Roxanne Groff, Bern Township Trustee and resident of Athens County, Ohio.

I wish to read from the Preamble of the Declaration of Human Rights:

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, and Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom.

As members of communities and neighborhoods, we as citizens of this country have an expectation that our own government will do us no harm. We have the belief that a democracy has in place a meaningful way by which people can express their concerns, with their voices, computers and pens to communicate about issues that affect the wellbeing of our homes and families. "The family is the natural and fundamental group unit of society and is entitled to protection by society and the State."

Today I will address the public participation process attendant to applications submitted to the Ohio Department of Natural Resources ("ODNR") for Class II
injection well permits. Additionally, my presentation will contrast the ODNR public participation process with the Federal government’s public participation rules as applied by the Bureau of Land Management (“BLM”) and U. S. Forest Service (“FS”) for the leasing of public lands for the purpose of extraction of oil and gas. Both of these processes are involved with high volume, high pressure slick water fracturing. Both public participation methods are flawed, abusive, and dismissive, and they violate the public trust.

In the state of Ohio, ODNR implements the laws of the state and regulates the oil and gas industry by those laws. In 1984, Ohio was granted primacy by the USEPA over regulation of Class II injection wells. As a result, Ohio was permitted to implement a skeletal regulatory program, which is far less stringent than the regulations of the USEPA. Thus, Ohio has been permitted to make its own rules on how the oil and gas industry can operate in our state. Ohio HAD the opportunity to create better laws and tighter regulations, but chose to continue the very lenient statutes and rules that had been in place since 1975. Thus, Ohio permitted the oil and gas industry to cause many problems arising from spills, open pits of waste and abandoned wells by the thousands.

As in many other parts of the country, Ohio’s lawmakers and ODNR caved to
industry demands thus allowing abuses to communities to continue as they had before thereby paving the way for the introduction into the state sometime around 2010 for the industrial assault called horizontal drilling with high volume, high pressure slick water fracturing (often just referred to as “fracking” but more appropriately called “industrial horizontal fracking”). One of the many abuses on communities committed by the State legislature was in 2004 when HB 278 was signed into law taking any authority for regulating permitting and location of oil and gas wells away from local governments. Communities with zoning and other land use ordinances are no longer allowed to protect their citizens from drilling operations or disposal sites.

Ohio’s lawmakers repeatedly violate the public trust by giving all power of decision making on applications for drilling of gas wells and waste injection wells and violations of those operations to one person within the department with the title of Chief of the division of oil and gas. In turn, the Chief promotes the oil and gas industry.

The public participation for an application for a Class II industrial horizontal fracking waste injection well in Ohio Law under Ohio Administrative Code (“OAC”) 1501:9-3-06(H)(1) requires a public notice in a newspaper of general
circulation. In rural communities such as Athens County, not everyone reads the
paper of general circulation. In Torch, Troy Township, Ohio, the citizens read the
newspaper from neighboring counties in Ohio or West Virginia. Repeatedly, the
people of Torch were NEVER notified that an application for an injection well was
being processed by ODNR. There are now 3 injection wells in very close proximity
to Torch. These failures to give adequate and proper notice, which entails
confirmation that notices are likely to be actually received, violates human rights by
denying to citizens’ rights to participate in decision-making on important and vital
environmental issues and to receive necessary information in a timely manner.
Moreover, it eliminates completely the ability for citizens to be involved in making
decisions for their communities.

When the applications for Class II injection well permits to be drilled in Torch, Ohio
were advertised in an Athens, Ohio newspaper, although the Torch residents did not
receive the notices, scores of people other than those living in and around Torch DID
read the notices in the newspaper, and they submitted a large number of comments
regarding health and safety issues, conservation practices and other issues of
substance. Under OAC 1501:3-06 (c)(2)(c), these are exactly the types of comments
for which the Chief SHALL call for a public hearing. However, the Chief has
discretion to determine if comments meet these requirements, and if he determines
there are no valid comments of concern, he does not call for a public hearing. This is
an extraordinary abuse of discretion as the Chief has NEVER called for public
hearing for any Class II injection well application anywhere in the state of Ohio. The
obligation to facilitate public participation includes obligations to safeguard the
ing the rights of freedom of expression and association against threats, harassment and
violence. The Chief, ODNR, and through statutes that are passed, the Ohio General
Assembly repeatedly violate these vital human rights.
The state of Ohio dismisses these obligations in favor of the oil and gas industry by
expediting the permitting process on their behalf. This is not balanced or reasonable
decision making. These practices deny citizens access to any and all information
regarding the dreadful effects of injecting toxic radioactive waste into their
communities. This is an extreme regressive measure. The very idea that the state
calls this waste brine and saltwater, implying a benign substance, again denies
people the information concerning the real contents of the waste. In addition to
saltwater, there are as many as 1,100 chemicals in the waste of which hundreds have
toxic effects on humans and animals. One hundred and forty-seven of them are
known to cause cancer and are endocrine disrupters.
Rio Declaration Principle 10: “Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available.”

Ohio falls far short of this aspirational principle. Intimidation is used by the state including excessive law enforcement at meetings sponsored by ODNR. These meetings took the place of public hearings and did not allow people to ask questions or get answers in a setting whereby all people in attendance could participate in meaningful dialog. Again this practice restricts access to information and a chance for citizens to learn from each other’s comments and respond to a threat to their community, violating human rights. In short, the practice marginalizes the public, which leads to diluted citizen input.

Additional abuse is the fact the ODNR has a Web site for the public to access in order to review inspection reports and other information on permitted Class II injection wells. Unfortunately, the site requires specialized software, is archaic and
arduous to learn, and is cumbersome and extremely difficult to navigate. Thus, important information about the Class II injection wells is once again denied to the public.

Turning to the BLM and FS, the federal government is just as guilty and negligent to the public when reviewing the environmental impacts of leasing minerals on public lands. There is a federal law in place, The National Environmental Policy Act (NEPA) signed into law in 1970, which all federal agencies must follow. NEPA “was enacted to: declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.” NEPA, Sec. 2 [42 U.S. Code § 4321].

NEPA is our basic national charter for protection of the environment. It establishes policy, sets goals (section 101), and provides means (section 102) for carrying out the policy. Section 102(2) contains "action-forcing" provisions to make sure that federal agencies act according to the letter and spirit of the Act.

There is a very specific process in place under this law for public participation. BLM
and FS are supposed to work together to insure that the public is “involved in every step of the planning process” There is a notice of intent, a scoping or public meeting, a draft plan, an environmental review, comments, final review then an auction for sale of mineral rights., i.e. selling off our public lands to industry. Unfortunately, these laudable goals are not achieved by the BLM and FS in practice.

Starting with the scoping, the BLM and FS publicize a meeting in newspapers of general circulation and put the announcement of the meeting in the federal register. These meetings are held one time in the largest city in the Forest district that will have the mineral sales. This prevents people from the most rural areas from having access to the meeting because of distance from their homes to the meeting site. This first action by the federal agencies violates human rights by ignoring the Environmental Justice Act which states: “Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. EPA has this goal for all communities and persons across this Nation [sic]. It will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn,
Rather than a dignified public hearing where all comments are recorded, comments are received one at a time, and, most importantly, all participants can hear each comment and react to it, scoping meetings are set up in a dog and pony show style whereby, just as the ODNR does, where as many as 150 to 200 hundred people can mill around in a room looking at posters and having no idea to whom a question should be directed, with no chance at all to hear other participants’ comments and questions. There is no meaningful exchange of information with the public. Both agencies have denied the opportunity to an actual public hearing when asked by hundreds of people and even local government officials.

There must be public participation in political decisions that can affect the right to health “at both the community and national levels.”

At the next step of BLM and FS’ review for leasing of public lands is that they are mandated to take a "hard look" at what an action may do to the environment, and what can be done about it.

In Robertson v. Methow Valley Citizens Council, 490 U.S. 332 (1989), the Supreme Court of the United States stated:

The statutory requirement that a federal agency contemplating a major action prepare
such an environmental impact statement serves NEPA's "action-forcing" purposes in
two important respects. It ensures that the agency . . . will have available, and will
carefully consider, detailed information concerning significant environmental
impacts; it also guarantees that the relevant information will be made available to the
larger audience that may also play a role in both the decision making process and the
implementation of that decision.

The BLM, being complicit with the FS, deliberately chose to do the least effective
and least comprehensive environmental review called an EA or environmental
assessment. These agencies should have done an Environmental Impact Statement
(EIS), which is the review mandated by NEPA that takes the hard look at impacts to
the environment, socioeconomic, cultural, historical and cumulative effects of
methane emissions, known to be accelerating climate change aspects of the federal
action.

The FS in the 1980’s made a threshold determination that the act of leasing is “not a
federal action affecting the human environment”. That determination continues to
guide important environmental decisions made by the FS and the BLM when
preparing for auctions and oil and gas leasing. That threshold determination was put
in place before horizontal hydraulic high pressure slick water fracturing was used by
industry for extraction of oil and gas from shale. As a result, when determining the environmental effects of industrial horizontal fracking, all relevant data, current studies on the effects of fracking are prematurely dismissed as having “no effect on the human environment”. The Council for Environmental Quality’s Final Guidance for Effective Use of Programmatic NEPA Reviews provides an entire section devoted to public involvement and collaboration and cooperation among Federal agencies, tribes, and state and local governments. CEQ's encouragement of working with other parties includes the development of reasonable alternatives to allow for informed decision-making.

When federal agencies circumvent this process it is a purposeful blow to any input by concerned citizens in the decision making process since their comments are discounted and rejected even before they are received. The practice is an egregious violation of their rights to due process.

Thousands of comments were submitted to the BLM from concerned citizens asking for a public hearing and an EIS, which is the far more comprehensive environmental determination mandated by NEPA. Many if not all citizen comments were based on knowledge of the effects of fracking and toxic waste disposal in our communities.

All were rejected; all formal written protests to the BLM, the final process of public
participation were rejected. The final EA document published by the BLM and FS found NO SIGNIFICANT IMPACT (FONSI) on any of the aspects of leasing leading to industrial horizontal fracking that would affect communities near the Wayne National Forest. A finding of NO SIGNIFICANT IMPACT (FONSI) would be IMPOSSIBLE if the BLM and FS would consider the hundreds of health and scientific studies that point directly to industrial horizontal fracking and its infrastructure development that is poisoning our air and water, and making us sick, very sick. The Compendium of Scientific, Medical and Media Findings Demonstrating Risks and Harms of Fracking, published by the Health Professionals of New York and the Physicians for Social Responsibility (“PSR”) states that the vast majority of the studies reveal both potential and actual problems. Specifically, as demonstrated by PSR’s statistical analysis of the body of scientific literature available from 2009-2015—which, at the date of publication in November 2016, included 685 peer reviewed papers—69 percent of original research studies on water quality found potential for, or actual evidence of, water contamination; 87 percent of original research studies on air quality found elevated air pollutant emissions; and 84 percent of original research studies on human health risks found signs of harm or indication of potential harm.
The BLM and FS used not ONE of these studies, even though citizens submitted them for review in support of the deleterious effects of industrial horizontal fracking. The arbitrary and capricious practice of the BLM and FS described above is their way of shutting down the public from having any political power and decision making ability.

Only a couple of peer reviewed scientific studies were used in the Assessment, and the BLM and FS relied on studies performed by their own federal employees. Those studies were flawed and woefully inadequate. One scientific peer reviewed study that was in the EA was a study by Bamberger and Oswald (Http://psehealthyenergy.org/data/Bamberger_Oswald_NS22_in_press.pdf). It was cited as a reference by BLM to discuss water withdrawals. In a public comment submitted by a citizen brought to the attention of the BLM the fact that this study was about the health effects on sentient beings. The study stated: “Communities living near hydrocarbon gas drilling operations have become de facto laboratories for the study of environmental toxicology. The close proximity of these operations to small communities has created a variety of potential hazards to humans, companion animals, livestock and wildlife. These hazards have become amplified over the last 20 years, due in part to the large-scale development of shale gas drilling (horizontal...
drilling with high-volume hydraulic fracturing), encouraged by the support of increased drilling and exploration by U.S. government agencies.”

The BLM’s response to this very significant substantive comment received from a member of the public was to pull the reference from the Environmental Assessment without any comment!

The public was manipulated, misled and even lied to by federal agents of both the FS and the BLM. These are deplorable actions by federal agencies resulting in abuses of human rights nullifying the intent of NEPA, which requires that public participation be facilitated. The BLM and FS have stonewalled the public in this battle for the rights of citizens as human beings to be guaranteed a safe environment.

Quoting from the Preamble again: “Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people”.

How dare our federal and state governments make us fight for our lives and even more important the lives of our children and future generations on our own soil.

Testimony of Bernhard Debatin
Public Information, or the Lack Thereof: How to Get Answers From ODNR

My testimony deals with the question of how to get information about fracking operations and fracking wastewater injections wells out of the Ohio Department of Natural resources (ODNR). The short answer to this question is: ODNR does not like to talk to citizens, does not respond to letters, does not provide public hearings, and makes it hard to find specific information on their website. The most promising way to get some specific information appears to be through public record requests, making use of Ohio sunshine laws.

Let me first give you some information about myself: I am a professor of journalism at Ohio University, where I teach environmental and science journalism among other areas. I frequently take students, faculty, and friends on environmental tours and field trips in Athens County, South-East Ohio, and beyond. I have lived in Athens for the past 17 years. As a citizen, I care deeply about the environment and I have been involved in environmental activities and movements for about 40 years.

I will now explain my points with some examples from my own experience:

On March 23rd, 2015, ODNR permitted the third K&H fracking wastewater injection well, located at the K&H facility near Torch in the Southeast of Athens County. K&H has since become one of the largest, if not the largest injection well
The permit was approved without a public hearing and despite 242 detailed letters of concern, many of which specifically requested a public hearing. However, ODNR categorically declined holding a hearing, supposedly because all questions were answered on their website, although the law does nowhere say that it is enough to merely put some answers on a website lieu of a public hearing. It is a basic democratic right of American citizens to request and hold public hearings in controversial matters of public interest.

A March 25th, 2017, article in the *Athens News* quoted ODNR spokesperson Eric Heis saying that “no public hearing will be held, as no public comment objections were new or unaddressed in the initial permit review process” and that “the chief of the Division of Oil and Gas Resources Management has reviewed all of the public comments and answered all questions on the website.”

This was, simply put, a blatant lie. Most of the letters to ODNR were quite specific that ODNR should respond. The little information that could be found on the ODNR website at the time was under an old tab, titled “Athens Open House 11/2012,” and under the tab “K&H Partners Application.” Both links no longer work and today that and included a lot of unanswered questions and specific information with the request...
information cannot be found any more on the ODNR website. However, to document the lack of specific answers, I took an exemplary screenshot of ODNR’s “answer” to the concern that injection wells increase seismic activities.¹

Given that we have a solid record of injection-well-induced earthquakes all over the country, including Ohio (Youngstown), this general and categorical answer is breathtakingly ignorant. It remains ODNR’s secret how they made this determination. Contrary to this unconcerned assurance, the USGS stated in a February 2015 press release: “Deep injection of wastewater is the primary cause of the dramatic rise in detected earthquakes and the corresponding increase in seismic hazard in the central U.S.”

My four-page-long Jan. 5th, 2015, letter of concern to ODNR, identified six main areas of concern and specified in detail and carefully how the new well would contribute to the respective concern. The areas of concern included: (1) Injection volume and fluid migration risks, with specific reference to the proximity of the three K&H wells and the risk of competition for space and ensuing additional pressure; (2) Normal operation risks, such casing failure and insufficient geological and aquifer data in the area; (3) Increased risks of earthquakes, with specific reference
to the 2011 Youngstown 4.0 earthquake and the 3.5 earthquake near Nelsonville in Athens County in 2013; (4) History of incidents and location suitability, specifying failures, malfunctions, and other incidents at the facility and the increased risk of water contamination; (5) The lack of any plan for surface and ground water monitoring and for air monitoring in and around the facility; and (6) Additional concerns about damage to infrastructure, danger to public safety, and risk of loss of property values.

Since all six areas presented new aspects and location-specific objections, one can only conclude that ODNR must have willfully ignored them. And ODNR also ignored my closing request for a public hearing. In fact, in my case as well as in the case of most other letter writers, ODNR did not even have the courtesy to acknowledge receipt of the letter, not to mention providing answers or any specific information to the requestors.

My earlier letter concerning the permit application for the K&H well number 2, written on Nov. 26, 2013, had not been answered, either. And my Nov. 29, 2015, six-page-long letter regarding the application for a permit to add another injection well to the ATHA facility on SR 144 near Frost remained unanswered, too, even though I had specifically asked for a receipt and requested a response to each of the individual
In this letter, I specified first location-related concerns, in particular the physical setup of the facility, its closeness to the Hocking River (only 150 feet!), and the fact that SR 144 gets frequently flooded from both sides, making the facility inaccessible during these episodes, which would magnify the effects of any spill or accident. Due to the proximity to the Hocking River and to riverbed-fed aquifers, this facility presents a serious danger to the drinking water resources of millions of people. Here, too, no geological study or aquifer mapping had occurred. In addition, I detailed four main areas of concern: Risk of earthquakes, Risks of normal operation, Lack of monitoring, and concerns about infrastructure, public safety, and property values.

In this case, too, I requested a public hearing in Athens county, “based on my substantive concerns with the serious deficiencies of this permit application to prevent contamination and pollution of surface of the land, surface water and groundwater, as required by Ohio Administrative Code 1501:9-3-04.” I also reminded Chief Simmers and the other addressees that this was the third time I was writing an extended letter of concern to ODNR with regard to injection well
permissions and urged them “to acknowledge this letter, to take it seriously, and to make an honest effort in considering my concerns in an impartial and dispassionate manner.” Yet, no answer was provided at all.

This deafening silence, the lack of even acknowledging the letter, as well as the suboptimal information policy on ODNR’s website and their reluctance to hold public hearings, are depressing and paint a rather unfavorable image of ODNR. It can also be said that ODNR makes it difficult to submit public comments, as they usually have to be submitted within 14 days and often fall into holiday periods.

In a 2014 report, the Ohio Citizen Action and Ohio Citizen Action Education Fund found a correlation between regulatory failure and a “revolving door between agency and industry,” as well as ODNR’s “disdain and disrespect for public inquiries and requests,” mentioning Portage County and Athens County as typical examples. The report also observed that ODNR does not always publish the permit of new injection wells and sometimes removes relevant data from its website, such as earthquake data.

In closing, I want to mention that ODNR has a built-in conflict of interest, because this agency is on the one hand in charge of protecting the natural beauty and environmental integrity of Ohio, on the other hand, they benefit from the
commercial use of natural resources, including oil and gas, minerals, and timber.

The “revolving door” between ODNR and the industry, as well as the fact that ODNR profits from injection wells ensure that this conflict of interest tends to benefit one-sidedly the industry at the expense of Ohio’s citizens and the environment. It is unfortunately no surprise that ODNR does not want to communicate with Ohio’s citizens.

Testimony of Felicia Mettler

I am a lifelong resident of Athens County. I am a wife and mother of three. My husband and I made a choice to raise our children on family-owned land in a peaceful quiet setting in the country away from the crime and pollution the city often offers. Our sense of security has been shattered as toxic hazardous frack waste surrounds our small community. From the trucks hauling this waste, to the waste water disposal sites, and the injection wells, we now live with the fear of “WHEN”.

WHEN will the air we are breathing make us sick? WHEN will the water we drink become contaminated? WHEN will the ground beneath us crack and damage our homes?

My mother and father-in-law live just 1,800 ft. from one of the largest volume injection well sites in the state of Ohio. At times, the noise from the site is so loud
and un-nerving that my mother-in-law has to go inside her home or leave her home
to get away from the noise. She has had to take blood pressure medication. They
have noticed the water in their bird bath rippling for no reason. They have sat in their
home and felt vibrations as well as their neighbors ¼ mile away. These neighbors
have experienced odors so strong, their eyes were burning and she had to close her
windows and doors and keep pets inside the house. Again, the serenity of living in
the country has been shattered.

My family is being surrounded by poison. I live five miles from this same site. I live
ten miles downriver (Hocking River) from another site which has recently added
three new large holding tanks. This site is also just one hundred and fifty feet above
the river. These new tanks are twice the size as the existing ones. A second well has
already been permitted. I fear it too will soon be drilled and more toxic waste
injected in our ground. I fished in this river when I was a kid. I swam in this river
when I was a kid. I looked forward to sharing these experiences with my children as
they grow. That memory has been stolen from us. It will never happen. I will never
allow my children near the water for fear it's contaminated and no one knows.

The only requirement to inform the public that one of these facilities may be built in
your community is a public notice in a local paper stating a permit has been applied
for. If you are lucky, you will happen to get that particular paper. In our case, because we live further away, we do not get that paper. This is what happens more often than not. This permit does not explain what these sites are nor what goes in them. Therefore, these facilities seem to be constructed before the public even knows what's going on.

This is exactly what happened in our community. In 2015, my mother and father-in-law thought everything they were experiencing was coming from the facility across the highway. They made some calls and through those calls, Roxanne Groff contacted them. She came to their home and explained just what that facility was and what goes in it. This is the first time we had ever heard the word “injection well” and “frack waste”. The more we learned, the more we felt we had an obligation to inform our community of the risks they as citizens were being subjected to, and the lack of protection Ohio law provides us with.

Ohio law does not require fresh water monitoring wells around Class II injection wells. This puts thousands of citizens across the state at risk if our drinking water becomes contaminated. We are without any warning of this happening. We cannot survive without clean water.

In 2015, our local water company sent a letter to its 14,000 customers warning that
they could not protect our drinking water from any chemicals and contamination. They have not been informed of what chemicals to look for, therefore tests cannot be put in place to detect traces of these chemicals. I have attached a copy of this letter from Tuppers Plains Chester Water Company. We cannot survive without clean water.

Should our water become contaminated, the cleanup will come at customers’ expense. And who will pay the medical expense when we are all sick from drinking poisoned water???? O&G??? The company that owns the injection well????? Our government????

This waste is injected with constant high pressure directly into our ground and “in theory” this liquid waste will never find its way to our aquifers, our rivers, our wells, our ponds, or just simply our ground. For one, the risk is too great to chance our health and safety on a “theory”. Second, they cannot and do not track this waste. Liquid will always find the path of least resistance. Who is to say this liquid has not already traveled 50 miles from the injection site and is contaminating someone’s water without anyone knowing? Again, we cannot survive without clean water!

Ohio law does not require monitoring of the air for VOC's around these sites. How are we to know the air we’re breathing is not causing long term health effects? About
1/2 mile from the site in Torch is a park with a ball field. Our children practice at
least 3 days a week and home games teams from all around play all day every
Saturday and Sunday. What are we exposing these children to? Will they develop
asthma or other symptoms from breathing poison air? How are we to know? The risk
is too great for Ohio to continue the lack of protection for public health and safety.

There are eight injection wells in Athens County. Six are in operation. One more that
has not been drilled yet. With no limitations on how much waste can be injected
ANYWHERE, when is enough, enough? The public has no say on any of this nor do
our local officials. I have attached a copy of a chart made by Teresa Mills showing
these eight wells dating the year they began taking waste. It is shocking to see the
difference between the old wells and the wells constructed in the last four years. The
amount of waste being injected into our ground in such a short amount of time is
frightening to say the least. What are the repercussions going to be? For every action
there is an equal reaction. I have also included the amount of waste from 2011 to
2016 for each county in Ohio. Again, the numbers are staggering. These injection
wells are not like production wells when there is no more mineral to be found,

drilling stops. Injection wells NEVER stop injecting toxic waste into our ground,

EVER! How much waste can our earth take before disaster? It is absolutely beyond
me how my government can simply dismiss the dangerous risks my family and my
community are now forced to live with.

