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ILLINOIS DEPARTMENT OF NATURAL RESOURCES
PUBLIC HEARING
REGARDING THE PROPOSED
HYDRAULIC FRACTURING REGULATORY ACT

Decatur Civic Center
1 Gary K. Anderson Plaza
Decatur, Illinois
December 17th, 2013
6:30 PM

- Mr. Nick San Diego, Legal Counsel
- Mr. Robert Mool, Legal Counsel
- MR. Mitchell Cohen, Director
Office of Oil & Gas Resource Management
- Mr. Robert Welch, Hearing Officer
- Mr. Brendan Dailey, Legislative Counsel
- Mr. Jim Stephens, Well Inspector
Office of Oil & Gas Resource Management

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(The time is 6:33 p.m.)

MR. WELCH: All right. Good evening, ladies and gentlemen of the jury. My name is Bob Welch. I'm a hearing officer for the Illinois Department of Natural Resources.

A VOICE: Can't hear. Speak into the microphone.

MR. WELCH: How's that?

A VOICE: Louder.

MR. WELCH: I'm going to try one more time. If you can't hear me, you will have to move down, I guess. Again, I'm still Bob Welch, by the way, and I'm still the hearing officer for the Illinois Department of Natural Resources. I'm going to act as a moderator tonight.

As you know, our meeting tonight, and this is the fourth of our meetings around the state, is a meeting in regards to the proposed administrative rules and regulations relating to the Hydraulic Fracturing Regulatory Act. Before we get into the format of the hearing, I'm going to introduce the gentlemen who are sitting up here with me. On my immediate right is Mr. Cohen, who is the director of the Office of Oil and Gas

1 Resource Management for IDNR. Next to him is
2 Robert Mool, who is an attorney for IDNR in the
3 office of legal counsel. Next to him is Nick San
4 Diego, who is also an attorney in the IDNR office
5 of legal counsel. To my immediate left is Brendan
6 Dailey, who is the IDNR's legislative counsel. On
7 my far left is Jim Stephens, who is a well
8 inspector with the Office of Oil and Gas Resource
9 Management for IDNR.

10 Now, as you are all aware, this summer
11 the General Assembly passed, and the governor
12 signed, a new Hydraulic Fracturing Regulatory Act.
13 The act applies to all wells, who are only high
14 volume horizontal hydraulic fracturing operations
15 that will occur in the State. The Act gives to
16 IDNR the primary authority to administer and
17 enforce the provisions of the Act. And the Act
18 further requires that the department adopt the
19 rules as necessary to accomplish the purposes of
20 the Act. The administrative rule-making procedure
21 is designed to allow interested parties the
22 opportunity to actively participate in the
23 rule-making process through public comments.

24 These public hearings, at which many

1 diverse opinions may be heard, are strongly
2 supported by IDNR in the spirit of openness and
3 transparency.

4 Now, the purpose of the hearing is to
5 allow members of the public to express their views
6 and comments related to the proposed hydraulic
7 fracturing administrative rules which have been
8 drafted in response to the dictates of the Act.

9 Now, so we're here to hear comments as
10 far as the rules are concerned and suggestions.
11 The proposed drafts are just that; proposed.
12 They're not the final draft. And after all these
13 comments are put together, and comments put on the
14 Internet, and I think the comments may be shown
15 here, it usually is; as far as our website is
16 concerned, at some of these meetings I've heard
17 comments from people in the audience after the
18 meeting or during the meeting even saying well,
19 that website is just like a black hole. You send
20 a message in there and that's the end of it.
21 Nobody will pay any attention to it. But by law,
22 DNR has to consider every single comment, whether
23 it comes in the form of a comment here or on its
24 website.

1 So you are not wasting your time. And
2 if you don't get a chance to speak tonight, you
3 should utilize that website.

4 Now, many of you, I'm sure, are opposed
5 to the idea of hydraulic fracturing and would like
6 to express your opinions in that regard. And
7 that's what happens; people come up and tell us
8 how they're against hydraulic fracturing. But
9 that's not the purpose of this. If you have a
10 problem with that, as I said, it's the General
11 Assembly that passed it, it's the Act, it's a law.
12 If you talk to the General Assembly, talk to your
13 senators and representatives. We're here today to
14 hear comments as far as their proposed rules are
15 concerned.

16 Now, your input will assist IDNR in
17 adopting the rules to assure the process is done
18 in a manner that is environmentally sound and
19 consistent with the law. So when you hear, we're
20 not just blowing smoke when we say we're going to
21 take into account what you say and what you put on
22 the Internet. These five gentlemen are here to
23 listen to your comments and make note of them.
24 They're here because they're interested in hearing

1 from you and they will be taking notes. Due to
2 the time limitation, I will not be responding to
3 any of your comments, but will take them into
4 account when reviewing all the public comments.

5 So the purpose is not to have DNR people
6 talking to you, but have the public talking to
7 DNR. Throughout the public comment period, IDNR
8 will accept and upon consideration make changes to
9 proposed rules of the fourth filing for a second
10 notice. IDNR fully anticipates and expects
11 changes to be made as part of the process.

12 Remember, these are proposed rules. They are not
13 the final rules.

14 Now, as far as how we're going to go
15 about doing this, this is the first time we've had
16 a meeting in a room like this. I'm a little leery
17 of these stairs. I don't want to see anybody come
18 tumbling down the stairs. So if your name is
19 called, be sure and be very careful coming down
20 these stairs.

21 Now, each of you who wishes to speak has
22 filled out one of these, and one of Brendan's jobs
23 here to is shuffle these, and he has done that.
24 So when we pull these names, or call these names,

1 we're doing it just the luck of the draw. So,
2 what we're going to do is try and figure out how
3 we're going to do it here. We want to get as many
4 of you as possible a chance to talk. We've got
5 two hours of time frame. We want to get as many
6 of you here to talk and state your piece. Please
7 don't go over the four minutes if you can help it,
8 because every minute you use over four minutes you
9 are using somebody else's time. So, be respectful
10 of the other people's time limits.

11 Now, if you want, you have a written
12 statement, we've got a little box up here that you
13 can put your written statement in there also and
14 that will be taken into consideration. Usually we
15 try to have people lined up. Now this gentlemen
16 is sitting in one of the chairs we were reserving.
17 We are saving those two seats.

18 What we're going to do this time, it's a
19 little different because of the setup of these
20 microphones, is I'm going to call six names, and
21 we'll have one on each mike, and two in the
22 reserved seats up front. So we will have six
23 people up here. That way it will be a little
24 quicker, we won't have to wait every time we call

1 a name for somebody to come down. Hopefully that
2 will work out.

3 Like I said, this is totally different
4 than any other way we've done before. So we hope
5 it will work out. When it's your turn to speak,
6 please introduce yourself by name, and your city,
7 and if you wish, if you belong to an organization,
8 and we will include that, you can do that too.
9 Now we're starting late, so we will go beyond 8:30
10 probably. When you come up here, state your name,
11 and if you spell your last name for the reporter,
12 she's taking it down for us. If you're reading
13 something, take your time. People get up here and
14 start reading, they're like me, they're reading
15 fast and she can't take that down. If your
16 comments relate to a specific rule or section of
17 the proposed rules, and you know the rule or the
18 section of it, it would be helpful if you would
19 mention that when you're referring to your
20 comments.

21 We're going to stick to the four
22 minutes. One of Brendan's many jobs is to hold up
23 this little sign. He does a great job with that
24 sign. That says you have one minute. When you

1 see that sign, it means you've got a minute. At
2 about 30 seconds I will start fidgeting here, so
3 you will know your time is up. After the comments
4 are all done, after everybody has had their piece,
5 or two hours, whichever comes first, what these
6 gentlemen are going to do, they're taking notes
7 all through this, and then after a few minutes
8 break I'm going to get together and tell you what
9 the emphasis has been on in your meeting tonight,
10 as far as your comments are concerned.

11 Now, please remember that the sole
12 purpose of this hearing is to hear comments and
13 suggestions from the public in regard to the
14 proposed administrative regulations. It's not a
15 question and answer session. So please address
16 your comments and statements to the proposed
17 administrative regulations.

18 Now, I'm going to call some names. Like
19 I said, be careful when you come down. I'm going
20 to start out with Ms. Kathleen Bell. If you're
21 here, let us know. You can stand at either one
22 of the mikes. Cathy Kannar, K-A-N-N-A-R. Come on
23 down. Greg Brown. Sandra Lindberg. Roy Wehrle.
24 And Anna Johnson. Okay. Four minutes, remember,

1 and please try to keep to that so you don't take
2 other people's time. We'll start with Ms. Bell.

3 MS. BELL: Thank you. Kathleen Bell,
4 B-E-L-L, Willow Haven Organic Farm in Oakley,
5 Illinois. I'm going to defer to Verlyn
6 Rosenberger.

7 MS. ROSENBERGER: My name is Verlyn
8 Rosenberger, I'm a member of Illinois People's
9 Action, and Fair Economy Illinois.

