



June 28, 2012

Via First Class and Electronic Mail

Shawn M. Garvin  
Regional Administrator  
US EPA, Region 3  
1650 Arch Street  
Philadelphia, PA 19103

**Re: Requesting US EPA to Assist PA DEP with Shale-field Resident Complaints**

Dear Mr. Garvin,

I write on behalf of the Clean Air Council to request the United States Environmental Protection Agency (“EPA”) review the attached summary information of Marcellus Shale resident complaints related to air impacts from natural gas industry activities. Residents have expressed concerns about the responsiveness of the Pennsylvania Department of Environmental Protection (“PA DEP”) to their formal complaints. The Clean Air Council believes the US EPA is in a position to assist the PA DEP in addressing these issues. Through a sustained collaborative effort between the PA DEP and US EPA, and with the assistance of residents and industry, these complaints may be better addressed. Public health and safety, a mandate common to both agencies, will ultimately be better protected.

### **Need for Increased Oversight on Residents’ Complaints**

In the last 6 months Clean Air Council (“the Council”) has received complaints from 13 shale-areas residents who experienced odors, heard noises, or saw visible emissions at or near natural gas facilities. The Council has heard a general frustration towards PA DEP’s responses to these types of complaints. The Council discovered that in some cases, complaints were made to PA DEP and were never fully investigated and in other cases, residents lost faith in PA DEP and stopped reporting pollution complaints to them. The Council believes in the importance and the role of community involvement and reporting in protecting public health and safety. Since it is impossible for any agency to oversee all regulated activities all of the time, residents’ complaints and agency follow-up is critical to protecting public health and the environment. While PA DEP has the authority to take action through investigations and issuance of notices of violation, according to some residents, neither has occurred.

Due to residents' concerns about PA DEP's inability to process and respond to complaints, the Council decided to fill in these gaps by designing an online (and hard-copy) reporting mechanism for residents' complaints related to air quality issues of natural gas operations. The Council's reporting form allows residents living in shale-field regions to report anything that they smell, hear or see that is out of the ordinary and that they believe is related to natural gas operations. The survey also includes a section in which residents can list any health symptoms they may have experienced close to the time of the observation or since natural gas development started in their community.

This reporting system is not designed to act as a substitute or to deter residents from reporting complaints to PA DEP, but rather to encourage reporting to PA DEP by allowing residents to document specific information about their observations. The Council has been asked by residents to ensure their complaints are appropriately resolved by PA DEP. While the Council has strongly urged residents to use the forms to report an observed incident to PA DEP, it is difficult to ensure that this action is taken in every instance because of some residents' loss of confidence in PA DEP. According to the reporting survey, at least 7 out of the 16 residents who filled out a complaint form called PA DEP to report the complaint. In a question asking "What number did you call to report the complaint," two residents answered "None" and 7 did not answer the question.

Please see the online and hard-copy survey tool at the following link:

[http://www.cleanair.org/program/outdoor\\_air\\_pollution/marcellus\\_shale/%E2%80%9Ccommon\\_senses%E2%80%9D\\_citizen\\_air\\_monitoring](http://www.cleanair.org/program/outdoor_air_pollution/marcellus_shale/%E2%80%9Ccommon_senses%E2%80%9D_citizen_air_monitoring)

### **EPA Coordination with PA DEP**

The Council plans to continue to collect, compile and submit resident complaint data it receives to EPA and/or the appropriate agencies about once every month. The Council urges EPA to coordinate with PA DEP on *any* open or recent complaints that PA DEP has not investigated or addressed and to ensure that PA DEP is properly performing its duties by responding to resident concerns and taking proper actions to address these potential public health and environmental issues.

The Council's goal of providing this data to EPA is to assist the Agency in identifying areas in Pennsylvania where residents have identified environmental chemical exposure concerns and where additional oversight and follow up appears to be warranted. The Council also hopes that these complaints will help inform EPA about geographic areas of concern in Pennsylvania that may warrant increased air monitoring and research. The Council acknowledges that the data provided in this letter was not collected and analyzed by scientists.

Residents' complaints about visible emissions and odors warrant a follow-up investigation since many types of natural gas equipment, such as drilling equipment, is currently exempt from state air permits and other provisions of the Clean Air Act. Facilities with General Permit 5 (GP-5) or Minor Source Plan approvals must keep visible emissions below certain opacities and must prevent malodors from leaving their property lines. In addition, these odors, visible emissions and noises may be an indication of equipment malfunction, safety problems, serious air pollution issues that could pose a significant threat to regional air quality and impacting public health. These complaints deserve an appropriate response by environmental protection agencies whose responsibilities are to protect public health, welfare and the environment.

