

GROUPS CALL ON PENNSYLVANIA OFFICIALS AND EPA TO TAKE LEGAL ACTION AGAINST POLLUTING FRACKING COMPANY

Environmental Groups Submit Evidence of Significant Violations to State and Federal Enforcement Authorities Regarding EQT Production Company's Fracking Operations in Duncan Township, Tioga County, PA

PITTSBURGH AND WASHINGTON, D.C.///APRIL 8, 2014/// The Environmental Integrity Project (EIP), on behalf of PennEnvironment, the Responsible Drilling Alliance, the Delaware Riverkeeper Network, Clean Water Action, the Lower Susquehanna Riverkeeper, and PennFuture, asks Pennsylvania and EPA officials to investigate significant discharges to ground and surface water at EQT Production Company's hydraulic fracturing site in Duncan Township, Tioga County, PA. The events described in the letter stem primarily from a 5-million gallon leaking, unauthorized, waste impoundment that polluted Rock Run, a "Class A Wild Trout" water, caused significant groundwater contamination, and resulted in vast swaths of dead and stressed vegetation. Discovered in May 2012, the impoundment leaked because there were over 100 holes and tears in the liner.

EQT's own site investigation revealed the discharge of tens of thousands of gallons of fracking wastewater to groundwater, Rock Run, and unnamed tributaries to Rock Run. The wastewater, mostly "flowback", contained pollutants such as barium, copper, manganese, chloride, strontium, arsenic, iron, lithium, and lead at levels that exceed state and federal health-based and environmental standards.

Despite voluntary efforts to clean-up the contamination, the latest sampling data publicly available (September 2013) indicates that high levels of manganese still exist and that the pH of Rock Run and its tributaries has not returned to normal. Likewise, levels of arsenic, barium, chloride, iron, manganese, lead, lithium, and strontium detected in groundwater, nearby springs, and wetlands still exceed safe levels.

"The contamination being caused by EQT's irresponsible operations demonstrates why Pennsylvania needs to ban the use of open impoundments for the storage of natural gas waste," said Steve Hvozdoch, Marcellus Shale Campaign Coordinator with Clean Water Action. **"However, it is not enough to just have good policies in place. We also need to hold companies accountable and appropriately punish them when their operations threaten our health and environment."**

It's been almost two years since the leak was discovered yet neither the DEP nor the EPA has taken an enforcement action against EQT. The voluntary cleanup program under which EQT is proceeding can be discontinued at any time, is not enforceable, and provides no transparency to the community impacted by the pollution.

"The public and the environment cannot be safeguarded against harm," said Mary Greene, EIP Senior Managing Attorney, **"in the absence of timely and appropriate enforcement against fracking operators who violate state and federal environmental laws. Voluntary cleanup programs play an important role in environmental management but are not a substitute for penalties and enforceable compliance orders in the face of serious violations."**

The discharges to groundwater and surface waters caused by the leaking impoundment pose a risk to human health and the environment and according to environmental groups, violate multiple provisions of Pennsylvania's Clean Streams Law, the Clean Water Act (CWA), and the Resource Conservation and Recovery Act (RCRA). On behalf of the environmental groups, EIP is requesting that the Pennsylvania Attorney General, DEP Secretary, and EPA Region 3 thoroughly investigate EQT and the site, develop a comprehensive and protective cleanup plan, impose appropriate penalties, and if warranted, assess natural resource damages.

To see the letter and attachments, go to: [\[link\]](#)

ADDITIONAL QUOTES

“If ever the public needed an advocate in the fight against fracking pollution, the time is now,” stated David Masur, PennEnvironment Executive Director. “Often, communities are up against powerful interests with some of the deepest pockets and that have untold political access and influence in Harrisburg and Washington DC. Politicians often side with the polluters and frackers instead of the everyday people of Pennsylvania. We hope that Attorney General Kane will stand up and defend Pennsylvanians in this David vs Goliath fight.”