10 MR. WELCH: How do you spell your last
11 name?

12 MS. ROSENBERGER: R-O-S-E-N-B-E-R-G-E-R.
13 I'm a member of the Illinois People's Action
14 through First Presbyterian Church here in Decatur,
15 Illinois. And as such, I have great concern for
16 social justice, economic justice, and
17 environmental justice.

18 My comment is on the need for health
19 professionals to have access to information about
20 chemicals used in fracking because public health
21 and safety should be the primary concern of
22 government officials of Illinois and its agencies,
23 as well as officials of municipalities and
24 counties.

1 Nothing about fracking is healthy and
2 safe for humans, animals, nor the environment.
3 But, strict fracking rules that must be adhered to
4 can reduce the harmful effects if they're enforced
5 properly.

6 When secret, highly toxic and
7 radioactive chemicals are used in fracking,
8 accidents, leaks, spills and even unscrupulous
9 acts on the part of some individuals for the
10 fracking industry are bound to occur.

11 When a property owner, family member,
12 neighbor or industry worker is injured by exposure
13 to these unknown chemicals, how can a health care
14 professional treat him or her?

15 The IDNR rules allow the actual
16 chemicals to be kept secret, even from health care
17 workers. Exposure to these harmful chemicals
18 should have immediate treatment.

19 Section 245.730 of the IDNR rules keep
20 immediate treatment from happening. The law
21 requires IDNR to provide health care professionals
22 information about the chemicals used in fracking
23 when that information is necessary to treat a
24 patient. But the rules provide a circular

1 definition of the affected patient, which requires
2 doctors to test for 353 to 700 chemicals that can
3 be used in fracking to determine which ones were
4 used so a current diagnosis can be made.

5 Conducting hundreds of tests take times and is
6 medically and financially unfeasible. It places a
7 burden on the medical establishment, instead of on
8 the fracking company, where it belongs.

9 Of course, a medical emergency must
10 occur during IDNR normal business hours so health
11 care professionals can obtain the needed
12 information about chemicals. If it happens during
13 off hours, calls have to be made to the trade
14 secret holder for such information, but the IDNR
15 rules gives no clue about who they are and how to
16 contact them. And before you know it, the patient
17 could be dead.

18 A VOICE: 15 seconds, ma'am. You don't
19 have to use it.

20 MS. ROSENBERGER: I will. The rules do
21 not require IDNR, a trade secret holder, to
22 provide information to health professionals.
23 Instead your rules say they "may", rather than
24 "shall" provide information. And this means they

1 request a hearing conducted by IDNR to be held in
2 the county in which the fracking is proposed.

3 Five, the hearing on the application
4 shall be held in the county in which fracking is
5 proposed.

6 Six, a complete transcript of the
7 hearing shall be placed in the county courthouse
8 of the county proposed for fracking.

9 Seven, a notice of the hearing
10 transcript that shall be placed in the newspaper
11 of greatest circulation in the county will be
12 printed for three consecutive weeks, and they
13 shall therefore be able to be reviewed during the
14 regular hours of the courthouse. Thank you, very
15 much.

16 MR. WELCH: Thank you, ma'am.

17 MS. KNARR: I'm Cathy Knarr, K-N-A-R-R.
18 And I'm from Bloomington, Illinois and I'm with
19 Illinois People's Action. And quickly I want to
20 ask the people in the room not against fracking,
21 but think that these fracking regulations are bad,
22 to please stand up. All right.

23 Now, my comments are on the public
24 hearing. So thank you very much for having this

1 hearing today. I do appreciate it. Participation
2 in politics in my community and my state and in
3 the country are very important to me, so I do
4 appreciate that time.

5 What I would like to ask for these
6 regulations is that the applications be required
7 to be completed prior to that 60 day review window
8 to allow for those completed paperwork and full
9 review of what's there. Also, that those hearings
10 that are to be held are held in the county that's
11 being affected so people who have jobs or children
12 or maybe no transportation have the ability to
13 have their voices heard on areas that they're
14 concerned about.

15 I also would like to ask that the
16 operators be required to show up for those
17 hearings so they can hear the concerns of the
18 people, so those can be incorporated and those can
19 be addressed.

20 Also, with the IDNR, and I know that
21 like here tonight you guys are here to listen and
22 absorb, but to have those meetings where IDNR will
23 testify and will allow people to have reported
24 what's going to be promised and how things are

1 going to be held because there are some very
2 important health and environmental issues that
3 we're talking about here. And I think people want
4 to make sure that people are protected.

5 Also, there's a challenge, and I have
6 felt this challenge with the rules, there's so
7 much there, and I'm sure you guys felt it too
8 probably putting everything together, but having
9 regular citizens have to make their comments in
10 the context of those rules is a challenge because
11 people don't have the education, or maybe the
12 knowledge to be able to do that.

13 So, just allowing people to have more
14 general concerns are a way that maybe makes it
15 easier for them to connect their concerns to the
16 issues.

17 And then the last requirement, which I
18 think is important to give flexibility for the
19 IDNR, is instead of limiting that, the decision,
20 the 60 days, allowing more flexibility because
21 there's a lot that goes into this, and allowing
22 more flexibility so if there are complex issues
23 that come up, that those can be addressed
24 appropriately.

1 So, I'd just like to stress again that
2 for me, and I think many of the people who came
3 tonight, it's so important to have the ability to
4 have our voices heard and to have a way to do
5 that, so through the website, through these
6 community things, we do need to reach out to our
7 legislators and tell them what we think. But
8 having that opportunity, and providing a context
9 where we can have our voices heard, I think is of
10 utmost importance. Thank you.

11 MR. WELCH: Thank you, ma'am. Sandra
12 Lindberg.

13 MS. LINDBERG: Good evening, my name is
14 Sandra Lindberg. L-I-N-D-B-E-R-G. I'm a member
15 of Illinois People's Action and Fair Economy
16 Illinois. This comment focuses on monitoring
17 water for pollution and involves several rules.

18 The IDNR's current design for water
19 monitoring will not safeguard the waters of
20 Illinois. Report citations I provide in this
21 document come from US and international sources
22 and government departments. Most of the studies
23 describe risks to surface and ground water
24 supplies inherent in fracking. Most acknowledge

1 that pollutants migrating from fracked wells into
2 water supplies require extensive study, especially
3 with regard to unconventional fracking operations
4 and gas or foam fracking techniques. Many of
5 these reports offer recommendations for the proper
6 monitoring of state waters. Details I will share
7 with you now.

8 Number one, 245.600 and 245.610 narrow
9 the scope of their oversight to so-called high
10 volume hydraulic fracturing wells. The words,
11 "high volume" need to be deleted. Illinois knew
12 all the shale fields likely will require gas or
13 foam fracks. Current IDNR regulations seem to
14 exempt such lower water fracks from the water
15 monitoring process. Some of the studies I cite
16 report an increased chance for chemical migration
17 from gas or foam fracks.

18 Two, extensive discrepancies exist
19 between the water monitoring practices required in
20 600 and 610. The more stringent requirements of
21 610 should be required for baseline and interval
22 water testing, though even 610 needs to be
23 strengthened. Without this concordance, comparing
24 data sets from the two rules will pose significant

1 problems and may seem to exempt frackers from some
2 pollution accountability.

3 As my biologist partner, Dr. Samuel
4 Galewsky tells me, experiments that are being
5 compared must test for exactly the same set of
6 variables, and must be conducted in exactly the
7 same way if comparisons are to be useful and
8 persuasive.

9 For fracking wells, IDNR rules should
10 require baseline and recurrent water tests for all
11 chemicals listed in 35 Illinois Administrative
12 Code, 6290.310(a)(3)(a)(I).

13 Three, the range of testing for each
14 well is inadequate. Studies I cite indicate that
15 unsafe water contamination is to be found in wells
16 half a mile from fracking wells and significant
17 contamination has been found in private wells as
18 far as one mile away. To limit testing to 1,500
19 feet from a frack site forces the IDNR to ignore
20 existing peer-reviewed data on well contamination.

21 Four, neither 600 nor 610 discuss
22 surface water contamination, or the monitoring of
23 surface waters. Baseline studies of these bodies
24 of water need to be conducted and they need to be

1 tested regularly throughout the well's operation.

2 I'm skipping five.

3 Six, the number of water tests currently
4 required by the IDNR is inadequate. Current
5 industry reports recognize that each well may now
6 be fracked from 60 to 100 times, and that a well
7 may operate for decades. We already know that
8 cement casings' failure rates increase as the
9 number of fracks go up and as the well ages. If
10 anything, the IDNR needs to determine how it will
11 increase the requirement for water testing after
12 ten fracks, or after three years, rather than
13 stopping all testing after 30 months.

14 Seven, water testing and water pollution
15 rules need to state the IDNR's awareness that
16 scientific data on the effects of fracking
17 chemicals is lacking. That their combined effects
18 are unknown, and that its ability to be certain of
19 how chemicals will migrate below or above ground
20 from a fracking site requires much more study.

