

Community Guide to Oil and Gas Development

Disclaimer: This guide is not intended as, and is not, legal advice. Nothing in this guide is meant to, or can, serve as a substitute for obtaining legal representation.



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Introduction and Overview

Shale gas extraction employing the modern techniques of horizontal drilling and high-volume hydraulic fracturing is an innately industrial activity with the potential to fundamentally transform the character of any community in which it is permitted. Oil and gas development



continues to occur rapidly in Southwestern Pennsylvania (and across the United States). Not surprisingly, this form of industrial development has increasingly come into conflict with other land uses like farming, recreational activity, and enjoyment of private property including potential impacts on air and water quality.

As a landowner living in an area of current or potential oil and gas development, you may be approached by an oil and gas company representative seeking to drill on your property. This can be a troubling experience especially if you do not own the rights to the minerals beneath your land. It can be intimidating (perhaps infuriating) to have companies knock on your door and tell you that they are going to drill for oil and gas, and there is nothing you can do to stop them. Or, if you are a landowner living adjacent to or downstream from a property where drilling is occurring or will occur, you may feel powerless to influence the behavior of the oil and gas operator. Even if you own the mineral rights, you may feel pressured by the company representatives who bring with them promises of royalties, but want you to sign an agreement on the spot.

The legal and technical issues around oil and gas development in Pennsylvania can be overwhelming. The purpose of this guide is to provide information that will help you better understand and deal with the oil and gas industry operating in your community.

Surface Estate vs Mineral Estate

You may own a piece of land, but do you own everything that is underneath it? Under Pennsylvania law, the surface and the mineral (gas and coal) rights are separate and distinct property estates. Surface rights specifically refer to ownership of the surface of the land and include ownership of the most visible aspects of the property (e.g. physical structures, trees, plants, and water). Dig below the surface of a property and you'll reach the zone where mineral rights begin. Today, the reality is that many landowners own only the surface (not the subsurface) portion of land. This is mainly because previous owners retained ownership of the minerals when they sold the surface property. In many cases, surface owners are unaware that someone else owns the rights to the minerals underneath their property. Even surface owners who are aware that they do not own the mineral rights may not realize that the mineral rights owner has the legal ability to explore, extract and sell naturally occurring deposits found beneath the land surface. This means that the mineral owner may have the legal right to enter the property, build roads, drill wells, install pipelines and maintain operations – all without permission from the surface owner or compensation for much of the damage caused by oil and gas development.

If you own the minerals beneath your surface property, you have a lot more power to determine if and how development will proceed. And you may reap some of the financial benefits if oil and gas is found beneath your surface property. If someone else owns the minerals, and a company is interested in extracting the oil and gas there, it is unlikely that you will be able to stop that development from occurring. You may, however, be able to affect the manner in which development proceeds.

Lease Contracts

If you own your mineral rights, you may be approached by a landman to lease gas beneath your property to an oil and gas company to be extracted. Leases vary from contract to contract - your neighbor's lease and your own could be completely different.

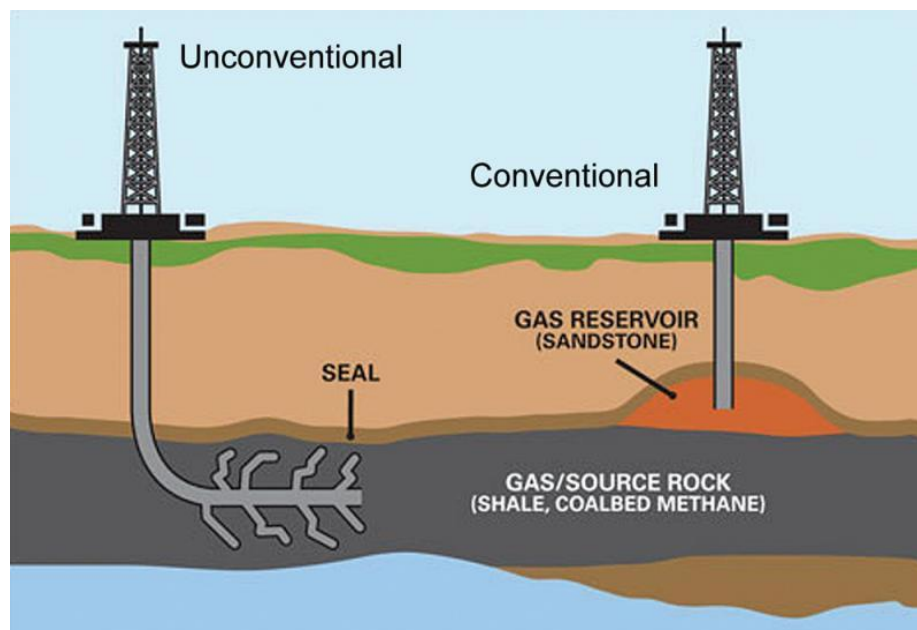
Washington County negotiated a lease at Cross Creek Park that restricted when and where fracking can occur. [See Oil and Gas Lease, Cross Creek County Park.](#)^[1] For example, the

