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TESTIMONY ON MARCELLUS SHALE

PRESENTED TO THE
SENATE MAJORITY POLICY COMMITTEE

By

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Good morning. I am MaryAnn Warren, Chairperson of the Board of Commissioners in Susquehanna County. I am pleased to appear before you today as part of the local government panel presenting remarks on Marcellus Shale development and my first-hand experiences as related to Susquehanna County.

The natural gas contained in Pennsylvania's Marcellus Shale formation has the potential to energize and rejuvenate the Commonwealth's economy through vast opportunities for jobs and *local* economies. It can also open the door to a reduction in reliance on outside energy sources.

The progress of this resource is not without consequences, and these concerns are aggravated by an unparalleled rapid pace of exploration and development that as I see it, has far exceeded the capacity of our state regulatory structures.

In Susquehanna County, gas exploration has brought grief right from the beginning for me as a County Commissioner with gas wells being drilled on properties in Clean and Green; the interpretation of the Clean & Green Law specifically, 137b.87 which refers to the change of use. The law states that if the enrolled land has a 'change of use' other than the agricultural use, agricultural reserve or forest reserve, the entire parent tract is rolled back with the ineligible tract no longer receiving preferential assessment. With all do respect, I ask that you, please amend this law so consistency amongst Counties throughout the Commonwealth is clearly stated in black and white without gray areas because at this time it is being interpreted differently across the Commonwealth. To date, we have numerous lawsuits pending against the Board of Assessment because a law that was enacted at a state level has been left to Counties and their solicitors to interpret and enforce. I would encourage a sincere look at the whole Clean and Green Law and bring it back to where I believe, it was initially meant to benefit, our hardworking farmers.

With concern to the Department of Environmental Protection's recent change in the transfer of responsibilities regarding Erosion and sedimentation permitting in reference to Oil and Gas; I visited their website and read their mission statement, "*The Department of Environmental Protection's mission is to protect Pennsylvania's air, land and water from pollution and to provide for the health and safety of its citizens through a cleaner environment. We will work as partners with individuals, organizations, governments and businesses to prevent pollution and restore our natural resources.*" If this mission statement indeed affirms the department's charge, the first step to making everything else fall into place would be *communication*.

DEP's statement of values includes *communication*, as well as public service, protection, teamwork and pollution prevention. I do not believe there was communication with any of the affected partners prior to the change.

Regarding the transfer of responsibilities from local conservation districts to DEP Regional offices, appears to *not* be an environmentally sound decision as I have personally witnessed. An increase of the department's Bureau of Oil & Gas regional staff, in my opinion, does not pose to be the most efficient approach to dealing with

immediate environmental concerns. I don't feel the necessary resources are available at the state level to carry out this task. At this point, I don't feel my constituents and *yours* are being adequately served or protected, as they were prior to the transfer of responsibilities. With local participation regarding these Erosion & Sedimentation concerns, we have neighbors serving neighbors. The local conservation district employs residents that live, work and play in the County and are genuinely concerned about where they live, work and play, a sincere local interest.

On Friday, April 3rd my experience with making a formal complaint proved to be frustrating. Although the operator was pleasant, as I tried to relate my sediment pollution encounter; muddy waters running off an inadequately stabilized well pad site into a clear running stream. The operator repeatedly asked if I was in Susquehanna Township, to which I repeatedly replied I was in Susquehanna County in northeastern PA. He then, tried to direct me to the Northeastern regional office, at which I'd just attended a meeting 1½ hour earlier and I knew being directed there was incorrect. I finally was given the correct number and although the operator was very helpful, I certainly was taken back by her response that someone should be out within 7 days, and was made aware they actually had 30 days to respond. I find this response time unacceptable, as I know that if the responsibility was still in the hands of our local conservation district, someone would have responded to the complaint before the end of the business day, yes, even on a Friday afternoon.

Imagine that same scenario with a senior and his grandchild who is checking out his favorite fishing spot in anticipation of the opening of trout season. He may not be as persistent and may just give up in frustration. Where does that leave our unprotected natural resources?

As County Commissioners, we recognize the considerable benefit this 'gas rush' brings to our local communities and I, for one, welcome the prosperity it brings to Susquehanna County residents. But, I must also emphasize there must be a balance between the environment and the economic value and our responsibility must be to the safety, health and welfare of all our residents.

Thank you for giving me this opportunity to present my comments and concerns, and thank you to each of you for serving the residents of our Commonwealth.