21 MR. WELCH: 15 seconds.

22 MS. LINDBERG: I would applaud if the
23 IDNR also recognized publicly what its
24 counterpart agency in North Carolina wrote, that

1 it lacks the financial resources needed to monitor
2 the state's proposed fracking industry. How will
3 the current IDNR budget and staff accomplish this
4 regulation process. Thank you for the time.

5 MR. WELCH: Okay. I'm going to call up
6 four more names. We have Mr. Brown, is that
7 correct, and Mr. Wehrle are going to be up next.
8 Then I need Therese T-H-E-R-E-S-E Brink, it looks
9 like. Bruce Smith, it looks like. Brase Smith.
10 John Carlson. Larry Jones. Then Mr. Brown, Mr.
11 Brink, Ms. Brink. Mr. Smith. Mr. Brown, I think
12 it's your turn.

13 MR. BROWN: Thank you, very much. My
14 name is Greg Brown like the color, B-R-O-W-N. I
15 came down on the Illinois People's Action bus.
16 I'm going to just speak on this spiritual
17 background. For those of you who consider
18 yourself Christians, and I don't know whether you
19 realize or think you have a spiritual stake in
20 this, but I'm going to read one Bible verse. It's
21 from the Book of Revelations. It's from the 11th
22 chapter, verse 18, and it reads: The nations
23 raged but the wrath came in time for the dead to
24 be judged for rewarding their servants, the

1 prophets and saints and those who fear their name,
2 both great and small and for destroying the
3 destroyers of the earth.

4 Fracking; it fractures the bed rock. It
5 forces toxic chemicals under great pressure deep
6 into the earth and then the concrete casing fails.
7 Water leaches out. The water is contaminated.
8 The land is rendered uninhabitable. People have
9 to move out of their homes. They can't live
10 there. God destroys the destroyers of the earth.
11 We do have a spiritual stake in this. We didn't
12 stop nuclear power, and now we got Hiroshima. We
13 didn't stop genetic modified code, and now we got
14 germinated seeds in poisoned food. We didn't stop
15 geo-engineering; and most of you probably don't
16 know what that is. Look it up. We didn't stop
17 the HARP project, H-A-R-P, you probably -- many of
18 you don't know what that is. Look it up. God
19 will destroy the destroyers of the earth. You
20 have a serious stake in this, I would suggest,
21 being on the right side here. This is not to be
22 taken lightly.

23 And just to say something that many here
24 understand, but I'm going to say it, there is an

1 alternative; and it's industrial hemp. Which
2 can -- it's a natural plant that can be grown for
3 many purposes, and make as much money as fracking,
4 create many more jobs without hurting the world.
5 And that is an alternative since you can't just,
6 in this society, you can't just say don't make the
7 money. That isn't going to work. So here's a way
8 of making money, an alternative again that many
9 people know, and we don't have to hurt the world.

10 I suggest very seriously you consider
11 being on the right side of things. Thank you,
12 very much.

13 MR. WELCH: Mr. Wehrle.

14 A VOICE: My name is Roy Wehrle,
15 W-E-H-R-L-E. I served as economic adviser to
16 President Kennedy and to President Johnson. I
17 live in Springfield and I represent IPA and Fair
18 Economy Illinois.

19 I will speak on two subjects. First,
20 probability of harm. And second, the VOCs, or the
21 volatile organic compounds.

22 The first point on probability is that
23 many people see consequences in the field of
24 fracking as being relatively small, and they are

1 for an individual event such as seismic activity
2 or radioactivity or a spill. Each one has got a
3 small probability. But what is of more importance
4 to the people to live in these areas is the
5 probability that one of these will go sour. And
6 the probability of one of a series of possible
7 events taking place is much higher than it is for
8 the individual events.

9 And I will leave a copy here of the
10 probability estimates on that because that's what
11 affects people.

12 Now speaking about VOCs, or volatile
13 organic compounds, we start with three points
14 quickly about these. Volatile means that this
15 substance will boil at a low temperature. Water
16 boils at 212, but these boil very low so when
17 they're out in the air that's a low enough
18 temperature that they will boil and the fumes will
19 come off.

20 Now, this volatility is a stealth
21 process. Liquids and gases escape invisibly
22 during the drilling, and also from the subsequent
23 fracking process, and also when the volatile
24 liquids are stored or when they're moved. And to

1 our eyes it's invisible, but with an infrared
2 camera it's easy to see fumes and plumes of these
3 gases going into the air.

4 And as these gases go into the air, they
5 create smog when they mix with nitrous oxide.
6 Baked in the sunlight this turns into smog. And
7 you have all read about what happened to China
8 recently in Haerbin, and in other places with a
9 thick smog from these same kind of chemicals that
10 allows people not even to see across the street.

11 As many as 100 different chemicals are
12 used in the combined drilling and fracking
13 process. And many of those come back up as toxic.
14 They're like a toxic trespasser that goes into the
15 countryside invisibly.

16 So how serious are these volatile
17 chemicals and compounds? The answer is they are
18 very serious to the health of our people, to
19 citizens.

20 Smog; you know the danger of smog, and
21 you may not know that smog causes the tissue of
22 lungs to disappear, to deteriorate, to decay. And
23 the lungs are unable to repair this tissue once
24 it's destroyed. That makes volatile organic

1 compounds of particular importance in the
2 regulations on this particular subject.

3 What do the VOCs do? Well, they do many
4 things. They irritate the eyes and nose and ears,
5 and that's usually the first indication of the
6 danger. They cause cancer. They cause impairment
7 of mental processes, causing dizziness and loss of
8 memory. And they cause a great deal of problem
9 into the whole question of coordination for the
10 human body.

11 So these things are all caused because
12 the regulations do not require VOCs to be brought
13 down to a harmless, if not a harmless, at least
14 not a terribly harmful point. The regulations in
15 fact take into account only the cost to the
16 company, and not the cost to the people who live
17 in those areas.

18 MR. WELCH: 15 seconds.

19 MR. WEHRLE: So what can be done? What
20 can be done is that the rules can be changed so
21 that they maybe require a manifest for all haulers
22 going away and moving liquids and substances out
23 of a well site. That manifest would tell where
24 they're going, how much is transported. This is a

1 very reasonable thing to do. It's not in right
2 now.

3 Second thing that can be done --

4 MR. WELCH: You're beyond the time.

5 MR. WEHRLE: The cost to the public also
6 has to be taken into account. As it stands right
7 now, the cost to the public is not considered.

8 My final statement is that you've all
9 heard the saying, if it seems too good to be true,
10 well, then it isn't. I would add a sister
11 statement.

12 MR. WELCH: Okay, sir.

13 MR. WEHRLE: If many things could go
14 wrong, they are likely to.

15 MR. WELCH: You have used other people's
16 time. Sorry to interrupt.

17 MS. BRINK: My name is Therese Brink,
18 I'd like to defer to Bill Poorman up there.

19 MR. POORMAN: Hell, I'm Bill
20 P-O-O-R-M-A-N, opposite of rich.

21 I'm with the Illinois People's Action.
22 You might recognize the T-shirt. And Fair Economy
23 Illinois. It's a coalition of church groups and
24 individuals from across the state committed to

1 economic and social justice.

2 I will be speaking to subpart K, section
3 245.1100 of the rules that cover enforcement.

4 When the legislature and Governor Quinn passed the
5 Hydraulic Fracturing Regulatory Act earlier this
6 year, they told us that it would serve as a
7 national model for environmental safety. That the
8 rules would be strict and tough in order to
9 protect the Illinois environment and people.

10 Judged on that basis, the proposed rules fall far
11 short.

12 Starting right at the top of that
13 section, the proposed rules say that IDNR may
14 suspend or revoke permits or remediation or issue
15 penalties if one of the rules is broken. But the
16 law itself requires that the construction and
17 testing of wells must be done in line with the
18 standards set by the American Petroleum Institute.
19 There is no leeway, there is no discretion, with
20 good reason. Without these standards, fracking
21 wells can be in danger of blow outs, fires or
22 explosions that threaten workers, nearby
23 residents, or the environment. The BP deep water
24 horizon disaster happened because these standards

1 were not followed and not enforced. We can not
2 take those kind of risks here in Illinois. These
3 rules need to be toughened by changing the
4 language to read that IDNR will or must suspend or
5 revoke permits or issue penalties if the rules are
6 broken. We need a policy closer to one strike and
7 you're out, so that the drillers have every
8 incentive to make sure that they're doing the job
9 right.

10 In a similar way, there must be tougher
11 financial penalties for gas and oil companies when
12 they break the rules. Let's be honest here, these
13 companies really only care about the money that
14 they can pull out of Illinois. That's their only
15 purpose. And history shows that corporations will
16 take short cuts to increase those profits, even if
17 people, the environment, and laws and regulations
18 stand in the way.

19 If we want enforcement to matter at all,
20 we must make it more expensive to break the law
21 than to follow it. We have got to punch them in
22 the profit margin. Right now the proposed rules
23 do not do that.