When a permit for an injection well is applied for, the citizens only have 15 days to
write public comments. Our comments are dismissed. Answers given from ODNR
are simply infuriating. For example, A site that is located on a windy road which
happens to be a main road for our local middle and high school and just one hundred
and fifty feet above the Hocking River where all residents along that road have
private water wells as their main source of water, applied for a permit for a second
injection well. Those three facts alone should have been enough for ODNR to deny
the permit and put public safety above profit of O&G. Once again, the public's health
and safety takes a back seat to O&G. I have attached all comments that were sent to
ODNR.

Trying to navigate the ODNR web site for public information in nearly impossible.
Training for the public is necessary for this task. I challenge anyone reading this to
access and read RBDMS reports on injection wells in Ohio. These reports are
supposed to be updated every week, however, I can read a report and find reports
were added from the month before. The lack of detail and attention is unacceptable.
Special software is needed to access this information. This is an extra expense our
citizens have to pay out of pocket. Because the truck traffic never stops to the Torch, OH facility, in 2015 we decided to record just how many trucks dump their waste in our community. We asked for volunteers to help take shifts throughout a 24-hour period recording every truck entering and leaving the site in a log book. One hundred and eight trucks were counted. They do not stop. They run on average every 15-20 minutes.

A year ago I was contacted by a person who works for the industry. This person is deeply concerned about the health risks they are facing and what are the health risks their family is facing. This person has paid attention and has connected the dots and knows it is not just salt water going into these facilities. This person knows they are being lied to. This person has also shared their eyewitness accounts of unlawful actions that continue on a daily basis by industry. The lack of regulation and complete disregard for human health is beyond me. What facts we know about fracking and injection wells are horrible alone, however it's the facts that are hidden that would be considered a crime against all humanity.

I am a mother. My children matter. It is my job to protect them and keep them safe from any harm. I gladly to that job and do it with the best of my ability.

It is our governments job to protect and keep the public safe. They have fallen short.
Ohio is currently in a dilemma. Oil and gas reserves have been discovered and opportunities abound for leaseholders, workers, local businesses, and the related oil/gas industries. This would not be a problem under normal circumstances. Our nation and the world currently run on fossil fuels. While this undoubtedly won’t always be the case, it is the world we presently live in.

This reality however is mired by hidden costs to the public’s health and the environment. There have been numerous documented, peer-reviewed scientific reports on the effects of the chemicals and radioactive elements released during the extraction, transfer, and refinement of shale gas and oil. Many people, including myself who live in and around my Hometown of Barnesville, Ohio, have experienced the ill health and negative economic effects of living near well pads and compressor stations. Splitting headaches, nervous system tremors, respiratory issues, insomnia, and mental trauma over the effects a tanker spill of radioactive waste may have had on our reservoir and the public’s health. I also have developed cysts on my liver and recently a kidney which so far, are unexplained.

Anyone who has kept up with what has happened in other areas after gas/oil fracking has occurred, knows that water has been contaminated by the remnants of the
fracking process. Drill casings are cemented by the industry where they penetrate water aquifers, but the rate of failure is well documented! Industry spokespersons like to point out that their operations are thousands of feet below the aquifers. What is seldom discussed is that many of the chemicals are lighter than water and will seek the surface. Once a person’s water is lost, their property’s value plummets, and the owners are often stuck on a worthless piece of ground with no water to sustain life, and no recourse too relocate.

I personally feel after numerous years of researching the fracking process, that our Federal and State government is in collusion with the oil/gas industry to side-step environmental regulations. Some of these regulations were passed in 1973 to protect the public’s access to clean air and clean water. Exemptions from the Clean Air and Clean Water Acts were granted to oil companies by American politicians who were/are vested in fossil fuels. Public Right-to-Know Acts have been circumvented by fossil fuel funded legislators who won’t allow the public access to the chemicals contaminating our water aquifers.

The State of Ohio did not take authority to irresponsibly mismanage the shale gas/oil mining and waste disposal industry. That authority was granted to our Governor by the Nuclear Regulatory Commission after Ohio signed an “Agreement State”
contract with them. It gave our governor the power to designate which agencies to
best run the gas/oil operations in Ohio. One of governor Kasich’s first acts was to
take OEPA out of their regulatory role which previously had involved inspecting the
fracking industry and managing radioactive waste disposal in our landfills. In 2013
our Ohio legislators, at the Governors request, redefined NORM (normally occurring
radioactive material) and T-NORM (technically enhanced radioactive material) to
ease the testing, record keeping, and disposal practices, too better serve the requests
of industry stakeholders. The industry is presently doing their own testing of waste
before deciding how much they will spend to get rid of it. Some OEPA employees
have pointed out that some of the testing and monitoring practices currently used are
flawed. A few of them have been forced into early retirement!

I received a return call on 6-14-2016 from two Nuclear Regulatory Commission
personnel: Jim Heller, the Senior Allegation Co-ordinator, and Jim Lynch, the NRC
State Liaison Officer that works with various state's Department of Health
employees. Mr. Heller said that Ohio's Agreement State status relinquished authority
over to our governor to handle the waste generated from the use of radioactive
material used during "wireline" testing. Wireline testing uses NRC regulated
radioactive materials to drop down a well bore and measure density, not necessarily
underground radiation levels. The governor then designates that authority onto other
state agencies, in the case of shale gas/oil fracking, sole authority was given to
ODNR, which is also the permitting agency, and OEPA was taken out of their
previous regulatory testing role. They told me that the well pad operators take their
own samples, but have to send them off for independent testing. My understanding is
that at various stages of the fracking process, the wastes can become highly
concentrated with radioactivity. Filter socks have already been attempted to be
illegally disposed of in Ohio at the East Sparta Landfill. No one but the well
operators know what waste is being sent off for testing. This is cause for concern
when considering the money that would be saved by the companies for not having to
ship highly radioactive waste out west for costly disposal.

I understand that our nation has a history of running on fossil fuels and I myself have
worked in that industry. I have gas powered cars, motorcycles, lawnmowers, and I
heat with fuel oil. My realization that my life evolves around supporting a relatively
unregulated industry whose practices directly impact the health and property values
of those living around related oil/gas infrastructure, does little to treat my insomnia
or ease my conscience.

The true costs of supporting fossil fuels could be known to all consumers if breathing
clean air, drinking clean water, and farming uncontaminated soil, were to be declared
too be inalienable human rights by the United Nations. Please consider discussions
which may lead to overturning the exemptions granted to the gas/oil industry from
complying with the Clean Air & Clean Water Acts in America and abroad? Better
safeguards for the environment, workers, and improving the quality of life of those
living around shale/gas operations would be much appreciated.

Testimony of Greg Pace

Columbus Community Bill of Rights has been working to ban oil/gas extraction
activities from being allowed within the city of Columbus. The Ohio state
legislature has deregulated the radioactive content of shale drill cuttings so that they
are assumed to be safe enough to ignore and dump on landfills across Ohio. With
the scant data available on radioactive testing of the frack waste stream that is
disposed of in Ohio, we are unconvinced that public trust was a priority when the
case for deregulation of solid frack wastes in Ohio was made to the legislature.
Subsequently, they inserted this language into the 2013 state budget bill.
A very informed Ohio citizen requested information on the radium quantities of the
solid waste test results that the OH EPA supplied to the ODNR oil and gas division
chief. This information was supposed to be the basis for the Ohio legislature to
determine if 90% of the solid frack waste stream should be exempted from regulation of radioactive content. Until this citizen kept after the EPA director like a bulldog, to divulge that a value within the test results was more than 100 times the drinking water limit for radium-226, he denied her that this public bit of information existed.

We have watched a remediation landfill in south Columbus owned by Ohio Soil Recycling, after the EPA authorized them to bio-remEDIATE cuttings as they remediate other brownfield soils. The protocol used for their pilot study was EPA-sanctioned, to demonstrate that radium levels from two Chesapeake Energy-delivered truckloads of cuttings, were within drinking water limits. However, the protocol was completely mismatched for the materials being tested. A University of Iowa study showed that the protocol can show a very small percentage of the radium levels due to dissolved solids in the samples, when the protocol was designed to test clear drinking water. Although they have not deregulated the radioactive content of drill cuttings, PA and WV use this same 901.1 protocol for radium measurement of liquid and solid fracking wastes.

We are now in the process of meeting with individual members of Columbus City Council and are hoping we might convince them to be the first local government in Ohio that I know of, to insist on finding out who in the city is accepting shale drill
cuttings, and if any are, doing proper testing for radium to ensure that radioactive materials are handled through proper methodology that is stipulated for non-exempted low-level radioactive waste streams.

We have 13 legacy Class II injection wells north of Columbus, most sitting smack in the city’s source water protection area. Almost all of these are spent production wells, converted to injection wells. Our group has given several tours of some of these wells, and are organizing a tour with Columbus city council so they can see the old, dilapidated facilities used to inject millions of gallons of frac brine under our source water. If the surface condition is compromised, we figure the pipes beneath the surface most likely will be as well.

A story is developing in that region that is hearsay at this point, but I am hoping to find at least one person to be willing to interview with media.

I have spoken to several people in the past weeks who claim that brine is being illegally dumped in wetlands and farm fields north of Columbus, in this same source water protection area. The trouble is that nobody wants to speak up, because either they are afraid of inciting the wrath of a local land baron/employer, or even afraid that they will not be able to sell their own property.

I initially got information to begin searching for evidence of illegal dumping from
people in another rural area of Ohio. One of them has two types of cancer, which has occurred after a compressor began operating upstream of their home in 2013.

This person took more than an hour to pick themselves up off of the kitchen floor following the first time the VOC’s from the facility reached their home on a Sunday morning. Their dogs would not go outside. Compressor station blowdowns occur weekly. They reported this problem to their Ohio state representative, and to the TV news. Nothing came from it. They had someone who alleged they were from Chesapeake Energy visit them. When they tried to get in touch with him after the visit by using the business card he left with them, they could not locate him and it appears that his identity on the business card does not exist.

These people told me of a person in a small community in north-central Ohio who has two types of cancer and now has a feeding tube. They allege that illegal dumping of brine had occurred in their area, and suspect this might be a cause of their health problems. Because people do not want to be known as witnesses, we are having problems finding more than anecdotal evidence.

We have heard over the years, about so many potential witnesses who have signed away their ability to make public the harms that have occurred to their property, lives, and/or health through corporate gag agreements for monetary compensation.
Some are brave enough to still speak about what they feel they can.

Market-state-oriented focus always tends to lead to the suppression, of information and clarion calls to circumstances that cause health suffering due to toxins released in communities from industrial activities. ‘Unmitigated market-forces Capitalism’, or as I refer to it, “Naked Capitalism”, are terms that refer to a system where the worst actors gain ground in ruling the roost, over time.

As a ‘Neo-Humanist’, I think I can understand where all is connected. There is no GOD AND THEN us, but more like us within GOD. As long as we inhabit these marvels of the Universe that we call ‘physical bodies’, there can be nothing more spiritually-relevant than keeping them operating normally, so that experiencing life through them does not take on nightmarish qualities.

We are born with a mind that has a switch … for some of us it is turned on early, for many others it needs to be turned on through learned wisdom, and for many more it does not get switched on at all. This switch amounts to having the vision to discern between understanding that civilization’s primary responsibility is to ensure that all bodies that bear human beings must have all resources available, to ensure that they are kept in a condition that allows life to be worth living in them. No religion, no philosophy or system of justice or economics, can hold a candle to being worthy of
representing our lives either as a group or individually, if they do not hold true to
honoring the resilience of each one of us, through our moment-to-moment Earthly
existence in a body. This is the bottom rung of Maslow’s Hierarchy of Needs, and
no needs or aspirations that exist higher than this rung are functional without this
basic support.

When Columbus Community Bill of Rights became one of the groups in Ohio who
are pushing our fellow human beings to insist on local self-governance for matters
that higher authorities will not properly handle, our justice system in Ohio was to be
our last vestige of hope in the regulatory and governing state authorities. Our
Columbus group had hoped that this branch of public governance would still have
the impartiality to be able to properly decide between private moneyed interests, and
public and even commons-based interests of their human constituents. We have
witnessed over the past two years, that this is not the case. Money influences the
court system’s reflections of justice as it does in the other branches of state
governance. When the executive branch shunts human beings’ constitutional rights
in Ohio to be able to democratically enact changes to our laws by using our right of
initiative to place laws on the public ballots, and the justice branch upholds these
politically-motivated refusals of our rights, we are faced with the stark reality that
the Ohio state government is not the government of the human beings who live in the
state of Ohio.

It is only the government of those human beings who are still willing to believe that
having a nebulous dream of public trust is enough to keep us safe from lethal harms
that self-interest demands. When the courts cannot judicially discern between the
obvious state constitutional rights of human residents and the fictitiously devolved
rights of corporations to do their harms, then it is not the system of the human beings
of the state of Ohio. This is what must be understood. The switch must be turned on
for many, many more people. It is only when this really happens, that we will do
what righteous collective human will can and must do ... have each others’ backs.

Testimony of Dr. Julie Weatherington-Rice, PhD, CPG, CPSS

Human Rights Obligations to Water: Right to Safe Drinking Water

My name is Dr. Julie Weatherington-Rice. I am a Certified Professional Geologist,
a Certified Professional Soil Scientist and am current in my Occupational Safety
and Health Act (OSHA) Certification training. I work primarily in the field of
protecting public water supplies. I am the Sr. Scientist for the firm of Bennett &
Williams Environmental Consultants Inc. in Westerville, Ohio; a former Adjunct
Professor at The Ohio State University in the Department of Food, Agricultural
and Biological Engineering; a scientific advisor to the Ohio Environmental Council
and I provide technical training for continuing education credits to Public Water Supply Treatment Plant Operators. To that end I have been researching the nature of oil and gas drilling operations, production, transport and waste streams as they potentially can impact public water supplies for 40 years. I have shared this research for a number of years now through The Ohio Chapter of the American Water Works Association, the Operator Training Committee of Ohio and the Ohio Rural Water Association. With most of the public water supplies in eastern Ohio surrounded by oil and gas drilling, production, transport and storage of produced and waste materials and the final disposal of those waste materials, it has become obvious that there is a potential for the accidental contamination of a public water supply. Since currently, the oil and gas industry is not required to reveal the chemicals contained in any of those sources to Ohio EPA, first responders, landfill operators or public water suppliers, it becomes almost impossible to plan for emergencies and/or to respond appropriately when accidental releases occur.

The oil and gas industry has convinced the Ohio Legislature that all the aspects of drilling and operating gas and oil wells involve special techniques and chemicals that are governed by the Trade Secrets Act and therefore can be protected from
release to state and local agencies and the general public. They have their own set of regulations separate from the Federal Emergency Management Community Right-To-Know Act and the Ohio Emergency Management Commission. At this point in time, they only have to report to the Ohio Department of Natural Resources (ODNR) Division of Oil and Gas Resources, and ODNR is forbidden to share that information under Ohio Law. In June, 2014, the catastrophic Eisenbarth well pad fire in Monroe County demonstrated the critical danger of that arrangement when first responders from 14 fire departments in three Ohio counties and West Virginia responded to the explosions and fires and then had to wait for five hours before a basic list of chemicals burning on the site could be supplied. The Trade Secret chemicals were reported to ODNR two days later but the Agency could not pass on that information to any other group working on the site. Finally, five days after the initial explosions, US EPA obtained the Trade Secret list of chemicals and shared them. The fire was still burning at the site. In reviewing the disaster and the response, State of Ohio officials recognized that there had to be a mechanism to at least release chemical information in a timely fashion in the case of an emergency. At the behest of Ohio EPA, Governor Kasich inserted a section into the 2015-16 budget bill that would require that information to be shared with other State and
local agencies, first responders and where applicable, public water suppliers in case of an emergency. The section was removed by the Ohio House, reinserted by the Ohio Senate and then removed in Conference Committee. This year, the section was not drafted into the 2017-18 Budget Bill so the Ohio Environmental Council attempted to get it introduced as an amendment. I submitted the following testimony in support of that effort. We were not successful in getting the amendment inserted but will try again with the Ohio Senate who now has the Budget Bill. There is hope that this effort may be successful but even if the Ohio Senate approves the amendment, there is little hope that the Ohio House will agree. Without such a change to the Ohio Revised Code, first responders and public water suppliers are placed in an impossible position in trying to protect Ohio’s soil, water and air, the biosphere, from contamination as well as the property and lives of Ohio citizens.

Public water suppliers are required by Federal Law under the Safe Drinking Water Act, to create a Source Water Protection Area Management Plan. This plan identifies all potential sources of chemical contamination that exist in the community’s Source Water Protection Area (a specifically mandated geographical location that has been designated or certified by Ohio EPA for each public water
supply in Ohio). Communities plan for emergencies and determine alternative sources of potable drinking water in case of an accident. For every other chemical manufacturer, user or disposal facility, the public water supply has access to the types and amounts of chemicals on site. This is a Federal requirement that documents cradle to grave tracking of chemicals. Two Federal Acts from the 1980s, SARA Title 2 and Emergency Planning Community Right-to-Know (EPCRA) created the tracking system. In Ohio, the oil and gas industry is exempt from having to report the chemicals involved in the production, shipment and waste streams of oil and gas to Ohio EPA, to first responders, to landfill operators and to public water suppliers. If public water supplies are impacted, this situation makes it almost impossible to quickly treat an emergency release of part of the production or waste stream.

This is no longer a hypothetical discussion. On March 9, 2016 at 3:00 AM, a tanker truck overturned at the upper end of the Village of Barnesville’s main reservoir, dumping approximately 4,300 gallons of “brine” into the reservoir. Barnesville is in Belmont County and it supplies all the public water to an 80 square mile area in parts of four counties. Barnesville has three reservoirs that are connected by pipeline to the surface water treatment plant located at the
downstream dam end of the reservoir that was contaminated. There is no other
treated water tie-in or pipeline to an additional raw water source to augment the
Barnesville system. To create such a connection would cost many millions of
dollars and take years to plan and build. So on the morning of March 9, 2016, on
orders from Ohio EPA, Barnesville switched to their alternative reservoir sources
which, fortunately, were also full, and began working with Ohio EPA to try to
figure out what was dumped into their water supply and how long it would take, if
ever, before their main reservoir would be safe to use again.

The affected reservoir, at spring stage, holds approximately 140 million gallons of
water. The tanker truck was carrying 4,300 gallons of “brine” for an
approximately 34,000:1 dilution factor, or for each gallon spilled into the
reservoir; there was approximately 34,000 gallons of uncontaminated fresh water
to dilute it. With that high level of dilution, it would take a concentrated chemical
mixture with very low levels of a contamination threshold to even be measured in
the reservoir’s waters. Ohio EPA learned that the “brine” being hauled for disposal
at a Class II Injection Well near I-70 came from a Gulfport well in Monroe
County. The truck was taking a shortcut through the Village’s Source Water
Protection Area, at 3:00 AM, which the driver can do because the waste is exempt
from Federal Toxic and Hazardous reporting requirements and so not subject to rerouting around the Source Water Protection Area which could have been required if it had been carrying any other chemical. When Ohio EPA requested information as to what had been in the truck and was now in the reservoir, Gulfport responded with a safety data sheet from an Oklahoma well from the year before for “Produced water – sweet” reported to be 80-90 % water, less than 16% sodium chloride, less than 16% calcium chloride, less than 1% oil, less than 1% benzene. Gulfport did not report the presence of heavy metals, radioactive metals, or contamination from drilling mud chemicals, contamination from hydraulic fracturing chemicals or even (correctly) where the “brine” was from. Under current Ohio law, Gulfport was allowed to provide false or incomplete chemical information to Ohio EPA who then had to tell Barnesville that “salt water” had been dumped into their reservoir.

Fortunately, Ohio EPA has some experience with the chemical makeup of produced water out of the Utica formation so they tested for a much larger list of chemicals.

Ohio EPA tested for Radium 226 and 228, Gross Alpha, Gross Beta and combined Radium; Volatile Organic Compounds and Semi-Volatile Organic Compounds
(which would include the oil and benzene), Total Dissolved Solids (which would include the salts); metals and phthalates (plastic softeners). At noon on March 9th, Ohio EPA got a reading of 3.2 pCi/L of Radium in the reservoir. While this number is lower than the Safe Drinking Water Act Maximum Contaminant Level of 5 pCi/L in the reservoir, (given the huge dilution factor of 34,000:1) the Radium levels in the “brine” would have been far higher than exposures considered safe by the US EPA. Therefore, first responders and clean-up crews were potentially exposed to significantly unsafe levels of radium without their knowledge, without proper notification so that safety precautions could be taken to minimize their exposure impacts. Other chemicals were also elevated above background. Clearly, there was far more in that brine spill than what Gulfport reported on their Oklahoma well safety date sheet.

Because of the unknown chemistry of the spill, the concentrations of chemicals that were identified in samples from the overturned truck, the reservoir water and sediment, Ohio EPA was very rigorous in their reservoir cleanup, requiring repeated testing of the reservoir while spring rains continued to flush out the contaminants. They finally finished and released their report on May 20, 2016 and the reservoir was brought back on line, more than two months after the accident.
Had this accident not happened in March but in August or September when levels are significantly reduced in all of Barnesville’s reservoirs and there were no spring rains to flush the contamination, the region could have experienced a very different outcome. Water rationing might have been required. Outlying communities might have had to be supplied by Ohio National Guard Water Buffalo tanks.

Better required cooperation from Gulfport in reporting the chemical makeup of the produced water would have speeded up the evaluation of the contaminant impacts to the reservoir. Giving the public water supplier the right to reroute oil and gas waste streams out of their Source Water Protection Areas would have prevented the whole experience but that redress is beyond the scope of this amendment. This type of contamination is going to happen again. Passage of this amendment would begin to normalize the risky situation that eastern Ohio public water suppliers find themselves in. With all the oil and gas activity in eastern Ohio overlaying all the Source Water Protection Areas of all the public water supplies in the region, on any given day, any public water supply is at risk. All it takes is one accidental release. Cleanups are extremely expensive and, if the damage is so severe that the water supply cannot be cleaned up, replacing that supply runs into the tens to hundreds of millions of dollars and can take years. There are no State or Federal
funds available to the damaged community to make them whole. Since the oil and
gas industry typically incorporates each well separately, there are no industrial
deep pockets to make the community whole. The community shoulders all of the
risk and they don’t even have an accurate list of what they have to combat to make
certain that the water they provide is safe and meets all the requirements of the

The industry claims trade secrets that they must be able to protect their secret
chemical mixes from others who would steal them and thereby profit. I would
argue that this claim is a “Red Herring”. No one operating a public water supply
system is planning to mix up a special batch of hydraulic fracturing fluids or
drilling muds, they don’t need exact formulations, but they need to know the
chemicals in the releases and their relative volumes. With that information, Ohio
EPA, first responders and the public water supplier can make informed, complete
decisions instead of just guessing in the dark. Why should the oil and gas industry
be exempt from the same set of rules and laws that every other chemical industry
in Ohio has to abide by? They are putting us all at risk with their cowboy
chevalier behavior. This is not the wild west of the 1880s; this is 2017 in a heavily
populated state that believes in keeping its population safe and its drinking water
pure and usable. Please consider inserting the OECAF Emergency Chemical Disclosure Amendments into HB 49 and then vote to support it. The people in Ohio who drink water, which is everyone, are counting on you to help protect them.