County prohibited work on the pads on State and Federal holidays and on certain days of hunting season. They also do not allow drilling within 3,000 feet of the dam.

For help with a contract, please contact an attorney. CCJ can provide a reference if necessary.

Conventional vs Unconventional Wells

Pennsylvania law defines an unconventional gas well as a well drilled into a shale formation below the base of the Elk Sandstone or its geologic equivalent where natural gas cannot be produced by horizontal or vertical well bores except when stimulated by hydraulic fracturing, otherwise known as fracking (which rhymes with cracking). In other words, unconventional wells are drilled into a shale that is so dense that the gas inside cannot be released except by cracking the rock. A conventional well is drilled into a conventional formation (often a sandstone formation) that can be as shallow as 1,500 feet and as deep as 21,000 feet. Oil and gas are able to pass through these conventional formations without fracking, but nearly all wells are fracked to improve production.



[2]

Potential Impacts of Oil and Gas Development

There are potential impacts associated with each stage of oil and gas development – exploration, drilling, production, and plugging and abandonment of wells. Impacts may include: reduced land value due to surface disturbance and encumbrances (e.g. right-of-way agreements), contamination, erosion and sedimentation; destruction or alteration of livestock and wildlife habitat; and human or animal health effects related to groundwater and surface water contamination, air pollution, or soil contamination. In this guide, you will find more information about how those impacts are regulated.

There is no doubt that oil and gas development will have some impact on surrounding land, water, and air. There are a number of factors that can influence the extent and severity of the impacts including the location of the development (e.g. proximity to homes); government regulations and the willingness/capacity of government agencies to enforce the applicable law; and the desires and values of the surface/mineral owners.

Oil and Gas Development - Legal and Regulatory Issues

Oil and Gas exploration in Pennsylvania is regulated at the statewide level by the Oil and Gas Act, Coal and Gas Resource Coordination Act, Oil and Gas Conservation Law, the Clean Streams Law, the Dam Safety and Encroachments Act, the Solid Waste Management Act, the Water Resources Planning Act, and the Community Right to Know Act. The Pennsylvania Department of Environmental Protection (“DEP”) is responsible for administering and enforcing the state’s oil and gas laws and environmental protection laws. The Commonwealth of



Pennsylvania is not involved in regulating lease agreements between mineral property owners and oil and gas producers. Lease agreements are contractual matters between private parties. As such, DEP does not get involved in lease matters such as royalty payments, reading or

calibrating meters, or other lease disputes.

Pennsylvania's environmental laws are generically focused on significant environmental impacts. DEP's review of the environmental impacts of proposed oil and gas development does not assess the specific local impact in any particular place. In Pennsylvania, municipalities enjoy authority not only to address harmful uses, but also to protect local natural and historic resources (including air and water), promote natural and aesthetic values, and encourage compatible development that residents desire. Municipal leaders have the greatest understanding of and investment in their communities so it makes sense to charge them with the responsibility to consider specific local conditions before permitting oil and gas development.

