

# Protecting Communities and Special Places

e-Newsletter July 26, 2013



**"We are literally shattering the bedrock of our nation and pumping it full of carcinogens in order to bring methane out of the Earth"**  
~ Sandra Steingraber

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## UH-OH for XTO

by Ann Pinca

Open the webpage of [XTO Energy Inc.](#) and the first statement you might see is "We respect and protect the environment. It's how we operate."

That seems a bit of a stretch for a company that recently settled with the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Justice over an alleged violation of the Clean Water Act. Last week, XTO Energy Inc. agreed to pay a penalty of \$100,000 plus spend an estimated \$20 million more to improve and monitor its wastewater management practices associated with hydraulic fracturing.

The settlement comes as a result of a discharge discovered on November 16, 2010, by a Pennsylvania Department of Environmental Protection (PADEP) inspector who found flowback and produced fluid wastewaters spilling through an open valve from a series of storage tanks on the Marquardt well pad in Penn Township, Lycoming County. RDA readers may remember the Marquardt well pad from this year's May 17 newsletter that featured XTO's Marquardt 8537H well as the state's top violator with 26 violations.

The release of wastewater for approximately 65 days allowed between 6,300 gallons to 57,373 gallons of flowback and produced waters to contaminate a spring and an unnamed tributary of Sugar Run that flow into Muncy Creek. Pollutants such as strontium, chloride, bromide, and barium were present in both the spring and the unnamed tributary, leading also to a high level of total dissolved solids (TDS).

While reports last week were quick to note that the Department of Energy's study on hydraulic fracturing showed no evidence that the process will contaminate aquifers, it is clear from situations like the Marquardt incident that hydraulic fracturing chemicals can and do find their way into our water through other pathways.

XTO Energy Inc. was founded in 1986 in Fort Worth, Texas, and merged with [Exxon Mobil Corporation](#) in 2010. According to [PADEP records](#), XTO Energy Inc. currently holds 4,888 permits for conventional and unconventional wells in Pennsylvania. So far, XTO has been cited for 223 violations on 66 wells, with

## UPCOMING EVENTS

### Frack-A-Palooza (Two-Za!)

July 28, 5 to 9 p.m.

A spirit-lifting evening of good conversation, valuable information, practical strategies, and some real good music!

RSVP required to  
[berksgastruth@gmail.com](mailto:berksgastruth@gmail.com)



Click the picture for more information.

Save the Date  
for the next  
Keep It Wild Hike

**AUGUST 10**

**Worlds End and  
Cottonwood Falls**

Details to follow!

## TAKE ACTION!

### Reject the Natural Gas Pipeline Permitting Reform Act

The Delaware Riverkeeper asks for your help to ensure the avoidance of environmental and community harm by pipelines.

[Read here to learn more and take action](#)

## IN THE NEWS

### PA Supreme Court Issues Ruling Regarding Act 13

The Pennsylvania Supreme Court issued a ruling yesterday on one of the outstanding issues in the litigation over Act 13.

Act 13 deprived municipalities of their ability to zone oil and gas operations as all other land uses are zoned. In July 2012, the Commonwealth Court declared this part of Act 13 unconstitutional. The case is currently on appeal before the Pennsylvania Supreme Court.

Despite the July 2012 ruling, the Pennsylvania Public Utility Commission (PUC) nonetheless sought

Lycoming County hosting 144 of those violations on just 26 wells. Total fines of \$260,960 dollars were imposed in 15 of those violations, with the majority coming from one fine of \$150,000 dollars for a well pad in Indiana County. Violations run the gamut from unreported defective well casings to improperly constructed impoundments and even failure to plug abandoned wells or restore well pad sites.

EPA's action in this incident is a step toward better protection of surface and drinking water resources in Pennsylvania and West Virginia said Cynthia Giles, assistant administrator for EPA's Office of Enforcement and Compliance Assurance. She continued to say that EPA will "push for responsible development of domestic sources of energy" and "insist that companies play by the rules that protect public health."

XTO spokesman Alan Jeffers was reported to have said that "the company thought the fine was fair" and went on to say that XTO "already had begun spending on the improvements required." According to Jeffers, "There is no lasting environmental impact."

Time will tell whether XTO Energy Inc. will follow the "program of best practices" as directed - or if this settlement is just an acceptable cost of doing business in Pennsylvania. For now, the consent decree is subject to a 30-day public comment period and court approval. The consent decree is available for review at [www.justice.gov/enrd/Consent\\_Decrees.html](http://www.justice.gov/enrd/Consent_Decrees.html)

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The Marquardt well pad in Penn Township, Lycoming County, March 2011.

IMAGE: ANN PINCA

## Meet Gina McCarthy: EPA's New Administrator

After five months of waiting, Gina McCarthy was finally confirmed as the new head of the EPA. Watch this video to learn more about Ms. McCarthy and her thoughts on her new position as Administrator of the U.S. Environmental Protection Agency.



Meet EPA Administrator Gina McCarthy

to implement the Act by reviewing municipal zoning ordinances, continuing to do so after an October 2012 Commonwealth Court "cease and desist" order, which the PUC appealed.

Yesterday, the Supreme Court "quashed" the PUC's appeal. The result is that the Supreme Court will not be reviewing the Commonwealth Court's October order directing the PUC to halt implementation of the Act.