Testimony of Cathy Burnhart

Testimony of Richard Sahli

My name is Richard Sahli and I have lived in Columbus, Ohio, for most of the past forty years. I am an attorney practicing primarily in Ohio environmental law and have served in the Ohio Attorney General’s Office, as Chief Counsel in the Ohio Environmental Protection Agency, and as a private attorney for environmental and community organizations.

I am here to testify about how the State of Ohio’s Department of Natural Resources (“ODNR”) abuses the public’s right to public information in a manner that violates human rights internationally recognized by the United Nations. My experience in Ohio is that ODNR pursues an entirely obvious policy of foot-dragging and hostility in responding to public records requests regarding hydraulic fracturing (“fracking”) operations while also limiting its publicly available information on its web-sites to obstruct potential legal challenges to ODNR’s
permits for fracking operations.

These policies at ODNR are closely related to two larger political trends in Ohio: first, the control that the fracking industry has acquired over Ohio political institutions, most notably the Republican majorities in the Ohio General Assembly, and second, a concerted effort within the Republican-controlled Ohio Supreme Court to limit the effectiveness of Ohio’s public records laws and impair that law’s original design to deter Ohio’s public agencies from the type of activities that ODNR routinely uses today.

1.) ODNR’s Abuse of Ohio’s Public Records Laws:

Ohio’s public records law, found in Ohio Revised Code (“ORC.”) Section 149.43, is a strong law on its face and, prior to the last decade, it was interpreted by Ohio Courts in an equally strong manner. The law’s definition for “public records” is very broad and although the law’s initial small number of exemptions has been expanded dramatically by the legislature over the past decade, few if any of those exemptions are applicable to environmental records. The law requires that “all public records responsive to the request shall be promptly prepared and made available for inspection to any person” or the agency “shall transmit a copy of a public record to any person” by mail or other form of transmission “within a
reasonable period of time after receiving the request.” What constitutes such
“reasonable period of time” is not defined in
the statutes, but courts have interpreted it to mean “without delay” and “with
reasonable speed” considering the facts and circumstances of the request. Under
this standard, the Ohio Supreme Court has found that narrow requests not
responded to within four business days violates the statute, while requests for
voluminous documents or requests involving very significant legal questions may
lawfully take significantly more time. It is well established that claims of too
much expense, or too much time involved, or too much interference with normal
duties cannot be used by the public office to evade the public’s right to inspect or
obtain a copy of public records within a reasonable time.

I have made over a dozen records requests to ODNR’s Oil & Gas Division over the
past five years and have sued it four times under the public records law for its non-
compliance. None of those requests have been responded to promptly but have
lingered from six to eight weeks or longer. Their system simply seems to have no
ability to respond to any request, irrespective of its breadth, any sooner. When I
contact ODNR to inquire about the status of my requests, I am told only that there
are so many requests that they cannot get to them any quicker with their existing
staff. However, the Oil & Gas staff has increased from 44 to 128 between 2011 and 2016 during which time their records performance has only deteriorated.

Obviously, no serious priority is being given to records requests in that program.

Records requests sent to other Divisions at ODNR are dealt with fairly quickly and professionally.

In each of my four lawsuits, the state attorneys conceded that ODNR was in violation of the public records law due to their lack of a prompt response and the lawsuit involved only getting the state Attorney General’s office to force the records out of the Department. In three of the cases, I received the maximum statutory damages award of $1,000 for ODNR having violated the Public Records Law. In each case, the fact of violation was immediately conceded by the Attorney General’s office which made no effort to defend ODNR’s conduct.

Based on this experience, it is obvious to me that ODNR is in habitual, chronic violation of Ohio’s Public Records Laws and is doing nothing to come into compliance.

To compensate for its failures, ODNR is using multiple strategies to put off records requests from citizens. The first is to say that their legal staff must review all requests which is the cause for this delay. However, very few requests for
documents involve significant legal issues and this extra step, which seems to have been instituted primarily to prevent the release of politically embarrassing documents, does not justify much delay.

Second, and more pernicious, is that, after a lengthy delay, ODNR sends the requester a form letter stating that the request is so vague that it must be rewritten before any response will be given. This reply may be a serious roadblock to citizens with limited background in the legal requirements of the Public Records Law who ODNR puts on a treadmill of constantly rewriting their requests to meet ODNR’s never satisfied level of clarity. This was even tried against me once on what had been a very specific request which led to my immediate filing a public records lawsuit. The issue of vagueness was never raised as a defense by the Attorney General’s Office and I again received the maximum penalty of $1,000 for ODNR’s violation.

Third, I have recently been told from citizens of a third evasion strategy by ODNR. In seeking documents regarding the damage and clean-up made necessary by an unlawful release of fracking chemicals last year, the citizen was told by ODNR that important records regarding the cleanup would not be provided because the fracking company claimed the records were trade secrets. Note that
ODNR did not say that it had determined that the trade secret claim was valid, just
that the company had simply made the claim. Also, ODNR was not just redacting
those portions of the records which the company said were trade secret, but the
entire record was withheld leaving the citizen completely in the dark regarding the
important issue of the cleanup. The citizen could have filed a public records
lawsuit to contest the denial of the record, but that action had the potential of being
especially complicated and therefore expensive due to the legal complexity of
trade secrecy claims. Hopefully, a legal action contesting this claim will be
prosecuted to put limits on this practice, but until one is, ODNR will apparently be
using it to frustrate citizens from obtaining important public health information.

Earlier I said that the corporate-friendly Ohio Supreme Court has been cutting
back on the public record law’s power to deter Ohio’s government agencies from
violating its requirements. When first put in the law two decades ago, the
maximum $1,000 statutory damage penalty was applied by court’s on a per
document basis, so that a delayed records request obtaining 5 documents would
lead to a $5,000 award. After several large awards left local governments reeling,
the courts cut the award back to a single $1,000 per records request, irrespective of
the number of documents involved, thus reducing the award’s deterrent impact
The public record statute’s most significant deterrent effect, however, has historically been from the award of attorney’s fees against state agencies found to have violated the statute. In the first two lawsuits I filed against ODNR, I received attorneys’ fees in the amount of $9,000 and $2,700 – which gave serious encouragement to ODNR to get its act together on public records. But that all changed in 2014 with the Ohio Supreme Court’s DiFranco v. South Euclid decision where the Court held that attorney fees could only be awarded if the lawsuit resulted in an actual court order rather than just arising from the fact that a lawsuit had been filed to enforce an agency’s violation. This decision gave all state agencies an easy way to circumvent the intent of the public records laws for prompt and complete disclosure by waiting for a suit to be filed and only then providing the records. By providing the records, the underlying lawsuit became “moot” and therefore automatically dismissed without any court order forcing compliance able to be issued. With this one decision, most of the power of the public records law to deter violations was destroyed. Now, citizens can no longer afford to bring suit because of the high cost of an attorney and there is only the $1,000 fine left to deter violations. As ODNR’s actions prove, state agencies seem
happy to pay that nominal fine rather than get the staff and process in place to meet
the law’s intended purposes.

Finally, it should be noted that the Ohio Legislature amended the public records
system in Ohio in September 2016, in Senate Bill 321 to address growing public
complaints about state and local agencies’ failures to satisfy the prompt and
complete disclosure requirements of the public records law. Rather than deterring
these agencies by putting the teeth back into the attorneys’ fees provision, the law
set up a wholly separate process where citizens could request the Ohio Court of
Claims to undertake an informal negotiation process with state agencies to obtain
the records without the need for an attorney. Of course, this process is slow and
doesn’t help at all when time is of the essence. It may help some citizens in
certain cases but it won’t force ODNR to reform its broken system.

There was a time in Ohio, as recently as just 15 years ago, where the Ohio
Supreme Court proudly declared that:

“As we have repeatedly emphasized, ‘When records are available for public
inspection and copying is often as important as what records are available.’ ”

Obviously, that priority has been lost in today’s Ohio.

1.) ODNR’s Abuse of Publicly Available Information
How quickly public records are produced is obviously important to citizens concerned to know what is happening at the fracking site or injection well down the road and what health and safety issues it may present. But ODNR’s deliberate system of delay in providing public records has more insidious purposes than that problem alone because it is part of a system designed to prevent citizens from appealing ODNR actions into the administrative appeals and court systems.

ORC 1509.36 establishes the appeals process for all orders and permits issued by ODNR’s Oil and Gas Division by providing for their appeal to the Oil & Gas Commission. While this body is appointed by the Governor and is therefore less than trusted by many citizens – especially since its current Chairman is a Cleveland estate lawyer who just so happens to be the Republican Party Chairman of Cuyahoga County – this is the only useful pathway to get a case eventually before an actual judge. Just before the start of the fracking era in 2010, the Ohio legislature even exempted all fracking production wells from this weak appeals process. But all other permits issued by ODNR permits are still subject to this appeals process and therefore the possibility of having the Oil & Gas Chief’s orders reviewed and the Chief held accountable.

However, ODNR has avoided this potential with its public records delay system,
its failure to give public notice of these permits, and by strictly limiting what information it puts on its public web-site. Appeals to the Oil and Gas Commission must be filed within 30 days of a permit being issued while one of the Commission’s rules provides that an actual copy of the permit “should” be attached to the appeal. However, ODNR gives no public notice whatsoever of its issuance of these permits so local citizens do not know when the 30-day period begins to run except to make repeated public records requests for the permit. Since ODNR never responds to such requests within 30 days, the right to bring an appeal is therefore lost by default and the Chief is free of accountability.

Ironically, the only permit that ODNR is now legally required to give public notice on is the drilling permit for fracking production wells that the Legislature has already exempted from the appeals process. For these permits, the Legislature requires ODNR to post them on its web-site within two days after their issuance.

Obviously, ODNR could also post the appealable permits, like those allowing injection wells to start disposing, in this same manner – but they choose not to do so. The self-evident reason for this exclusion is that to do so would allow citizens to appeal them within the 30-day limit. Accordingly, between their contrived system of not providing any public notice and not posting any permits except for
the unappealable ones and their delay in responding to public records requests until
after the appeals period has run, ODNR has devised the perfect system to avoid
any accountability through appeals to the state’s courts.

This pattern has continued in the most recent rule-making by the Oil & Gas
Division in Ohio Administrative Code Section 1501:9-2-02 effective in July 2015.
This rule establishes procedures for reviewing and approving a permit for the well
pad that fracked production wells will be built upon. The rule provides for no
public notice of these permits and ODNR is not posting them on its web-site so
there is again no way that citizens can become aware of when they are issued to
meet the 30 day appeals limit. ODNR has also recently announced that it will be
developing rules governing permits to be issued to potentially hazardous facilities
that store or treat fracking wastes and the smart money is betting on this pattern
being continued there also.

CONCLUSION

In 1992, the United Nations Conference on Environment and Development
adopted the Rio Declaration on Environment and Development setting forth 27
principles to govern human rights for environmental quality. Principle 10 sets forth
the principles governing public participation in environmental decisions. Since the
actions of ODNR testified to above violate every element of Principle 10, it is worth stating verbatim:


Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.

Also, the U.N. Human Rights Committee that oversees compliance with the International Covenant on Civil & Political Rights adopted in 1966, has recognized similar protections for the public’s right of access to information in General Comment 34 addressing Article 19 of the Covenant. The Comment states in pertinent part: 19. To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective
and practical access to such information. States parties should also enact the
necessary procedures, whereby one may gain access to information, such as by
means of freedom of information legislation. The procedures should provide for the
timely processing of requests for information . . .

My testimony establishes that these principles are violated by ODNR.

Testimony of Jill Antares Hunkler

My name is Jill Antares Hunkler, and I live in Somerset Township in Belmont
County, Ohio, near the Village of Barnesville’s Slope Creek reservoir. Yesterday,
May 12, an event occurred that I feel compelled to share with you at the beginning of
this testimony.

Immediately after returning from a drive to the grocery store, I heard a helicopter
and I thought it must have landed in my yard because it was so loud. When I went
outside to investigate, I found a black helicopter hovering low and very near my
house. I walked into my yard and just stood there for a few minutes watching it. The
helicopter then flew directly beside me and literally right above my trees and
hovered again for several minutes. It then flew to the back of my house, so I walked
onto my deck and stared at it. Finally, after what seemed like an eternity, it flew over
the hill and hovered there for another ten minutes. There is no doubt that whoever
was flying that helicopter was there to intimidate me and to let me know that I am being watched.

Why would someone be watching me and trying to intimidate me? Could it be because I have joined a lawsuit against the Bureau of Land Management to stop fracking in Ohio’s only national forest? The Wayne National Forest is rich in natural and historic treasures that provide essential habitat for many animals, as well as hunting, fishing and natural recreation for not only local residents but individuals from many places. I have joined a lawsuit along with the Sierra Club, the Ohio Environmental Council, the Center for Biological Diversity, and Heartwood.

Or are they also watching me because I have filed a Notice of Intent to sue MarkWest for significant and ongoing violations of the Clean Air Act and Ohio Pollution Control Act at the Humphreys compressor station on hill above my home. This situation is outlined in the following press release:

"First we noticed the odors and had nose, eye, and throat irritation, as well as headaches. Then the symptoms worsened over time with nausea, vertigo, rashes, mental confusion, disorientation, numbness, body aches and pains" says Jill Hunkler.

"I began researching the negative effects of compressor station emissions and became very alarmed. I was introduced to others who had lived near compressor
stations who had suffered similar ailments and became convinced that there was an emissions problem with the station. I made connections with Fresh Water Accountability Project, and Earthworks who offered assistance. I also contacted the Ohio Environmental Protection Agency (Ohio EPA) and voiced my concerns.”

On July 14, 2015, Earthworks, a national non-profit organization, used optical gas imaging technology (specifically a Forward Looking Infrared, or FLIR, camera) to film the Humphreys Compressor station. The camera showed gases clearly appearing as grey plumes above the stacks and moving across the facility fence line, and also showed venting from the storage tanks. “The Humphreys compressor station is clearly a significant pollution source in the area and showed some of the most intense emissions we’ve filmed to date,” said Nadia Steinzor, Eastern Program Coordinator with Earthworks. “While we were filming, my coworker and I experienced dizziness and headaches and smelled strong hydrocarbon odors.”

Lea Harper, Director of Fresh Water Accountability Project stated: "When I visited the Markwest compressor station with Earthworks and the FLIR camera, it was obvious there were invisible pollutants causing the strong odor. And when I met a neighbor with health complaints, I had a stark realization - no one is protecting us. Not the EPA, not the Ohio Department of Natural Resources (ODNR), not our
elected representatives - there's no one looking out for those living next to the industrialized operations. No one is monitoring for toxic chemicals released into the air. Without measurements, people don't know what is making them sick, and the company is off the hook. It's a terrible way of externalizing the high cost of human health and environmental degradation. I would never have believed it if I didn't see it for myself."

After receiving resident complaints for more than a year, on May 19, 2016 the Ohio EPA finally inspected the Compressor Station using a FLIR camera and flame ionization detector. The FLIR camera confirmed that vapors were being released from a valve that connects all five storage tanks. Thus, the Vapor Recovery Unit ("VRU") was not operating in a manner to capture and control volatile organic compounds ("VOCs") consistent with the permit condition. The U.S. EPA has noted serious compliance issues with the type of VRU used at Humphreys compressor station.

Nov. 19, 2016 the Ohio EPA stated "we currently are reviewing the response by the company and are working with MarkWest to ensure compliance with their permit terms and conditions. Six months after the violations were issued, the polluting of the air was still occurring at the Humphreys compressor station."
Storage vessels at natural gas production facilities are known to contain large quantities of VOCs, other hazardous air pollutants that are known carcinogens, and methane. MarkWest has continuously failed to comply with the terms of its Permit-to-install, and the Ohio Air Pollution Control Act by violating emissions limitations of the Permit and causing a public nuisance by failing to prevent the emissions of vapors, fumes, hazardous air pollutants, including VOCs, particulate and fugitive emissions in close proximity to residences, which endangered, and continues to endanger, the health and safety of the surrounding community and caused, and continues to cause, property damage to neighboring lands.

The Notice states, “MarkWest's violations of the Clean Air Act, The Ohio Pollution Control Act and its Permit have injured and will continue to injure the health, environmental, and aesthetic interests of the Hunkler family and the surrounding community. These injuries are traceable to MarkWest's violations of "an emission standard or limitation."

In its operating permit application to the Ohio EPA, MarkWest identified the potential to emit, among other pollutants, VOCs, and Hazardous Air Pollutants. Exposure to these and other chemicals related to natural gas production have been associated with eye, nose, and throat irritation, respiratory problems, and adverse
effects to the nervous system.

Compressor stations are a permanent source of noise, air, and odor pollution for the surrounding community. The overall operation of the Humphreys Compressor station emits numerous toxic and other harmful air pollutants, and the operation of the engines and other equipment at the site, including blowdown events, causes extreme disturbance in the surrounding areas that is hazardous to human health and safety. The violations described in the Notice Letter injure, and unless abated, will continue to injure the health, financial, aesthetic, and recreational interests of the Hunklers and the surrounding community in general.

For all the reasons just listed, my family and I have been forced to leave our home, due to the oil and gas industry’s pollution and violations of the human right to a healthy environment.

Maybe I am being watched because recently while on a driving tour of fracking sites, a traffic control guard for the industry took photos of my license plate and wrote down the make and color of my vehicle and said they gave the information to the state. When questioned about this she later said they give the information to the company. Just shortly after that encounter, a truck pulled in behind me at a gas station and also took pictures of my license plate. When asked why, he responded
that he did not like what I was doing.

Could it be that I am being watched because for years now I have educated the public on the hazards of fracking and been instrumental in grassroots organizing, advocating for a ban on fracking and a focus on renewable energy sources as the solution for future generations.

I have been experiencing the hazards of fracking and witnessing the path of destruction and contamination caused by this polluting industry. My family and I live in close proximity to fracking sites and have experienced negative health impacts including headaches, asthma-like symptoms, rashes, and insomnia due to the industry’s invasion of my ancestral homeland.

Those of us living in these once peaceful hills are not only dealing with negative health impacts. We are also experiencing explosions, fires, contamination of streams, including the death of 70,000 fish, gas leaks that caused lengthy evacuations, air and noise pollution, unsafe roadways due to industry traffic, springs and well water contamination, and depletion of our water supplies by Industry withdrawals from our reservoirs, ponds and streams.

On average it takes eleven million gallons of water to frack one well in Ohio. They water is toxic after it has been fracked. These are all examples of a violation of the
right to safe drinking water. It is heart breaking to witness the massive deforestation
and habitat destruction, as they haul away beautiful hillsides one truckload at a time
to build the frack pads, pipelines, injection wells, compressor and transfer stations.
Due to the invasiveness of shale development, southeastern Ohio has been described
by many as living in an occupied territory. I have been working continually since the
invasion began to research and share the truth about the hazards of fracking, and to
organize informed local opposition to irresponsible industry development. I have
lived in the Slope Creek area for over 30 years and have enjoyed swimming, fishing,
canoeing and camping on the shores of the reservoir. I decided to build my own
house on the opposite shore of my childhood home, where Slope Creek flows
through the yard. I am grateful for the many peaceful moments in this tranquil and
beautiful landscape with its abundant water, trees and wildlife. I never imagined that
my quiet country way of life would disappear.
I began researching the impacts of shale development and found that: fracking
emissions contain methane, carcinogens, neurotoxins, and VOC's (Volatile Organic
Compounds). I have learned that these emissions hover near the ground and are
known to cause serious health problems. So there is reason for great concern
regarding my family living in this once tranquil, but now threatened valley.
The first warning signs of the shale industry invasion came with the arrival of the leasing land agents. Area residents formed long lines outside the local high schools to sign over the mineral rights before educating themselves about the potential threats involved with the industry. Landowners and farmers, who had been struggling financially for years, were suddenly being presented with significant amounts of money that they did not refuse. The industry preached of safe development, large royalty checks, and independence from foreign oil and gas supplies.

It took several months before the invasion intensified and the land agents were replaced with incoming crews of mass destruction. The deforestation, habitat destruction and the removal of whole hillsides one truckload at a time began. The transportation of oversized equipment on twisty, hilly country roads made driving very dangerous for area residents. The fracking infrastructure, including pipelines, compressor, and transfer stations began developing rapidly. Injection wells for the radioactive and chemically-laden waste were among the first secretive projects to be completed and began accepting out-of-state toxic fracking waste. Currently there are numerous fracking well sites on the hills above Slope Creek Reservoir.

I began researching and presenting the facts to my local and county officials
regarding a radioactive fracking waste, and many other industry-related contamination issues. Belmont County had entered into a secret contract with EnerGreen 360 LLC, a company that had been permitted to take fracking drill cuttings, mix it with coal ash, and use it as fill for an industrial park site one mile from our Village of Barnesville. A press release written by the Freshwater Accountability Project alerted me of the project and stated:

Industry insiders and scientists have known for some time that fracking waste can be radioactive. Drill cuttings, drilling muds and sludge are laden with heavy metals and chemical agents used to extract gas and oil from deeply-buried underground shale layers. Other toxic materials such as arsenic and Uranium 238 once buried safely more than a mile below ground are brought to the surface due to fracking.

After reading this alarming press release, I began organizing a group, Concerned Barnesville Area Residents (CBAR). We gathered factual evidence and presented it to local and county officials, initiated a successful petition drive, placed full page bulletins, wrote numerous editorials outlining the hazards of the project, and organized a town hall meeting. As a result of the community’s voicing of its opposition to the project, the company withdrew and is not operating in our county. This was a big victory, showing what concerted, informed community action
can achieve.

In a March 2014, at a Village of Barnesville council meeting, I witnessed a Gulfport Energy representative presenting contracts to the council. The village had already agreed to lease the surface and mineral rights to Gulfport. The contracts being presented to the Village called for the locating of two fracking well pads within 500 feet from the shoreline of Slope Creek Reservoir. The leasing of this land for fracking adjacent to our drinking water is a violation of the human rights obligations to water.

As soon as I heard this worrisome news, I urged the Village not to permit these pads within the Slope Creek Watershed. I continued researching the potential threats to our drinking water supply. My now respected and powerful group of concerned area residents began campaigning for the protection of the reservoir and the abandonment of the fracking wells within the watershed. Peer-reviewed scientific studies confirming the existence of documented cases of methane migrating thousands of feet and contaminating water sources due to compromised fracking well bore integrity were given to local officials. A successful petition drive resulted in 2300 signatures which have been submitted to The Ohio EPA, the Ohio Department of Natural Resource, Governor Kasich, Gulfport, and the Village requesting that the
company relocate the pads and abandon operations in the Slope Creek Watershed.

When hand delivering the petition, I also included were peer-reviewed scientific papers documenting and explaining how water supplies have been contaminated in numerous cases at distances of up to one kilometer (3,280 feet) from the leaking shale wells.

I read a statement by Dr. Anthony Ingraffea of Cornell University, who conducted research over many years for the oil and gas industry giant Schlumberger and the Gas Research Institute. When asked about Gulfport’s plan to put frack pads 500 feet from the shoreline of Slope Creek Reservoir, Dr. Ingraffea said that: “My principal concern would be the loss of wellbore integrity. If they are going to put two pads within 500 feet from the shoreline of that reservoir, there will be multiple wells, maybe as many as 12, on each pad. The possibility for one or more of these wells leaking due to faulty casing and/or faulty cement is very high… gas can migrate from the leaking wells many thousands of feet. So, 500 feet is nothing, not even close to being a ‘safe’ distance away.”

After we received a response from the Ohio Department of Natural Resources Director James Zehringer regarding this petition, I wrote to him, “How can there be confidence in your statement that “ODNR is committed to the protection of all
Ohioans and our environment in your regulation of the oil and gas industry” when you admit that you are only now in the process of finalizing horizontal well site construction rules?

