ENERGYIN DEPTH
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Dear Ms. White;

Thank you for your response to our request of Trish Taylor for an interview. We are pleased to provide in writing the specific questions you requested last week.

By way of introduction, I currently serve as the team lead for Energy In Depth, a research and education initiative aligned with the Independent Petroleum Association of America and active in northeastern Pennsylvania, which is where I live. I am also a professional planner with 38 years of experience working in land use and water quality issues in our region. As such, the EPA's actions in this instance seem unusual, raising the following questions:

1. Is it standard procedure for EPA to intervene, uninvited, in a regulatory matter under the jurisdiction of the Commonwealth of Pennsylvania in the midst of a legal dispute involving that same matter? Is there any basis for the EPA to conclude the Commonwealth has erred in a manner that requires federal intervention? Isn't it standard practice for Superfund actions to be preceded by a state request for such assistance?

   Also, can you help us understand the level of coordination you conducted with Pennsylvania's Dept. of Environmental Protection (DEP) prior to launching your review and sample gathering effort? Has EPA entered into a contract or cooperative agreement with the Commonwealth to lay the foundation for this action?

2. Is it EPA's position that the presence of sodium and manganese levels in underground sources of drinking water itself justifies Superfund action when presently there is no EPA standard for the former and only an aesthetic secondary standard for the latter? Why do EPA memoranda refer to standards for sodium that are only proposed and not a matter of regulation? Isn't Superfund authority reserved for especially difficult cases where, at a minimum, primary drinking standards are exceeded?

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3. Is it common practice for EPA to provide water to homeowners in cases of suspected contamination of water supplies? Does the agency do this in the case of gasoline spills, for example? Is there even any evidence of contamination currently exceeding EPA's primary drinking water standards? It appears the agency, after reviewing all the available data several weeks ago, concluded there was none, but now it suggests there is. How can two such different conclusions be drawn from the same data? Can you explain to us how DEP and EPA came to such remarkably different conclusions given the same data?

4. Current and historic data from Pennsylvania DEP, the U.S. Geological Survey and the Center for Rural Pennsylvania all appear to indicate widespread problems associated with well water in Pennsylvania, in some instances going back decades. Is EPA prepared to deliver water to anyone in Pennsylvania whose well water is actually and demonstrably contaminated based upon this information?

   And, if not, why is the EPA offering to do so in this instance where there is only alleged contamination, especially in the midst of ongoing litigation? If a well-owner from an area outside the Marcellus region demonstrates to EPA that sodium, manganese and/ or arsenic is found in his well-water, will EPA as a matter of course commence water deliveries to that location? And if not, why?

5. Did EPA consult with USGS or others with respect to background water quality in the area before involving itself in Dimock? If so, were these conversations helpful in determining the background levels of arsenic in the area given the recent USGS study which shows arsenic to be a common component found naturally in water across northeastern Pennsylvania? Likewise, did EPA take into account that the Catskill Formation, the stratum that provides drinking water for Dimock, has historically shown the presence of significant organic contaminants, including manganese? If so, how are you accounting for this in the data that you receive from your sampling?

6. It appears EPA relied upon at least one sample of trucked-in water and another post-treatment sample from a home with a water softener as a basis for invoking action under Superfund. But absent the former, there appears to have been no in which primary drinking water standards have been exceeded.

   Also, is EPA taking into account other environmental violations in the area unrelated to natural gas development? Many in the community question the impact of an auto repair and disposal facility located on the banks of a nearby creek which very clearly has the potential to impact nearby water wells. How does this knowledge, in retrospect, affect EPA's decision to exercise Superfund authority?

7. We have a concern with the relationship that EPA appears to have formed with the litigants in this matter. It is a matter of record that an individual named Rebecca Roter was involved in coordinating data collection for EPA in the Dimock area. This same individual is on record organizing meetings for trial lawyers soliciting litigants related to natural gas issues in the area. We have, under Freedom of Information law, previously requested copies of all correspondence between Ms. Roter and your agency. What precautions is EPA taking to ensure Ms. Roter's involvement in EPA matters related to Dimock is not interfering with the due process rights of other homeowners who are not litigants?

   Also, has EPA considered how its involvement may affect this legal proceeding? If so, are EPA's action motivated in part because it believes it could have some liability related to this civil action?

8. You indicate, in your letter to me, that Trish Taylor is "not serving as an agency spokesperson for formal interviews with the media or for any type of video production." However, she appears in two interviews assembled by noted anti-gas groups, one of which is posted on CNN 's website (see http://ireport.cnn.com/docs/DOC-742456).

   The other interview (notice the title of the web page) may be found at http:// shaleshockmedia.org/2012/01/25/epa-spokesperson-trish-taylor-speaks-at-dimock-press-conference-2/. One of these interviews takes place on the front lawn of one of the litigants, which could be construed to give the appearance of bias. Will EPA consent to a similar interview by us to demonstrate there is no bias?

9. Trish Taylor, in the aforementioned CNN piece, says (at 6:49) the following:

   "We've heard a lot of stories ... people have some strong opinions on either side of the drilling debate. We're not really here because of the drilling. We just want people to know that it's our goal to protect human health and the environment, that's what we're here for. We want to make sure that no one is being exposed to unsafe drinking water. So, that's our goal. That's our main purpose here."

   Why is EPA citing CERCLA Section 104.E authority and initiating a National Oil and Hazardous Substances Pollution Contingency Plan if its not about the "drilling"?

   Also, if EPA's objective is simply a matter of ensuring "no one is exposed to unsafe drinking water" and the Center for Rural Pennsylvania data indicates thousands (potentially tens of thousands) of other Commonwealth residents have water that is no less a problem, and often far worse, than anything indicated by the Dimock data, why did EPA pick an area it knows is a focal point of ongoing litigation regarding "drilling"?

Wouldn't it be far more logical to focus first on those areas of the Commonwealth with the worst water quality issues and provide water to them?

We will appreciate your attention to these questions as we believe the answers are integral to a proper understanding of your agency's actions. We thank you in advance for your attention to this matter, and eagerly await your forthright reply.

Sincerely,

Thomas J. Shepstone
Campaign Director
Energy In Depth - Northeast Marcellus Initiative