with DEP's claim that flaws in the agency's programs have been fixed and detail 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.

"We've met with DEP, analyzed the response to the Auditor

the drilling process.

But right now, companies can keep these chemicals a secret-along with any health and environmental effects they may have. Even when fracking-related accidents or chemical spills happen, doctors and public safety officers don't even have access to the chemical exposure information necessary to treat and protect people.

People have a right to know what chemicals are being used in their neighborhoods.

The Union of Concerned Scientists has drafted a comment form to the EPA. Click the link below & be sure to customize your comment for a stronger impact.

[Click here to take action!](#)

LNG Exports Letter

Tell President Obama to put the brakes on fracked LNG Exports.

Right now, communities across the country are facing air, water, and climate pollution at the hands of natural gas companies.

And the stakes have gotten even higher – the potential for more fracking so the natural gas industry can export liquefied natural gas (LNG) to other countries.

President Obama is only hearing one side of the story from the Department of Energy, and it favors the natural gas industry. DOE's recent study on the economics of fracked gas exports completely ignores the public health, environmental, and climate costs of an export rush.

Let's remind President Obama of all the other costs – the cost of buying drinking water because your well is polluted with fracking chemicals, lost work days because your child is sick due to respiratory problems, and increasing utility bills to heat our homes while communities are left to pay the price for fracking.

[Click Here to send your letter to President Obama.](#)

Join RDA!

Sign Up/Make a Donation

We welcome your active participation and are in need of help for special events, publicity, research, and other projects.

It costs nothing to sign up for our e-newsletter or become a member of our organization, but tax-free donations are accepted & greatly appreciated.

As a 501(c)(3) non-profit organization, RDA relies on donations for the important

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."

[Click here to read the full article.](#)

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work we do. In order for RDA to continue its valuable education and advocacy outreach in 2014, please consider a tax-free contribution to our efforts.

You can send a donation to the address listed at the bottom of this email, or [click here to download our current membership form](#) to fill out and send in along with your donation.

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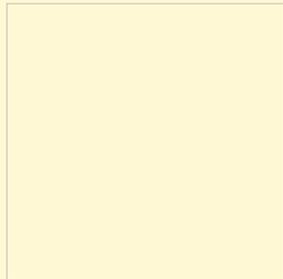
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Please note: The RDA newsletter includes reporting on a variety of events and activities, which do not necessarily reflect the philosophy of the organization. RDA practices only non-violent action in voicing the organization's beliefs and concerns.

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