To date there are 1,500 wells drilled in Ohio. Due diligence would have required these rules to be in place before a single well was drilled. According to our research, less than 50% of the wells in Belmont County have been inspected, as no inspection reports were provided in our public records requests. Your statement that “there have been no incidents of stray gas migration” cannot be taken seriously if the wells have never been inspected.

Testimony of Heather Cantino

Among human rights set forth by the Global Network for the Study of Human Rights and the Environment’s Declaration on Human Rights and Climate Change is that “All human beings, animals and living systems have the right to a secure, healthy and ecologically sound Earth system…” Furthermore, the Declaration states, “All human beings, animals and living systems have the right to the highest attainable standard of health, free from environmental pollution, degradation and harmful emissions and to be free from dangerous anthropogenic interference with the climate system…”
This climate stability depends on, among other things:

1) the protection of intact mature forests, whose trees, soils, and water provide massive carbon sequestration and climate stabilization,

2) and keeping public fossil fuels in the ground.

Due to the vast holdings of public lands and implications of opening more of them to extraction, federal lands and their forests play a critical role in this central human rights issue. These are also the only forests that the public can theoretically protect, since they belong to the public and can be subject, more than any private forests, to governmental protections. Yet mature and old growth forests are increasingly rare and threatened by government mismanagement and commercial exploitation. This is especially true in Ohio where public lands are in the bottom 6% of states, per capita, where state-owned forests can be clear-cut at the will of the Chief of the Division of Forestry, and where even state parks have been opened to fracking. (Ohio HB 133, 2011)

The most recent Intergovernmental Panel on Climate Change (IPCC) reports endorse a global carbon budget in which 67% of the world’s remaining fossil fuels must stay in the ground. Other scientists say closer to 80% must not be extracted to avoid catastrophic climate change. 23% of total U.S. climate emissions are the result of
burning fossil fuels from public lands and waters.

Oil and gas leases generally run ten years and generally renew automatically, which means that corporate contracts rather than science govern U.S. policy at a time of a rapidly closing window in which to reverse climate devastation. This is a far cry from the role that corporations were allowed to play under early American law, when they could be abolished if they did not serve the public good.

The National Environmental Policy Act (NEPA), “our basic national charter for protection of the environment,” requires agencies to undertake thorough, site-specific environmental analysis, using up-to-date science, prior to any “irretrievable commitment of resources.” The primary tool is an Environmental Impact Statement (EIS), which must be prepared when impacts may be significant and, according to NEPA, especially when effects are likely to be highly controversial, highly uncertain or involve unique or unknown risks, significantly impact health and safety, or impact endangered or threatened species’ habitat. Courts have ruled that federal agencies must include climate costs and benefits including effects on the economy, environment, and public health.

In spite of federal commitments to curb emissions and consider climate impacts, the U.S. government continues to behave as if NO fossil fuels are off-limits.
Specifically, Ohio’s only National Forest, the Wayne, has conducted no NEPA-based evaluation of fracking impacts on climate or on anything else. Its most recent Forest Plan, from 2006, did not consider fracking. The Bureau of Land Management (BLM), which, given US. Forest Service consent, manages leasing of federal minerals under the National Forest, has never done a site-specific EIS or considered climate impacts of fracking the Wayne with up-to-date science as required before leasing. Nevertheless, the Wayne gave consent to the BLM to lease, and in spite of dozens of substantive formal comments by citizens and legal teams protesting its shoddy and illegal process, the BLM conducted two online fracking auctions of Wayne land this past December and March. All 40,000 acres of federal minerals in the Marietta Unit of the Wayne are expected to be auctioned in the coming year or two.

The USFS consent that enabled these sales took place in spite of five years of widespread opposition and extensive formal appeals based on legal, scientific, and economic arguments by local citizens, government officials, academics, business owners, tourism representatives, a university president, mayors, a City Council and County Commission, and legal teams representing grassroots, regional, and national environmental organizations. Thousands of petition signatures, hundreds of letters
and dozens of meetings with officials called for an EIS or a ban on fracking. Citizens also provided dozens of studies and more citations from the now substantial scientific literature on fracking’s impacts on water, air, soil, wildlife, ecosystems, public health, greenhouse emissions, and local economies. USFS officials’ refusal to authorize a new Forest Plan or a supplemental EIS make the federal government’s consent to lease both illegal and a clear abuse of human rights.

BLM prepared neither an EIS nor even the less rigorous site-specific Environmental Assessment (EA) before leasing. The broad programmatic EA that the BLM did do was so shoddy and lacking in any rigorous science that its Finding of No Significant Impact (FONSI) is also just a travesty of justice. The BLM EA and FONSI violate NEPA for the following reasons, among many. First, climate impacts:

1. **(The EA Arbitrarily Underestimates Methane Emissions)**

   The EA assumed that methane is only 25 times as potent a greenhouse gas as carbon dioxide (CO$_2$) contrary to IPCC’s recent updates of methane’s 100-year global warming potential (GWP) to 36 and, more significantly, its 20-year GWP to 84.

2. **(Social costs of carbon were not considered)**

   The BLM also did no analysis of the social costs of carbon, therefore effectively assuming a price of carbon of $0. This is in contrast to the EA’s quantifying
supposed economic benefits of extraction (without any consideration of public costs). Thus our government is misleading the public on the costs of oil and gas production at a time when such deception is extremely dangerous.

3. BLM Failed to Take a Hard Look at Impacts of Opening Up Private Minerals

By opening up federal minerals to drilling, adjacent private minerals will be of significantly more interest to fracking companies, especially given the patchwork of federal and private ownership in the Wayne, since companies will consider it cost effective to invest in the larger projects. If the Wayne didn’t lease, fracking would be much less likely to occur on adjacent private land. BLM did not assess this situation and its significant impacts, including total land degradation, water and air pollution, climate implications, habitat loss, and disturbance to wildlife on both Wayne and adjacent land.

4. BLM did not do NEPA-mandated assessments of cumulative and indirect impacts of leasing.

Extensive lifecycle methane leakage as well as CO₂ emissions from oil and gas operations effectively make these fuels worse than coal for climate, in part due to fuel-switching caused by investments, subsidizations that distort real costs, and
industry-fueled misinformation about comparative emissions of coal vs. gas.

Emissions during extraction, transportation (including compressor station processes), use, and waste “disposal” have been widely under-reported. Pipeline build-out and its destructive impacts, as well as the permitting of liquefied natural gas facilities, which promote the increasing commitment of gas for export all mean that fracking here dis-incentivizes clean energy and conservation worldwide. Given the vast supplies of oil and gas controlled by the federal government and its power over infrastructure permitting, our government’s abuse of the law and its denial of science and public welfare are resulting in human rights abuses of global proportions.

Climate impacts aren’t the only human rights violations inflicted by these federal agencies by opening the Wayne to fracking. In addition to ignoring climate impacts, USFS and BLM have failed to assess impacts to threatened and endangered species, including the Indiana bat, Northern long-eared bat, and five species of threatened or endangered mussels, as required by NEPA.

Lack of evaluation of impacts on bats is a particularly egregious violation of federal law and human rights, given the role of bats in ecosystem stability, insect control, and agricultural sustainability and the well documented and widespread plummeting populations due to white nose syndrome, pesticide use, and habitat destruction. The
BLM EA has only three sentences on this endangered species and outrageously completely neglects to mention white-nosed syndrome (WNS), a grave threat to Indiana bat survival.

BLM’s analysis of impacts on the northern long-eared bat is similarly inadequate and illegal. My written testimony goes into a bit of detail on both species.

**BLM also failed to assess impacts of water withdrawals, surface disturbance, deforestation, air emissions, toxic spills, industrialization, and waste storage and disposal on soil, vegetation, wildlife and habitat or human health and safety, let alone on recreation, tourism or sustainable agriculture.** BLM’s conclusion that impacts won’t occur is not accompanied by any supporting data, studies, or scientific evidence.

Ohio’s lax regulations are also at issue because Ohio manages permitting and oversight of drilling; fracking infrastructure, including compression stations and injection wells; so-called solid waste disposal; and transportation. No science or meaningful public input governs permitting; regulations are minimal, even by industry standards; rules have not been written on many procedures; and oversight is shamefully inadequate. Unlimited and unmonitored air emissions, use of toxic drilling fluids even through aquifers, lack of geological and hydrologic evaluations
or restrictions are all okay in Ohio, where earthquakes, explosions, fish kills, and
leaks and spills from tankers, pipelines, drilling sites, and injection facilities abound.
Fines are rarely imposed, and negligent operators often continue operations no
matter how much pollution or disasters they cause.
Our federal and state governments are threatening our forests, our climate, our air
and water, public and environmental health, and our local economies by their illegal
and immoral actions, a clear violation of our human rights.

**Testimony by Christine Hughes** Fracking and our Food System

The fracking industry forces new threats and unacceptable risks onto businesses that
produce and rely on local food. Uncertainty about the safety of food grown close to
fracking activity influences consumer behavior, and reduces viable farmland in
Ohio.

My bakery and café are built upon the strength of Athens’ local food economy. A
vibrant local food culture has grown over the last few decades, with over 160 farms,
food manufacturers, breweries, markets, and restaurants promoting local food, &
driving business to our region. Our local suppliers are committed to chemical-free
agricultural practices, and require uncontaminated air and water. Decades of work
by local agencies and their partners to clean up old coal-mined areas has increased
the acreage of usable farmland with clean water in our area.

The recent unconstrained threat of shale drilling and its waste has made our region and its local food-based businesses vulnerable. Seven years ago, when the fracking industry began looking to Ohio for drilling and especially frack waste dumping, small business owners at first were quiet about their concerns—we didn’t want to lose customers over the issue. But now we know: local businesses are harmed by the fracking industry. If fracking activity, including waste transport and storage, contaminates even one of the crucial links in our local food economy, Ohio local food businesses will be tainted by association.

Earthquakes: In 2013, we were baking in Della Zona and felt an earthquake—very unusual for this area—I thought it was a delivery truck bumping into our wood-fired oven. The earthquake may have been triggered by nearby frack waste injection well activity. We have since bought earthquake insurance for our business.

Damage to crops and livestock: In 2014, the Monroe County fracking fire that killed 70,000 fish, frogs, and salamanders were killed, frack industry chemicals were found 5 miles downstream from the explosion. How many farms were affected? And in 2015, in Vienna Ohio a frack waste injection well leaked waste into nearby ponds, killing wildlife and affecting a nearby 50 acre farm. There are at least 10 farms
within 5 miles of that site. The 2012 Bamberger and Oswald study concludes—
“exposure to drilling operations strongly affects the health of humans, companion
animals, livestock, horses, and wildlife”.

Compromised food safety: That same study documented cases where food-producing
animals exposed to chemical contaminants from the fracking industry have not been
tested before entering the food system. Farms in areas testing positive for air or
water contamination from fracking are still producing dairy and meat for human
consumption, without any testing of the animals or products. These chemicals could
appear in milk and meat products made from these animals. Ranchers are not
required to prove their livestock are free from fracking contaminants before they’re
sold, and USDA inspectors are not looking for them. Denial of information leads to
violation of the right to consume non-contaminated food products.

Climate destabilization’s effect on agriculture: Ohio organic grass pastured beef
farmer Mardy Townsend recently told me: “Climate change is just kicking my butt,
and I’m not sure if I can stay in business if this crazy weather keeps happening, and
fracking is just adding to the problem."

Devaluation of farm property: Gas development can lower land and property values,
making resale difficult, and leave farmers “stuck” with contaminated land that
cannot be farmed. I toured Mick Luber’s organic Bluebird Farm in Harrison County last summer. He’s been farming there for 37 years, and his land is now surrounded by fracking rigs and compressor stations. Several pipeline companies have tried to go through his main production field, and though he has managed to fend them off, they’ve cut down acres of woods right next to his crops, on his property line, and located several pipelines there. The noise, smells, and dust from constant industrial activity has destroyed his enjoyment of his property, and if a pipeline is allowed across his land, it will eliminate acres of rich, productive soil he has worked almost 4 decades to create.

Farm property damage: OEFFA dairy producer James Yoder, who sells his Jersey milk to Horizon, is facing the threat of two pipelines crossing his pasture. James is working very hard to make sure he can stay in business as a fourth-generation farmer on the land with his wife and two young children. OEFFA has been advocating on behalf of James since 2015, informing the Federal Energy Regulatory Commission that organic farmers like James should be protected from damaging pipelines. James is concerned he could lose his organic certification. Over 70,000 miles of pipeline for oil and gas are proposed in Ohio, to move fracked oil and gas away. Industrial fracking activity is already close to 11 percent of Ohio’s organic farmland, and
planned infrastructure will soon be on or adjacent to over 30 percent of Ohio’s organic farms.

Deforestation: A second-generation sustainable orchardist in Morgan county, who planned to pass the land and business on to the third generation, was forced to lose acres of his pine forest, a windbreak for the delicate fruit blossoms, to make way for a high-pressure gas pipeline through his property. Another young farmer eager to grow her business is dismayed that the Wayne National Forest is open for fracking and the deforestation that it requires, for she chose land adjacent to the forest specifically to protect her organic acreage.

Devaluation of organic certification: In Ohio, which has over 700 certified organic farms, with nearly 57,000 acres of certified organic land: 103 organic farms are located within 3 miles of a fracking well, and 96 organic farms are within 3 miles of a Class II injection well. If it is a human right to have access to clean, safe food, what happens to that right when farmers have no information about what chemicals their soil and water are being exposed to, and how this exposure affects the health and safety of the food they are raising? Spills from fracking infrastructure can particularly jeopardize organic farmers, who may lose their certification and suffer direct economic harm due to soil or water contamination from prohibited substances.
Water pollution: Many Ohio rural farm properties rely on well water for drinking and irrigation.

In NY, rural properties are protected from fracking because NY Dept of Health determined: “The current scientific info (on fracking) is insufficient. Furthermore, it is clear from existing literature and experience that HVHF activity has resulted in environmental impacts that are potentially adverse to public health.” Ohio farmers and food consumers deserve the same protections.

Livestock and wildlife are attracted to the salty taste of fracking fluids and waste water. Animal poisoning can result in death or loss of normal reproductive function, still births, birth defects, and other health problems. Fracking requires up to 300 times more water than conventional hydrofracturing. Each well can be fracked up to 18 times, using millions of gallons of water each time. Waste water that contains chemicals used in the fracking process, as well as naturally occurring materials such as heavy metals and toxic gases, which return from the well, can contaminate ground and surface water supplies through underground fissures, surface spills, and blowouts. Ohio Farmers Union, Ohio Sustainable Business Council, and Ohio Ecological Food and Farming Association have all called for an end to the use of Class II injection wells for frack waste.
Water scarcity and water price inflation: In farming regions where water is scarce, municipalities have been selling fresh water to drillers rather than farmers, when they can get a higher price. The millions of gallons of water used for fracking is said to be permanently removed from the hydrological cycle, increasing water scarcity. In Central Valley, California, however, waste water from fracking is then processed and sold to farms for irrigation….even organic farms.

Soil pollution: A Colorado State scientist stated that “the oil and gas boom is a death sentence for the soil”. No State or Federal agency has assessed the impact of the fracking boom on soil. In addition to the chemicals used during the fracking process, waste water returned to the surface can contain radioactive materials, including strontium, uranium, and radon; and heavy metals which can contaminate the soil through spills, leaks, or during venting and flaring. Heavy metals such as lead, mercury, cadmium, chromium, barium, and arsenic have been found in soils near gas sites.

Soil degradation: Abundant healthy soil is vital for productive farming. Fracking creates significant disturbance to the land, taking acres of farmland out of production capability. Well pads can be four acres or more. Roads are built to move the trucks needed to deliver water, sand, equipment, and to remove waste water. A typical well
pad with seven wells could result in 13,000 round trips on local roads. Additional roads and pipelines to transport the gas may also be built. In addition to the degradation of farmland in Ohio, degradation of land in the Wayne National Forest from fracking may destroy historical evidence of indigenous food cultures, such as those studied by the Archaeology department and Food Studies undergraduates at Ohio University.

Air pollution: Many chemicals used in the fracking process are hazardous air pollutants, and fracking is a highly industrial process that increases ground level ozone. Ozone damages plants by inhibiting photosynthesis and root development. Soybeans—Ohio’s largest commercial crop—are particularly susceptible to yield loss caused by ozone. Other ozone sensitive crops include beans, spinach, tomato, alfalfa, and pasture. Stunted roots and smaller plants mean a reduction in yield for the farmer. In Ohio, regulations for well-siting and gas flaring for farming areas are weaker than for urban areas.

Noise and light pollution: Light and noise pollution from fracking wells can increase stress on livestock. A dairy farmer from Harrison County who used to supply my restaurant with cheese reported to me that all her cows only graze at the far fence line of her pasture, the farthest they can get from the industrial activity that now
surrounds the farm. She has been in litigation with the pipeline companies that now surround her pasture, and cannot speak to me about the situation, but she no longer sells her delicious cheddar, which we used to feature in our menu and our market.

Right to healthy occupational conditions: Farmers near fracking infrastructure or activity lack necessary information on specific chemical exposures—info cannot be obtained due to the lack of testing, lack of full disclosure, and industry’s use of non-disclosure agreements. Farmers in shale regions across the country have documented physical and mental health impairments, loss of livestock, and damaged crops due to exposure to polluted air and water. The stress of having an injection well take in truckload after truckload of hazardous frack waste right next to their organic farm in Athens County caused one of our suppliers to sell off all their livestock and shut down for good. They were unable to stay and grow healthy crops in what they now see as an industrial waste zone. My friend who operates an organic beef ranch in Ashtabula county is now downstream from 2 injection well facilities. She worries what the long-term effects of the injection activity will be on her water and land. The fracking industry often calls for fewer regulations, to preserve “stable market conditions, and a predictable business environment.” But look at what the industry has done to destabilize and create massive uncertainty for our small businesses and
local economies. After building businesses like family farms and local food
restaurants, we now live with the constant threat of new frack waste facilities in our
communities, pipelines across our farmland, industry induced earthquakes, and loss
of income from tourism.

Right to participate in decision making process: Displacement by the industry is
denying farmers their source of nutrition and breaking their symbiotic relationship
with their lands. Is it acceptable that a farmer’s right to his chosen livelihood—
organic farming in a clean, peaceful environment—can be violated if an oil and gas
company wants to locate its infrastructure there?

Fracking and all it entails, including contamination of our land, water, and
ecosystem, threatens our region’s food security. As a testament to the overwhelming
citizen support for the right to clean local food, may I present this bank calendar,
distributed widely by one of our region’s oldest banks, full of pictures of local food
and beverage businesses. December features a photo of the Food Not Fracking
sticker on the front door of a local food shop. Clearly, the right to farm and to enjoy
safe food must be protected here and everywhere.

Dozens of local businesses have come together to protect our community. We are
supporting: air pollution testing, water monitoring, and all local efforts to keep toxic
frack waste out. We’re working together with local government to transition our
community to a clean energy economy. Solutions to food and energy security need
to come from fair policies that preserve our well-being, not put it at risk. We must
be allowed to develop our economy in ways that benefit our own communities now,
and going forward.

Testimony of Elaine Tanner

Pipelines are a continuous threat placing hardships upon many impacted
communities. The many parts to constructing a pipeline starts long before the line
actually goes into production. Some stories never end as the threat of living next to
an explosive pipeline will never go away.

The reason I am here today is to express my deepest concerns about the extensive
environmental harm caused by the construction and operation of these massive
pipelines. As a citizen it is important to know your rights and insist upon these rights
being in place to protect your family and your environment. Understand the added
burden of traffic, dust and at times twenty-four construction plays a toll on people
living in the path of these pipelines. The day the land agent walked into these lives
things were not as they appear. The trespassing and invasion of life changed for
these families. The company’s misrepresented themselves and broke agreements
from the very beginning. It is your right to a safe and healthy environment free and
clear of all things that interfere with this right. It is clear that living in areas
impacted by fracking and the accompanying infrastructure will compromise your
quality of life as these operations destroy our lands, water and the very air we
breathe.

As an organizer I often hear stories from those living in or near a frack pad or
injection well. The concern I would like to address today deals with pipelines.
The Rover pipeline, owned by Energy Transfer Partners, is a new interstate fracked
gas pipeline system that will transport 3.25 billion cubic feet per day of natural gas
through approximately 713 miles of 24-inch, 30-inch, 36-inch and 42-inch diameter
underground pipeline running through Pennsylvania, West Virginia, Ohio and
Michigan. To allow these pipelines to flow just outside our children’s bedroom
windows is a crime against humanity. To knowingly poison the water of our future
is a crime against the environment. We all deserve clean water and the right to
protect that water at any cost.

It is not too much to ask that this and future gas pipeline construction across Ohio be
stopped as supported by other states in the path of Rover. In early April of this year
2 million gallons of drilling mud was dumped onto our wetlands as Energy Transfer
Partners fail to respond to a malfunction of equipment. For 3 weeks this drilling fluid used to lubricate the drill suffered a 100% loss and no one attempted to stop the flow as the drilling continued under the Tuscarawas River. For the month of May there have been 14 so far.

In the United States laws have been put in place to protect these rights, unfortunately big business has taken over the voice in the people’s house and our system has failed. We reach out to the United Nations for help to address these wrongs and insist upon international human rights laws to apply. My statements will address Rover and those in the path of one of the largest pipelines under construction in the United States. Land agents started knocking on doors three years ago demanding that property owners sign leases or eminent domain would apply and they would take control of their land, lay the pipeline and there would be nothing we could do about. Often property owners resist, many gave up the fight and signed these unfair and one sided leases without representation.

STATEMENT: In the path of Rover land owner Sherry Miller. Rover does what they want when they want and destroys everything in its path ... Environment, animals, people, homes, schools...nothing gets in their way. If I don't get out of here soon I'm gonna snap....I can't do it much longer.
This heavy drilling mud is a bentonite slurry with other slickening chemicals added. Wetlands the size of 8 and a half football fields sit in two feet of this slurry. The only way to remove this slurry is to suck it up and suffer the loss. It will take decades if ever for Ohio’s most diverse wetlands to ever recover. To allow these pipelines to continue without further investigation on the drilling methods and failure of Energy Transfer Partners to respond to the Ohio EPA is a wrong against the basic rights that have been violated here. We all have the right to safe and abundant supply of clean water. The Ohio River is known as one of the dirtiest rivers in the county. To allow the installation of these pipelines that clearly have been allowed to run out of control and could potentially destroy our drinking water for millions of people downstream. This is a clear case of poor planning, neglect, and disregard for communities and the environment along the pipeline route. This incident went on for 3 weeks labeled as inadvertent return. This is just the largest slurry return, there were a total of 16 spills reported in Ohio since the construction began back in February. These inadvertent returns have occurred in Belmont, Wood, Tuscarawas, Stark and Richland counties along Rover’s path. At this time Energy Transfer Partners are attacking the Ohio EPA for fining the company $430 thousand dollars. Said Ohio did not have the right to impose fines.
They are to double the 66 rigs in operation in Ohio, West Virginia and Pennsylvania. The word is out for 115 rigs in operation by 2019. An alternative to production would be to move some of the store gas around using established and new lateral and distribution lines as they build these operations along the Marcellus and Utica shale beds with some talk exploration of the Rogersville shale. If we are truly in a state to protect our people’s health and safety, there will be no need for these additional pipelines purely for profit and leaving the people behind as collateral damage.

