



October 22, 2012

VIA FEDERAL EXPRESS

The Honorable Tom Corbett
225 Main Capitol Building
Harrisburg, PA 17120

Re: *Pennsylvania Department of Environmental Protection Approval Procedure for Notices of Water Contamination Related to Marcellus Shale Gas Operations*

Dear Governor Corbett:

The 13 undersigned organizations understand that the Pennsylvania Department of Environmental Protection (“DEP”) recently has ordered field offices to advise senior DEP management in Harrisburg of their intent to acknowledge water contamination related to Marcellus Shale gas well operations before notification letters may be sent to members of the public. When contamination is discovered, it is crucial that these notices be issued without delay and be based only on scientific information. We therefore urge you to direct DEP immediately to reverse its decision to involve management in notification decisions.

Until now, regional DEP offices issued notices of contamination based on the analysis of water samples by DEP geologists and water quality specialists. This procedure ensured that citizens threatened by tainted water received prompt notice of conditions that could seriously affect their health and well-being.

DEP’s change in procedure is unwarranted and unacceptable. First, requiring approval from Harrisburg necessarily will create an unjustifiable delay in providing Pennsylvania residents with critical information about the safety of their water. Given the risks associated with the consumption of and exposure to contaminated water, citizens should not be forced to wait while political decisions are made about the issuance of these notifications. The additional bureaucratic procedure will add no credibility to the determination whether the residents’ water is contaminated, but it will slow the delivery of essential information that should be transmitted as quickly as possible to protect the health of residents who use the water.

Second, the advisory procedure increases the probability that water contamination will be underreported. The DEP geologists and water quality specialists who are uniquely qualified to make water contamination decisions cannot help but be chilled by the knowledge that their superiors will be second-guessing their scientific determinations. The clear message being sent to these scientists is that the fewer notifications they send up for approval, the better. The

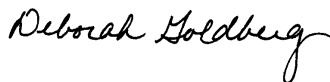
public thus is likely not to receive the full information it needs and to which it is entitled, and incidents affecting water quality may not be addressed.

In addition to increasing risks to the health and welfare of Pennsylvania's citizens, DEP has violated fundamental democratic values of transparency and participation in implementing the new procedural requirement. The revision was announced in an internal departmental memorandum, without public notice or an opportunity to comment. Unilaterally changing processes that have serious health implications is antithetical to the intent of the laws that empower DEP and promote citizen participation in the regulation of issues affecting public health and the environment.

Finally, the insertion of high-level administrators into the notification process unquestionably will decrease the public's confidence in DEP's inspection and monitoring of the gas industry. The new procedure raises serious doubts about DEP's willingness vigorously to enforce the law and to protect Pennsylvania residents from water contamination. Further erosion of public confidence in DEP will do little to help the gas industry, which should have nothing to fear from independent, scientifically grounded inspections and prompt reporting of pollution incidents.

As gas development expands in Pennsylvania, citizens increasingly will be affected by DEP's procedural change, especially given that more than one million people still get their water from private sources and that many public water supplies draw from rivers and streams in the Marcellus Shale region. In light of the substantive and procedural deficiencies described above, we urge you to order rescission of DEP's new procedural requirement and to ensure that the contamination of Commonwealth waters is fully and promptly disclosed to affected citizens.

Respectfully,



Deborah Goldberg
Managing Attorney

On behalf of:

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