### **Summary of Survey Findings: Complaints and Health Symptoms**

The following is a summary of the findings from the first 16 complaints that the Council received.

#### Complaint Locations

Twelve residents submitted geographic information about the complaint. Five complaints were from the Lake Lynn, Fayette County area, and five complaints were from Susquehanna County. There was one complaint each from Tioga County and Sullivan County.

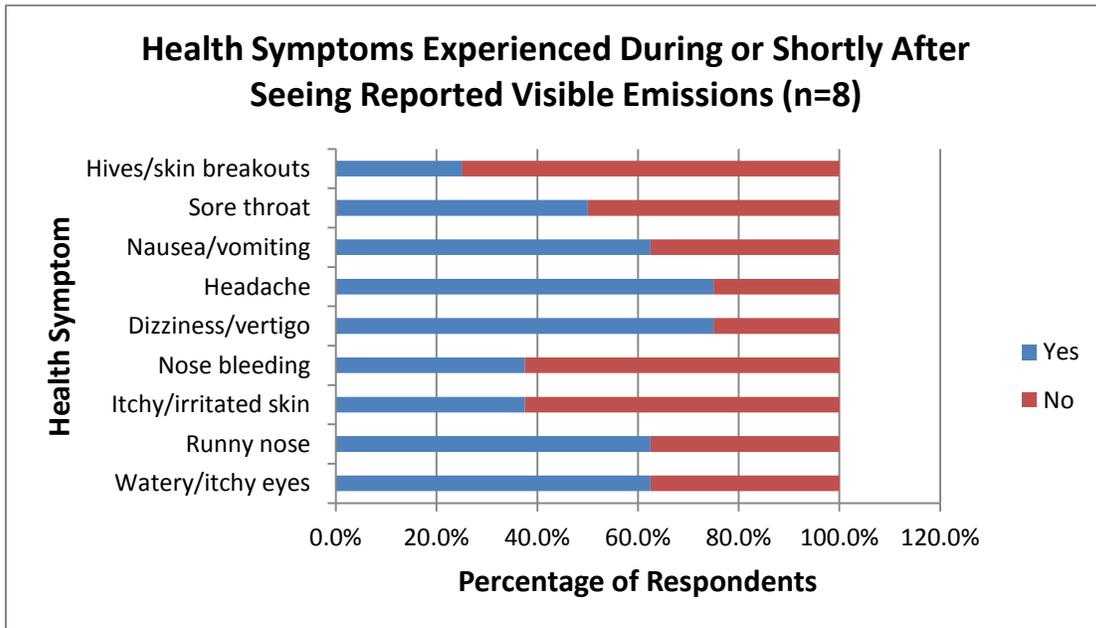


#### Visible Emissions

Two out of eight complainants who saw visible emissions reported that the emissions were “very opaque,” and that they could see through approximately 0 – 25% of the visible emissions. Six out of those eight claimed that it took over 30 minutes for the emissions to dissipate.

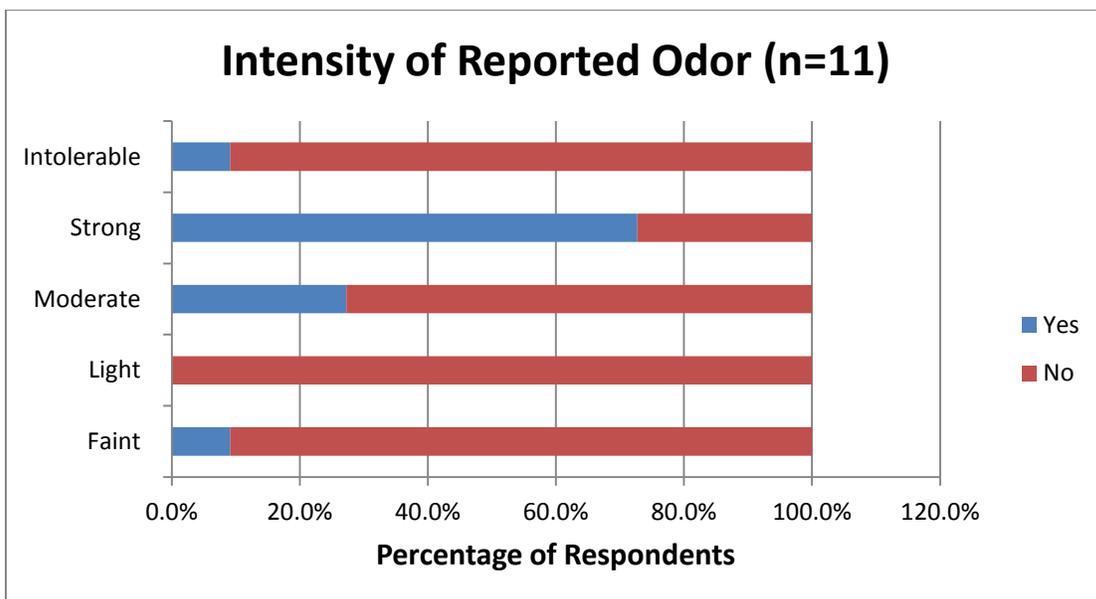
### Health Impacts Associated with Visible Emissions