This prepared map isolates the Wayne National Forest with the yellow dots on the right representing the ports identified just recently by the Army Corp as discharge into our drinking water supply. The industry plans to increase discharges thousands of times over what is currently contributing.

Most important to consider is the amount of methane that has surpassed the levels we need to maintain a level that will support life as we continue to see the impacts following these extreme extractive industries. The size of the purple dots indicates the current identification of CO2 emissions. We are losing our ability to support life on our planet and our current administration supports these industries and allows unacceptable levels of these gases into our atmosphere. We must also look at old
and abandoned wells still uncapped scattered across our lands.

Seems like every day we hear of a pipeline leaking or an explosion at some wellhead. Maybe tomorrow it will be a train derails or a barge goes ashore contaminating the local water supply barely reported on the local news. This movement will require more people on the frontlines taking the lead as we redirect an entire industry rooted deep in the pockets of big investors and political favors."

Correction to my testimony. The jurors ask how many Rover pipelines would fit on the back of a semi-truck. I mistakenly said six or seven. This would be true for the smaller pipeline however the forty-two-inch Rover sections a truck would only be able to transport two and at the most on larger trucks three sections.

Testimony of John Howard

Human Rights – are they being violated by fracking? Is fracking an injustice?

What is the relation between rights and democracy? The idea of human rights is historically relatively recent. I have heard it said that there was no word in European languages for the idea of human rights as we know them today until the 1400’s.

Previously the people who had rights were kings. The divine right of monarchs was the order of the day. What the rest of the people had were duties. Moral expectations arising either from religious or philosophical traditions impose duties. With the
Renaissance and the Enlightenment thinking began to change. Although the idea of democracy had arisen in the early Greek and Roman periods, and had some limited manifestation in practice, by the 1700’s a new manifestation of democracy was emerging, namely the American experiment.

The American experiment turned thinking upside down, or perhaps we should say that it turned it right side up. No longer were monarchs to be rulers of the people, but people were to be rulers of those who represented them in government. The idea that people had natural rights, inalienable rights, became translated into political reality — through the Bill of Rights in the Constitution. Natural (inalienable) rights, recognized earlier by philosophers Thomas Hobbes, John Locke and others, became political rights. Thomas Paine argued that such natural rights should not become political rights, because political rights can be taken away by changing governments. Natural rights are inalienable and can never be taken away. But rights vanish under tyranny; they vanish under poverty; they vanish in the chaos of war.

The American experiment was far from perfect in terms of rights. Initially rights were effectively limited to property-owning, white males. The American story has been a continuous struggle toward equality for all people, a struggle for rights to be recognized in law, political rights like the end of slavery, of women’s suffrage, and
of equal protection of the law, and economic rights like Social Security, the GI Bill, and Medicare and Medicaid. Just as the recognition of these rights were new, new realities in today’s world demand consideration of newly defined rights.

What is required to protect rights?

To protect against loss of rights through tyranny, elections must be fair and free, not bought or otherwise manipulated;
to protect against the loss of rights through poverty, governments must counteract the natural tendency for wealth and power to become concentrated into fewer and fewer hands;
to protect against the loss of rights through war, governments must pursue policies that look beyond fear.

The 1948 Declaration of Universal Human Rights by the UN seemed like a major step forward, a global agreement that natural human rights exist and should be recognized and protected politically. The reality on the ground is political, and many remain deprived of rights, even of the most basic of rights, the “right to life, liberty and security of person” (Article 3). The Declaration articulates the responsibility of governments to protect rights.

The 1948 Declaration of Human Rights says nothing about environmental rights. But
the world has changed since 1948. The threats to life, liberty and security of persons posed by environmental changes have become obvious. We see threats to our lives and to our security of persons from the poisoning of air we breathe, poisoning of the water we use for drinking and bathing, and poisoning of the soils which grow our food. We have seen the chaos and human suffering of mass migrations arising from war and from poverty. The rising seas from global warming will produce still more. A right is an entitlement, but to what extent does a right require responsibility? Are we really entitled to anything we don’t work for? The idea of fairness, that is to say, justice, can be interpreted in two ways. Fairness can mean we get what we deserve, or it can mean we all get something, regardless of how deserving we are. There are roles for both of these approaches, but they are sometimes in competition with one another. Are we entitled to healthcare no matter how we treat our bodies? Are we entitled to unemployment compensation, whether we are really looking for employment or not? How much healthcare, how much unemployment compensation are difficult issues with no easy answers. Politically they require negotiation and compromise. Nonetheless there are basic rights to which all are entitled, regardless of how deserving they may or may not seem. Which rights fall under that category and how they are implemented will differ between cultures. The effects of climate
change, however, will be profound and will affect all. Developed countries have
contributed more to global warming than less developed countries, and have the
greatest responsibilities to reduce their contributions to the problem.

Does fracking violate our rights?

In his essay, On Liberty, published in 1859, John Stuart Mill put forward the “harm
principle,” stating that “the only purpose for which power can be rightfully exercised
over any member of a civilized community, against his will, is to prevent harm to
others.” It is not sufficient to argue that prohibiting some behavior or requiring some
behavior is good for someone; to exercise that power requires us to show harm to
others.

I think the testimony today has shown beyond a shadow of a doubt that fracking and
our dependence upon fossil fuels in general is doing harm now and, if continued,
will do much greater harm in the future through contamination of water supplies, air
pollution and global warming.

How do we protect our rights to clean air, water and soils? Shall the extraction and
use of fossil fuels be reduced by state and/or federal regulations, or by prohibition,
community by community? No one is currently arguing for immediate prohibition of
the extraction and use of all fossil fuels. Such a step would do great harm. How then
shall we reduce the use of fossil fuels toward zero to avoid the great harm global warming is, and will be, causing to life, liberty and security of persons?

It would be nice to think that voluntary actions and economic incentives will be sufficient. These will be important, but too many short term economic incentives work the wrong way. Regulation and prohibition will also be necessary. Too often regulation fails because regulatory policies are unduly influenced by those who profit from the activity being regulated. This is a failure of democracy itself, resulting from elections which aren’t free and fair, elections which are bought or otherwise manipulated. Nonetheless, pressure must be brought to bear on regulatory agencies to respect the rights of local citizens. The right to life itself must mean the right to a healthy life, free of human-produced toxins which produce sickness and death.

Local communities must also be able to say “no” to commercial activities which violate their rights. From the beginning human rights have been intended for humans, for real people. The extension of human rights to corporations is an abomination. It eviscerates democracy. It gives profit-driven corporations, already laden with the power of concentrated wealth through limited liability, overwhelming legal power, power which makes a mockery of the democratic ideal that people rule.
It leaves people powerless to resist corporate predation of their communities. It must be reversed. Corporations are legitimate and important parts of our social structure, but corporate interests must not dictate public policy; public policy must serve public interests. It must serve the people.

In the meantime communities of people must claim their rights, through adopting laws that prohibit activities, such as fracking, which violate the people’s rights to clean air, water, and soils. These laws must deny “rights” claimed by corporations which are violating the people’s rights. Although state laws may attempt to pre-empt such local law-making, the right to life must prevail over corporate claims of rights to profit. Otherwise the idea of democracy is meaningless. Do the people rule, or do the corporations rule? As a growing number of communities adopt laws to prohibit fracking, society and markets will adjust and we will move toward renewable sources of energy and away from the fossil fuels, which offer short term convenience, but dreadful long-term prospects. Let regulation and prohibition work together toward a future for our children, a future with life, health, and democracy.

Testimony of Dick McGinn

Thank you for hosting this tribunal, and thank you for inviting John Howell and me to represent Democracy Over Corporations (DOC) and the Bill of Rights Committee.
Our special interest concerns the role of democracy, and the right of self-
determination in a democratic society. My concern is whether the people of Athens
County have the right to decide for themselves whether to allow frack waste
dumping or not, and in particular, whether there is any support for the idea of
Community Rights in the Universal Declaration of Human Rights. More about that
at the end of my testimony.

The Tribunal is about human rights and environmental justice, with special emphasis
on fracking and the dumping of toxic fracking wastes in the poorest region of the
state, Appalachian Ohio. I understand that my testimony may be presented to the
United Nations. Here is my message to the United Nations and the world. America
is not the champion of the environmental movement. On the contrary, concerned
Americans must appeal to the United Nations to point out our national shortcomings
which increasingly our state and federal officials seem totally unable to comprehend.

Let me begin with some background on why I believe that Human Rights and
Democracy cannot be separated. Human Rights are intimately associated with
independence movements, from Thomas Paine and the American Revolution to the
emergence of new nations after World Wars I and II and during the Cold War. It is
the history of struggle to throw off imperial rule and assert the right to national and
local self-determination. In this context the words of the American Declaration of
Independence are echoed in constitution after constitution all over the world,
wherever the blessings of freedom and independence are claimed as the universal
right of a sovereign people.
Not all post-colonial countries have kept their freedoms, however. I lived for seven
years in the two poorest countries in southeast Asia that fell under dictators after
throwing off colonial rule: the Philippines under Ferdinand Marcos and Indonesia
under General Suharto. I conducted research there, and taught linguistics and
Southeast Asian literature for 35 years at Ohio University. I became intimately
acquainted with friends and colleagues among the indigenous populations there. I
have former students who were arrested and some disappeared. Their protests and
their poverty belied the countries’ rich natural resources. As reported by Professor
Elizabeth Collins in her book *Indonesia Betrayed: How Development Fails*
(University of Hawaii Press, 2007). The exploitation was and still is being carried
out with full assistance and support of U.S. foreign policy during and after the Cold
War, as in fact happened all over the world. Emerging nations seeking democratic
self-determination were treated as enemies of the West unless they supported the
treacherous dichotomy in which capitalism was the only good, and neutrality was
equated with support for the Soviet plot to take over the world. See Steven Kinzer, Overthrow (2006) and The Brothers (2013). The legacy of misguided economic development models was correctly assessed by Pope Francis in Laudato si’ (June 2015). Francis emphasized a causal connection between globalization, widespread poverty, and environmental destruction.

When retired from Ohio University, I was keenly aware that the same thing was happening in Appalachia and especially in Athens County. My entrance into the environmental movement was through APJN and DOC. DOC has been instrumental in bringing the Community Rights Movement to our city and county. What follows is my testimony based on our work with the Community Environmental Legal Defense Fund (CELF).

My assigned topic, public participation, can be divided into willing and unwilling participation. Unwilling public participation includes the use of tax money to subsidize fossil fuel production and to pay for clean-up and the resulting damage to waterways and infrastructure, while the benefits go to the state and the industry.

Southeast Ohioans are still dealing with the legacy of acid mine drainage for potentially centuries. So why should we now risk accepting millions of barrels of this unidentified toxic water injection—in unmonitored wells—simply because the
state says so? Willing public participation, on the other hand, includes citizens’
efforts to learn the facts and participate in the decision-making process. But here the
state and the industry have been obstructionist. They refuse to disclose the
chemicals used in fracking, and use medical gag orders to prevent disclosures after
accidents. These are just two examples of blatant violations of the people’s right to
know what is going on in their communities.

Despite the secrecy, there is solid evidence that the majority of Ohioans are not
ignorant, and their knowledge and sense of alarm are becoming a major factor in the
fracking debates. Their growing awareness is partly due to the efforts of concerned
citizens, many of whom are testifying in this Tribunal. Groups have worked
tirelessly for years to educate the public, and to demand from state representatives
and agencies that they follow the laws to protect people and the environment.

Further evidence comes from local politicians—both winners and losers in recent
elections. All have voiced opposition to injection wells, including Democrats
Debbie Phillips, Sarah Grace and Eddie Smith, Republican Jay Edwards; the Athens
City Council, and the Athens County Commissioners. The consensus clearly reflects
the public’s knowledge, and widespread disapproval, of injection wells. Even more
tellingly, citizens in several Ohio cities have actually voted to ban fracking and
injection wells outright, including Oberlin, Yellow Springs, Mansfield, Broadview Heights, Waterville and Athens. Athens city passed its anti-fracking ordinance by an overwhelming margin of 78%. To account for this figure, it is necessary to assume that voters of all political persuasions are well aware of the dangers of fracking and injection wells.

My point is simply this: If we lived in a real democracy it would be impossible for us not to get what we want through the power of the ballot box.

Let me conclude with an observation about Article 19 of The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP, 2007). Article 19 expressly secures for indigenous people the right to say “no” to industrial projects that may cause harms to them and the environment. However, this “right” is not universal, but is reserved for indigenous peoples. What are we to make of that in a discussion of human rights?

My point of reference to answer the question is the movement of which I am a part, the Community Rights Movement, sponsored by the Community Environmental Legal Defense Fund (CELDF).

The Community Rights Movement interfaces with the Universal Declaration of Human Rights (UDHR) in an interesting way. Although both are about human
rights and environmental justice, there are two points of difference which I will try to reconcile. First, in 1948 UDHR recognized the obligations of “States” to protect human rights and the environment without distinguishing among types of government, be they democracies, monarchies, dictatorships or colonial empires. Next, in 2007 UNDRIP recognized that “States” have special responsibilities with regard to indigenous peoples, namely—and I quote: “the duty to insure that no hazardous materials—including the hazardous chemicals used in hydraulic fracturing and the flowback fluids that result from it—shall be stored, or disposed of, on the lands of indigenous peoples ‘without their free, prior and informed consent’.” The CELDF approach seeks to advance the same human rights for all people everywhere, including indigenous people. Indigenous people are not singled out for special treatment, but rather serve as the model for the whole world. In conclusion, I suggest that in discussing Human Rights, it is, at best, incomplete to impose a double standard, however well-meaning. In practical terms, it is not enough to badger governments—and I quote: simply “to insure that the industrial, manufacturing and environmental conservation sectors are regulated in ways that are protective of citizens’ health.” It is also necessary to badger them to take the next logical step, namely, to avoid imposing environmentally destructive development
projects on all communities everywhere “without their free, prior and informed consent.”

**Testimony of Annie Burke**

My name is Annie Burke. I am a lifelong resident of Athens County, Ohio. I am also a registered nurse. I am speaking out today about my concerns regarding hydraulic fracturing waste.

The State of Ohio, as well as the United State Environmental Protection Agency has allowed the Ginsburg Injection Well to operate off and on for years in violation of state law. A converted oil/gas well now used as an injection well for frack waste located at 2345 Ladd Ridge Road in Alexander Township, Athens County, Ohio, this well violates the health, safety and well-being of our community. This pit of smelly, disgusting frack waste remains openly accessible to wildlife and vulnerable to the ravages of weather, allowing for the possibility of ground and surface water contamination. Such contamination poses a real threat to the drinking water and air quality of our community.

The Ginsburg Injection Well is owned by Carper Injection Well-Albany LLC.

Review of publicly-accessible inspection reports by the Ohio Department of Natural Resources (ODNR) shows that this well has a history of violations, non-compliance,
and being non-operational for months at a time. Mechanical failure and leaking has occurred, as well as, soil contamination.

This well is a blight upon our community. The stench emanating from this pit is often unbearable. People spending time on the public road have experiences nausea, headaches and burning eyes.

The Ginsburg well does not meet USEPA commercial well permitting requirements or even current Ohio permitting standards, which are also inadequate to protect drinking water and communities from toxic, radioactive contamination. It is unconscionable that the surrounding surface-, ground-, and drinking water supplies have never been tested by ODNR for contamination.

This well has been in operation for over thirty years and has a long history of noncompliance with the few regulations that exist for frack waste wells. Residents of Athens County have repeatedly voices concerns about this well; our concerns have gone unnoticed by the governing officials who should be protecting us.

Just over a month ago, acting on reports by the ODNR, that showed this well to have been non-operational since October 2015, we appealed to the ODNR and Ohio’s Governor Kasich to permanently close this well. According to the ODNR regulations, any injection well not in use for greater than 60 days must plugged. The
response? A new pump was put in, so that currently it is possible for the well to be used. This band-aid “solution” demonstrates a blatant disregard for upholding the regulations in place and flouting the concerns of Athens County residents. Making this well operational now does not change the fact that it was in violation for months. This technical violation is the least of our concerns. When one closely reads these inspection reports, one can see that during 2016 (when the well was being listed as non-operational and containing a faulty pump that needs replacing), 60 barrels of waste were added to the volume totals for this injection well. Additionally, the levels of this well increased two feet—an amount that is not consistent with the amount of rainfall in the area during that time period. According to Athens Messenger newspaper, ODNR spokesperson Eric Heiss stated in an email that the 60 barrels of waste were injected prior to the pump malfunction. It appears to me from the ODNR records that this is either a blatant lie or reflective of incompetence in documentation and lack of attention to detail. Either one is frightening. This is a matter concerning the safety of our families and their drinking water. We cannot have lack of attention to detail (at the least) or dishonesty (at the worst). The fact is there have been enough violations at this injection site and enough discrepancy surrounding the true condition of this well that we should no longer be complacent.
It is time for the ODNR to do its job and protect the environment and our community from possible toxic contamination.

According to the permit for this well, a fresh-water monitoring well was recommended to be placed at this site by the owner Royal Petroleum in 1984. There has never been any such monitoring well. This is not surprising. They have never shown any interest in ensuring the safety of our community. A fresh-water well for monitoring possible contamination would be an added expense for them. This is another example of how the ODNR is failing to protect us in the interest of Big Oil and another reason that this well must be closed immediately.

On 11/19/2015 an inspection report states: “The facility gate was locked. The 5’ Rumpke dumpster located next to the entrance to the unloading pad has large holes in the bottom portion. This dumpster is used to dispose of used brine filters. The 5’ area and 2’ area behind the dumpster is contaminated. The contaminated soil must be removed and taken to an EPA approved landfill.” Inspection reports over the next several months reveal no contamination removal took place. It is now unclear exactly when the contaminated soil was removed. The cleanup was NOT immediate, was not reported to the ODNR and was not adequately documented. The company did not inform the ODNR where the contaminated soil and brine filters
were taken. It is possible that the contaminated soil and brine filters had radioactive material!

Scientists have confirmed repeatedly that injection wells cause earthquakes. It is well known that the solution injected into these wells (called brine) is laced with toxic chemical and radioactive material. Yet, we are forced to live and work and raise our children next door to these sites that are barely monitored and poorly regulated and are told we don’t even have a right to know what is being forced into the ground, contaminating our aquifers and farm soil. We write our senators and call our governors and march on our representatives’ offices. We meet with members of the ODNR and NOTHING CHANGES. This community has lived through DuPont (chemical plant that makes Teflon) dumping C-8 into our water and we have watched our loved ones suffer and die with various illnesses and cancers because of it. Why should we be forced to do this again with frack waste? I don’t want to see another generation getting sick from drinking the water and breathing the air. I am terrified of what we are allowing these frack injection wells to do to us. Why do our elected officials want to wait and see what happens? Haven’t we seen enough environmental disasters to know that we can’t afford the luxury of complacency? Just because our community is poor doesn’t mean we are expendable. We deserve to
have clean water and air. Our children deserve to have clean water to drink and
clean air to breathe. Ohio and the federal government are in violation of so many
Human Rights that the list would go on for a longer period of time than the 10
minutes I have. But, to name a few, I believe our governments are in violation of
Duty to protect the child (i.e., persons under age 18)
Human rights obligations relating to the enjoyment of a safe, clean, healthy and
sustainable environment.
Human rights obligations to Health.
Right of all persons to the highest standard of health.
Right of experimental subjects to be protected from injury, disability or death
Right of experimental subject to free and informed consent
Right of the child to the highest standard of health
Right to life, liberty, and security of person
Right to participation in decision-making in environmental issues
Right to a healthy environment

Testimony of Leatra Harper

Never in a million years would I have believed what I have seen in the last six. Back
in 2011 when I first heard about fracking, I could not imagine that something so
destructive and harmful would be allowed to continue and proliferate, especially with all the human rights violations and environmental and public harms that fracking creates. Just as we were considering investing in an addition to make our Seneca Lake cottage our retirement home, and our daughter warned us we wouldn’t want to live there because of fracking, and we said, “What’s fracking?” Even then when our daughter, Leslie, described how terrible fracking would be, we didn’t believe it could be that bad and still be legal. Little did we know how compromised the US government, the Ohio legislature and Governor Kasich are when it comes to money – and how our regulatory bodies would be captured by a single industry, and how such a toxic, temporary industrial expansion would be allowed to wreck a countryside and destroy people’s lives. I still – to this day – feel like I must be in a bad dream and hope to wake up from it any minute, but each time I travel back to my beloved Seneca lake and survey the damage and destruction, I realized that my earliest fears were not founded – fracking is much worse than I feared at the outset – much, much worse. Seven years later, I am seeing the total industrialization of a once bucolic country scene, the destruction of clean air and clean water, and hear stories of local people sick with cancer and other unknown illnesses, rashes, nervous system complaints and nosebleeds. We had to leave the area because we couldn’t
trust the water we were drinking or the air we were breathing. For instance, one day
when I returned from filming the flaring of the Ruble well in Monroe county that
went on for weeks, after just a half hour of being next to the flares and fumes, when I
walked in the house, my husband – who ran a steel mill and knows – told me that I
smelled like benzene and that I had been exposed. I knew something was toxic in
the air with the nervousness and eye and throat irritation that I experienced. I
realized then we could no longer allow our granddaughter to come see us, because
she was going through puberty, and our research told us that it’s not the dose, it’s the
timing of the exposure that can be especially harmful. We bought our lake home to
keep our family together. We found Seneca when we lived in Pittsburgh and our
daughter moved to Columbus. Seneca was the perfect meeting place, and the perfect
healing place for daughter and granddaughter who ended up going through a terrible
divorce. Seneca was our solace, our place to find peace and comfort, and it was
destroyed when the Muskingum Watershed that loosely calls itself a conservancy
district decided it couldn’t forego the hundreds of millions of dollars the frackers
offered to drill under the 3500 acre reservoir and sell 2 million gallons of water a day
from it – water that would never glisten in the sun again – but would be used one
time for a single industry and destroyed for any other good use – creating a huge
waste stream that could contaminate the remaining water. But the State of Ohio said that’s OK – here’s another revenue stream that the Ohio government just couldn’t forego. While the industry touted jobs, we saw temporary, toxic jobs that would poison the workers. While the state touted revenue, we saw the long-term cost of the cleanup that will need to be done, if even possible. While our legislators and regulators looked the other way – we saw the negative impacts to important industries like agriculture and recreation and to the future economic viability of a region that could support other industries and attract visitors and tourists.

I never thought that despite all our best efforts that nothing we could do would change the course of events charted out for us by the global, multi-national investment community who cares nothing about exploiting the region as a resource colony for their profits. Sure there were a few wealthy landowners and a few desperate workers who were able to earn money from the industry, but many landowners moved away so they wouldn’t have to be personally impacted while their neighbors were made to suffer through it. The workers are often temporary, without insurance or pensions, and most have no idea what the long-term effects that hazardous chemicals, toxic radiation and an industry with the worst all-injury frequency of all could do to them. We had a choice – either become victims or fight
back. To our family, this was not a choice. We loved Seneca Lake, our neighbors
and our granddaughter. We refused to be victimized, and even though we had to
leave because it was too painful and harmful to live there, we continue. This is what
we have attempted to do with all our extra time and all our extra money – even time
and money that we don’t have – to try to stop the frackers – to little or no avail – SO
FAR:

We picketed, rallied, protested and testified at the conservancy district board
meetings and the conservancy court time and time again to stop the MWCD from
leasing public land and selling water for fracking. We wrote letters and obtained
expert testimony, paid for expert witnesses, contacted others to testify, paid for ads
and mass mailings. We filed many public records requests and even had to file to
lawsuit, which we won, to obtain the addresses of cottage owners around the MWCD
lakes. We paid $5000 to send out a mass mailing to alert those that leased property
around the lake about what their landlord, the MWCD, was doing to diminish their
property values and harm the environment and public health.