Pennsylvania Oil and Gas Act

Disclosure of Hydraulic Fracturing Chemicals

The Pennsylvania Oil and Gas Act requires well operators to file a well completion report with the DEP within 30 days after completion of the well - when the well is capable of production. The well completion report must contain the operator's fracking record, which must include the following:

- A descriptive list of the chemical additives used
- The trade name, vendor, and intended use of each chemical additive
- A list of chemicals used
- The percent by mass of each chemical used
- The total volume
- List of water sources
- Pump rates, pressures, total volume used to frack a well
- Total volume of recycled water used.

A well operator may designate portions of the stimulation record as containing trade secret or confidential proprietary information and the DEP must prevent disclosure to the extent permitted by the Pennsylvania Right to Know Law or other applicable law.

In addition to the well completion record required to be submitted to the DEP, Section 3222.1 of the Pennsylvania Oil and Gas Act requires unconventional well operators to complete a chemical disclosure registry form for publication on FracFocus.org within 60 days following the conclusion of hydraulic fracturing.

The Pennsylvania Oil and Gas Act also provides for immediate, verbal communication of any proprietary information to healthcare providers, public health officials, and emergency responders to ensure necessary care or treatment is delivered to anyone who may have been affected.

Containment Requirements

Unconventional well sites must be designed and constructed to prevent spills to the ground surface or off the well site. Containment practices must be in place during both drilling and hydraulic fracturing operations and must be sufficiently impervious and able to contain spilled materials, and be compatible with the waste material or waste stored within the containment. Containment plans must be submitted to the DEP and describe any equipment that is to be kept onsite to prevent a spill from leaving the well pad.

Containment systems must be used wherever drilling mud, hydraulic oil, diesel fuel, drilling mud additives, hydraulic fracturing additives, and/or hydraulic fracturing flowback are stored. Containment areas must be sufficient to hold the volume of the largest container stored in the area plus ten percent.

Transportation of Waste

Unconventional well operators that transport wastewater fluids must maintain for five years records of fluids transported and make such records available to the DEP upon request.

The records must include the following:

- the number of gallons of wastewater fluids produced during drilling, stimulation or alteration of the well;



- the name of the person or company that transported wastewater fluids;
- the location where wastewater fluids were disposed of or transported and the volumes disposed of at the well location; and
- the method of disposal.

Set Back Distances

The Pennsylvania Oil and Gas Act includes minimum setback distances for oil and gas development. Unconventional wells must be set back at least 500 feet from existing buildings or water wells, unless consented to by the owner of the building or water well. The Act also establishes a 1,000-foot setback for an unconventional well from a water supply extraction point used by a water purveyor, unless written consent is obtained from the water purveyor. The setback distances are measured from the well, not the edge of the well pad, so a protected structure or water supply may be closer than the setback distance to the well pad. The DEP will grant a variance from these distance restrictions if the operator submits a plan identifying additional measures, facilities or practices to be employed during well site construction, drilling and operations that is approved by DEP. The variance, if granted, shall include any necessary additional terms and conditions of the permit to ensure the safety and protection of affected persons and property.

Unconventional wells must be set back 300 feet from any solid blue lined stream, spring, or body of water or wetland greater than one acre in size as identified on the most recent 7 1/2



minute topographic quadrangle map of the United States Geological Survey. Unconventional well site pads must maintain a setback of 100 feet between the edge of disturbance and any stream, spring, body of water or wetland greater than one acre in size. The DEP will grant a waiver for these setback requirements if the operator submits a plan identifying additional

measures, facilities or practices to be employed during well site construction, drilling and operations that is approved by the DEP. Any waiver must contain additional terms and conditions as necessary to protect the waters of the Commonwealth.

Protection of Water Supplies

Pennsylvania law requires any well operator who affects a public or private water supply by pollution or diminution to restore or replace the affected supply with an alternate source of water adequate in quantity and quality for the purposes served by the supply. 25 Pa Code § 78a.51(a). Unless rebutted, the Pennsylvania Oil and Gas Act presumes that an operator is responsible for pollution of a water supply if the affected water supply is within 2,500 feet from an unconventional well and that pollution occurred within 12 months of the later of completion, drilling, stimulation or alterations of the unconventional well. Importantly, the presumption of liability does not apply to well plugging operations. Operators found to have impacted water supplies within the time and distance provisions of the presumption of liability must provide temporary water until the water supply is restored or replaced permanently. The rebuttable presumption may be void if the landowner or water purveyor refuses the operator access to conduct a pre-drilling or pre-alteration survey.