24 The law itself sets strict penalties

1 that could go up to tens of thousands of dollars,
2 but the rules have minimal fines, starting at a
3 token fifty dollars. That's less than most
4 speeding tickets. And only go up to about \$2,500.
5 The top five producers of oil and gas made more
6 than 118 billion dollars in profits last year.
7 These relatively paltry fines will not slow these
8 companies down. Heck, they could pay for these
9 penalties by laying off a couple of workers. The
10 fines need to reflect the true cost of the damage
11 the drillers will do to people and the
12 environment.

13 We must have the fines and penalties
14 outlined in the law itself. We need strong rules,
15 steep fines, and tough cops on the beat. As
16 written, the proposed rules don't provide for any
17 of those. If the IDNR wants to accomplish the aim
18 of the law and the safety of Illinois and its
19 people, it must make these rules stricter and more
20 expensive, or oil and gas companies will see them
21 as nothing more than the cost of doing business.
22 Thank you.

23 MR. WELCH: Mr. Carlson is next.

24 MR. CARLSON: I'm going to turn my time

1 over to William Rau.

2 MR. RAU: My name is William Rau, R-A-U.
3 Professor Emeritus at Illinois State University,
4 member of IPA and Fair Economy Illinois and the
5 Unitarian Church in Bloomington. I'm going to
6 deal with radioactivity, Section 1-75(a)(7), rule
7 245.850.

8 There are four point sources for
9 radioactivity in a frack pad. One is the drill
10 cuttings that end up in a small drill pit, along
11 with drilling mud. Two, the flowback and produced
12 water, which the US Geologic Service says in
13 Illinois runs over a 1,000 picoCuries per liter.
14 That's out of the old vertical wells. It will be
15 higher in the horizontal wells. That's 67 times
16 above the EPA contamination levels. Pipes and
17 equipment, when that water comes up from
18 underground, pressure changes, temperature
19 changes, means that the radium precipitates out,
20 scales on the pipe, and you get a very, very hot
21 pipe, over 100,000 picoCuries per gram. And this
22 stuff can end up in the scrap metal market. And
23 in the south it's ended up in playgrounds and
24 school bleachers. And I don't think there's a

1 single person in this room, be they for or against
2 this industry, that wants their children playing
3 on radioactive pipe.

4 Finally, there's well head gas. Given
5 the high levels of radioactivity that has occurred
6 in shale gas in Pennsylvania, we can be fairly
7 confident that we're going to have elevated levels
8 of Radon-222 at the well head which will only be
9 less than a day away from Springfield, 1.4 days
10 away from Chicago. People will go into their
11 kitchens, turn on their stoves, and they will be
12 breathing radon. And we're already above a safe
13 level in the average home in Illinois. This will
14 simply add to an already serious public health
15 situation in this state.

16 Here are the rural changes that any
17 reasonable person would arrive at. You're
18 required to have one test date. The rules don't
19 specify when. If you look at test results coming
20 out of the produced water, it looks like a launch
21 at Cape Canaveral. The results rapidly shoot up
22 and increase rapidly through around day 14, start
23 arching to day 21, and then they level off and
24 continue to increase over the next two months.

1 What will oil companies do? They will test day
2 one, minute one, clean results. And also
3 meaningless. Don't even file. They're wasting
4 paper. So what you have to do is specify after
5 day 21. You will have half way decent results
6 then.

7 Number two, you're required to test
8 adjacent to pits and tanks. There's no definition
9 of adjacent to. Six inches? Sixteen inches? Six
10 feet? Sixty feet? Are we talking the top six
11 inches or two feet down? Recommendation: Six
12 inches to 12 inches, top six inches.

13 Testing for radioactivity. Test for all
14 sources, four point sources for Uranium-238,
15 Radium-226, Radium-228, Radon-222. These are the
16 ones that count.

17 Finally, create a traffic light system
18 to determine, one; radioactivity in a well pad has
19 entered the yellow zone. When do we have low
20 level radioactivity that falls under the low level
21 radioactivity waste management act in Illinois?
22 When do we have a situation when OSHA should step
23 in to provide worker safety? When do we have a
24 situation when we should monitor tag, provide

1 manifests to pipes and equipment that is so hot it
2 should never get into the scrap metal market?
3 These are a few things that reasonable rules would
4 do. You have done none of them. Thank you.

5 MR. WELCH: David Green. Jeffrey Thomas.
6 Lisa Texeira? And Mary White. Get everybody?
7 Mr. Jones, your turn.

8 MR. JONES: Yes, thank you for this
9 opportunity to express my concerns about the scope
10 of the draft fracking. The Hydraulic Fracturing
11 Regulatory Act was controversial legislation. The
12 broad legislative support the Act ultimately
13 achieved was based substantially on the promise
14 that Illinois fracking regulations would be the
15 strongest in the country. Whatever the merits of
16 the Act, it has not been shown that the rules
17 governing fracking in this state will fulfill that
18 promise.

19 For example, the draft rules, according
20 to Section 245.100, apply only to fracking
21 operations occurring since June 17th, 2013. While
22 the original regulatory act clearly mandates that
23 the provisions in the Act apply to past, current
24 and future wells. Specifically, Section 1-20 of

1 the Hydraulic Fracturing Regulatory Act passed
2 earlier this year states that the act applies to
3 all wells where high volume horizontal hydraulic
4 fracturing operations are planned, have occurred,
5 or are occurring in this state.

6 Why then is IDNR intentionally limiting
7 the scope of the rules to only apply to new
8 fracking operations if older wells carry the same
9 health and safety risks? The whole intention of
10 the regulatory act is to make fracking operations
11 safer for the people of Illinois and our
12 environment. The existence and presumed necessity
13 of the rules is clear evidence that unregulated
14 fracking poses a significant risk to our health
15 and safety. It therefore makes no sense for IDNR
16 to intentionally limit the scope of the rules to
17 apply only to new fracking operations, while
18 bypassing regulations on older wells. One might
19 even argue that older wells, given both their age
20 and lack of regulations at the time of
21 construction, would merit greater attention from
22 regulatory agencies. Unless IDNR is drafting
23 these rules to protect businesses and corporations
24 over the safety and well being of Illinois

1 citizens, then it should, one; require all
2 fracking companies to report any prior fracking
3 activities that fall under the definition of high
4 volume hydraulic fracturing regardless of when the
5 activity occurred.

6 And two, insure that past operations
7 comply with the regulations outlined by IDNR to
8 the furthest extent possible.

9 For example, while it might not make
10 sense for an operator to go back and re perform
11 drilling activities that did not conform to the
12 act, it should require compliance with ongoing
13 obligations mandated by the rules such as error
14 emissions, control requirements associated with
15 the production, post frack testing and reporting
16 others.

17 Again, the people of Illinois were
18 promised that their health and safety would be
19 protected by the strongest fracking regulatory
20 regime in the nation. We deserve nothing less.
21 IDNR needs to do everything in its power to insure
22 that this promise is kept. Thank you.

23 MR. WELCH: All right.

24 MR. SMITH: Good evening, gentlemen of

1 the panel. My name is Brady T. Smith, I'm a
2 farmer and a scientist. And when I was a young
3 man I decided to go save the world and get
4 involved with environmental engineering. I have
5 done the testing that is basically pursuant to
6 deciding which way a contamination plume is going.
7 And I've worked on a lot of different industrial
8 sites. Petroleum mainly, some chlorinated stuff,
9 nothing too nasty. Nothing that can't be cleaned
10 up. And that was our goal as part of that
11 environmental industry.

12 What we have here is a proposal to
13 create an environmental site to pump hundreds of
14 chemicals of presumably unknown origin into the
15 ground, and then we're going to go and test for
16 them to see which way the contamination plume is
17 going.

18 Well, I can tell you I'm here to attest
19 what I can say is, is that the amount of testing
20 that's required to track the contamination plumes
21 that these wells are going to create is immense.
22 As a matter of fact, if you guys were doing
23 regulation on a level which would be sensible as
24 prudent, and I do believe, and correct me if I'm

1 wrong, that you have a fiduciary duty, that is a
2 duty to the best public interest, to provide for
3 the health and safety of the public.

4 So, what we have here now is a situation
5 where we're going to inject a problem. And then
6 basically not track it because well, it's where
7 the profits go. I mean, honestly, at \$300, \$150 a
8 test, thousands of tests per wells, am I wrong
9 that you're looking at 10,000 sites? That number
10 is astronomical. That number is so beyond what
11 any amount of wool that's left in Southern
12 Illinois could be worth, that makes it basically a
13 situation where our senate has sold us out. We
14 have been sold like Roman senators up the river to
15 basically you're going to come, you're going to
16 take our oil, what's left of it. You're going to
17 ruin our land.

18 Now, I think seismicity is one of the
19 big things that's been on my mind. You guys are
20 going to punch holes in one of the most seismic
21 hot spot areas in the country. That to me, that's
22 like Bugs Bunny when he comes up to that big red
23 button that says, "do not push". That's IDNR
24 working up to it pushing it.

