



# pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SECRETARY

November 6, 2012

The Honorable Jesse White  
Pennsylvania House of Representatives  
House Post Office Box 202046  
Harrisburg, PA 17120-2046

Dear Representative White:

I am in receipt of your November 1<sup>st</sup> press release calling for an investigation into the Department of Environmental Protection's (DEP) water quality testing procedures as they relate to Marcellus Shale natural gas drilling. I wanted to take the time to respond to you directly and promptly as it appears that you have misapprehended some important facts.

Your characterization of the testimony in the case currently handled by the Smith Butz law firm is untrue and inaccurate. Here are the facts:

Contrary to your press release, Ms. Upadhyay, Technical Director of DEP's Bureau of Laboratories, did not testify that DEP developed a special code in order to manipulate data. The code used to report tested parameters for an investigation of potential impact to a water supply from oil and gas operations was first developed in 1991 and has been used consistently and successfully for decades.

Moreover, your press statement fails to appreciate how the DEP lab and field staff operate. There is a functional wall between our lab and our field staff. The lab accurately generates data while the field staff reviews that data, along with other facts in the field, when performing an investigation into a water supply complaint. Mixing these functions together would not only be redundant but would also be inappropriate protocol for any laboratory because it would put the laboratory's rigorous impartiality into question. The lab is not asked to weigh information, but to report it.

DEP can request a list of tests from its lab using Standard Analysis Code (SAC) such as SAC 942. SAC 942 tests for the following:

- pH
- chloride
- alkalinity
- calcium
- hardness
- manganese
- conductivity
- magnesium
- iron
- total dissolved solids
- barium
- sodium
- potassium
- strontium

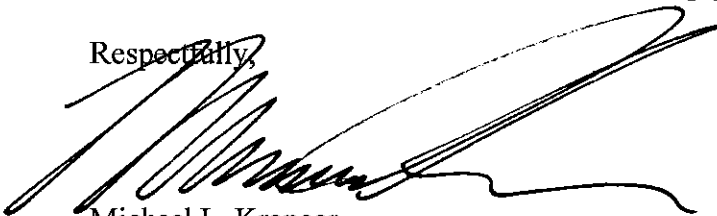
This suite of tests was developed in 1991 to identify constituent elements that would indicate contamination from a gas extraction operation. The DEP's Oil and Gas program personnel have determined the relevant parameters to detect contamination from oil and gas related activities. The analysis suites reflect this effort and were revised in 2010 (SAC 946) well after Marcellus unconventional drilling began. Professional staff, trained in evaluating water complaints, utilize the relevant data and information to inform their conclusions. Although other results are generated by the lab tests, such results would not contribute to answering the question at hand--determining whether there is a connection between the gas well activities and the water supply.

Your press release also omits that these parameters subject to investigation in Pennsylvania are substantially similar to the ones used in other states such as, for example, New York, Ohio, Colorado and Wyoming.

In this particular investigation, the levels of the additional parameters were extremely low. None exceeded a primary or secondary Maximum Contaminant Level (MCL) for drinking water. Silica, one of the additional parameters mentioned, is one of the most common compounds found in our natural environment. Therefore, finding Silica -- particularly at these low levels -- doesn't inform DEP about whether a water supply is adversely affected by oil and gas related activities.

Our staff are professionals, and know what to look for to determine the cause of possible water supply contamination. DEP has moved aggressively to protect the citizens of Pennsylvania and hold operators accountable when drilling activities have impacted water supplies. Our record demonstrates that, and to state otherwise is simply false.

Respectfully,



Michael L. Krancer  
Secretary

cc: Linda Kelly, Attorney General  
Shawn Garvin, EPA Region III, Regional Administrator  
David Hickton, U.S. Attorney for the U.S. District Court for the Western District  
Senator Tim Solobay  
Representative Brandon Neuman  
Representative Peter Daley  
Representative Brian Ellis  
Rick Watling, Esquire  
Gail Myers, Esquire  
Megan Smith, Esquire  
Matthew Sepp, Esquire