We hosted information meetings and did flyering, paid for ads, a direct mail
campaign and a venue to host an information meeting to alert the local community to
the threats of fracking and give them health information that they would need to
have to protect themselves and document for future damages.

We canvassed the area and alerted people of how to keep track of toxic intrusions and health effects and what to watch out for to protect themselves from the hazards of fracking, and to let them know how to fight back to defend themselves from toxic trespass.

We participated in Community Rights actions and campaigns, attending council meetings and paying for brochures and yard signs to put rights-based language on local ballots to restore the local control that had been stripped from Ohioans by the Neihaus law in 2005, just one of the many bought and paid for legislative changes that gave fracking exemptions that no other industry in the state or the US can have.

We started a small non-profit, paid to develop a website, and targeted our regulators and legislators to all the hazards of fracking, writing press releases and paying for lawsuits whenever we could find a hook in all the dismantled legislation made possible by corporate campaign contributions and a compromised legislative body.

We authored group sign-on letters which we sent to the Governor and others expressing our concerns and justifying them with science and documentation of the health effects that quickly became apparent once the industry took hold of the region. We sent them certified mail, return receipt requested, and all we got in return
was the return receipt – not a word back from a single one of them.

We met with representatives from legislative offices, attended legislative action days, and requested personal meetings, but have yet to have a meaning meeting with a single legislator, even after sending newsletters and announcements and following up personally. When we would meet with a legislator’s assistant or aide like Jeanne Wilson, we would be offered platitudes like, “now they are going to be able to frack with propane and not use all the water – which has never happened. We were talked down to as if we were stupid, if not totally ignored.

We participated in and supported protests in Columbus on the steps of the statehouse – while the elected politicians ignored us and the industry propagandists watched for opportunities to talk to the media to discredit us. We marched in Washington against fracking, and recently at the Climate March.

We hosted and paid for a conference at the Wean in 2012 to share the science and proof of the harms of fracking. We had great media attention and attendance – wonderful speakers and preserved the documentation of their presentations and sent to our legislators – nothing came of that. Then we decided to make it easy for the Ohio legislators – we hosted a conference in Columbus at the statehouse atrium. We paid for everything – even a free lunch – for the legislators. Carolyn Harding
personally visited every single legislative office to invite them to learn about Fracking, Public Health and Liability. Hardly anyone attended – most just walked through on their way to another – more important – appointment, like with a fracking lobbyist. The few who did sit with us were reticent – maybe they were more afraid to oppose an industry that would target them and support their opponent in the next election than they were afraid of the harms done to their constituents by the frackers.

We have filed hundreds of public records requests – some which are totally ignored - some which are claimed to be “overbroad” or whatever – and some that are just strung out for so long so that we don’t know the locations or operations of the numerous frack waste permits or even what facilities are given notices of violations to be able to find them and document violations or lodge complaints ourselves.

We filed a verified complaint to the OEPA that took over a year to have answered, and even so, the 24 hour air sample was picked up on private property by an industry employee and not the agency itself after only 12 hours. When we have lodged complaints of odors and suspected spills and dumping ourselves – even when we have pictures to prove it – the agencies don’t come out immediately to inspect and catch the perpetrators in the act – and they can’t take our word for it or even our pictures of the dumping. Most of the compressor station flaring and pigging is done
at night. We know that these concentrated toxic releases contain carcinogens like benzene, but no one will put a 24/7 fenceline monitor at these facilities to tell people what it is exactly that is being spewed into the that is making them sick. People have had to live with their windows closed and watch their trees die. When we complain to the USEPA that the Ohio EPA is not responding, they come in on short notice (if at all) and still no equipment to measure VOC’s, and leave just as quickly. We have been told that the OEPA will notify a facility that they are coming in to inspect before they do so the frackers can insure there’s no toxic release while they are there. It is unbelievable that with all the air pollution that the industry has brought that no one has yet been able to tell us what is making us sick. If they don’t measure it, apparently, it doesn’t exist.

We have collected samples of water and paid for testing for radionuclides ourselves. When we know that there’s a radioactive waste stream like from a facility given Chief’s Orders to operate like Patriot, we have even offered to collect samples and pay for testing ourselves to determine the level of radioactivity. Of course, the private fracking companies won’t let us do that, but we were denied by the public wastewater treatment plant that was processing Patriot’s waste stream because they didn’t want to alienate their customer (their words). Apparently, the revenue they
received from the frackers was worth more to them that protecting public health and
safety. We finally issued a Notice of Intent to sue at our own expense, charging the
Ohio EPA with violations of the Clean Water Act. The OEPA should have been
doing more themselves, but unfortunately, we will have to appeal to the courts at our
own expense. Even then, justice is not always forthcoming.

For instance, after much protest and documentation, we finally filed a lawsuit against
the ODNR for issuing Chief’s Orders to allow facilities like Patriot to operate to
pollute without regulation. It was thrown out by the courts on something as frivolous
as “standing” – so we had to file to be heard in front of the Ohio Supreme Court –
that was over a year ago – still no hearing – and the facilities continue to operate and
pollute and destroy our clean air and water without regulations to protect us.

Now we have the frack gas pipelines, taking our private property by eminent
domain, even though they are mostly for export and private gain. We tried to stop
them. We paid for and filed protests against the water degradation permit – it was
issued by the OEPA without even a comment to our concerns. We paid for flyering,
handouts, robo calling and displays at FERC hearings and at the OEPA hearings
against the pipelines and their toxic, polluting compressor stations. We packed the
halls with overflow crowds, and paid for expert testimony which was totally ignored.
We testified for our three minutes at each and every one of them – sometimes travelling great distances and putting all other important things in our lives on the back burner to respond to these opportunities for public hearings, even though we were not given adequate notice and even had to hear about them through word of mouth because no one has the time to watch every single newspaper in the state for notices of public hearings. It is apparent after all our efforts and testimony that the public hearings are just a sham – just a compliance with regulations – nothing we say or do and even with hundreds of people attending – nothing makes any difference at all. The rubber stamp of the corporate shills approves them all.

We travelled to Washington DC a few months ago to testify at the People’s Hearing sponsored by Delaware Riverkeeper about FERC abuses. We traveled to DC a couple weeks ago to march in the Climate March with over 200,000 others. Very little media attention was given to our efforts in Washington, and yet, to be there in person, we knew it was significant. It’s important to be with others of like minds and hearts – it helps to feel connected, empowered, and not so alone and ineffective. Still – we boost each other up while the powers-that-be beat us down by ignoring, downplaying and deriding our efforts.

We continue to target the Muskingum Watershed Conservancy District, a corrupt
political subdivision that seems to be immune from all accountability for the
damages it is doing to a watershed. The MWCD occupies 20% of Ohio’s landmass
and has leveraged valued public assets for its own personal kingdom building to do
things like build visitor centers that no one will ever visit. Many people are afraid of
the MWCD – we have even been threatened with lawsuits, and we have been
disposed by them in an apparent attempt to intimidate. Even so, we have asked the
courts to hold the MWCD responsible to fulfill its obligation for recreation,
conservation and flood control, instead of to destroy them by fracking. We continue
to remain in court, despite substantial personal expense, because someone has to stop
them. If not, the MWCD will be able to tax property owners within the district to
remediate the destruction they have perpetuated, if that is even possible.

Most people would have given up by now. Some people think we are crazy to take
so much on for so long. But I have a granddaughter – a granddaughter who may not
live out her natural life if extreme fossil fuel extraction accelerates global warming
and pollutes her world. We are not crazy people. But if you look at what is being
done to us, I have to admit, it’s hard to retain sanity. There’s a real need to succumb
to cognitive dissonance and say that it can’t be that bad, or worse, that there’s
nothing we can do. But I refuse to be victimized without fighting back. Maybe it’s
from the DNA in my Appalachian roots in which my great grandfather was killed in a coal mine explosion, they say the owner intentionally set because he was trying to organize a union. Maybe it’s my husband who is a scientific researcher who sees the harms of fracking and takes exception to it because they are the only industry given special exemptions to important environmental regulations. He had to run a steel mill in compliance with those regulations, and one year, 80% of his capital budget was spent in environmental compliance. He had to prove to the USEPA who monitored his emissions that his company didn’t do it. They had monitors to show when the steel mill emitted benzene – why don’t they bring that same equipment to the frack fields to protect us? There’s something really corrupt and unjust going on.

Youngstown Tribunal

Testimony of Barry Booth

Hello, my name is Barry Booth. I live in Carroll County, OH and am a member of Carroll County Concerned Citizens.

About 4 years ago my wife and I were overtaken by a gas smell that put us on the floor. I started throwing up, my eyes were burning, and I could not breathe regularly. So I called 911, two fire departments came to the house and found a level of gas in the house. Both fire departments smelled the gas on the way to our home. So on Monday,
I called the EPA, the ODNR, and Senator Gentile. The EPA said that it was my gas furnace, which was not running. What a Joke the OH EPA is. There were 117, 911 calls about the smell of gas. Senator Gentile was worried about a well fire in Harrison County that was killing fish and marine life. So I asked what if this kills me too. So he sent a person to meet with my wife and I and a half dozen of our neighbors. When he came to the house, he claimed to be from Chesapeake Energy and wanted to see the Air Quality about Carroll County and could not believe the levels were so high. It turns out that he was not an employee of Chesapeake at all. They do not have an Environmental Department let alone anyone by that name.

The EPA was ordered to come to our house by Senator Gentile, and they had no meters to measure the gas around our house. The EPA then sent us a letter saying sorry about the ODOR that made you and your wife sick. (I still have the letter.) An odor is different than volatile gases; they make you ill. An odor is deodorant that has stopped working, dog shit on your shoes, bad breath or you have eaten a lot of ham and beans and are passing gas.

Testimony of Maria Montanez

My name is Maria Montanez, and I was born in Youngstown, Ohio. On March 9th, 2013, I felt compelled to halt fracking operations by preventing trucks carrying frack
equipment from entering the Cadle drill sites located in the drinking water source protection area of Meander Reservoir a source of water for over 400,000 people. My concern my concerns were well founded and ODNR reports revealed a 4-foot split in the casing and lack of clarity about the integrity of the well. I was worried what would happen to an oil well I would worry what happened to an oil well owned by Whiting Petroleum Corporation would happen here at Meander. The oil had started leaking hydraulic fracturing fluid and spewed oil after a blowout that the company and state officials said they take a couple of days to clear up. If this would occur here to the Meander, our water source would be damaged forever. Water that would be lost and not able to be returned to the water table water containing chemicals such a radium and other not known to us.

Our rights to clean water would be decimated we would be affected not to mention plants and animals. This is why I halted the production at Meander, because, quote “every human being has the right to safe clean affordable and accessible water.”

There are more than 480,000 underground waste injection wells nationwide more than 30,000 of which shoot industrial fluids thousands of feet below the surface.

Scientists and federal regulators acknowledge they do not know how many sites are leaking. Fracking also involves the rights of India’s Indian people by failing to
consult with Indian folks before approving of fracking operations that affect their
traditional land. I am part Hieno Indian. The Indians have been fighting for water
rights for centuries, and here we are history now repeating itself again.

**Testimony of Tom Cvetkovich**

My name is Tom Cvetkovich, and I'm from Youngstown Ohio. I'd like to present
two local stories and a few comments on the larger picture. My 94-year-old uncle
[that] lives in Liberty, lived in Liberty Township, right off of Belmont Avenue,
where there was a truck cleaning station. It's still there and the first thing that it's a
dead-end street, it's right off of busy Belmont Avenue [in] Liberty. [It] is the
township just north of Youngstown and the trucking company, Iron Eagle, originally
told Liberty Township that it was going to be a parking lot and cleaning station and
what first thing they did was take the natural soil and put in 18 to 20 inches of
gravel. They started bringing in big tanker trucks, they were asked what they were
doing with big tanker trucks it was the middle of winter, a very very cold winter, - 10
- 15 degrees, they said this is water from cleaning bridges. After a while, it became
clear that it wasn't my uncle lives adjacent to that lot in the middle of the winter.

They would pull up huge pumping trucks giant motors right behind his bedroom he
created residents. In the house the house just shook, I mean it was just as thumping
thumping sound. They would do this later in the evening around 11 o'clock at night.

He called the police; the police came they stopped. [A] few days later he called the police. The police came, and the stopped it, it happened a third time, as a matter of fact, the first time they came to they find them $100 for disturbing the peace. After a while, the sounds would stop and then continue again it became clear that either they had somebody in the police department telling them that the police were coming or they were monitoring the police radio. They would simply go into the temporary dwellings wait awhile and come back do their work maybe with or without the sounds maybe later eventually one of the trustees of Liberty asked them to move at least move their heavy-duty equipment so wouldn't be right up against his house it was still very very disturbing for a 94-year-old man and pretty much wrecked the last winter of his life. What's more disturbing is that it became clear that these were fracking trucks by the notation on the side of the trucks would be hooked up to a Youngstown fire hydrants. Which they had free access to an unmonitored fire hydrant, water goes into the pumping trucks it gets pressurized then they use that high pressure to clean out the trucks. Some members of the Liberty City Council were sympathetic to trying to keep the water clean, to having this water go into Youngstown city water, other members had already sold their mineral rights and did
not feel like they could say anything. The… My uncle is very, forceful, shall we say
94-year-old, Eastern European, he eventually got the Mayor to come out to his
house, who said, oh you can't-do anything this is just progress. One of the other City
Council people did stand up for him and try to do things and in fact called the EPA
on more than one occasion, but the fact is is that in this country you are allowed to
dilute and pollute, and that is what we are doing. And that is what they would do;
they would simply use fresh city water, cleaned with our tax dollars, until it became
lower than the acceptable limits and throw it into the city pools, into the city of [the] water system, the sewer system.
I would want to bring to attention the court a William McDonough who wrote the book cradle-to-cradle which provides a solution to our problem wherein every object has within it the possibility of being 100% recycled and every object has all of its chemical components known. So the cradle-to-cradle movement is growing, and it will eventually keep the biosphere separate from the man-made sphere, he points out in his book that being less bad is not good enough and that what we're doing is akin to boiling a lobster very slowly. Our rules and ecological mandate is given by the government, are allowing us to just pollute ourselves at a slightly lower rate.
The second local story is my own home; we live about three miles from the injection
well owned by Mr. Lupo, which caused the 12 earthquakes. When the 4.0 earthquake occurred, my daughter ran downstairs and said did a truck hit our house? You had something similar to me; it sounded like a big giant just thumping its fists on the ground directly next to the house. One very large bang, the woodpile behind my house has fallen three times during that year during the worst of it the wood, which was neatly stacked vertically was staggered each row of wood was offset about two inches until it fell over. So that wood had to be lifted at least a fraction of an inch and offset for that to happen the house is on a slight incline I am now looking at a twenty thousand dollar bill to have the crack, which I can see through in my basement followed down to the bedding of the house. The people who were over and who inspected the house found six or seven more cracks in the foundation of my house. So sometimes next year they'll dig up the entire foundation we'll look at all that and all that work will have to be done.

On a larger point of view. When I think about these problems, I think about the scientific evidence that we are approaching the sixth mass extinction for the planet. Species on the planet are disappearing at a rate 10 times faster than the Nash and the natural extinction of the species on average. The species on this planet can survive for about ten million years before it disappears as the species which we recognize it
at a rate 10 times faster than that human activity, is now accelerating that and I
would like to bring to the court's attention the notion of a Robbing Frenzy book by
the man Joseph Jenkins, who is the author of Humanure Handbook, which is one of
the solutions also which gives guidelines for properly using human waste as a
fertilizer for safely doing that he wrote a book called balance point and in that he
points out an example of a robbing frenzy that occurs in bees for beehive has a
second hole in it the guard bees do not, are not programmed to protect, it if a if a
farmer has bees and the wooden containers rot the second hole may appear. The
other hives then attack that, and they go crazy. They are no longer afraid of smoke,
they no longer know when to sleep, they are not afraid of humans, they have a
reward that far exceeds the normal and their normal behavior disappears for some
reason. Honeybees, which are normally very organized, efficient creatures, and
which have evolved almost perfectly, sustainable, lifestyle will abandon their natural
predilection towards sustainability and destroy each other when free hunting
becomes available. It's like people looting a department store during a riot. I submit
to you that the same thing has been occurring with respect to oil. Oil is equivalent to
free energy, and it has been occurring in the whole European model of empire with
slaves being a source of free energy with the immigrants the Spaniards first coming
here finding the natural resources and with oil with the extinction of the passenger pigeon, the passenger pigeon numbered 3 to 5 billion and it's been estimated to be the largest population of birds on the Earth, and we destroyed them completely in 100 years, through the technology of the Telegraph and the railroads, which allowed the telegraphing of their nesting grounds. And when the flux would appear for hunters to come in and collect huge quantities of them ship them off to the big cities and huge barrels killing as many as a million birds in one nesting season in one location. In 1872, the Ohio State Legislature considered legislation to protect the passenger pigeon and decided not to do so, one of the reasons cited was jobs.

**Testimony of Reverend Monica Beasley Martin**

My name is Reverend Monica Beasley Martin I'm from Youngstown Ohio, Liberty Township, Trumbull County.

I say good morning to you I am a former pastor an itinerate elder in the African Methodist Episcopal Church and I'm the founder of Defenders of the Earth Outreach Mission we are affiliated with Frack Free America National Collation, and we are an outreach ministry comprised of individuals from various faith walks who are willing to take a stance against man's destruction of God's earth for material gains. since about 2012 we've been on a divine mission to bring awareness of this injustice
through services on the streets, at well sites, parks, cemeteries, churches and anywhere else that the earth is impacted by toxic trespass. On the 28th of July 2010, the United Nations General Assembly explicitly recognized the human right to water and sanitation and acknowledged that clean drinking water and sanitation are essential to the realization of all human rights. I contend that our rights to clean water in the United States of America including more specifically Northeast Ohio are either already or has a potential to soon be violated this is due to the oil and gas industries insistence to frack and inject poisons from this process into our land and our federal state and local governments reluctance to do little if anything to stop them. Over 21800 individuals and families that have been harmful by fracking or fracked gas and oil production in the United States comprise the list of the harm according to the Pennsylvania Alliance of Clean Air and water this list began as a web blog project in Pennsylvania to catalogue verifiable reports of harmful results connected to the new shale gas exploration that swept across the state from around 2006 onwards. news of the blog spread and some reports were coming in from thousands of miles away in Texas, New Mexico, North Dakota, and Wyoming now included on this list is Jamie Frederick's a former resident of Coitsville, Ohio according to Jamie she became seriously ill shortly after moving into her Coitsville
home. She experienced vomiting and intense abdominal pain daily, and after visiting six different doctors and several emergency rooms, Jamie's gallbladder was removed. Over the next two years, she had five additional surgeries to repair a grapefruit-sized infection that ate through to the outside of her skin her medical bills ate up her savings. These are Jamie's words used to describe her up close and personal fracking hell, convoys of trucks and drilling equipment rolled down our once quiet road living through the drilling and fracking phase of the most recent well was a terrifying experience we were given no notice and had nowhere to evacuate we were subjected to unbelievable levels of noise like an airport runway, we couldn't sleep for days due to the explosions worse yet we could feel the vibration through the house from the drilling the fracking lasted about three days the gas storage tanks and radioactive toxic waste tanks are outside my bedroom window uphill from a fresh artesian Springs on my property our little house in the middle of the woods will soon be in the middle of a toxic wasteland we have already had a blowout of at least one well a chemical spill and a tear in a waste pit liner our property value has been reduced from a hundred and twenty-five thousand dollars to nothing I have developed kinetic tremors in my hands as a result of the neurological side effects of some of the chemicals, and you can read more about Jaime and other impacted
citizens in the publication shale field stories.

Now despite the fact that more than 200,000 people including myself obtained our drinking water from the meander reservoir at least four fracking wells can be found in the reservoirs drinking water source protection area this concern over the possible contamination to our drinking water through hydraulic fracturing led to area resident Maria Martinez risking her life by laying down in the road and blocking a convoy of trucks carrying fracking equipment. In 2013, oh cracked well casing later repaired was found in this blot road well September 2015, sometime Youngstown water Customers received notifications included with their water bills that levels of trihalomethanes had doubled from 40 parts per billion to 89 parts per billion included also was a warning advising some people who drink water containing total trihalomethanes in excess of the maximum contaminant level or mg/l. Over many years could experience liver, kidney, or central nervous system problems, and increased risk of cancer, not was this of crack casing an isolated incident according to Dr. Anthony Ingraffea from Cornell University well leaks are anything but rare moreover industry studies clearly show that 5 to 7 percent of all new oil and gas wells leak. as well as age the percentage of leakers can increase to a startling 30 to 50 percent, but the worst leakers remain deviated or horizontal wells commonly used
for hydraulic fracturing. In 2013 it was discovered that Ben Lupo, owner of D&L energy and hard rock excavating had been deliberately directing his employees to dump over 20,000 gallons of toxic waste over 30 times into a tributary of the Mahoning River. In 2015, 2,000 gallons of toxic oil was traced back to an area near the Kleese wells to Wetlands. Private ponds were severely impacted. We've also had some animals and fish die in 2015 in Mill Creek Park. The thing is that most of these companies do not report and the ones that do, it's very difficult in fact they do not report. Most of the 36 states that I meant to say of those that state that they do report to there's only 3 and Ohio is not one of them. We also have been granted by ODNR permits to have injection wells in Brookfield route 7 north of old 82, and I think that if these wells are constructed and become operational, history has already shown us that the prospect of a positive outcome for the community is not good. Now there was an executive order signed by the Trump administration in February. Scott Pruett has begun the process to repeal the Clean Water rule which will be followed up with a new rule drastically limiting the effectiveness of the Clean Water Act. It is merely coincidental. 12 golf courses owned by the 45th President and a hundred and sixty one thousand acres of streams and wetlands would then be left unprotected by the Clean Water Act. I would like to close with these words for Mario Salazar who
was an engineer who worked for 25 years with the EPA's underground injection program in Washington and he said in 10 to 100 years we are going to find out that most of our groundwater is polluted a lot of people are going to get sick and a lot of people may die.

