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11 January 2023

Pennsylvania Department of Environmental Protection
Attn: Southwest Regional Office
400 Waterfront Drive
Pittsburgh, PA 15222

Re: Comment on Apex Energy LLC Backus Well Pad ESCGP-2 (Authorization ID 1418080)

Erosion and Sediment Control Permit Reviewer,

The approval of the erosion and sedimentation control general permit requested by Apex Energy LLC (Authorization ID 1418080) for the Backus Well Pad in Penn Township of Pennsylvania **threatens the health of residents living near the well and Westmoreland County's drinking water. We encourage the PA Department of Environmental Protection (DEP) to deny the Erosion and Sedimentation Control General Permit - 2 proposed in November 2022.**

Protect PT is committed to ensuring our community members are safe, secure, and protected from the adverse effects of unconventional gas development in the Westmoreland and Allegheny County region. Below is our expert assessment of and concerns with the permit application, followed by research-based community concerns.

As has been standard with each of our previous comments regarding infrastructure proposed by Apex, we again draw attention to the **lack of proper response** by Apex to questions posed by the DEP in the submitted PA Natural Diversity Inventory (PNDI) search file. As a review of the PNDI concerns, Question 1 states: "The proposed project is in the range of the Indiana bat. Describe how the project will affect bat habitat (forests, woodlots, and trees) and indicate what measures will be taken in consideration of this. Round acreages up to the nearest acre (e.g., 0.2 acres = 1 acre)". Apex responded with an approximate range of affected forests, woodlots, and trees, no definite acreage was reported. In addition, no description was provided on the ways in which the Well Pad will affect the Indiana bat population and no description was provided on the measures that will be taken into consideration regarding the conservation of habitat for the bat population. **The response to the question is highly inadequate and we request Apex provide a full description of the question response.** We note here that the PNDI search conducted by Apex is continuously lacking in substance and we request the company discharge its role properly.

Our overarching concern lies in the potential soil instability reported on Page 2 of the Erosion and Sediment Control Report. The three types of soil identified are well-known as easily erodible and the site was reported to host poor topsoil. In combination with nearby land that has already

been developed for oil and gas activities, the soil types lead us to draw attention to the increased potential for slope destabilization and erosion. The sedimentation control mechanisms proposed in the permit application are unlikely to fully protect surrounding hydrologic features from increased pollution. **We urge the DEP to review the sedimentation control plans in full before making an informed decision regarding the approval of this permit.**

The thin and fissile nature of underlying shale structures may support the Backus Well Pad, but we highlight the tendency of the formation beneath the Pad to depress, deform, and erode with heavy pressure (such as that experienced with oil and gas equipment). The engineering designs proposed in the Geotechnical Report as part of the ESCGP-2 files propose the potential need for one or multiple blasting events to remove Connellsville Sandstone could result in structural failure. Because the pad is proposed to be developed approximately 600 ft from a home located on Sedona Ln, Trafford, PA, **we urge the DEP to consider the lack of structural soundness for the Backus Pad.**

We are also concerned for the health of the nearby resident(s) regarding noise, water, and air pollution resulting from the pad activities, and hope the DEP considers the dangers they pose to their residents if this permit is approved. The proximity of this well pad to a densely populated, residential area unnecessarily jeopardizes the health of residents of every demographic. In particular, the close proximity increases children's exposure to harmful chemicals from fracking operations in the village of Level Green. Combined with the planned infrastructure buildout by Apex in Level Green, this well pad being one of four proposed within a two-square-mile area should be taken into account. The cumulative impacts of these four sites will overburden this community. Many scientific studies have been published demonstrating that living in close proximity to fracking operations is harmful to public health. Several local families were involved in a study by Environmental Health News, published in 2021¹. Results showed chemicals known to be used and found around fracking sites were present in the bodies of children and adults that lived near fracking.

Additionally, Dr. Walter Tsou, the former Health Commissioner of Philadelphia, Adjunct Professor in the Department of Family Medicine & Community Health, University of Pennsylvania Perelman School of Medicine authored a resolution passed in 2016 by the Pennsylvania Medical Society calling for a moratorium on new gas drilling in Pennsylvania based on the precautionary principle². The resolution also called for the Commonwealth of Pennsylvania to fund research on the health effects of fracking in order to advance our scientific knowledge. In 2020, after pressure from families living around unconventional natural gas development whose children have suffered from childhood cancers, Governor Tom Wolf

¹ Fractured: The body burden of living near fracking

<<https://www.ehn.org/fractured-series-on-fracking-pollution-2650624600.html>>

² No. 575 C.D. 2019 <https://www.pacourts.us/assets/opinions/Commonwealth/out/575cd19_7-6-20.pdf>

committed \$3.9 million in state funding for two studies examining the impact of fracking on childhood cancers and other medical conditions.

In 2020, the PA Attorney General commissioned the 43rd Grand Jury Report finding that public health is detrimentally affected by oil and gas infrastructure by failing to protect residents during the fracking boom³. Lastly, in a recent NRDC Report⁴, authors Mall and Alemayehu wrote:

“Oil and gas extraction activities, including fracking, drilling, and production, can release radioactive materials that endanger workers, nearby communities, and the environment. The United States has known the stated dangers for at least 30 years, ever since an EPA [U.S. Environmental Protection Agency] report revealed the health risks of unregulated radioactive oil and gas waste.”

The quality of the residential roads on the truck route for this site makes this a particularly hazardous location to transport waste without additional risk.

All of the above evidence suggests thousands of homes will not be able to operate without experiencing harm from fracking of the Backus Well Pad. Knowing of these harms, the PA DEP has a duty to fulfill its mission “to protect Pennsylvania's air, land and water from pollution and to provide for the health and safety of its citizens through a cleaner environment” and not permit this well pad. Furthermore, the Pennsylvania Constitution, Article 1 Section 27 states “*the people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come.*” By approving this permit, the Department is knowingly putting children and families at risk of adverse health impacts and violating our constitutional rights.

It is the PA DEP’s mission to provide for the health and safety of PA residents by protecting the air, land, and water we need for survival. With that mission in mind, we ask the DEP to adhere to its own baselines by denying the Backus Well Pad Erosion and Sedimentation Control General Permit - 2 by Apex Energy LLC.

³ Report 1

<<https://www.attorneygeneral.gov/wp-content/uploads/2020/06/FINAL-fracking-report-w.responses-with-page-number-V2.pdf>>

⁴ A Hot Fracking Mess

<<https://www.nrdc.org/sites/default/files/fracking-mess-regulation-radioactive-waste-report.pdf>>

Regards,

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Figure 1. Below depicts a Level Green Map with Proposed Sites by Apex and current sites by Olympus Energy. Population data from EPA EJScreen 2010 census reports 1,689 people living within one mile of the Backus Well Pad site. The population estimate is most likely less than the actuals, given the new housing development in the area.