1 Now, I gotta' wonder, who is liable for
2 the billions of dollars of property loss, business
3 loss, ecotourism? You know, my farm, I run my
4 farm on well water. So the proposal here is that
5 my chickens and my livestock and my crops, which
6 are organic, are now going to be fracked up, so
7 can I go to the market under full conscience and
8 provide those products to my consumers who are
9 trusting me to provide them whole food with these
10 unknown chemicals that the industry can't even be
11 provided to disclose.

12 So, my point is, I think the big thing
13 is, is that DNR and government in general, you
14 have been provided with an impossible task. And
15 that task is to make this process safe. If you
16 look at the science, what's happening all over, in
17 Romania, in Pennsylvania and New York and Texas,
18 there is no safe for fracking.

19 Thank you, very much. And in the
20 remaining time that I have standing in solidarity
21 with all of you people, and I'm going to have a
22 moment of silence so that we can think about all
23 this death and destruction we're getting ready to
24 unleash on you. All you people who are standing

1 in solidarity, stand with me.

2 MR. WELCH: Got 14 seconds.

3 MR. SMITH: Thank you, gentlemen, for
4 hearing my comments.

5 MR. WELCH: Marilea White. And David
6 Green is here. And Jeffrey Thomas is here. Okay.
7 David, your turn.

8 MR. GREEN: I'm David Green, spelled
9 like the color, not like the party. I'm running
10 on the Democratic party primary for US Congress in
11 the 13th District, and I'm the only candidate who
12 is supporting a complete ban on fracking.

13 Just to show you I'm not the ordinary
14 politician, I'm going to be brief. There's a
15 couple of, I thank the individuals who have taken
16 the trouble to do their research, and to come here
17 and make this convincing case. I fully support
18 you and I thank you for it. I had a glimmer in my
19 eye running for office. I want to make a couple
20 of comments about the context of all of this.
21 About a couple of the myths that go along with
22 this baggage.

23 One is the myth about energy
24 independence. The other is about jobs.

1 Oil, we won't be independent from Middle
2 Eastern oil. And it won't matter because there's
3 a global market for oil, natural gas and any other
4 kind of fuel. The corporations will sell the gas
5 and the oil at the world price. They will make
6 profits. They will still have plenty of reasons
7 to have to control the world by force. They will
8 still have plenty of reasons to send your children
9 and grandchildren off to fight in these unjust and
10 immoral wars to rule the world by force. That
11 will not stop unless we stop it in many other
12 ways, including this one. That's one myth.

13 The other myth has to do with they put
14 low wage workers in the competition, the
15 corporations, the same versions of the
16 corporations that want to frack, put workers into
17 competition with low wage workers in other
18 countries. They decimate the economies of rural
19 areas, and then they say that these rural areas
20 need jobs. You can look at mountain top removal.
21 You could look at fracking. You could look at
22 many other things. There is many other ways to
23 employ people in productive labor, not in this
24 kind of labor. Again, they will deprive those

1 areas of jobs. They will destroy the environment
2 of those areas, and then they will again have to
3 send them off to fight wars.

4 So, this is part of the whole package
5 that we have to deal with at local, state and
6 national level in this country, and that's why I'm
7 running for Congress in the 13th District. Thank
8 you.

9 MR. WELCH: Thank you, Mr. Green. Ma'am,
10 spell your last name.

11 MS. TEXEIRA: Lisa Texeira,
12 T-E-X-E-I-R-A. I am deferring to Sonny Garcia.

13 MR. GARCIA: Good evening, thank you for
14 listening to my comments. My name is Sonny Garcia
15 S-O-N-N-Y. G-A-R-C-I-A. I'm a member of Illinois
16 People's Action and Fair Economy Illinois. And
17 I'm here today because we have many, many issues
18 with the proposed rules that are currently in
19 place.

20 First, the most important to me is that
21 there is no mention of the risk of large scale
22 environmental disasters due to the fracking and
23 the nonsecured methods of these wells.

24 If an earthquake happens, if some floods

1 happen, can you guarantee that these wells will be
2 secure and that they won't leak all over our
3 precious farmland and destroy our environment for
4 our children and for our grandchildren?

5 Fracking has caused earthquakes in
6 states around the country that never had
7 earthquakes before. Arkansas is experiencing
8 expediential growth on earthquakes since fracking
9 started; Colorado, Ohio, the list goes on and on.

10 On top of that, if you allow fracking in
11 the flood zones of Illinois, along the Wabash
12 Valley, it's only a recipe for disasters. Just
13 look at the case of Colorado with the flooding
14 that just happened there a couple months ago. All
15 that water has went into these wells that were
16 contaminated. We can't allow that to happen in
17 Illinois.

18 My family came here as migrant workers
19 in the sixties. Traditionally Latinos, Mexican
20 Americans in particular, were good working with
21 our hands, working the land. Feeding our
22 families. And we came here to Illinois, and we
23 stayed here because this is the bread basket of
24 the world. We have the most fertile farmland in

1 the entire planet, and we want you to protect it.
2 This is not just a battle here in Illinois, not in
3 Central Illinois, this is not just a battle in the
4 United States. This battle is international. We
5 have Latinos that are standing up in solidarity
6 with us in Mexico right now. And I just want you
7 to understand that we want you and we're counting
8 on you to protect our state. Protect our land.
9 Protect our water. I know that's hard. But in
10 the old adage of Cesar Chavez -- (witness spoke
11 Spanish.)

12 MR. WELCH: Going to call four more
13 names. And we should have Miss White here. And
14 Mr. Thomas, if you come up here. All right.
15 Jennifer Grow. Corey Madison. Margaret Keylin.
16 And finally Barbara Heyl.

17 MR. WELCH: Miss White, you're up.

18 MS. WHITE: My name is Marilea,
19 M-A-R-I-L-E-A, White, W-H-I-T-E. I'm a member of
20 Illinois People's Action in Bloomington. My
21 comment is kind of a follow-up to Roy Wehrle's
22 comments on chemicals and their release in the
23 environment. I'm concerned about these rules,
24 that they are not nearly strict enough to protect

1 the public health and the environment. My comment
2 is a rather personal one.

3 Ten years ago I had serious lung disease
4 that resulted in me being hardly able to take care
5 of myself and to function. After too many tests
6 and two long years on Prednisone, I am much
7 better. But due to damage to my lungs, I still
8 have periodic shortness of breath and I must use
9 oxygen when I sleep at night. I do everything in
10 my power to avoid exposure to smoke and chemicals.
11 I avoid all aerosols, perfumes, aftershave
12 lotions, powder, cigarettes, room deodorizers,
13 chemicals farms put on their fields and some of my
14 neighbors put on their yards. I avoid everything
15 I can that has toxic chemicals in it or things
16 that are toxic to me.

17 I can't imagine living in Southern
18 Illinois where fracking is proposed or even being
19 near any kind of a fracking operation. The
20 chemicals used in fracking, the methane that
21 escapes from the wells, the chemicals that would
22 be stored in open pits, the dust from the silica
23 sand, all of these things and more would have
24 serious consequences for my health and well being.

1 I love to camp. I'm an avid camper. I
2 have camped in Southern Illinois many times. The
3 last time was in April of this year. If fracking
4 is going on in or near the Shawnee National
5 Forest, I will never be able to go there again.

6 In short, the proposed regulations will
7 not protect the environment and health of myself
8 or any other living human being, or animal or
9 plant life. Thank you.

10 MR. WELCH: Thank you, Ms. White. All
11 right. Mr. Thomas.

12 MR. THOMAS: My name is Jeffrey Thomas,
13 I'm here representing Radio City Refuge for my
14 Pastor Bishop Timothy Fitz, a member of IPA.

15 First and foremost, I would like to say
16 that I'm not here to just address the panel, but
17 those who are here and in one accord to stand
18 against fracking. Common sense is just that;
19 common sense. And common sense is going to tell
20 you that in America if it makes money it's going
21 to make its way. So instead of us beating over
22 hostility and emotion, let's meet them with our
23 intellect and our concerns. The thing is, that if
24 you know that you're not going to be able to get

1 rid of fracking, then let's stand on them for
2 regulation. If I can stand on anything, I heard
3 the number, 118 billion profit. Well, in order to
4 be a restaurant owner, I have to pay taxes. I
5 have to pay taxes on the food that I sell, the
6 land that I sell my food on.

7 So these people who are fracking and
8 digging for this oil, they need to be paying to
9 those who are going to hold them accountable for
10 the unsafe things that happen.

11 And as a people we need to stand on
12 those areas where we actually have control because
13 it's already done. They're doing the fracking.

14 A VOICE: No, it's not. It hasn't
15 happened yet. We can still stop this. You don't
16 want to give up.

17 MR. THOMAS: It's going. I'm not asking
18 anyone to give up. What I'm asking you to do is
19 not fight a senseless war. Don't run into a brick
20 wall. Run into a wall that you can knock down.
21 And those that you can knock down are still
22 available.

