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Protect PT Challenges DEP Permits at the Environmental Hearing Board

On Thursday, Aug. 30, Protect PT filed an amended appeal, with the Environmental Hearing Board, challenging the Department of Environmental Protection's issuance of two permits to Apex Energy (PA), LLC for the Drakulic well pad located in Penn Township, PA. The Environmental Hearing Board is a quasi-judicial body within the Department tasked with hearing appeals and challenges to final agency actions. It is within the Board's purview to overturn agency decisions or send them back to the Department for further review.

Protect PT is challenging the 1H and 7H well permits issued to Apex Energy's Drakulic well pad. These permits were issued after Protect PT sent a letter of objection to the Department of Environmental Protection regarding ongoing violations at nearby Apex Energy sites. Violations at the Fatur Well Pad in neighboring Salem Township have been ongoing for 19 months according to DEP records creating a public nuisance. These violations include citations for industrial waste discharged into Waters of the Commonwealth which flow into a tributary of the Beaver Run Reservoir, the drinking water source for Westmoreland County.

Protect PT also raised these concerns in a recent meeting with Secretary McDonnell's office in Greensburg on July 30th. When asked why DEP grants permits to operators who habitually violate these laws and endanger public health and safety, Secretary McDonnell responded that *"If we have a violation of a permit, our first goal ... is to get that facility back into compliance and work with them on that."*

Executive Director, Gillian Graber responds by stating that, *"The first goal of the DEP should be to uphold the constitutional rights of Pennsylvania citizens to clean air and pure water, not to get operators into compliance. The DEP failed in their duty to protect the citizens and environment they are charged with protecting by issuing permits to these habitual offenders who have shown they are irresponsible in their operations. We hope that the Environmental Hearing Board will see the error and correct this mistake."*

In the appeal, Protect PT alleges *"the Department erred or acted contrary to law or abused its discretion or acted ultra vires or arbitrarily, capriciously, or unreasonably for the following reasons."*

The Department issued the Well Permits with knowledge of Apex's ongoing violations and that well development would occur in close proximity to sensitive populations such as residential homes, a school, and threatened and endangered species habitat in violation of the Department's responsibilities under Article I, Section 27 of the Pennsylvania Constitution.

Unconventional well pad development is a heavy industrial process that carries severe risks such as well blowouts which are especially dangerous because a spark can set off an explosion and fires can involve other equipment on the well pad site releasing additional fumes, smoke, and volatiles.

In the event of a major blowout in a suburban setting, special consideration must be given to gas plume concentration and dispersion, heat radiation, and effects on nearby buildings, homes, power lines, and residents. In historic cases of well blowouts, evacuation zones often ranged between 660 to 13,200 feet, with an average evacuation zone of 0.8 miles.

The Drakulic well site is one of several unconventional natural gas well pads proposed within one mile of Level Green Elementary School and 1,000 feet from the residential neighborhood of Bradford Square and less than half a mile from other Trafford neighborhoods.

“Apex is putting hundreds of families at risk and as a mother with young children, I worry about my children and the children of my neighbors”, said Graber. “Children can not defend themselves so we must be their advocates and not let this operator go unchecked in our community.”

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