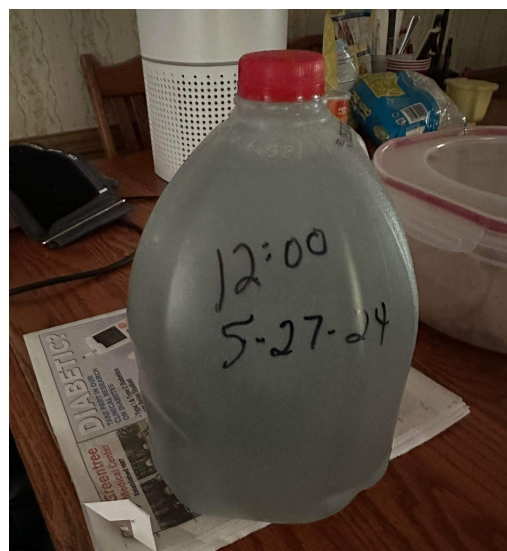
Any landowner or water purveyor who believes that their water has been adversely impacted by drilling, alteration, or operation of an oil and gas well may notify the DEP and request an investigation. 25 Pa. Code § 78a.51(b).

Within 10 calendar days of receiving the investigation request, the DEP must investigate the claim. 25 Pa. Code § 78a.51(c). The DEP must make a “determination” within 45 days following the request for investigation. *Id.* A determination simply means that the water supply either was or was not adversely impacted by oil and gas activities. If the DEP finds that pollution or diminution was caused by the oil and gas operations or if it presumes the well operator responsible for polluting the water supply of the landowner or water purveyor under section 3218(c) of the Oil and Gas Act (relating to protection of water supplies) as a result of completion, drilling, stimulation or alteration of the unconventional well, the DEP will issue orders to the well operator necessary to assure compliance with this section. *Id.* In other words, the DEP may rely on the presumption to find that oil and gas activities adversely affected a water

supply, but it does not need to. The DEP has the authority to require oil and gas operators to restore or replace impacted water supplies – even if those water supplies are outside of the zone of presumption.

When methane migration is the primary concern, it *may* take the DEP more than 45 days to issue a determination. Samples of methane from water supplies can be sent to a specialized laboratory for isotopic and compositional analysis. These analyses allow for more detailed characterization of the stray gas present in the water supply, which allows the DEP to determine whether the stray gas is associated with oil and gas activities. But, these analyses take additional time, which may delay a final determination.

However, it is a common practice of the DEP to request operators provide water to residents within the zone of presumption before a determination has been made if the DEP observes an indicator that the quality of the water has been impacted. Indicators that the water has been impacted include bubbles or substances in the water, cloudiness, odors, and sheens. If the operator can provide a defense to the DEP as to why they are not responsible for the impacted water quality, the DEP will rescind its request for water. [3]



Residents that are concerned about an impact to their private water supply should notify DEP and the oil and gas operator as soon as possible. The oil and gas operator is obligated to notify DEP about any water supply complaints within 24 hours of receipt of the complaint. Residents may also submit a complaint directly to DEP by calling the Southwest Regional Office or the DEP's statewide toll-free number at (800) 541-2050. The request for an investigation must include the following:

- The name, address, and telephone number of the person requesting the investigation.
- The type, location and use of the water supply.

- Available background quality and quantity data regarding the water supply, if known.
- Well depth, pump setting and water level, if known.
- A description of the pollution or diminution.

Residents should ask for their complaint identification number, which is generally a 6-digit number. Residents should use this number any time they contact the DEP to ensure that their concerns are recorded.

