EPA Takes Testimony on Proposed Emissions Regs

PITTSBURGH: After multiple concurrent hearings earlier this week (in Atlanta, Denver and Washington), the EPA has come to town for a final two-day session on its proposed “Clean Power Plan.” Vested interests from all segments of the energy industry are here to defend laissez faire, while traditional environmental groups are expressing uncritical support for the President’s initiative.

But the EPA’s approach puts the agency and the nation in a terrible dilemma of the White House’s own making. On the one hand, the plan is badly flawed; its effects may even make the climate crisis worse. On the other hand, the President is calling in his chits to defend it from a hostile Congress and business lobby. He’s picked his fight; to lose would be awful.

The world needs a much braver plan than this. But we’re now committed to spending precious time on the wrong objective, while the climate crisis deepens.

EPA is proposing to negotiate state-level agreements, allowing up to three years for planning, and up to fifteen more for the “implementation of emission reduction measures,” after settling on the state’s plan. So, if all goes well, a state should have “measures” in place by 2030, which then begin to drive down emissions.

But starting now—today, in Pittsburgh—we’ve engaged in a grinding political process, which claims the commitment and energy of every environmental actor. First, in debating whether the EPA can adopt any national plan, then wrestling point-by-point against the inevitable watering-down of the proposed plan. After that, the struggle will move to the legislative and executive branches of each state, facing open hostility in many, including state-sponsored recourse to the courts to attack the plan’s legality.

So, what’s wrong with the EPA plan itself? In a nutshell:

- Explicitly, it deals only with carbon emissions from electric generation plants. While these emissions are significant, they account for less than half of U.S. greenhouse gases.
- Its 2030 emission targets are too modest, and too far into the future. A much more aggressive schedule is both needed and technically feasible.
- It addresses domestic consumption of carbon fuels; but, in return, it concedes complete freedom for extraction. The plan will reward corporate investments for extracting carbon fuels here, and exporting them for burning elsewhere.
- It accelerates conversion from coal to natural gas, by quantifying only the “smokestack” emissions at generating plants, and by disregarding the release of methane in the natural gas life-cycle.
- By directing investment into extraction and export industries, it feeds an even more powerful economic and political opposition to future climate measures.

The environmental establishment has thrown its weight behind the President, as it must. But who, then, will press for the policies that this crisis truly requires?

Marcellus Protest is formed (2,206 Marcellus wells in Pennsylvania)

November, 2010 Pittsburgh adopts the world’s first municipal drilling ban (2,766 wells)

November, 2011 Rich Fitzgerald elected as pro-fracking Allegheny County Exec (4,721 wells)

February, 2012 Pennsylvania passes “Act 13”, and municipalities file suit (5,111 wells)

February, 2013 Allegheny County approves fracking at Pittsburgh airport (6,430 wells)

June, 2013 Pittsburgh screening of Gasland 2 draws 1700 people (6,863 wells)

December, 2013 PA Supreme Court overturns major provisions of Act 13 (7,444 wells)

May, 2014 Allegheny County approves fracking of public park (7,964 wells)
**PENNSYLVANIA**

Our state is ranked as fifth-most corrupt in the U.S., worse than all except Mississippi, Louisiana, Tennessee and Illinois, in a new study. The research also points to over-allocating tax spending toward “capital” items — such as those for which gas “impact fee” review is earmarked.

In other state news:

- Commonwealth Court ruled on the questions remanded to it by the state Supreme Court’s Robinson decision, closing the book on the Act 13 fight. The July 17 ruling revokes the threats of the PUC reviewing local ordinances, and of the state withholding “impact fees” from municipalities who assert their zoning rights over fracking.

- The Auditor General issued a scathing review of DEP’s oversight of fracking. [See ‘Resources’, below.] Among other failings, it cited incomplete and inconsistent record-keeping at DEP, making it impossible to determine the environmental impact of the industry.

DEP volleyed with a press release, Auditor General Performance Report Validates [sic] DEP’s Work Regarding Unconventional Gas Drilling Activities. (Just the day before, DEP had finally admitted to 209 instances [that it knows of] in which fracking operations damaged water sources. Until then, DEP had been supporting the industry claims that fracking had never been shown to cause water problems.)

- After initial denials, the Pa. Dept. of Health admitted to allegations by its former employees, saying that they were ordered not to respond to any citizens’ contacts about fracking. The Department conceded it had a list of “buzzwords” to flag any complaints or questions that could be fracking-related. A 2012 memo told staff how to delegate “environmental concerns related to gas drilling ... in the form of emails, phone calls or letters.” But what the agency is now calling its “special treatment” of those concerns seems to have been simply a black hole.

**ALLEGHENY COUNTY**

County Executive Rich Fitzgerald has yet to execute a drilling lease for Deer Lakes Park, three months after County Council authorized him to do so. Thus, Council still hasn’t learned how Mr. Fitzgerald (and Range Resources) will cash the “blank check” that it gave him on May 6.

Meanwhile:

- Range Resources has taken steps to renew its permits for drilling on the Gulick farm, from which it plans to frack under Deer Lakes Park. Range had obtained DEP permits in 2013, but allowed them to expire while it sought a lease on the County park.

- The investigation of Councilman Nick Futules by the Pennsylvania Ethics Commission is said to be growing to encompass the County Executive and, potentially, other members of Council. Although the Commission itself won’t comment about open investigations, local news media are reporting that Council members have been questioned about “deals” being made in exchange for votes on the park lease.

- The County Health Dept. (ACHD) asked residents to rank their public health concerns in an on-line questionnaire. No fracking-related issues were listed among the choices, although many people used a write-in option to add them. ACHD hasn’t released the survey results; its head, Dr. Karen Hacker, has maintained that she “doesn’t know” of studies on any health impacts of fracking.

**A Range of Resources**

Please check out our ‘Resources’ page at www.marcellusprotest.org/resources, and follow us on Facebook (MarcellusProtest) and Twitter (@Marcellus_SWPA). Here is a sampling of our recent recommendations:

**Compendium of Scientific, Medical and Media Findings Demonstrating Risks and Harms of Fracking (Unconventional Gas and Oil Extraction).** A 70-page summary of authoritative reports, compiled by Concerned Health Professionals of NY.

**DEP’s performance in monitoring potential impacts to water quality from shale gas development, 2009-2012.** A formal “Special Performance Audit” conducted by the Pennsylvania Auditor General. In cautious, sometimes bureaucratic language, the audit shows how the Corbett Administration has hamstrung DEP’s ability to oversee fracking in the state.

**Upcoming Events in August and beyond:**

**August 16 (Moraine State Park, Butler County PA) 11:00am—6:00pm:** Frack Out Picnic at Windy Knob Grove. Sponsored by Marcellus Outreach Butler. (See our calendar item for exact location.)

**September 21 (Manhattan, New York City) all day:** Peoples Climate March, leading up to the United Nations summit meeting on the climate crisis. Details of the march are still being formalized. Check peoplesclimate.org/march for updates. (Updated details and a more extensive list of events at www.marcellusprotest.org/event_calendar.)

Updated information on these topics (with links to original sources), along with our calendar of upcoming events, and other resources, can be found at www.marcellusprotest.org.