Most notably, 75% of residents that filled out a complaint regarding a visible emission experienced headaches and dizziness/vertigo during or shortly after the emissions, while 62.5% experienced nausea/vomiting, runny noses, and water/itchy eyes during or shortly after the emissions.



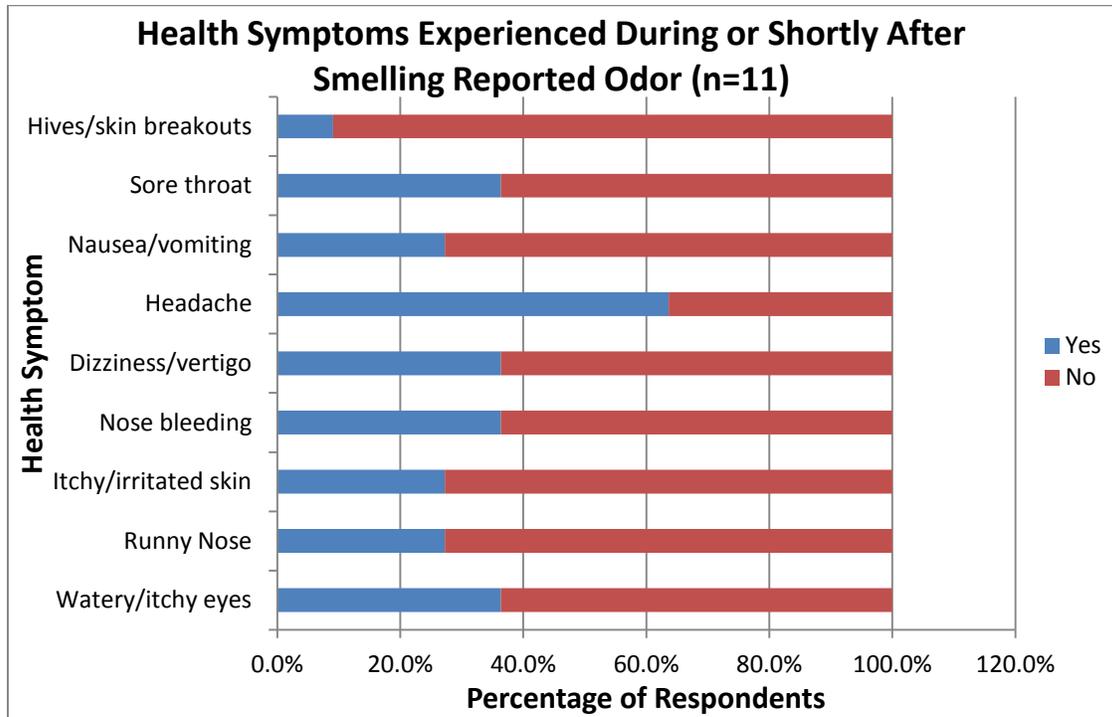
### Odors

72.7% of residents reporting an odor categorized it as strong (obnoxious, hard to ignore).



### Health Impacts Associated with Odors

63.6% of residents reporting an odor complaint experienced headaches during or shortly after the incident.



### PA DEP Response Record

Residents reported that the PA DEP complaint telephone number has not been working on several occasions in the past 8 months, and residents and Council staff have called during normal business hours and found that no one answered. Compared to other states with natural gas development like Texas, Pennsylvania’s handling of resident complaints would be considered very slow and inefficient. The Texas Commission on Environmental Quality (TCEQ) is available 24 hours a day to take either online or phone complaints, and uses a simple online system to take information and respond rapidly<sup>1</sup>.

The Council encourages PA DEP to consider implementing this type of 24-hour online reporting system and hotline. In addition to the above-mentioned general unresponsiveness, residents reported that they had not been treated respectfully by PA DEP staff, and that their complaints were often dismissed without any type of proper investigation.