**Testimony of Diana Shaheen**

My name is Diana Shaheen. I am from Youngstown Ohio, anything else? Okay. it was late September of 2011 when I felt the first earthquake it felt as if a two-ton truck had hit the side of my house I ran outside and saw that there was no truck the impact reminds me of the sonic boom we felt when we were children and aircraft from the Vienna Air Station broke the sound barrier impact and sound than silence many of my neighbors were milling around to find out what had happened there were no answers shortly afterwards I got a call from a friend of mine who lived across the lake asking if I had felt the tremor I told her I felt as though a Mack truck had hit the side of my house and whatever it was it sounded felt like a sonic boom she told me it was related to fracking I repeated the word back to her fracking then I asked what the hell is fracking she began explaining what fracking was hydraulic fracturing inserting millions of gallons of water into the earth under very high pressure to break up shale rock to extract gas from it later I found out that it wasn't
the fracking directly that caused the small earthquake but pressure from an injection well in which waste from the fracking process was disposed throughout the next several months the movement began to evolve leading to what is now frack free Mahoning frack free America there were a cluster of smaller earthquakes but I felt none again until that New Year's Eve on December 31st 2011 I was preparing to take a shower when suddenly I felt as though an 18-wheeler hit the front of my house again impact sound then silence when I went to the New Year celebration that night I learned it read 4.0 on the Richter scale the earthquake was felt for miles around and the injection well that caused it was closed down temporarily because of public protests but then on I began to learn about fracking and how the land men were moving in from pencil Pennsylvania refract the Utica Shale in Ohio frac pads flaring injection wells for disposal of radioactive waste drinking wells polluted with methane pooling land from willing and unwilling owners to build frac pads to frack the land gas and oil workers sick and dying from radioactive poisoning corporations building compressor plants near schools and organic farms young women sterilized because they drank the water breathe the air livestock born deformed proprietary chemical cancer endocrine disruption women with cancer children with cancer men with cancer the earth expendable people good people suddenly expendable people
taking a backseat to profit we are not expendable I am here to testify to the Earth's being a living breathing entity who deserves our respect presently we as humans enslaved the earth and robbed her of her resources high powered hydraulic horizontal fracturing is one of the most profoundly brutal ways to extract fossil fuels from the earth why do we continue to use brutal force to penetrate and extract what is not rightfully ours when there are other sources of energy that can sustain us such as solar wind geothermal and hydroelectric power the most blatant reason seems to be corporate greed fueled by the desire for power gas and oil corporations have created a world that is run by fossil fuels so that their product would always be necessary and they could determine world policy by their manipulation of supply and demand this is nothing new to those of us gathered here we expect it and we oppose it but there is another aspect to these corporations maniacal use of power which threatens our species on an even deeper level than their control of the wealth of the earth and that is their abuse of the earth horizontal high powered hydraulic fracturing the earth of the earth is a reflection of the rape of women children non-dominant ethnicities the economically disadvantaged and other disenfranchised groups we can no longer separate the physical earth from our physical bodies to sustain what is this the other to harm one is to harm the other if we want justice in
this world we must demand that the earth be treated justly we want compassion in
the world we must treat the earth compassionately what we do to the earth we do to
the people of the earth one indivisible undivided.

Testimony of Dr. Raymond Beiersdorfer

Since the advent of shale oil and gas development by high-volume, high-pressure
hydraulic-fracking in long lateral wells (aka fracking) in the region my human rights
have been violated.

My rights to health and clean water are being violated due to fracking-related
pollution, both intentional and unintentional. In my testimony, I want to focus on the
violation of my rights due to earthquakes that are occurring in my region as a result of
fracking. These earthquakes are violating my right to housing because thousands of
people in the region, including myself, live in brick homes. These unreinforced
concrete masonry structures were not built to withstand earthquakes because there
were no earthquakes in the region.

My right of access to information is being violated in that the Ohio Department of
Natural Resources (ODNR) is deliberately withholding information about earthquakes
related to oil and gas development from the general public. I will outline several
examples. Moreover, in Ohio, government regulators, and the oil industry joined
together in secret to mount a propaganda campaign to convince us it's a good idea to
frack in our state parks. When you can't tell the difference between government
regulators and oil industry lobbyists, you have a regulatory agency captured by the
industry they are supposed to regulate. For example, after eight months of earthquakes
in Youngstown, Ohio in 2011 ODNR spokesperson Heidi Hetzel-Evans told the local
newspaper, "ODNR has not seen any evidence that shows a correlation between
localized seismic activity and deep injection well disposal." This was blatantly false
and there was a correlation in both space and time between the injection and the
earthquakes.

My family's right to public participation is also being violated in retaliation for
speaking out publicly about the harms of fracking. My wife and I are both teachers.
As educators, we feel a responsibility to let the citizens know of the documented harm
fracking has caused locally and elsewhere. Susie lost her part-time teaching job at
Youngstown State University for two years after I was told by Martin Abraham, the
Dean of the College of Science, Technology, Engineering and Mathematics, that my
wife should not say she works at YSU and is opposed to fracking. When she continued
to do so, she no longer received a contract to teach and was replaced by an unqualified
instructor who was terminated after one semester. Susie had been teaching a nationally
certified high-quality online course for the university for seven years. She has been
reinstated and continues to speak out about the harms of fracking.

I, while tenured, have also been fighting a ongoing hostile work environment that
began in 2012. My department chair Jeffrey Dick commented to the STEM Dean that
I am a poor scientist because I oppose fracking. The Dean inadvertently informed me
of this when he replied to a comment I made to him about my NASA research on
growing crops on the moon by stating "Yeah, Jeff said you used to be a good scientist
before you opposed fracking." When I didn't laugh, the Dean responded: "that was a
joke."

In 2013, Jeff sent me, while including almost the entire administration in an attempt
to harm me, a threatening e-mail demanding a retraction of a false statement in
response to a comment I made in the YSU-OEA union list serve that the chair of
Department of Geological and Environmental Sciences and the Dean of STEM are
both promoting fracking. I demanded to know how he had access to the private union
communication and it turned out he lied in his e-mail as to the source of the "leak."

In 2012 the GES Chair attempted to block department sponsorship (in name only) of
a lecture by Dr. Debra Cowden, a well respected M.D. and Public Health official about
the Health Risks of Fracking. He conspired with the STEM Dean to block the
sponsorship prior to any faculty discussion. He was overruled at a GES faculty meeting but demanded to see the speakers Powerpoint presentation in advance. This vetting of a speaker, clearly a violation of academic freedom, had never happened before in my then 20 years at YSU.

More recently, in February of this year, the GES Chair published an essay in the Youngstown Business Journal that disparaged my work as an attempt to "agitate the public using scare tactics, which one by one are proven false or greatly exaggerated."

While not mentioning me by name, I do believe many of the pejoratives in the article were directed at me. He has also refused to sit with me on a September, 2017 panel on The Unintended Consequences of Innovation: Shale Oil & Gas Waste as part of the YSU First Year experience called "Penguin Think -Common Intellectual Experience."

Earthquakes

Prior to shale gas development the state of Ohio had suffered slightly over 200 felt earthquakes since 1776. Many of them were near Anna, Ohio that sits in an extension of Illinois' New Madrid and Wabash Valley seismic zones. Anna, The Former Earthquake Capital of Ohio, had damaging earthquakes in 1930, 1931 and twice in 1937. It also suffered swarms of aftershocks, a qualitative indication of human caused earthquake triggering.
Based on local newspaper accounts, John Armbruster, a seismologist at Columbia University's Lamont-Doherty Earth Observatory, confirmed that there were oil and gas wells operating in that area at the time of the quakes. Because of the Anna's seismic swarms and prolonged series of earthquakes, he considers it a candidate for human triggering, but without more detailed knowledge it is difficult to make a strong case.

A Class One Injection Well triggered earthquakes in 1987 and 2001 on two different faults near Ashtabula, Ohio. The 2001 tremors occurred seven years after the well was closed in 1994. Since 2011, five Ohio counties, all aseismic, have suffered over 1,100 positive magnitude earthquakes.

All of the earthquakes were human-induced due to fracking for shale gas or injection of liquid fracking waste. The quakes are restricted to six locations, two housing injection wells, and four fracking well pads. The policy for posting a seismic event on the ODNR website is that the earthquake was felt or it was magnitude 2.0 or greater.

Earthquakes in Mahoning and Harrison counties meet that criteria and have not been posted.

The Northstar 1 well in Youngstown began injecting fracking waste in December 2010 over the next year injected 495,622 barrels (over 20 million gallons) of fracking waste beneath Youngstown, accompanied by increases in pressure. The maximum pressure
allowed on the permit was 1890 psi. At the time the well was shut down on the permitted maximum pressure was 2500 psi. Small earthquakes began in January. The first earthquakes large enough to be felt by humans and to register on regional seismic networks occurred in March. The increases in pressure, while the area was suffering never before experienced seismicity, illustrates a total disregard for public health and safety by both the industry and the regulators. For example, on March 14th the company requested an increase in pressure. On March 16th the ODNR grants the requested pressure increase. On March 17th, before the pressure was increased, two earthquakes occur. Two days later the company goes ahead and increases the pressure, without any interjection by the ODNR. As mentioned above, there was over eight month of blatant denial by the ODNR that the well had anything to do with the earthquakes. The Northstar 1 well in Youngstown was shut down on December 30, 2011, and was followed by a Magnitude 4.0 earthquake the next day, which caused damage to peoples' homes. In his report, Dr. Kim of Columbia University (Kim, 2013) concluded, "that continued injection of fluid at Northstar 1 well could have triggered potentially large and damaging earthquakes."
After the swarm of earthquakes triggered by the Northstar 1 injection well in Youngstown, Ohio (2011-2014) the Ohio Department of Natural Resources (ODNR) issued new rules regarding injection wells, which includes mandatory seismic monitoring. Ohio will seek the following reforms to its Class 11 deep injection well program; It should be noted that rules or permit conditions do not prevent earthquakes, in Ohio or anywhere else.

1) **Requires a review of existing geologic data for known faulted areas within the state and avoid the locating of new Class 11 disposal wells within these areas;**

2) **Requires of a complete suite of geophysical logs (including, at a minimum, gamma ray, compensated density-neutron, and resistivity logs) to be run on newly drilled Class 11 disposal wells. A copy of the completed log, with analytical interpretation will be submitted to ODNR;**

3) **Evaluates the potential for conducting seismic surveys;**

4) **Requires operators to plug back with cement, prior to injection, any well drilled in Precambrian basement rock for testing purposes.**

5) **Requires the submission, at time of permit application, of any information available concerning the existence of known geological faults within a specified distance of the proposed well location, and submission of a plan for monitoring any seismic activity**
that may occur;

6) Requires a measurement or calculation of original downhole reservoir pressure prior to initial injection;

7) Requires conducting a step-rate injection test to establish formation parting pressure and injection rates;

8) Requires the installation of a continuous pressure monitoring system, with results being electronically available to ODNR for review;

9) Requires the installation of an automatic shut-off system set to operate if the fluid injection pressure exceeds a maximum pressure to be set by ODNR;

10) Requires the installation of an electronic data recording system for purposes of tracking all fluids brought by a brine transporter for injection;

Unfortunately, rule number 10 has never been implemented. Had it been; it may have prevented the owner of the Northstar 1 well from illegally dumping up to 480,000 gallons cleanup cost over three million dollars but none of the subcontractors working on the cleanup were paid. This lost revenue by businesses eventually harmed Ohio taxpayers. At the time these rules were announced I recommended requiring a sonic log in addition to the required gamma ray, compensated density-neutron, and resistivity logs. The sonic log can identify faults transected by the borehole; the others
can't. This is important if the well drills through a fault plane. This was very relevant to the Youngstown injection well because the borehole penetrated about 200 feet into the basement rock and actually penetrated a fault. Any logs in wells that are limited to the overlying sedimentary layers cannot detect these basement faults.

Faults in the sedimentary layers above the Precambrian basement are rarely the source for the larger, potentially damaging earthquakes. Experience in Ohio and elsewhere indicates that these dangerous induced earthquakes occur in the basement rocks. These newly reactivated faults are not random. They are predominantly near-vertical east-west trending left-lateral strike-slip faults. My working hypothesis is that they represent a series of ancient oceanic fracture zones in the sea floor beneath the shale and other marine deposits. Unfortunately, near-vertical faults in ancient oceanic crust, nine-thousand feet below the surface are difficult to identify using conventional seismic reflection data. They are being discovered by injecting millions of gallons of fluid underground and triggering earthquakes in some sort of for-profit science experiment. Due to the threat to public safety, this experiment needs to stop immediately.

The permit for the Northstar 1 injection well in Youngstown, Ohio stated that:

``Upon discontinuance of injection operations, the owner/operator must apply for a
permit to plug and abandon the well. The well must be plugged and abandoned within 60 days Of discontinuance of operations." Discontinuance of operations at the Northstar 1 injection well began on December 30, 2011, when the well was ordered to be shut down. As of July 2017, the well has not been plugged and abandoned. Today, July 29th, 2017 marks 2,038 days since the discontinuance of injection operations. An injection well in Trumbull County triggered 108 earthquakes on two faults in 2014. The initial earthquakes were kept secret from the public until one was large enough to get on the regional USGS network. This well is less than three miles from a dam that provides drinking water to over 400,000 people. It is currently shut down and should be plugged and abandoned as soon as possible. The public information on both of these wells has been removed from ODNR's web site. A clear violation of the right of access to information. The fracking process itself has also triggered earthquakes in Ohio. The induced seismicity due to fracking in Ohio drew public attention in March 2014 when 77 earthquakes ruptured at least 300 meters of a previously unknown fault under a municipal wasteland fill. However, in October of 2013, over 400 earthquakes were generated due to fracking in Harrison County, about one hundred kilometers to the south. This information was kept secret from the public until the publication of a
scientific journal article about the event (Friberg et al., 2014). Several of the 2013
earthquakes were magnitude 2.0 or greater and met the criteria for listing on the ODNR
Ohioseis website. They were not posted.

On April 11, 2014, the Ohio Department of Natural Resources (ODNR) published on
its website a press release stating that "recent seismic events in Poland Township
(Mahoning County) ... show a probable connection to hydraulic fracturing." This
finding is of both scientific and political significance. People in cities like Youngstown
have voted on ballot issues to prohibit fracking within their communities, with wells
as close as 150 feet of their homes,

At that time, according to ODNR spokesperson Mark Bruce, no report will be issued,
and a public records request must be filed to look at the data. The conclusions of
ODNR's study, as described in the press release, were very significant. Yet the ODNR
did not create a report and did not make the data readily available online for the
scientific community to review. I had to make a public records request for all available
data related to the Mahoning County 2014 earthquakes.

The press release stated that "The new policies are in response to recent seismic events
in Poland Township (Mahoning County) that show a probable connection to hydraulic
fracturing near a previously unknown micro fault." The ODNR does not explain the
meaning of the word micro fault. This is not a common geological term. The Glossary of Geology (3rd edition with over 34,700 terms) does not include micro fault. Structural geology textbooks state that micro faults can only be visible under a microscope. We now know, and ODNR ken at the time, that the fault ruptured along 300 meters of its length. This never was a micro fault and ODNR’s use of the term was a deliberate attempt to mislead the public.

The press release also stated that "ODNR Director James Zehringer announced new, stronger permit conditions for drilling near faults or areas of past seismic activity."

New permits issued by ODNR for horizontal drilling within 3 miles of a known fault or area of seismic activity greater than a 2.0 magnitude would require companies to install sensitive seismic monitors. If those monitors detect a seismic event in excess of 1.0 magnitude, activities would pause while the cause is investigated. If the investigation reveals a probable connection to the hydraulic fracturing process, all well completion operations will be suspended. ODNR will develop new criteria and permit conditions for new applications in light of this change in policy. The department will also review previously issued permits that have not been drilled.

Unfortunately, the ODNR failed to follow their change in policy. The special permit conditions for fracking wells within three miles of a fault were not applied to wells
about one mile from the Harrison County fault, triggered by fracking at the Ryser
wells, that had over 400 induced earthquakes in 2013. The conditions were announced
in April 2014, yet permits were issued in December 2014 to the Luyster wells in
Harrison County with no special conditions. These wells were about one mile from
the fault. When asked about this, the ODNR Division of Oil and Gas resource
Management Chief replied in writing on February 1, 2017: The permits for the Luyster
wells, issued on December 2, 2014, improperly did not include the seismic
monitoring conditions. These wells were never drilled and subsequently; the permits
expired on December 2, 2016. Since 2014, DOGRM has more than doubled our
seismic staff as well as increased the number of our permitting geologists, ensuring
the documented seismic data is reviewed during the permitting process. If the Luyster
permits are refilled, they will include the seismic monitoring conditions.

After a Magnitude 3.0 earthquake in Monroe County in April 2017. ODNR released
the following statement (but ignored my request for the API number of the well.)

The ODNR Division of Oil and Gas Resources Management's OhioNET seismic
network was alerted to a seismic event of 3.0 magnitude at approximately 8 a.m. on
Sunday, April 2. Review of the seismic data placed the event in Monroe County in
proximity to ongoing oil and gas well completion operations. Those activities were
halted within an hour of the seismic occurrence.

As is ODNR protocol in regards to seismic occurrences, operations were halted. Ohio has some of the most comprehensive seismic monitoring operations and requirements in the country, which helped detect this unfelt event, and ODNR seismologists quickly began investigating potential sources. The division continues to evaluate seismic data and completion operations in the area.

Prior to the April event, there were five earthquakes in close proximity to the M 3.0 epicenter that ranged in Magnitude from 1.8 to 2.3. They were all greater than the M 1.0 number ODNR selected for their traffic light system, but nothing was done at the time. The public needs assurance that all rules, regulations or permit conditions are adequate and that they are actually being observed. This clearly is not the case in Ohio.

The state government is turning a blind eye to the seismic harm from corporations involved in fracking. Ohio is not upholding its human rights obligations. Finally, I stress the importance of realizing that rules, regulations or permit conditions do not prevent earthquakes, in Ohio or anywhere else.


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Testimony of Mary Greer

Judges: I am here to provide testimony regarding the violation of citizens' rights to
protect their own properties and to report to you my experience of federal, state, and
local government disregard of the rights of people to clean air, clean soil, and clean
water. I am sure that you will hear a great deal of evidence that has accrued since
Ohio's 2004 advent of horizontal hydraulic fracturing for natural gas. In the last six
years, I and members of our small citizens' advocacy group, Concerned Citizens Ohio,
have amassed thousands of pages and dozens of publications and studies in order to
understand this evidence about extraction and disposal-and to interpret the facts
correctly as they are unfolding here in Ohio.

Certainly you will hear from witnesses testifying to the following:

1. Over one thousand chemicals have been identified in tracking fluids-with profound
negative impacts on fetal development, children, and adults (Yale University School
January 6, 2017).

2. The high rate of casing failure in injection wells, suggests that between 1 and 50
years, cement seals around steel pipes will crack or rupture, permanently poisoning
aquifers that drain to Lake Erie to the north, the Tuscarawas River and central Ohio to
the south, and the Mahoning and Ohio Rivers to the east.

3. Surface spills in all of Ohio with the exception of the Lake Erie Basin eventually
flow to the Mississippi, impacting 11 states and their populations.

4. Pipeline setbacks are woefully inadequate; for example, a 20 inch pipeline carrying
a product at a mere 650 psi, located 50 feet from a school, is calculated to cause 100%
mortality in the event of a rupture, break, or explosion up to 300 feet from the site.
That same pipeline, at 300 to 520 feet from the school would cause 50% mortality. Our
current pipeline setbacks are nowhere near these numbers.
For example, a 48 inch pipeline at psi 1300 should have a setback of 3937 feet, or 7/10ths of a mile. 250 feet appears to be the common practice. On Randolph Road in Portage County, we have 10 inch pipelines for psi 1300 product laid within ten feet of front porches and residential back doors. The recommended distance for such transmission lines should be 820 feet (C. Rhodes. "Calculating Safety Setbacks from High-pressure Lines"). (The ten inch number in Portage may be larger.)

5. Health studies show the importance of proximity to wells; impacts of injection well air pollution extend to a circle of about two miles drawn around a well head. In Ohio, the setback from a well head to a residence is 150 feet—a setback that is too close by 10,310 feet.

6. Soil requires eons to develop. Soil experts testify that one teaspoon of fertile soil requires 300 years to develop—because soil is a compound of organic and inorganic materials weathered from rock and mineral aggregate, microbial biomass, and carbon-based materials. A "wheelbarrow load" of soil requires approximately 3000 years of weathering and compounding. Considering these timeframes, a chemical spill on soil with effects that be remediated, provides an alarming picture of wellsites of 1 to 5 acres permanently rendered incapable of farming or safe crop planting.

7. Waste water from deep layer rock injection wells is more than likely to contain
radiological elements, which have a half-life of thousands of years-in other words, these elements can be diluted but they never "evaporate" or leave the aquatic system.

8. Earthquakes, whether acknowledged by the ODNR or not, endanger basement rock formations in eastern Ohio. The Oil and Gas Commission itself suspended a well, stating that "there are simply many unknowns regarding the complexities of deep geology in eastern Ohio" (Oil and Gas Commission comments. August 12, 2015).

In short, every aspect of production, extraction, disposal, and transport is rife with dangers, most of which cause permanent damage to the environment: aquifers, rivers, soils, air, and life in all stages of development.

But I am not here to talk about these aspects of the violations of citizens' rights to protect their own lives and property.

Instead, I am here to talk about what we have done to bring these problems to the attention of our local, state, and federal officials-to no avail. It is a human right to protect one's own property and one's life. To what extent have we been permitted to exercise this right as regards oil and gas activities? To no extent. We consider this an injustice and an abuse of our legal right to protect our own properties and lives.

Consider what we have done so far: First, since 2013, I have brought data and information to the county commissioners of Portage County 83 times. Each
appearance included cited data, packets of information, and requests for action. Our county commissioners have agreed unanimously with our requests but are by law unable to protect county lands or our 160,000 Portage County citizens from our 18 active injection wells or the permitting of more injection wells.

Third, at the invitation of our commissioners and at our request, The Ohio Department of Natural Resources conducted an "informational" meeting, in the format of individual table presenters and followed by a lecture without a question and answer session. Throughout the "event," brown shirted armed guards with an attack dog stood at the doors and behind citizens attending.

Fourth, we have conducted a free pipeline seminar six times in different locations around the county in an attempt to educate and warn our citizens of the deceitful actions of landsmen and pipeline companies. This effort included a self-published manual on how to deal with pipeline problems.

Fifth, we conducted a free seminar on how to research leases in our county for residents fearful of land agents; this seminar included a self-published pamphlet on how to research leases.

Sixth, I and two other members of Concerned Citizens Ohio, visited 16 of our townships, cities, and villages six times each. We presented six topics, supported by
cited data and research, with a total number of presentations of 96. The topics were as follows:

1. Number of wells in our county, the number of barrels of waste dumped in Portage,
2. Number, characteristics, and dangers of chemicals,
3. Statistics regarding injection well leaks and casing failure,
4. The health effects as documented of well activities,
5. The financial background of injection well owners,
6. Actions available to citizens and elected officials to protest or stop injection wells.

Seventh, I have presented materials in hour-long sessions to our Emergency Management Director, to the Director of the Portage County Health Department, the Portage County Board of Health, to the Commissioners of Stark, Trumbull, Carroll, and Tuscarawas County, and to local state representatives.

Another member of our group attended many meetings of the Gates Mills investigation into injection wells for the eastern side of Cleveland.

Eighth, for over four years, our citizens conducted monthly well water tests for free for anyone, keeping data regarding the test results in order to track any contamination that might be moving underground.

I won't enumerate various rallies, public gatherings, petitioning every Saturday from
Memorial Day to Labor Day at local farmers' markets, etc.

Most heartbreaking was a pipeline informational meeting we attended in Medina County. The audience filled the room—mostly older people with properties in rural areas—farmers, retired couples, widows and widowers. They watched with increasing apprehension as they were shown the map of the proposed pipeline. At the end of the meeting, they came to us, bewildered, shocked, and afraid.

"Why can't we say we don't want this? My house, my farm—I've lived there all my life. That land is all I have. How can a private company take my land and do this?"

These are questions we have been asking since 2009. Our county commissioners and the commissioners of Athens, Trumbull, and Ashtabula unanimously agree. As they said in their 2015 resolutions to request a moratorium on new injection wells, "there is grave concern for potential harm to citizens and the environment."

Will local elected officials and representatives of our citizens ever be heard regarding our citizens' right to say no? How much more data and how many more appearances are required?

Will state agencies continue to refuse to hear scientific data, research, and personal accounts of harms caused by extraction and especially, disposal of fracking waste?

Will the federal government refuse to regulate chemicals, pipelines across state lines,
or understand the ultimate devastation of fresh water aquifer contamination for our nation?

How much longer will policy makers tell the citizens, "We can't help you. Our hands are tied"?