23 But you have to be heard and you have to
24 use your resources to get to these things. And

1 standing here making comments to these people or
2 insulting them isn't going to do that. What you
3 are going to have to do is stand against those who
4 are actually making the money and put some
5 regulation on them. Have those people pay into
6 those who can watch and check up on them and hold
7 them accountable. Because if you don't do that,
8 the first thing you're going to do is argue they
9 can't do that, but if they're paying into that,
10 then they're going to have to be more careful
11 because they don't want to pay into something that
12 is going to shut down. So if you want to protect
13 your land, you got to go where you can fight and
14 not just where you can yell and make comments.
15 Thank you.

16 MR. WELCH: Ms. Grow.

17 A VOICE: I'm going to turn my time over
18 to Ron Wojtanowski.

19 MR. WOJTANOWSKI: My name is Ron
20 Wojtanowski. I'm a member of Illinois People's
21 Action and Fair Economy Illinois. I'm also a
22 rural resident.

23 When Governor Quinn signed the Illinois
24 fracking bill into law last spring, he said it was

1 the strictest in the nation. Sadly, because of
2 the shoddy job done by the IDNR in the writing of
3 these rules, this is not true.

4 These rules read more like an industry
5 wish list than the strictest fracking rules in the
6 nation.

7 Now my comment is about page three,
8 paragraph six, of the proposed Hydraulic
9 Fracturing Regulatory Act. It clearly states,
10 "published studies or reports and sources of
11 underwriting data used to compose this rule
12 making", none. That is astounding. From the
13 moment that IDNR decided to ignore the best
14 scientific information available, these rules were
15 doomed to be mediocre. This created a fundamental
16 flaw that weakens every rule. And because these
17 rules are so weak, they guarantee that we will
18 experience the same serious problems with fracking
19 that are currently occurring in other states.
20 This was our chance to avoid these serious
21 problems, and these rules have failed.

22 These proposed rules are riddled with
23 examples of how IDNR has put the health and
24 welfare of the people of Illinois at risk. We at

1 IPA are calling the worse 12 rules the dirty
2 dozen.

3 Now, the people making comments here
4 today are supporting their comments with studies,
5 reports, scientific information from other states.

6 It is astounding to me that the IDNR did
7 not see fit to write these rules while consulting
8 those same studies. There's plenty of information
9 available, but for some reason IDNR chose not to
10 acknowledge it.

11 Hydraulic fracturing was illegal for 20
12 years under the Safe Drinking Water Act. It is
13 only because of the Halliberton waiver that it is
14 now legal. The waiver did not make fracking safe.
15 Fracking is still dangerous and needs to be
16 regulated strictly. These rules failed to do
17 that. If the governor and legislature were
18 sincere about having the strictest rules in the
19 nation, then IDNR violated their trust by drafting
20 some of the weakest.

21 Again and again these rules pose
22 significant hazards to public health, aquatic
23 life, wildlife and the environment. This is
24 IDNR's only criteria for rejecting them. They

1 must be rewritten by competent people who will
2 utilize the latest scientific information
3 available.

4 We can not ignore the serious problems
5 with fracking that are occurring in other states.
6 We must learn from past history. The people of
7 Illinois deserve to have the strictest fracking
8 rules in the nation, not the weakest. Thank you.

9 MS. KEYLIN: Good evening. My name is
10 Margaret Keylin, K-E-Y-L-I-N. I'm from Downs,
11 Illinois, a small farming community in McLean
12 County. And rule number, I believe it's 245.850,
13 my comment is on preserving the quality of water
14 used for public consumption and agriculture.

15 Because fresh water is an absolute
16 necessity for the survival of all flora and fauna
17 on the planet, there must be no gambling with its
18 safety or protection. Water is not only a limited
19 vital natural resource, it is also interconnected.
20 From rivers to oceans, from glaciers to aquifers,
21 all waters percolate and intermingle. Hydraulic
22 fracturing process impacts fresh water above
23 ground, below ground, and in the air. The rules
24 governing fracking must protect fresh water

1 sources at all costs. Any practice that produces
2 radioactive water can not be tolerated. There are
3 no safe levels. Once fresh water is contaminated,
4 it's lost forever. It's not a licensing resource.
5 It can not be decontaminated. It can not be
6 replaced. To allow businesses that produce
7 radioactive liquids as a part of their process to
8 operate in Illinois seems unsafe. There are no
9 safe levels of radioactive contamination. We need
10 to be working to eliminate contamination from our
11 fresh water sources, not settle for minimum
12 contamination levels.

13 However, since Illinois has opted for
14 fracking, our rules should call for, one,
15 follow-up requirements or standards if testing
16 those radioactivity in the flowback. Two, testing
17 of produced water at all intervals where
18 radioactivity would show up. Three, testing for
19 added radioactive materials. Four, testing of
20 work areas where levels of radioactivity that
21 would call for OSHA standards of occupational
22 safety. Our water is quite literally our life.
23 IDNR is mandated to protect the health and safety
24 of the citizens of Illinois. Do your job. Serve

1 the people.

2 MR. WELCH: I'm going to call four more
3 names. Julie Brandi, B-R-A-N-D-I. Mr. Manson, if
4 you will stand up here. And Stuart Levy, L-E-V-Y.
5 Tyra Shair, T-Y-R-A, S-H-A-I-R. And Melanie
6 Lamar.

7 MR. WELCH: Mr. Manson, you're up.

8 MR. MANSON: I give my time to Rachel
9 Shively.

10 MS. SHIVELY: Good evening. My name is
11 Rachel Shively, S-H-I-V-E-L-Y. I'm a resident of
12 Bloomington, Illinois, and I'm a member of
13 Illinois People's Action. First I will say that I
14 strongly support a total ban on fracking. It is
15 dangerous to the natural environment and to the
16 health of Illinois residents.

17 However, I know that tonight we're here
18 to discuss the fracking regulations being proposed
19 by the IDNR, and my comment addresses the issue of
20 volatile organic compound, VOC emissions. This is
21 a personal issue to me and to other residents of
22 Illinois who suffer, as I do, from asthma.

23 A number of air contaminants are
24 released through the various drilling procedures,

1 including construction and operation of the well
2 site, transport of the materials and equipment,
3 and disposal of the waste. Some of these
4 pollutants released by drilling include methane,
5 benzene, toluene, xylene and ethylbenzene,
6 particulate matter and dust, ground level ozone,
7 or smog, nitrogen oxides, carbon monoxide and
8 formaldehyde. Exposure to these pollutants is
9 known to cause short term illness, cancer, organ
10 damage, nervous system disorders, and birth
11 defects or even death. For people suffering from
12 asthma like myself, whose respiratory systems are
13 very sensitive to contaminants in the air, these
14 chemicals have the potential to greatly aggravate
15 our condition, damage our health, and drastically
16 reduce our way of life.

17 Like earlier speakers mentioned, we can
18 try to control as much as possible our indoor air
19 quality, but I have no control over the outdoor
20 air quality. That is your job as a protector of
21 the environment.

22 Even though Section 1-53 of the
23 regulatory bill requires that fracking operations
24 be conducted in a quote, "manner that will protect

1 the public health and safety and prevent
2 pollution", unquote, there are currently almost no
3 provisions on how to reduce the highly toxic VOC
4 emissions that are generated by the fracking
5 process. In Colorado, oil and gas emissions are
6 the main source of the VOCs, and unsurprisingly
7 there have been many reported cases of illnesses
8 from fracking pollution in Colorado since the boom
9 began. The rules currently contain no best
10 practice standards for mitigating these risks that
11 could cause irreversible neurological and/or
12 respiratory damage to the residents of Illinois.
13 As of now the rules allow companies to be wholly
14 exempt from runaway natural gas and hydrocarbons
15 from production, that refers to Section 245.900e,
16 or flowback, Section 245.845c. If the regulation
17 of these isn't "cost effective", quote/unquote, or
18 if it's quote/unquote "economically unreasonable".
19 IDNR avoids defining "cost effectiveness",
20 quote/unquote, or "economic unreasonableness",
21 quote/unquote, essentially allowing companies to
22 define these terms for themselves. And we can
23 assume that companies will make sure that they
24 define it for their own monetary benefit. A cost

1 benefit analysis that only calculates private cost
2 of companies while ignoring the social costs to
3 the people of Illinois will cause damage to people
4 and the natural environment, which the IDNR has
5 the responsibility to protect.

6 The solution is that the IDNR should
7 quantify the cost of various kind of emissions
8 using independent scientific studies on this
9 issue. Included in the quantification should be
10 the health and environmental cost of emissions
11 relative to the cost of capturing or reducing
12 emissions. If companies are allowed to frack in
13 Illinois, they should be held responsible by the
14 IDNR to strict standards for reducing VOC
15 emissions in order to protect the health of
16 Illinois residents and the natural environment.
17 Thank you.