Bonding and Orphaned Wells

Since 1921, the Commonwealth of Pennsylvania has required oil and gas operators to decommission and plug their wells when those wells reach the end of their productive life.[4] Unfortunately, subsequent enforcement was limited and operators abandoned many wells over the rest of the 20th century without proper plugging, in part because of energy price drops that left operators without money to continue business and plug old wells. These wells that were drilled and abandoned historically and for which there is no responsible party are referred to as orphaned wells. Although oil and gas operators are legally bound to plug their wells when they abandon them and DEP has the authority to fine operators that do not comply with plugging requirements, fining an operator that has dissolved or does not have the means to pay the fine is futile.

Since 1985, the Commonwealth has required that an operator set aside funds, known as bonds, before drilling. Bonds act as insurance that protects state governments and taxpayers from having to pay for plugging when operators become financially distressed. Pennsylvania law requires that all oil and gas well operators properly decommission their wells at the end of the well's useful life, an act often referred to as well plugging. The Oil and Gas Act sets bond amounts. 58 Pa. Cons. Stat. § 3225. Bond amounts are fundamental to ensuring that the state has sufficient resources to reclaim any abandoned wells.

The current bond amount for conventional oil and gas wells is \$2,500.00 per well or a blanket bond of \$25,000 for an operator with up to 100 wells (that's \$250.00 per well). 72 Pa. Stat. Ann. § 1606-E. The DEP estimates the cost of plugging one well to be around \$33,000.

However, according to DEP, complications like debris in the well bore can cause the cost to plug these wells to increase up to \$800,000.

The current bond amount for an unconventional gas well is \$10,000 per well but, like conventional operators, unconventional operators may post a blanket bond. The blanket bond amounts for unconventional wells vary with operator size. An operator with up to 25 unconventional wells may file a blanket bond of \$140,000 (that's \$5,600 per well). An unconventional operator with 50 wells may file a blanket bond of \$290,000 (that's \$5,800 per well). An unconventional operator with 150 wells may file a blanket bond of \$430,000 (that's \$2,866 per well). An unconventional operator with more than 150 wells may file a blanket bond of \$600,000 (for 300 unconventional wells that's \$2,000 per well). 58 Pa. Cons. Stat. § 3225. The cost to plug an unconventional well is estimated to be at least \$70,000.

Unplugged abandoned wells create a pathway for subsurface gasses or liquids to migrate into the groundwater, the soil, or to the surface. Deterioration of the steel casing surrounding the well bore – or the cement surrounding the casing – opens this pathway for migration. Plugging wells and restoring their sites addresses problems caused by wells already leaking and constraining land use. It also largely eliminates risk from wells that may cause damage in the future, a risk that grows as wells age and their steel and concrete deteriorate.

Several studies and cases illustrate the health risks posed by unplugged abandoned wells and therefore the benefit of plugging them. The potential for groundwater contamination is illustrated by a study of oil and gas related groundwater contamination events in Texas and Ohio. The study found that unplugged abandoned wells accounted for 14 percent and 22 percent, respectively, of contamination events over the study period, generally the 1980s through the early 2000s. Unplugged abandoned wells also leak gasses into the air, particularly methane. Emissions of methane can harm air quality when methane oxidizes and creates ozone. Ozone is harmful when inhaled, causing damage to the heart and lungs and worsening chronic conditions such as asthma. In addition to the environmental and health risks, unplugged abandoned wells take up space and constrain or deter local investment. Foregoing construction on and investment in land with unplugged wells has broad implications for community well-being because it suppresses the local tax base that funds local schools, roads, and other services.

If you discover an abandoned or orphaned well on your property, DEP can help you ensure that it has been properly identified and that any potential environmental, health, and safety issues are addressed, as resources allow. Landowners that discover an old oil or gas well should contact the DEP by calling the Oil and Gas District office located in Pittsburgh at (412) 442-4024.



Abandoned Well [5]

Area of Review

Section 78a.52a of the DEP's oil and gas regulations requires unconventional well operators to identify the surface and bottom hole locations of any active wells, inactive wells, orphaned wells, abandoned wells, and plugged and abandoned wells having well bore paths within 1,000 feet measured horizontally from the vertical well bore and 1,000 feet measured from the surface above the entire length of a horizontal well bore:

Well operators must identify the wells listed above by conducting a review of the following:

- The DEP's well databases and other available well data bases

- Historical sources of information, such as applicable farm line maps, if accessible.
- Submitting a questionnaire by certified mail on forms provided by the DEP to landowners whose property is within the area described above regarding the precise location of wells located on their property.

