



3344 Route 130, PO Box 137
Harrison City, PA 15636

Proposed Drill & Operate Well Permit (Unconventional) 129-29114 and 129-29115

Apex Energy LLC
6041 Wallace Road Extension
Wexford, PA 15090

Pennsylvania Department of Environmental Protection Southwestern Regional Office
400 Waterfront Dr, Pittsburgh, PA 15222

October 21, 2021

Written Comments by Protect PT and signed by Pennsylvania Organizations

Dear Mr. Miller,

We ask that the Department disapprove the permit application for the proposed Drill & Operate Well Permit (Unconventional) 129-29114 and 129-29115 at the Drakulic well pad planned for Penn Township, Westmoreland County. More than 900 residents live within half a mile of this proposed fracking well pad, and close to 3,000 live within 1 mile of the site, making this one of the most heavily populated proposed sites for this industrial activity in Pennsylvania. Level Green Elementary is also located within the same proximity, putting the 268 children and staff at risk. Studies show exposure to PM 2.5 “may alter the size of a child’s developing brain, which may ultimately increase the risk for cognitive and emotional problems later in adolescence”.¹

If permitted, Drakulic will expose neighboring communities to toxic, carcinogenic air pollution. Nearby residents are already exposed to pollution from the Clairton and Braddock U.S. Steel plants, whose southwest winds blow towards Trafford Borough, an Environmental Justice Community. There are also 96 privately-owned water supplies identified within a half-mile. The chemicals in the fracturing process could jeopardize local drinking water sources.

The Department should abandon the notion that it must grant an application that meets all minimum requirements if by doing so will lead to the violation of the constitutional rights of nearby residents. For the last two months, nearby residents have been sending objection letters to your office requesting a public hearing for this site. The DEP responded to these requests by stating that the department is not required to hold a public hearing. But the law also does not prevent you from having a hearing either, especially when there is repeated evidence of this type of industrial activity

¹ New Research: Pollution and the brain. *USC Environmental Health Centers*. August 6, 2020
<https://envhealthcenters.usc.edu/2020/08/new-research-pollution-brain.html>

in other locations impairing residents' quality of life, including negative impacts on their air, land, and water. Apex Energy, LLC, claims that our concerns are “meritless”, “broad” and “speculative”.

Yet, Apex contaminated residents' air in 2015 at the Quest well site in Penn Township where sand billowed from their conveyors and spread silica dust for miles. Then again in December 2016, Apex Energy spilled Mercaptan at the same site, after failing to notify the PA DEP that they were using Mercaptan on site. This caused headaches and dizziness to nearby residents for two days. This operator has also been cited by DEP at the Fatur site for “failure to take all necessary measures to prevent a potential pollution event, and failure to notify the Department ... of a ‘substance’ which would endanger downstream users of the waters of the Commonwealth”. These are just a few of over a hundred violations this operator has incurred over the course of its six years in operation. This is evidence that our claims are hardly meritless or speculative, but in fact, allowing this operator to continue developing new well pads close to thousands of people would contradict the Department’s stated mission to “protect Pennsylvania's air, land and water from pollution and provide for the health and safety of its citizens through a cleaner environment.”

In the PA Attorney General’s 43rd grand jury report released last year, it was revealed that “Dozens of people experienced the same medical symptoms in association with the same oil and gas activity.” The grand jury report also found that “Spills and accidents happen” and “Emissions are inevitable.” The grand jury “examined the evidence and heard testimony showing that when all this industrial activity occurs within a few hundred feet of someone's home as our laws have allowed, harm to public health and significant disruption to people’s lives result.” With this one well pad, these statistics go from dozens to thousands at the proposed Drakulic well pad.

Furthermore, the grand jury report stated, “The risks of this new industry should fall on the industry and the regulatory agencies, not on the public. As we see it, the purpose of government agencies like DEP and DOH (Department of Health) is to proactively prevent harm, not to wait and see if the worst really happens. There has already been too much of that.” We wholeheartedly agree with the grand jury’s statement.

That is why, due to the abundant evidence of damage inflicted upon residents living in close proximity to unconventional gas development, the explicit findings of the Pennsylvania Grand Jury, and the damage that Apex has already shown they are capable of, the Pennsylvania Department of Environmental Protection should deny the permit for the Drakulic well pad planned for Penn Township, Westmoreland County and uphold the constitutional rights of residents.



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