We say that we should be heard now, for our children, grandchildren, land, water, and Earth itself. We can change these policies and activities now.

Or should we wait for a devastating event that leaves Ohio and this region a dead zone sacrificed for an industry that is already slated to be phased out within fifty years and to be replaced by clean, sustainable energies?

**Testimony of Mary Booth**

Hello, I am Mary Booth and I am concerned about the chemicals that are released in the air from that gas and oil well and compressor stations. It was about 2012 when most everyone around us will sign the oil leases to be truthful we were as blind to the effects of oil and gas industry as were our neighbors. Chesapeake Energy dangled money in front of us and we took it, with hopes of getting a lot more. All we have gotten is that signing bonus and bad health. So if you know of someone that I need their property, encourage them to not rush. There is a lot at stake for you and your neighbors. Protect your property and your community.

According to the Ohio EPA, they have calculated the risk of developing cancer to be
2.9 out of every 10,000 people living close to a well pad. In Carroll County, Ohio, where we live, there is 487 wells. In 2012 Carroll County had a population of 27,669 people. If you divide that by 2.9 you come up with 954 people are likely to get cancer. Our air is so bad that you do not necessarily have to live close to a wellsite or a compressor station. You have an overwhelming chance of getting cancer. Within a mile and a half there are three of us that have had breast cancer since the oil industry has come to our neighborhood. I am not sure if the others have been told what caused their cancer, but I have been told that Mike came directly from the oil and gas industry. To my surprise I found a lump in my left arm Christmas Eve 2014. Sure enough it was a carcinoma a fast-growing cancer. It was stage III in a milk duct six lymph nodes.

I have lived in the same house and. I have lived a very active life, working for the Postal Service raising three children. I was extremely active in my church had a 4H club. I helped my kids show quarter horses both for age and open shows. Barry moved in after we were married. Being a single parent he raised his kid while working in an aluminum extraction plant. He was very active with their sports, their friends and general needs. We had every reason to think that we could live a long happy life together. But the oil and gas industry is ruining our health. According to
an air study that we had at our home, due to Carroll County concerned citizens,
showed that we had 32 different chemicals show up in our air including benzo (a)
pyrene which has been associated with cancer. My radiologist, Dr. Chan, said any
chemical that starts with the letter B can cause cancer.

We have a gas and oil well not too hundred and 10 feet out our front window, and a
compressor station 1.5 miles as the crow flies. And to other compressor stations and
a cracker station all within 15 miles. We feel that we need to move to protect our
health! But where can we go? The darn oil companies are everywhere.

We are survivors and we will fight to try and save our home. At least until we can
find another place. And even then, we will fight for the environment. There is a great
deal of uncertainty about exactly how much hazardous pollution is being admitted
into our air. The pollutants are being admitted into our air during the development
harming the air quality of the community and our lives. The gas developers have not
been required to locate, measure or plug leaks. That must change!

The environment is in as much or maybe more danger than what we are. A local
publication reported that 100 to 500 gallons of bentonite clay bubbled up from a wet
under a Township Road as a result of oil and gas related operations. Bentonite is
pumped into pipeline shafts before the pipeline is installed. Bentonite is an absorbent
aluminum phyoslosilicate clay. An inspector from the Department of natural resources is required to inspect the wetland areas where drilling operations are taking place. Carroll County has received only one visit from ODNR inspectors for many months. Carroll County emergency management agency now relies on reports from the gas companies to learn when wells be operation and production amounts of the wells.

As long as the oil and gas industry is in Ohio it will continue to be volatile and dangerous. No matter where it is danger welcome. Just look at the documentary program that was shown on PBS called before the light switch. It is about the devastation in Dish Texas.

Remember as land owners we have right. The protection of our help, land and traditional ways of life. Accurate information about the real impact gas industry. We should have the right not to have our air and water damaged. To not have our property values reduce by the view of the oil well. Do not have a quiet country road turned into a main truck traffic Highway. We had no idea what we were for. Trucks running day and night, bright lights coming from the drilling and noise like you would not believe.

Testimony of Haley Schurman
Westwood Lake Park: The Kibler well in Lordstown

The last three years have been very hard, the residence of Westwood Lake mobile home park in Wethersfield Township Ohio. First, they built the road. Which was very loud and dusty four-month project.

Then, they brought in the rig.

So far, the problems are: 1. noise never ending. 24 hours a day. 2. Very bright lights shining directly into the park.

Because of the efforts of some people, Wethersfield Township established the first well pad emergency civilian evacuation plan in the country.

a worthy sacrifice for the energy our company so desperate?

About three months of drilling, the drill rig was disassembled and transported to a meander watershed well site. All was quiet on the well pad, but we knew what was next. Fracking. Knowing diesel fracking pumps will burn 500 gallons these of fuel per hour, 24–7, for a week to 10 days straight! That chemical stench is bad enough.

This intense diesel exhaust can be eliminated by using natural gas pumps Westwood Lake residents that with Township trustees and County asking them to request Halcon use these natural gas at the Kibler well site.

What was Halcon response?
For 4 long days and nights, the stench of the fracking process trespassed into the Westwood Lake Park. The stench was terrible. Then they just went away. Peace and quiet for about one then they lit the flare! The well is now in completion stage. Then they turned up the flare. The noise, thick air, the chemical stench was pretty nasty. Everyone had a metallic taste in their mouth.

This nightmare lasted over three months! New rules in 2015 for green completion equipment! No flaring aloud! Right? Not so fast. On January 5, 2015 the flare was still John Williams spoke with Ohio EPA, and the rules do not stop flaring. The flare at Westwood Lake part is for years, and when the green completion fails, like it does several times the flare goes into hyper jet engine mode until the well problems are solved.

Then they brought the rig back and started all over. This time, Halcon had a few other techniques to teach us. First, one day during the drilling process, I saw a large, dusty looking cloud flow from the drilling pad, over the lake, and a large section of mobile homes in the park. It was reported later at a Trumbull County commissioners meeting, that Halcon was using air pressure instead of water to drill the well. What about BTEX and radioactivity they were throwing down? Was there any? Nobody knew.
Then another lesson: stimulating the well with Witt. We were told that the County
commissioners that nitrogen is 78% of our atmosphere and is no problem. I ask what
about the BTEX that is released with it since it comes from the Wells horizontal leg.

Nobody knew.

Many people and Westwood Lake Park were exposed to many different potentially
harmful chemical admissions. How many got sick? How many are sick today? How
many will show signs of harm tomorrow? Many people found it harder to breathe
during the fracking and flareing processes.

We don’t really know how many are still having issues, but we know of a few. On
separate visits to the park, I smelled a chemical smell “whiff” every now with every
now and then. One 80-year-old man, who never had a skin condition his life now has
a head to toe rash, lasting now for 18 months. Doctors can find no cure. This man’s
rash looks very similar to the rash on my friend Randy Moyer. Randy drove a water
truck for oil and gas and Bedford County, Pennsylvania.

The Kibler well has two active frack legs in production. This site will host eight legs.
The current conditions will be four times worse when completed. For the life of the
Wells!

Meander Testimony presented by John Williams
The Cadle Well, North Jackson, OH

SAD STORY. ODNR failed us. OEPA could care less.

Upon discovery of a horizontal frack pad being built in Meander Reservoir's Drinking Water Source Protection Area, I called Kay Amy at OEPA in Brecksville and asked her how she could allow this. Kay told me that she knew nothing about it. She called me back after investigating this and said: "There is nothing to worry about, Tom Tomsatic at ODNR. has been working on that well for months!

ODNR.'s Tom Tomastic is in Charge of underground Injection Control, not production wells. Why was the OEPA not even advised they were placing a frack pad in the Drinking Source Water Protection Area, about 100' from a stream that leads directly to Meander. What could possibly go wrong? October 15, 2012

Ref: 20inch-casing-failure-CADLEwell22 8343

Ref: Email John Williams to Dr. Tony Ingraffea 2/27/2013

Shotty Haliburton equipment. Gauges did not work. Why would they proceed without good gauges and why, if the ODNR. inspector is on site for all casing cement jobs could he allow this to happen with this shotty
equipment.

OUTCOME: 4' split in the 20" casing and a large crack in the intermediate casing. The cracks and splits were patched and cemented over. This "Tomasticized" casing is currently in operation.

There are now 5 frack pads in the swap area.

Sulfur Run Diesel Fuel Spill:

Ref: OEPA District Office Investigation Report (DOIR)

Spill ID# 150-50-0501

0EPA Failed us because:

1. They allowed Mr. Joe Public determine that the contaminant was diesel fuel. A citizen reported a diesel fuel spill in Sulfur Run to the Austintown fire chief, who reported a diesel fuel spill to OEPA, who ordered a simple VOC test near the reservoir. VOC’s are a contingent of diesel fuel and diesel fuel is a contingent of toxic frack waste.

2. The Pilot Truck center was found to have no leaks in the tanks and could account for all fuel. Yet, they still are going with the expertise of Mr. Joe Public.

3. Estimated date of spill 3-13-15. OEPA on scene 3-19-15,
requested MVSD to test for VOC's. OEPA said the reservoir does not appear to be affected. The reservoir was frozen over! If this were a Track waste spill with bromides, the water soluble would be long washed away in Meanders water plant.

4. 3-24-15: DOIR pg. 9: "the VOC's detected are typical of disinfection byproducts formed when drinking water is chlorinated, and has nothing to do with the Pilot spill".

Has any customer of MVSD had a problem with cancer causing trihalomethanes? Every Youngstown water customer received a trihalomethane warning letter.

Back in 2011, the Niles City Council and Wethersfield Twp. trustees sent resolutions to the state that would ban injection wells for reasons of public health and safety. The ODNR could not be told what to do by locals. Both wells received permission to drill, and then inject.

DESPITE THESE FACTS that ODNR was made aware of.

1. A 7 mile moratorium on injection wells is set for the Northstar 1 4.0 quake maker in Youngstown. The AWMS Well is 7.1 miles away!

2. Downtown brick and mortar buildings 1/2 mile away, were not built to
withstand earthquakes.

3. July 28, 2014, with just 4 months of operation, AWMS causes a 1.7 quake.

August 30, 2014 AWMS causes a 2.1 quake. ODNR claims only 2 quakes happened there on their website. We now know that they actually caused 108 quakes. Each increasing in magnitude until ODNR shut it down Sept. 3, 2014.

12-20-16 Update: Although not required by ORC 1509, Every injection well permitted after the AWMS injection well in Weathers field (Niles) has been required to employ seismic monitors as conditions of the permits. GREAT! but could be better. The operator of the injection well is required to employ and pay for the seismic monitors, therefore the data belongs to the operator, not the public.

OUTCOME: AWMS appealed ODNR's decision. This has been thru 4 hearings already. The final decision may come in August 2017.

Meander has probably suffered from quake damage. Before the 4.0 Youngstown quake, the dam was in need of $4 million in repairs. After the 4.0, repairs at MVSD have now been estimated at $28 million. MVSD spent BIG MONEY to have it looked into. I can't believe they would not side with caution and common sense.
In early 2012, I had conversations with elected about open pits or impoundments planned for AWMS. I and my elected were told no open pits are planned for the site. Page 4 of Niles Injection Well.pdf

AWMS has lied and misled us.

AWMS and ODNR Lied about planned impoundments.

AWMS and ODNR LIE about the number of earthquakes produced by the injection well.

The 105 acre Gearmar property leased by AWMS have Rail Road tracks accessible to the property. When oil prices go back up, what are the chances that AWMS will build an open pit frack waste recycling center in the midst of this populated area? Would AWMS have any problem subjecting these people to the toxic trespass of BTEX in the air?

AWMS is fighting to re-open the deep, quake maker well, placing the risk for a quake that will destroy Meander Dam, on the backs of the 220,000 people who depend on this reservoir for life sustaining water.

Will they do it. I'd bet on it.

Testimony of Teresa Mills

My name is Teresa Mills; I live in Grove City Ohio. I don't have anything officially
written, I shouldn't have done this, but anyway, I do not live in the gas patch, my
home is not threatened, but everyone that you have heard testify today and everyone
that testified in Athens, I work with them personally. I hear their stories; I cry with
them because their rights have been violated, we are human beings, we are citizens
of the United States of America, not a third world country. But our citizens are being
treated as third world citizens; they are denied access to information, they have to go
through armed guards with dogs to go to a public meeting.

This is America, that is a human rights violation. You ask about laws and regulations
our state legislature passes legislation that says you shall; you shall write rules, you
shall do this. Six years we've been waiting on rules that have yet to be written. Some
of the rules that were discussed today are not being turned into rules at all they are
now being classified as terms and conditions. Terms and conditions are not
enforceable by law, so they are doing everything they can to prevent from writing
rules. Citizens do not have access to information. I had to teach myself how to use
ODNR database, that's called the (RBDMS) Risk Based Data Management Systems,
you have to have special software to get into that database, and it costs hundreds of
dollars. So I was able to, with the University, Ohio University, I was able to provide
a group in Athens County who had the wells with the highest volume of fluid
injected. I was able to provide them and teach them how to use this database. They are now able to go through and look at all of the state inspection reports on every well in the state of Ohio. The only reason they could do that is because we were able to get money to provide them. So that is an un-equal protection under the law. We have unequal protection not only from state to state but from city to rural. Example, in Torch, Ohio, they do not have to have lightning arrestors on the tanks because it's a rural community, but if this was in if it was in Brookfield, Brookfield will have to have lightning arrestors because it's rural, I mean urban, so it's and that that is an equal protection, as I said under the law. That is a human rights violation citizens are not supposed to be treated differently just because of the location of where their homes are.

**Testimony of Charles Marinelli**

Hello my name is Charles Marinelli. This letter is in reference to damage that occurred to our well during and after the Blott road drill site was being established and was completed.

This is a brief summary:

Our well is a 300+ foot deep water well 47 feet static level. Prior to drilling the Blott gas well, we had soft clear alkaline water (PH 8), after the drilling we now have a
dramatic change, our water is now very hard, very acid (PH 6) and loaded with iron. 

The iron content prior to the Blott well was 210 UGM, and now it is 147,000 UGM. 

This analysis was done before and after the Blott well drilling, by Cardinal lab; and by the Ohio Department of health at a cost of $260 each plus $12. 

The following are the detailed sequences of our history: about two weeks to the completion of the Blott site I was awakened at about 2 AM by sounds of grinding and pounding. It was if the grinding was on a metal pipe under our house, it lasted several hours, I then went back to bed. The following day mud came up into our filters. This mud continued to come up periodically every few days, (more or less).

Then one of our filters trapped small metal (bright) grindings like small sparkling diamonds,

Then on May 16, 2016, our house rumbled, (about noon.) Then one or two days later, red thick tomato sauce like water started appearing. This lasted for months at a time, everyday, and then at times it would turn orange then back to red. This was continuous day after day. In order to get our water to the orange I would have to pump out about 600 gallons of water a day and we went from changing filters once every six months to every 10 days, and also shocking the well every six weeks with special expensive well treatment chemicals, this has been to no avail, as of this
Our static level has changed from 47 feet to 27 feet as (stated above) the pump motor (Swiss made) was changed August 1 of 2012, at a cost of $3,700. The old pump was clean, no red it all. The pitless has been checked for leaks which is okay. Our water was tested prior to the gas well-being drilled, and after, at a cost $260 each.

Our 10 inch filters are changed every 10 days at a cost of $50-$60. Our hydrogen peroxide system is pumping 200 ppm to oxidize iron in a 5 foot 1,200 deionization filter and a 5 foot carbon filter. The deionization medium needs only to be changed in the tank seven years; ours is new and may need to be changed in a very short time.

Also our gauges, and pressure regulator and valve may need to be changed.

As of this date we have talked to our Township trustees, and commissioners. We have also been advised to talk to our lv and radio channels investigative reporters, the EPA. We have decided to first contact you directly to see if you have any ideas as how to remedy the problem. Also at times I find small droplets of oil, or what seems like oil, I also have water samples before and after your well being drilled, and also filters,
We have talked with three geologists, one in Texas, one at Kent St University and Kentucky St University, names upon request. The next geologist we will contact is Dr. Ray at Youngstown State University.

**Testimony of Sandra Keevert**

Although my home has been in Barnesvjlle, Ohio in Belmont County for the past 35 years; I've either lived or worked in Monroe County, Ohio for a large part of my life-

For over 50 years I went to school, taught, or lived in the county.

At the time of my retirement in 2010 had worked in Hannibal, Ohio for over a decade. Therefore, in 2014 when I heard of uncommon accidents near there, I became curious; then concerned. I heard of an explosion, fire, and an evacuation. My mind reflected back to around 2005 when at a teachers' meeting our principal was discussing various emergency scenarios and procedures to follow. One topic was what gases rise and which ones stay low® I thought of my former students, their families, and others I knew who lived in low-lying communities along the Ohio River in Hannibal, Sardis, and Clarington, and of the nearby hilltop communities of Antioch, and Round Bottom. What, if any, impact would the incidents have on them? How is everyone? What damage may have been done? Near Hannibal, Ohio, on June
28, 2014 a chain of events began, with many situations being avoidable if more planning and care had been taken. A hydraulic line broke, sprayed fracking fluid over hot well pad areas, and caused flames to rise from chemicals, tires, and 20 truck so.

The only paid fire fighter in Monroe County, Phillip Keevert, upon viewing the site from afar as he approached while responding, saw the coal-black smoke and thought a bomb had exploded. When fire fighters arrived a Statoil employee told them the company didn't really want them to fight the fire, and Keevert said that Statoil kicked the fire fighters off of the well pad several times. For seven hours’ firefighters' radio equipment wouldn't work in that rural area because a communication truck was needed, Monroe County didn't have one, neighboring Guernsey and Athens' counties trucks were in garages being repaired, so they had to wait seven hours for a truck to arrive from Columbus, roughly 100 miles away.

A company employee told the fire fighters that the chemical disclosure papers were currently unavailable since they were in a trailer that was on fire, on the well pad. Within a few hours a copy of the papers was retrieved from a nearby town and delivered at the well pad. During this time the fire fighters were unsure of what extra protection was needed, and what if any hazards may affect people, animals, and/or plant life-
It took the U. S. Environmental Protection Agency, and Ohio Environmental Protection Agency five days to get the full list of chemicals which had entered into the local Opossum Creek; polluting the waterway. An EPA report indicates the blaze caused benzene; chlorides; xylene; and toluene to flow into the creek. Records show 9,000 gallons of diesel fuel; and 250 gallons of hydrochloric acid burned during the fire. United States EPA documents show that 70,000 fish, frogs, gray fish, salamanders, and other aquatic life were killed.

Then, in December of 2014, another well pad accident occurred near Hannibal, in Sardis; Ohio. A well-head blowout happened while preparing for production. A cap was removed that could not be replaced. After a specialty well control company arrived from Texas to cap the well; to mitigate the chance of explosion, the gas changed direction from downward to up into the air. A pipeline company representative said the company did not believe the well head caused environmental damage because 97 per cent of the gas was methane. The unknown amount of colorless, odorless, flammable gas, called methane, can seep into drinking water in ground-fed wells, which can cause neurological and gastrointestinal problems, and also hair loss, Later the Center for Disease Control said there was not long-term exposure to radium; however long periods can cause anemia, cataracts, fractured teeth,
Evacuated were 20 to 25 people, while others chose to stay in their homes. Those leaving were allowed to return home briefly during the day, but not at night. After six days the evacuees were still having trouble getting answers from Magnum Hunter, the drilling company. Only volunteer fire fighters were talking with them, and they weren't being told anything either.

One evacuee, who can see three well pads from her house said she expected things like this to happen, and that a lot of people just thought of the money. Another evacuee said the jobs and money that the oil and gas creates doesn't come close to outweighing the risks. He also said he didn’t believe the tradeoff was worth it, and felt the valley had sold its soul to the devil.

During the same year I heard of a pipeline explosion on Mellott Ridge, near Beallsville- I learned that it was an eight-inch natural gas condensate pipeline, which the Ohio Department of Natural Resources isn’t responsible for, but the Department of Hazardous Materials is- A company spokesperson announced the cause was undetermined at the time; and there was minimal impact.

Ohio Township in Monroe County, where few earthquakes have ever been reported; had three earthquakes, just days apart, in the middle of December 2016, which were
of 2.0 magnitude or slightly higher. Some reports said there were no shaking beds, or items on shelves; while other people said their experience was the opposite.

Again in Ohio Township an earthquake shook on April 2017, in Sycamore Valley, near Graysville;

In Wayne National Forest. This one was stronger, 3.0 magnitude, and went three and one-half miles below ground. Should we stress the inactive injection well close by; or the four injection wells within 20 miles? In the first part of June 2017, a 3.2 magnitude earthquake shook within a few miles from Calais; in Monroe County, near Batesville in Belmont County, close to Seneca Lake. For several miles beds, objects on shelves and tables moved, and quite close to the epicenter a home's foundation cracked.

The U.S. EPA Final Assessment of Hydraulic Fracking on Drinking Water Resources; which was published in February of 2017, stated that hydraulic fracking can impact water at all stages with frequency and dependency based on the combination of hydraulic fracking activities and local and regional scale factors. An inadequately cemented gas well could cause the movement of methane into local drinking water resources. Underground water wells could have leaks themselves. On human health impacts the EPA further stated that more information
on the chemical concentration is needed and that relative hazard potential assessments of drinking water is needed at local and/or regional scales, using a multi-criteria decision analysis approach. Whose responsibility is that?

As with most issues, there are two or more viewpoints, as some peoples' opinions disagree with what others consider to be proven facts. At times information is absent, while the same information is present in other places, depending on how a person, or group wishes to steer opinions. This certainly applies with fracking.

New regulations are continuing to be passed for and against stricter guidelines. Who will win? Who will lose?

**Recommendation from both the Athens and Youngstown tribuanls**

**Athens recommendations**

“It is strongly recommended that moratorium should be issued preventing exploratory and extractive fracking injection wells and associated operations until such time as a full, publicly funded, industry-independent, evidence-led Human Rights Impact Assessment has been properly undertaken and provided in the public interest. The evidence of extreme health impacts of fracking and infrastructure support the urgency of considering the human rights impact immediately.”
This assessment should provide:

a) A comprehensive scientific examination of human rights-impacting activities and effects on climate change connected with fracking, injection wells and related infrastructure;

b) An in-depth analysis of the legal obligations placed upon the US national and local government and public authorities with regard to fracking, injection wells and associated infrastructure;

c) A thorough and thoughtful human rights-based assessment of the balance of public interest with regard to corporate and economic benefits of fracking against the risk of serious and irreversible human, social, cultural and environmental damage;

d) A thorough analysis of the potential human rights impacts of fracking on future generations. It is a grave failure of responsibility for the US government to continue to proceed with fracking, injection wells and related infrastructure construction and development without adequate assessment of the human rights impact."

Youngstown recommendations

Youngstown judges agreed with the Athens recommendations and added one, (E) below
“It is strongly recommended that moratorium should be issued preventing exploratory and extractive fracking injection wells and associated operations until such time as a full, publicly funded, industry-independent, evidence-led Human Rights Impact Assessment has been properly undertaken and provided in the public interest. The evidence of extreme health impacts of fracking and infrastructure support the urgency of considering the human rights impact immediately.

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d) A thorough analysis of the potential human rights impacts of fracking on future generations. It is a grave failure of responsibility for the US government to continue
to proceed with fracking, injection wells and related infrastructure construction and
development without adequate assessment of the human rights impact."
e) an analysis of cases in which our schools and our universities fail to provide free
and open environments for teachers and faculty to discuss the issues and concerns
associated with shale gas development and the cases where such open discussions
are impeded by corporate influence and pressure.