[Read more here](#)

### This Week's Scoops

As the [Hercules 256](#) drill rig [burns and crashes](#) in the Gulf of Mexico, word is that "there are few environmental dangers evident." You have to smile when [Brian Williams](#) adds in his [video report](#) that "of course, we have heard that before."

There's really less to smile about in Pennsylvania as legislators continue to tinker with laws already on the books. A [House bill](#) aimed to cut Right To Know Law requests from inmates may open the door for a last-minute tack-on amendment affecting the privileges of more than the inmates, just like the [royalty bill did for pooling](#).

Additionally, [Sen. Joe Scarnati](#) has introduced [SB 1047](#), the Endangered Species Coordination Act, which [raises concerns over greater public access to sensitive data](#). Motivation for this bill is not clear at this time.

Meanwhile, a Ph.D candidate works on assessing Marcellus Shale impacts on forest birds of Pennsylvania. [Read her story and see a video about her work in](#)

## KEEP IT WILD HIKE

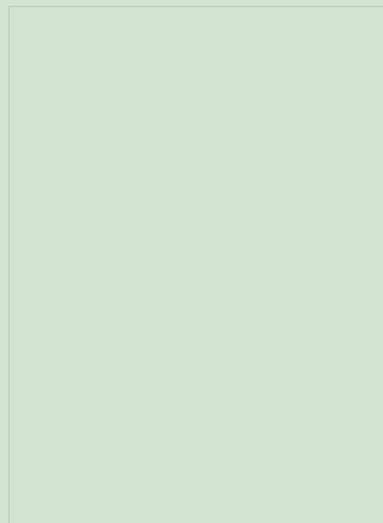
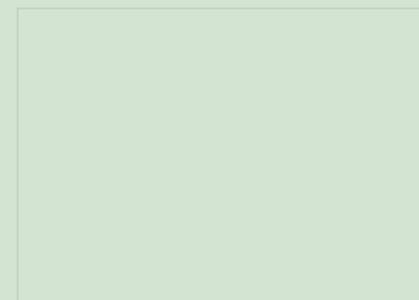
### Devil's Elbow Natural Area Sand Spring Trail

**Sunday, July 28 at 10 a.m.**

Enjoy an easy three-mile walk through forested wetlands as you search for orchids and pitcher plants in this plateau forest. Meet at the trailhead parking area on Ellenton Mountain Road (SR 1013); Carpool with a friend or two if you can!

Find more information [here](#);  
download the flyer [here](#).

Check out the Keep It Wild website at [www.keepitwildrda.org](http://www.keepitwildrda.org)



### Butternut Grove Should Remain the Same Forever: A Reader Responds

I write this letter to thank Barbara Jarnoska for her wonderful story of Butternut Grove Road and the memories it brought back to me. My family had a cabin there farther up the road after you went around the left turn and headed up the mountain. My grandfather, James B. Crandall, bought the old one-room school house called Butternut Grove School around 1940. The family used this "cabin" for many years to go hunting up on top out at Dad Dads and all over the area. We enjoyed many years of hiking, swimming, fishing, and picnics on the Loyalsock. I'll never forget all the fun and good times we had there.

I was born and raised in Williamsport and lived there for 27 great years. My parents, grandparents, aunts, uncles and cousins were all very outdoor people. My parents very early on had a lot up on the Susquehanna River with a small ski boat; my grandparents had the place up at Butternut Grove and we got to swim there all summer long.

Did I mention my great-grand-dad who had a summer cottage at Lake Nephawin south of Canton? We would go by car to a spring near there and fill glass bottles with spring water.

Unfortunately, after my grandfather passed away, the family decided to sell the cabin on Butternut Grove Road. I was heartbroken. Now, I only get up there every so often - where I am heartbroken again by what is going on with the gas industry. Where we once roamed and drove free is now behind locked gates or watched by guards who take your name and license plate number and want to know where

[Lycoming County.](#)

One species that apparently won't be endangered in the future is poison ivy, which is growing "faster, bigger and meaner" with climate change. Looks like some of us may be scratching more in the future - better add that calamine lotion to the emergency supplies kit.

**Keep it Wild!**

[Sign the petition!](#)

We need your signatures more than ever! Spread the word and share this petition to keep it wild!

**Join RDA**

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

As a 501(c)(3) non-profit organization, RDA relies on donations for the important work we do. In order for RDA to continue its valuable education and advocacy outreach in 2013, please consider a tax-free contribution to our efforts.

[Join Our Mailing List!](#)

you are going and why. Some places, they don't want anybody near there because it's too dangerous or maybe they just don't want you to see what they are doing. God forbid you don't treat them right or they will have you arrested for trespassing. It's like being in a Third World country at war.

I could go on for a good bit to get the point across: KEEP IT WILD!  
I'm losing my wilderness, my past peacefulness, and many memories.  
Please stop this priceless destruction of what's left of my homelands.

Warren Erb Jr.

*Many thanks to Mr. Erb for sharing his story this week. Do you have a memory to share? A favorite place or photograph? If so, we'd like to hear from you! Please help to Keep It Wild by sending your story to [keepitwildrda@gmail.com](mailto:keepitwildrda@gmail.com)*

A family plays in the Loyalsock Creek on a hot summer day.

IMAGE: ANN PINCA

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