The operator must submit a report to the DEP summarizing the review. The area of review report must include: a plat showing the location and GPS coordinates of all wells identified; proof that the operator submitted questionnaires to landowners; and a monitoring plan for wells required to be monitored; the true vertical depth of identified wells to the extent such information is available; the sources of the information provided for identified wells; and any surface evidence of failed well integrity of any identified well.

Orphaned wells, abandoned wells, and plugged and abandoned wells identified as part of an area review survey that either penetrate within 1,500 feet measured vertically from the fracking perforations or have an unknown true vertical depth must be visually monitored during fracking operations. 25 Pa. Code § 78a.73. The well operator must notify the DEP of any change to a well being monitored, of any treatment pressure or volume changes indicative of abnormal fracture propagation at the well being fracked, or if otherwise made aware of a confirmed well communication incident associated with fracking activities. In such an event, the operator must cease stimulating the well and take action to prevent pollution of waters of the Commonwealth, which includes surface and groundwater. *Id.*

Landowners that receive an area of review form should identify any and all oil and gas wells located on their property. CCJ encourages landowners to provide the well operator with any information about the gas well located on your property (e.g. depth, date drilled, whether it was plugged).

Local Zoning

While oil and gas development has the potential to cause harm to any of Pennsylvania's diverse communities, the risk of harm to a community's character, resources, and development goals depends on the particular nature and context of that community. Generally speaking, the potential local costs from oil and gas development will be driven by differences in land use

patterns and population density because the closer industrial operations are to residences, workplaces, or sensitive community resources, the greater the injury. See [Results of University of Pittsburgh School of Public Health studies exploring health impacts of human exposure to environmental risk factors, including unconventional natural gas development](#).^[6] Oil and gas development in more densely populated areas – residential or commercial areas of municipalities – is more likely to impact a larger number of people. Harms in other municipalities may be less influenced by population density, and more by a municipality's development goals or the nature of the local economy. For example, the economic impacts from incompatible oil and gas development may be overwhelming for municipalities whose local economy depends on their appealing or bucolic character. Revenue streams from tourism and outdoor recreation may be particularly threatened by oil and gas development. Southwestern Pennsylvania's streams, lakes, and wildlife refuges will be less appealing to anglers, weekend birders, and hikers if located next to noisy drill rigs, and a day trip out to Ryerson Station State Park or Dutch Fork Lake may not be worth enduring the increased truck traffic.

Oil and gas development can also threaten the livelihood of communities that depend on agriculture. Studies have linked pollution from oil and gas development with health impacts to livestock and degradation of soil. See Michelle Bamberger & Robert E. Oswald, *Impacts of Gas Drilling on Human and Animal Health*, 22 New Solutions 51, 72 (2012); Rebecca Lesser, *New Test Assesses Impact of Gas Drilling, Pipeline Construction on Soil Health*, Cron. Online, Cornell U. (March 31, 2010). The shadow of drilling and fracking operations can also threaten the market for local exports of goods that rely on the actual or perceived purity of local natural resources, such as organic farming.



On a more intimate level, the most significant damage may come from a community's loss of identity and desirability as a place to live. See Bradley C. Karkkainen, *Zoning: A reply to the Critics*, 10 J. Land Use & Envtl. L. 45, 73 (1994) (The arrival of an incompatible land use may signify that "the neighborhood is taking the first step toward becoming something other than the neighborhood where I chose to live. Although difficult to place in quantitative terms, the loss is great"). Gas wells and the associated infrastructure such as drilling rigs, impoundments, pipelines, compressor stations, waste treatment facilities, and natural gas processing plants can fundamentally transform the landscape of any non-industrial area, but particularly in quiet rural or suburban areas. Negative community inputs can depress home values, thus diminishing what is often a resident's single largest investment. Such adverse impacts also erode the value residents place on the quiet enjoyment of their surroundings. Many local families who have chosen to invest their lives, as well as their finances, into living in quiet, residential or rural communities simply do not want to live next door to heavy industrial activity.