“PA DEP’s handling of a pit found to have 100-plus holes in the liner – and that leaked at least 57,000 gallons of contaminated flowback – is unacceptable, and confirms for the public two important points: 1) shale gas development is inherently dangerous to our communities and environment, especially without proper regulation and oversight; and 2) Pennsylvania officials are more beholden to drillers than the communities they represent,” said Maya van Rossum, the Delaware Riverkeeper.

“Healthy, resilient headwaters are essential to good water quality in the Susquehanna. It is the PA DEP’s duty to protect the Susquehanna’s vital, clean headwaters from the negative pollution impacts that shale gas fracking create. When the PA DEP fails to protect the Susquehanna’s headwaters from illegal pollution, like fracking wastes leaking from EQT’s Tioga County well-pad,” said Michael Helfrich, Lower Susquehanna Riverkeeper, “it is critical that the Pennsylvania Attorney General and EPA step-in to enforce the law and protect vital headwaters that support clean drinking water for millions downstream.”

“As this episode reminds us,” said Mark Szybist, staff attorney for PennFuture, “the greatest threat that unconventional gas activities pose to groundwater isn’t necessarily from hydraulic fracturing operations. The dangers inherent in storing, transporting, and disposing of the huge volumes of waste produced by fracking are great – and in this case call for a strong enforcement.”

ABOUT THE GROUPS

The Environmental Integrity Project (EIP) is a nonpartisan, nonprofit organization established in March 2002 by former EPA enforcement attorneys to advocate for effective enforcement of environmental laws. EIP has three goals: 1) to provide objective analyses of how the failure to enforce or implement environmental laws increases pollution and affects public health; 2) to hold federal and state agencies, as well as individual corporations, accountable for failing to enforce or comply with environmental laws; and 3) to help local communities obtain the protection of environmental laws. www.environmentalintegrity.org.

PennEnvironment is a non-profit citizen-based environmental advocacy organization with members and activists across the Commonwealth. PennEnvironment works to promote clean air, clean water, and protect Pennsylvania’s incredible natural heritage. For more information about PennEnvironment, please visit our website at www.PennEnvironment.org.

The Responsible Drilling Alliance is an education and advocacy coalition. We seek to educate ourselves and the public about deep shale gas drilling and all of its ramifications. Through outreach programs, events, public forums, and our weekly e-letter, we strive to balance the conversation with authenticity. RDA advocates for federal, state and local regulations needed to protect our economy, environment, health, safety and quality of life. <http://www.responsibledrillingalliance.org>.

The Delaware Riverkeeper Network champions the rights of our communities to a Delaware River and tributary streams that are free-flowing, clean and healthy. A 501(c)(3) non-profit environmental organization, the Delaware Riverkeeper has been working since 1988 throughout the 4 states of the Delaware River watershed including New Jersey, New York, Pennsylvania and Delaware. We help decision-makers and citizens consider and address threats in their own communities; restore damaged streams, wetlands and ecosystems; collect water quality data needed to secure sound decision-making; and when necessary enforce the environmental protection laws that keep us all safe. www.delawareriverkeeper.org.

Clean Water Action has more than 100,000 members in Pennsylvania and is the nation's largest grassroots group focused on water, energy and environmental health. Clean Water Action works for clean, safe and affordable water, prevention of health-threatening pollution, and creation of environmentally-safe jobs and businesses. Clean Water Action's nonpartisan campaigns empower people to make democracy work. www.cleanwateraction.org.

The Lower Susquehanna Riverkeeper, a program of Stewards of the Lower Susquehanna, Inc., is dedicated to protecting and improving the ecological and aesthetic integrity of the Susquehanna River Basin and Chesapeake Bay. We are friends, neighbors, outdoorsmen, recreationalists and families who want safe drinking water, sustainable use of natural resources, and the ability to fish and swim in the Susquehanna River and her tributaries. <http://www.lowersusquehannariverkeeper.org>.

PennFuture is a statewide membership organization that conducts professional advocacy for strong environmental and public health policies. Over our organization's history, we've enjoyed significant policy victories that will protect public health and natural resources and move Pennsylvania toward a clean energy future and a green economy. www.pennfuture.org.

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