18 MR. WELCH: Ms. Heyl.

19 MS. HEYL: Good evening. My name is
20 Barbara Heyl, H-E-Y-L. I'm here with the Illinois
21 People's Action and Fair Economy Illinois. And
22 the law regarding fracturing is very clear. It
23 requires that the department comply with all
24 applicable federal, state and local laws.

1 We're very concerned about this. There
2 will be some issues about local laws you will hear
3 from soon. And we've heard a little bit about the
4 Illinois Low Level Radioactive Waste Management
5 Act, which already exists. It's already on the
6 books, and it has been for sometime, and it
7 requires that any business dealing with
8 radioactive materials is hospitals, and nuclear
9 power plants, anybody who comes into contact with
10 low level radioactivity has to follow some very
11 strict rules.

12 There are manifests that Mr. Wehrle
13 talked about for every truck load that is moved
14 anywhere. We got to keep track of where it is and
15 how it's being stored. And yet, here we are with
16 these rules.

17 Section 245.850 provides for only
18 testing for fracking fluid once. That's during
19 the early flowback stage and only for natural
20 occurring radioactive materials. I mean, how can
21 we know what level of radioactivity is going to be
22 there through the duration of a fracking session
23 of any well, and we're going to have many, many
24 wells, and these are somehow not going to be

1 subject to this manifest, unless we follow the
2 rule which the law says that they have to follow,
3 the Low Level Radioactive Management Act? That's
4 what we need. We need that to be in place. To do
5 that, you have to be clear about what level of
6 radioactivity we have.

7 What we do know about this shale that we
8 have in Illinois is it has uranium in it. There
9 are tests, geological surveys that documented
10 this. In fact, back in the fifties, I think it
11 was, that they were looking to see how much
12 uranium was in the shale, could we actually mine
13 it for a source for the nuclear power industry?
14 So we know it's there. It's going to get fracked
15 all up and it's going to leach in over time into
16 the produced water that comes into the well later
17 in the fracking process.

18 So we have to have testing later in the
19 process if we're going to protect water. Then
20 what happens to that waste water? If the early
21 tests shows no radioactivity, then they don't have
22 to follow the low level radioactivity and the
23 specs and the manifests and everything. So it's
24 crucial that we know where the radioactive

1 materials are at any moment at any time.

2 I was born during World War II, and was
3 only 100 miles as the crow flies to where the
4 nuclear test site in Nevada was. We had tests,
5 nuclear tests all through the years that I was
6 growing up. And the families that lived downwind
7 of that test site came up years later with all
8 kinds of cancers throughout their families. I was
9 just lucky. We lived on the other side. We lived
10 on the other side of the mountains and upwind.
11 But radon is a gas. We already have it in our
12 basements. It's already affecting us. Do we
13 really need to bring the radioactivity that is now
14 buried in our shale up to where it can impact our
15 lives? Thank you.

16 MR. WELCH: Mr. Levy.

17 MR. LEVY: I'm Stuart Levy, S-T-U-A-R-T.
18 L-E-V-Y, of Champaign, Illinois. I'm a member of
19 the Sierra Club Prairie Group, although with the
20 substance of these comments I have to thank
21 Illinois People's Action. So, anyhow, I'd like to
22 comment about the water supply.

23 So, in Section 245.210, the permit
24 application requirements include submitting a

1 water source management plan if fresh water is
2 anticipated to be used. Then this management plan
3 shall include the source of ground or surface
4 water, number of months of use, methods to
5 minimize fresh water use, and methods used to
6 minimize adverse impact on aquatic life.

7 So, it's a good thing to require such a
8 plan. But, there's not a requirement for applying
9 to local authorities, water districts or
10 municipalities or counties or whoever might
11 oversee water to request the use of water. If a
12 fracking permit is granted, there is no process
13 for a local authority to even deny the use of
14 water to a fracking operator, regardless of
15 circumstances. If there's a drought, they have no
16 authority to say that the fracking should stop
17 because of the local water is scarce.

18 There's also no process for sharing a
19 prepared water plan with agencies that look at
20 water. So, Illinois EPA, the State Water Survey,
21 East Central Illinois Regional Water Supply Plant
22 Committee, there's no process for sharing the
23 plans with them to consider whether the plan is
24 adequate or credible or what should be expected in

1 case of a drought.

2 There is no regulation here that speaks
3 to the amount of water that must be used, or which
4 may be used, or to the impact of the water use on
5 aquatic life or on human uses or agriculture or
6 existing industrial uses.

7 We often think of ourselves as a water
8 rich state, but it's not necessarily true. Just
9 think back 12 months ago, we had a very severe
10 drought. Crops were being lost all over the
11 state. A lot of water systems were under stress.
12 This isn't the last drought we're going to have.
13 The US EPA estimates that an average frack takes
14 about four and a half millions gallons of water
15 and there might be multiple cycles of that per
16 site. I know some fracks will be using gases
17 instead of water, but a lot of them will probably
18 use water. It's a water intensive industry.

19 So, from an East Central Illinois
20 Regional Water Supply Planning Commission report,
21 there's more than a 50 percent chance that the
22 Springfield water system will prove unable to meet
23 projected demand with a drought, a drought of
24 record, and further that by 2020 the water systems

1 of Bloomington and of Decatur will be inadequate
2 to meet demand. So we're not that water rich.

3 So, recommendations that a governmental
4 unit that involves itself in local or regional
5 water issues must be empowered to review the water
6 source management plan and have the power to
7 accept or reject or to modify the plan.

8 In area counties or other areas that are
9 identified as being in drought, and if a fracking
10 operation that is drawing on ground resurface
11 water, we need to be able to say that fracking
12 operations will cease under those circumstances
13 until the drought has passed.

14 And further, that IDNR needs to develop
15 with some scientific basis specific standards for
16 water usage to protect existing human,
17 agricultural and industrial uses. And that
18 fracking operators' water management plans have to
19 depend on those standards, have to be in agreement
20 with those standards. So, thank you.

21 MR. WELCH: Ms. Prandi.

22 MS. PRANDI: My name is Julie Prandi,
23 P-R-A-N-D-I. And I want to yield my time to Jack
24 Porter.

1 MR. WELCH: If you're going to yield to
2 somebody, that's great, but have that person up
3 here so we don't have to wait and take time.

4 MR. PORTER: I'm Jack Porter from
5 Bloomington with IPA. Mr. Moderator, Section
6 1-120 of the statute requires operators to comply
7 with local laws, yet your proposed regulation does
8 nothing to implement that requirement except to
9 require consent from municipalities involved.
10 Illinois has many other local jurisdictions with
11 ordinances and regulations. Counties such as
12 McLean may have zoning ordinances requiring
13 operators to obtain a special use permit before
14 drilling. Townships may have weight limits for
15 vehicles on their roads. If you don't require
16 applicants to make sure their plans are in
17 compliance with local laws before they receive
18 permits, you're setting them and local communities
19 up for disaster. Endless conflicts, terrible
20 community relationships, and expensive litigation.
21 That may be good for lawyers, but bad for everyone
22 else.

23 You should have a rule requiring
24 applicants to meet with all local jurisdictions

1 involved, not just those where the vertical
2 drilling is proposed. But also all of those above
3 proposed horizontal drilling, and all of those
4 whose roads would be used by the operators to move
5 heavy machinery. Applicants should be required to
6 produce certifications from all relevant local
7 jurisdictions that they have fully disclosed their
8 plans and appear to be in compliance with local
9 law. This is before any permit would be issued.
10 I've already given a copy of my comments to your
11 staff upstairs when I signed in. Thank you.

12 MR. WELCH: Thank you. I'm going to call
13 four more names. Barbara, M-I-N-I-C-H.

14 A VOICE: I will pass.

15 MR. WELCH: Gary Minich, M-I-N-I-C-H.
16 And Sherry Crocarione, C-R-O-C-A-R-I-O-N-E. And
17 Cathy Eckhart, is it?

18 A VOICE: Eads? E-A-D-S?

19 MR. WELCH: Looks like Eckhart. And
20 finally, William Rau.

21 A VOICE: He already spoke.

22 MR. WELCH: Thank you. Mel Weinstein.

23 MS. LAMAR: I'm Melodie Lamar,
24 Springfield. I'm a member of Illinois People's

1 Action and also Fair Economy Illinois. My
2 comments tonight are on storage and flowback of
3 produced water. And I just want to preface this
4 by saying it's hard for me to call this fluid
5 water because there is absolutely no properties of
6 life-sustaining elements in this water aquifer,
7 but for the sake of this discussion I will
8 continue to do that.

9 Anyway, I'm doing the specifics to the
10 open pits versus the length of time in a lateral
11 open pits versus sealed storage containers.

12 Number one, I'll go through what IPA
13 feels is a solution. Number one, the fracking
14 waste is filled with all sorts of heavy metals and
15 carcinogens and radioactive materials. Any
16 sensible or safe resolution would prevent any
17 contact with humans, animals and/or the
18 environment.