Municipal governments make decisions with respect to zoning that directly affect the



lives of residents. As such, they are on the front lines of oil and gas development in Pennsylvania. From zoning's beginnings, it has been understood that neighborhood context determines whether a new use will constitute a benefit or a detriment to the community. Since community character has significant local impact, municipal control over land use decisions provides residents with valuable democratic input into the decisions intimately affecting their lives and property. Importantly, this framework is also deeply practical. In Pennsylvania, municipalities enjoy authority not only to address harmful uses, but also to protect local natural and historic resources (including air and water), promote natural and aesthetic values, and encourage

compatible development that residents desire. Municipal leaders have the greatest understanding of and investment in their communities so it makes sense to charge them with the responsibility

to consider specific local conditions. Those specific local conditions may demand larger setback distances than the minimum setbacks contained in the Pennsylvania Oil and Gas Act or they may demand truck traffic restrictions.

Local zoning authority over oil and gas development takes two forms. First, the enactment and revision of zoning ordinances that limit oil and gas uses to specific locations within a municipality and under specific circumstances. Second, under that ordinance, oil and gas uses may be permitted as conditional uses or special exceptions, which require public hearings and approval. This authority allows Pennsylvania communities to determine where and under what conditions oil and gas development can occur within the municipality. Residents familiar with and invested in their communities are best situated to decide whether industrial uses are compatible with local character and development goals.

In *EQT Production v. Borough of Jefferson Hills*, the Pennsylvania Supreme Court determined that the testimony of residents about the impacts of industrial development was relevant to decision-making on oil and gas project applications. At stake was EQT's proposed construction of a 16-well unconventional shale gas pad. The project would have been the first oil and gas facility in a densely populated suburban area, leading residents to raise concerns at a public hearing about pollution, truck traffic, and the impact of the project on their health and property values. Residents from nearby Union Township also testified about the harm that EQT had already caused from similar drilling projects in their community.

EQT argued that the Union Township residents' testimony was "speculative." The Pennsylvania Supreme Court ruled that the testimony was relevant, stating that, "[t]he testimony of the Union Township objectors as to the foul stench, intense vibrations, loud and penetrating sounds, and increased levels of traffic and air and light pollution they continuously endured, in and around their homes, was both relevant and probative in establishing the potential adverse impacts which Jefferson Borough residents ... reasonably could expect."

How to File a Complaint

Department of Environmental Protection

Anyone can file an environmental complaint and all reports are confidential. Complaints can be filed [online](#)[7] or by calling 866-255-5158.

If you file a complaint online, the form asks for your name and phone number and/or email address to reach you. The electronic form requires an email address. If you'd like to make an anonymous complaint, sign up for a free e-mail account (like gmail) so that DEP will still be able to contact you.

If you file a complaint over the phone, you will be directed to an automated system to connect you with a DEP representative in the appropriate regional office. Press 5 for the Southwest Regional Office serving Allegheny, Beaver, Cambria, Fayette, Greene, Somerset, Washington, and Westmoreland counties. Please provide your name, phone number and/or e-mail address to reach you. Identify the location of the problem as best you can (city, county, township, name of road or stream). Please describe the problem that you are calling about. A field inspector will be assigned to your complaint. The field inspector will contact you once DEP has conducted its investigation or if additional information is needed. You can ask to be given updates.

Department of Health

Residents are also encouraged to report environmental health concerns to the Pennsylvania Department of Health. Concerns will be evaluated and referred to an appropriate program area for investigation and follow-up. Environmental health concerns can be reported to the Department of Health online, by phone, or by e-mail.

- Complete the [environmental health concern form](#)[8]
- Phone: 717-787-3350
- Email: env.health.concern@pa.gov

The Department of Health will be better able to assist you and review your complaint if you:

- Know the location of the concern.
- Visit your healthcare provider or doctor first.
- Have environmental test results (e.g. water quality, soil testing) available.

- Be prepared to talk about your health symptoms.
- Be prepared to speak about your family's current health and health history.

