

DEMARCO & ASSOCIATES
PATRICIA M. DEMARCO, Ph.D.
616 WOODSIDE ROAD, PITTSBURGH, PA 15221
(412) 708-9277 **demarcop6@gmail.com**
www.patriciademarco.com
Catalysts for sustainable growth

Statement to
Allegheny County Council
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RE: Support for Three -Year Ban on Hydraulic Fracturing for Natural Gas in the Regional Allegheny County Parks

I support Council Member Barbara D. Danko's proposal to apply a three-year moratorium on hydraulic fracturing for natural gas in the Allegheny County Regional Parks.

The debate around this issue has centered on whether there is legally supportable and absolute scientific proof of harm from the process of hydraulic fracturing for Marcellus Shale gas. So far the burden of proof has fallen on the citizens and the public to prove harm. Citizens statements of contamination incidents reported locally and in similar developments elsewhere in Pennsylvania and in other parts of the country are viewed with skepticism, or dismissed as irrelevant, or worse, untrue. The industry pronouncements of lack of demonstrable harm attributable directly to an individual drilling event prevails, bolstered by a massive public relations and advertising campaign showing pristine farms and fields with clean, smiling workers. Reports of the number of citizens being served by the gas developers with trucked in water supplies due to well contamination is considered a proprietary piece of information. If I were making a decision on matters of such gravity, I would want to know how many customers are served with water replacement, and how many have signed a non-disclosure document for the privilege of receiving water service.

The burden of proof of harm falls to the public with little ability to support and fund documentation, research or before and after testing of water supplies. The industry is assumed to be safe, and has money and resources to spend in spreading enough propaganda and half - truths to obscure the issue. A fleet of lawyers rushes to obfuscate the allegations of

contamination, to intimidate those who step out, and to bind the objectors in red tape and gag orders.

I contend that **the burden of proof should be on the industry** to show legally binding, scientifically demonstrated, proof of safety before drilling in public lands is even contemplated.

Society operates under the doctrine of governance in the public trust, a principle established in Roman times, and built through long practice through the court systems of England and to America and beyond in modern times. We assume that the people we elect to represent us in the governance of society stand for the public interest, not the private proprietary profits of industries. In the case of protecting the very small allocation of lands set aside for regional public parks, 2.5% of the acreage of Allegheny County, citizens have the right to expect the elected representatives to protect and defend the public assets of the County on our behalf.

In Pennsylvania we have seen the fate of many rounds of extractive industries leaving a mark on the landscape, some awkwardly repaired, and some left as gaping scars. We have experienced the pain and long term cost of losing streams to fishing and potable water due to acid mine drainage. (over 3,000 miles of streams contaminated due to acid mine drainage according to the USGS) As open land becomes more and more scarce, we should be diligent in preserving it for future generations. The forests and fields are full of abandoned wells and old drilling sites. Industry takes what is profitable and walk away. We need to establish recovery and reclamation processes to protect from future contamination as the wells drilled today degrade over time. What happens twenty years hence, when the gas is gone, the drillers are gone, and the fracking fluids begin to migrate into the watersheds; the cement lined pipes shear from ground movement, and the shale extract migrates through capillary action into the groundwater?

As our elected representatives, operating to protect the public interest, it would be wiser to begin development of Marcellus Shale in areas that already have an industrial profile. Why not put shale drilling in areas of abandoned former industrial operations first? Why not use the influx of a new industry to restore the industrial sites already present in Allegheny County rather than begin by despoiling and industrializing open land, or farm land? Rather than salivate over the prospect of gaining millions in gas development fees for use to “improve the parks” why not offer incentives for

placing Marcellus Shale development in already industrialized areas? A fee structure appropriate to this selective approach can still provide funds if you wish to allocate improvements to the regional parks.

The argument that private property owners can develop the gas wherever they want to, and that the sub-surface mineral rights give the developers access wherever they want to needs to be tempered with protecting the rights of the citizens as well. Just because companies have the right to industrialize an area does not mean it is in the public interest to do so, if there is contamination of assets that are publicly shared, such as water supplies, air, landscapes, and food supplies. If industrial development can happen anywhere, who stands for the rights of the people?

We have the right to expect that there will not be industrial activity in residential neighborhoods, near schools, hospitals, commercial offices, don't we? Real estate agents are already noting the need for disclosure about Marcellus Shale drilling as modifiers on land value. Who is standing up for property owners who do not have sub-surface mineral rights? Must we just watch while our lives are shredded by multi-national corporations harvesting fossil resources for export at the highest profit possible?

Instant greed will destroy our grandchildrens' birthright. The right to develop a resource that underlies virtually all of the land in Allegheny County will yield total chaos in the living natural resource base of our area unless we impose some responsibility for making wiser choices on behalf of the future. We can act to take precaution against rushing forward with technology that destroys and squanders living natural resources for the sake of instant financial gains. Park land and the life support services offered by uncontaminated air, water and fertile ground cannot be reclaimed once ruined.

It is essential to take time to develop a strategic plan for development that harmonizes with existing and future land use priorities, or we will lose critical options forever. Once gone, regaining parks is not easy. As the pressure of population and development advance, preserving open space and recreational lands becomes ever more difficult.

I urge you to step up to your responsibility to protect the public trust in protecting the public interest. Delay the despoiling of our parks by studying the long term impact it will have to develop Marcellus Shale in the

proximity of these few saved places. Think about how this industry can be guided to restore industry to industrial areas, rather than to begin in the path of least resistance to the industry: residential areas, parks, forests, watersheds? These are not good industrial areas!

As our elected representatives, you are responsible to protect the public interest. I beg you to stand for the living natural resources that are our life support system, fresh water, clean air and fertile ground. Fracking does not belong in, under, or near the few regional public parks in Allegheny County.

Sincerely,

Patricia M. DeMarco, Ph.D.