<sup>1</sup> Texas Commission on Environmental Quality (2012). Make an Environmental Complaint. Retrieved from: <http://www.tceq.texas.gov/compliance/complaints/index.html>

The following are quotes from three residents across Pennsylvania about their experience with PA DEP staff after making a formal complaint:

“I’ve been ignored by DEP as far as my air complaints. I’ve gotten a comment from a DEP field agent that maybe I ought to stay inside if my air smells so bad. As long as the gas company is going to keep denying and the DEP is not going to take me seriously, what else do I have left? What else can I do? It’s very frustrating.”

“My wife and father in-law called DEP when a loud explosion happened. DEP came out 3 days later with bad attitude and told us nothing.”

“When I smelled air emissions from the compressor station from my house, it was a hot day and there was a big inversion. I called the DEP hotline and it took a week for the field agent to call me back. The day he called me back it was cold and windy. He told me unless he could come to my house and smell the odor, the complaint would end there. He asked how I knew it was from the compressor station. The smell was not normal – it smelled awful. The next day, I drove over to the compressor station and determined that the smell was the same as the one I had smelled the day before. The field agent accused me of driving around the equipment to try to smell things. He got really nasty. The fact that the odor from the compressor station traveled to my house didn’t seem to be a problem to him.”

### **Health Impacts Warrant Response**

The types of health symptoms that residents reported experiencing during or after they observed odors or visible emissions related to natural gas operations are not unique to Pennsylvania. In Dish, Texas for instance, residents reported nausea, headaches, sore throats, runny noses, itchy eyes and throat irritation.<sup>2</sup> The Colorado School of Public Health’s recent study on the health impacts of air emissions from natural gas development showed that residents living about a half mile away from equipment, especially wells, are more likely to have non-cancer health impacts. "The greatest health impact corresponds to the relatively short-term, but high emission, well completion period."<sup>3</sup> Over a quarter of the residents reporting a complaint believed that drilling engines were the source of the odor or visible emissions. As residents living in close proximity to drill pads are likely at greater risk for health impacts than the general population, their complaints warrant follow-up by PA DEP and possibly EPA for cases in which PA DEP has not satisfactorily completed their duties.

---

<sup>2</sup>Subra, W. (2009). Health survey results of current and former Dish/Clark, Texas residents. Retrieved from: [http://www.earthworkSACTION.org/library/detail/health\\_survey\\_results\\_of\\_current\\_and\\_former\\_dish\\_clark\\_texas\\_residents/](http://www.earthworkSACTION.org/library/detail/health_survey_results_of_current_and_former_dish_clark_texas_residents/)

<sup>3</sup> McKenzie L, Witter R.Z., Newman L.S., & Adgate J.L. (2012). [Human Health Risk Assessment of Air Emissions from Development of Unconventional Natural Gas Resources](#). *Science of the Total Environment*, 424, 79-87

## **Conclusion**

Due to residents' concerns about PA DEP's inability or willingness to process and respond to complaints, the Council decided to design a reporting mechanism for residents' complaints and in the last 6 months, the Council received complaints from 13 residents experiencing odors, hearing noises, or seeing visible emissions near natural gas facilities. The Council will continue to collect, compile and submit resident complaint data it receives to PA DEP and US EPA about once every month. The Council discovered that in some cases, complaints by residents were made to PA DEP and were never fully investigated and in other cases, residents lost faith in PA DEP and stopped reporting pollution to them. Given the high percentages of residents who experienced health impacts such as headaches, dizziness and nausea, and watery or itchy eyes shortly after their observations of odors or visible emissions, the Council urges EPA to coordinate with PA DEP on any recent complaints that PA DEP has not fully investigated. The Council requests that EPA ensure that PA DEP is properly performing its duties by responding to resident concerns and taking proper actions to address these potential public health and environmental issues.

**The Council requests US EPA to respond to this letter by supplying two pieces of information:**

- 1) a contact person responsible for following up on this inquiry**
- 2) an anticipated schedule of potential actions US EPA plans to take to respond to residents' concerns**

Thank you for your time and assistance in this matter.

Sincerely,

Joseph Otis Minott, Esq.  
Executive Director

cc: Diana Esher, Air Protection Division Director, US EPA, Region 3  
Michael D'Andrea, US EPA, Region 3  
Michael Krancer, Secretary, PA DEP  
Eli N. Avila, MD, JD, MPH, FCLM, Secretary of Health, PA Department of Health  
Lora Werner, Regional Director, Agency for Toxic Substances and Disease Registry, Region 3