

PITTSBURGH TRIBUNE-REVIEW

DEP chief: Support for well controls doubted

By Andrew Conte

PITTSBURGH TRIBUNE-REVIEW

Friday, November 19, 2010

Strict new rules for unconventional gas drilling will have no impact if Gov.-elect Tom Corbett chooses not to enforce them, Pennsylvania's top environmental regulator said Thursday.

The regulations setting requirements for Marcellus shale gas well casings and disclosure of chemicals the industry uses took a step toward enactment yesterday when the state's Independent Regulatory Review Commission unanimously approved them.

Secretary John Hanger of the Department of Environmental Protection said he has "major concerns" about whether Corbett will keep close tabs on the gas industry with the proposed rules.

"They must be enforced to do any good," Hanger said. "There is concern about whether Gov.-elect Corbett will be a professional watchdog or, in his own words, a partner of the industry. ... It's important DEP be neither friend nor foe of this industry."

Corbett, the Republican attorney general, becomes governor in January. He would not tax the gas industry but would aggressively enforce the state's environmental laws, his spokesman, Kevin Harley, said. Gov. Ed Rendell, a Democrat, appointed Hanger secretary in August 2008.

"It is rather unbecoming of an outgoing Cabinet secretary to appear like a sore loser," Harley said. "Gov.-elect Corbett has called for some of the strictest environment regulations on gas drilling of any state in the nation. It's unfortunate Secretary Hanger apparently never bothered to review those and instead is still engaged in political rhetoric."

The rules would require drillers to provide specific information about chemicals used to break up the shale during a process called fracking; to use a pressure barrier to prevent blowouts; to improve the quality of cement used in well casings; and to keep a list of emergency contact phone numbers at each well site. Drillers would have to report production figures and waste amounts electronically.

"We absolutely expect to comply with these rules, and in fact, much of it reflects the practices already in place in the industry," said Kathryn Klaber, president of Marcellus Shale Coalition, an industry trade group.

The regulations are a start toward limiting the migration of pollutants from well

sites, but the state needs to do more to determine whether drilling can be done safely, said Mel Packer, an organizer for MarcellusProtest.org, a local group that wants a moratorium on the industry.

"Hydrofracking must be banned until there is clear, independent scientific evidence that such can be done without damage, both short and long term, to the environment," he said.

Before their enactment, the Attorney General's Office -- still run by Corbett -- must review the rules. The agency has constitutional authority to review every proposed regulation, for form and legality but not policy, said spokesman Nils Frederiksen. The office has 30 days to review the rules received yesterday.

Frederiksen said DEP referred fewer possible environmental crimes to the Attorney General's Office for investigation in the past two years. DEP referred 22 environmental cases for criminal investigation in 2008, but 11 in 2009 and 10 this year, including three sent after the election, he said.

"The reality is, (Hanger's) driving the bus," Frederiksen said. "If he doesn't know where he's going, or if he's going in a direction that's different than what he's telling everybody, we have a problem."

Hanger cited Corbett's unwillingness to tax the industry, his promise to reverse a ban on additional leasing of state forest land for gas drilling, and money his gubernatorial campaign received from the gas industry.

"There are open questions in people's minds about whether he's going to be the tough, independent watchdog the industry needs for its own good," Hanger said.

Andrew Conte can be reached at andrewconte@tribweb.com or 412-320-7835.

Images and text copyright © 2010 by Trib Total Media, Inc.
Reproduction or reuse prohibited without written consent.