Note: The Department of Health is primarily an advisory agency in matters of environmental concern, not a regulatory one. Environmental regulation is managed by DEP or, at a national level, the U.S. Environmental Protection Agency (EPA).

Attorney General

The Office of Attorney General, Environmental Crimes Section investigates and prosecutes violations of state environmental laws governing the processing, transportation, storage, or disposal of municipal, residual, and hazardous waste. Technicians employed by the DEP regularly assist the Environmental Crimes Section with collecting waste samples, and most of these waste samples are analyzed by the DEP's laboratory in Harrisburg. In conjunction with environmental crimes, the Section prosecutes traditional Crimes Code offenses including, but not limited to, forgery, unsworn falsification, tampering with public records, corrupt organizations, vandalism, and theft. Many environmental crimes investigations are conducted utilizing the Pennsylvania Statewide Investigating Grand Juries in Harrisburg, Pittsburgh, and Norristown.

Pursuant to the Commonwealth Attorneys Act, the Office of the Attorney General does not have original jurisdiction to investigate or prosecute environmental crimes. Instead, the Attorney General Office can obtain jurisdiction over an environmental crime by a referral from either a district attorney or a state agency with enforcement duties pursuant to a statute. The majority of referrals to the Environmental Crimes Section come from DEP. However, local district attorneys, the Pennsylvania Fish and Boat Commission, and the Pennsylvania Game Commission have also been a source of referrals.

Landowner Stories

One of the best ways to learn about the potential impacts of oil and gas development on or near your property is to hear or read about residents' experiences. CCJ encourages landowners to talk with neighbors and community members that have had interactions with oil and gas operators, and to consult with organizations (like CCJ) who advocate for surface owner rights.

1. Resident from Washington, PA

"[My husband] and I would like to let people know the issues that we are having at our house. We are sitting in the middle of approximately 13 Wells. We would like people to know that our house is a continuous humming going on our house is a continuous vibrating 24 seven it doesn't stop some people that come into our house can hear the humming but others can't. We have talked with a few neighbors, and they do have humming at their places too. Every time there is a new Gas Well put in. I find more cracks in my walls and things falling off of my shelves. For the last 2 1/2 years, [my husband] has kept a book every day he writes in it what's going on even if he just puts house is still humming and vibrating you need to keep a record of whatever what is being done to your house with these Gas Well"

2. Resident from New Freeport, PA

"I have a lot of concerns living next to a well pad. Fracking/flaring is destroying our health, air, and our environment. The dangerous chemicals they use are contaminating our water and air. The noise and traffic are 24/7 and there are bright lights in my window at night. The stress of it all is overwhelming, because I am always wondering what will happen next."

3. Resident from Cecil, PA

"My family lives a little over 500' from the Augustine Well Pad. For the last 8 years we've suffered from lack of sleep, headaches, nausea and months of anxiety and stress.

There are days my kids cannot play outside because of the horrible smells and poor air quality. The noise levels are so extreme that my home would vibrate, paintings and dishes rattle. The worst are flaring days when a loud bang would ring out followed by fireball in the sky. Its terrifying."

4. Resident from New Freeport, PA

"Living in an area where there is a lot of fracking is so frustrating and inconvenient. There is always well traffic. We actually had a well vehicle drive into our yard and almost hit our house once during fracking operations. The noise is so loud and overwhelming when fracking is happening and just living with the constant fear that I am being harmed is not good for my family."

Toxic Tours - Southwestern Pennsylvania

For an interactive look at how different extractive industries overlap in our communities, take a look at this Toxic Tour, created by #BreakFreeFromPlastic. It features a landowner story from Washington County. [See Toxic Tours, Southwestern Pennsylvania.](#)[9]

For additional information please contact us at:

Center for Coalfield Justice
31 E. Chestnut St.
Suite 102
Washington, PA 15301
Phone: (724) 229-3550
E-mail: info@centerforcoalfieldjustice.org
Website: www.centerforcoalfieldjustice.org

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- [2] LP Information, *Conventional Shale Gas Exploration and Production Market Analysis and Forecast 2019-2025* (accessed September 25, 2024)
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