19 Note that it's not enough that we're
20 losing so much of our water to the fracking
21 process to begin with. But, the EPA estimated
22 that in 2011 over 100, or up to 140 billion
23 gallons of water was used in one year of fracking,
24 just in this nation.

1 So, besides having to use it, now we
2 have to come up with a way to store this stuff.
3 And so the Illinois law as it stands says that
4 water can be, must be stored in these pits, only
5 in emergency situations. And that that be for
6 only seven days. And that's in the law Section
7 1.75-75. Contrary to that, the rules drafted by
8 IDNR, Subpart H, Section 245.830 and 245.850,
9 there's a huge loophole there because it allows
10 fracking companies to store this waste until seven
11 days after completion of fracking. Okay. The
12 law, emergency storage only. The rules,
13 completion of fracking, which can take a month,
14 months, to complete a frack pack at the site.

15 So, granted, this fracking process is
16 complicated. The law is complex. But it doesn't
17 have to be further complicated by removing and not
18 including common sense language in this law and in
19 these rules. There are simple amendments by way
20 of language that if injected into the law would
21 make it closer to being the kind of stringent
22 regulations that it has been touted to be.

23 So, it's sort of a play on words here.
24 A mandate would say, will be conducted.

1 Otherwise, it's reasonably expected to be
2 conducted. That type of play on words serves the
3 industry. It doesn't serve the safety and health
4 of people in Illinois.

5 Number four, waste water can easily leak
6 from these pits into the ground water and it can
7 contaminate the drinking water and generate toxic
8 fumes, which it has been proven to take place in
9 other states.

10 We have also talked about seismic
11 activity here tonight. I'm from Southern
12 California. When the valley earthquake hit, what
13 woke me up that morning was my neighbor's pool,
14 the water sloshing out of the pool. So I can only
15 imagine what might happen here with open pits of
16 this fluid if an earthquake hits. It could slosh
17 right out of the pit.

18 Our solution, we believe that the
19 drillers should be required before permits go
20 out --

21 MR. WELCH: 30 seconds.

22 MS. LAMAR: -- for the appropriate size
23 tanks needed for sufficient storage. And that the
24 produced water, that we clarify that the waste

1 water must be removed from the pit within seven
2 days. We need JCAR to tighten up this law.

3 In closing, Illinoisans, people here
4 from all the various groups, we have really
5 educated ourself on this topic. As citizens we
6 have done our job. We would like IDNR to do
7 theirs.

8 MR. WELCH: Thank you. Kyra Shair.

9 MS. SHAIR: I'm Kyra Shair, K-Y-R-A.
10 Last name, S-H-A-I-R. And I'm from Champaign.
11 And I'm a member of the Sierra Club. And I must
12 say that many people have already covered some of
13 the points I was going to make.

14 But, my focus is on the water, because I
15 think as we see climate change advancing, which we
16 are seeing all over the globe in different forms,
17 water is going to become an extremely scarce
18 resource. And so I wish there was some way that
19 in the fracking process, if it has to be done,
20 that they could arrange to reuse the water over
21 and over somehow, so that they're not taking fresh
22 water every time and polluting it so it's not even
23 safe to store underground.

24 Humans can survive without a lot of

1 things for a while. But water is not one of them.
2 Thank you.

3 MS. ECKERT: My name is Cathy Eckert
4 with Illinois People's Action. And I'd like to
5 cede my time to Paul Rosenberger here, a local
6 Decatur resident.

7 MR. ROSENBERGER: Good evening. Thank
8 you. I am Paul Rosenberger. You have heard from
9 my wife earlier. I have lived in Decatur,
10 Illinois since 1955.

11 I'm a graduate agricultural engineer and
12 a retired design engineer from Caterpillar.

13 I was raised on a 200 acre farm in
14 Northwest Iowa that was first owned by my
15 grandfather in 1890. My brother and I sold the
16 farm 100 years later. But if we still owned that
17 farm, we definitely would not want a fracking
18 operation on it because of the potential for
19 destruction of some of the highly productive three
20 foot deep black soil that was there that is very
21 similar to the Central Illinois high quality soil.

22 I'm also a representative of First
23 Presbyterian Church in Decatur, a member of
24 Illinois People's Action, IPA, and from Fair

1 Economy Illinois.

2 As a lifetime Presbyterian, I have
3 learned that our church leaders try to make
4 decisions in a decent and orderly fashion. In
5 that way, I would try to comment on what seems to
6 me to be an unfair and ambiguous public hearing
7 process.

8 First, the verbiage in Section 245.230e
9 of the proposed Illinois Department of Natural
10 Resources, we've all heard it's IDNR, rules create
11 a loophole whereby the 60 day review period for
12 permit applications starts the clock ticking even
13 before the application is deemed complete and
14 accurate by the IDNR.

15 I believe this invites fracking
16 companies to deliberately submit incomplete permit
17 applications as a way of avoiding public oversight
18 and comment. IDNR therefore needs to insure that
19 the 60 day review period begins only after IDNR
20 deems the permit applications are complete.

21 Second, in Section 245.270 in the rules,
22 they undercut the robust public participation that
23 was required by the statute, passed by the
24 legislature as follows. And here I will not be

1 able to read the points that I have made. I'm
2 going to highlight some of them because this
3 particular area here really applies to the process
4 of how the hearings are going to be held.

5 For example, one of the rules says that
6 it should be, is allowed to be held out of the
7 county in which the fracking is being applied for.
8 My theory is that if you make it easy for them to
9 put some distance away from that home county, I
10 believe that you would not make it very accessible
11 to many persons in the public.

12 MR. WELCH: 15 seconds.

13 MR. ROSENBERGER: So, what I'm really
14 saying is we must make the hearing process very
15 accessible. Now, one other point that I'd like to
16 make is that we need to make sure that the persons
17 that are conducting the hearing have an
18 opportunity to maybe be cross examined. And I
19 think that that's another process that we need to
20 have.

21 I'd like to conclude with this point.
22 For some reason, the proposed rules give IDNR no
23 more than 60 days to make a decision. What
24 happens if an issue is so serious that IDNR may

1 need more than 60 days?

2 MR. WELCH: Okay. Sir, you're taking
3 other people's time. Thank you. Sherry is the
4 first name.

5 MS. PROCARIONE: Thank you for giving me
6 the opportunity to speak. My name is Sherry
7 Procarione, P-R-O-C-A-R-I-O-N-E. I'm here as a
8 tax payer, and I'm also planning to run as a
9 write-in candidate for United States Senate. And
10 let me just say that I'm for fracking as many
11 places as possible and as often as possible. I
12 just want to say there's so much misinformation
13 here tonight it's incredible. And building up
14 straw men and tearing them down, and there's very
15 little fact involved. In fact, I could defer to
16 my 13 year old son here, who leaned over a while
17 ago and said that what he was hearing wasn't
18 making any sense.

19 First of all, we have been fracking here
20 in this area for about seven years without any
21 major incident. We don't do horizontal fracking.

22 (Interruption.)

23 MR. WELCH: Hold on a minute. Everybody
24 who has gotten up here and talked against fracking

1 has been given the opportunity to talk without
2 anybody interrupting or yelling at them. Now I
3 think someone with an opposing view is entitled to
4 the same courtesy. Okay. Go ahead.

5 MS. PROCARIONE: So we don't do
6 horizontal fracking here. As I said, fracking has
7 been going on in this area for 70 years already
8 without any major incidents that I'm aware of.
9 And I'm just going to try to keep this real
10 simple. Basically what we need to remember is we
11 don't need to fix what isn't broken. And I will
12 just say that there's no empirical or anecdotal
13 evidence at this point in time for any more rules.
14 Some of these folks that are involved in
15 contracting for fracking are just farmers that
16 have been on their farms for generations. Not
17 some evil company out there making millions and
18 millions of dollars. They just want revenue. And
19 here in Macon County we have the highest
20 unemployment rate in the State of Illinois. I
21 think it sounds really reasonable to me for some
22 folks if they want to make a private contract to
23 do so.

24 Basically it just boils down to a

1 fundamental right to property and the opportunity
2 to contract privately; you have two private
3 parties who contract together.

4 I don't know what more you can say to
5 that, other than some individual just happened to
6 bring up the Bible, and that you shall not steal.
7 I will just mention that. And a person should be
8 able to do on their property what they want. So,
9 let's just not let our emotions get away. Let's
10 just deal with science and the facts and let
11 freedom ring. Thank you, very much.

12 MR. WELCH: Okay. Mr. Minich. And Mr.
13 Weinstein, if you come on up here. We will call
14 four more names. Mark Adams. Mark Adams. Last
15 chance. Diana Bafford, B-A-F-F-O-R-D. Cliff
16 Clark, it looks like?

17 A VOICE: I'll pass.

18 MR. WELCH: Reverend Michael Brown.
19 James M-O-L-D something.

20 A VOICE: Moldovan?

21 MR. WELCH: And lastly, Kaelie -- starts
22 with an E. K-A-E-L-I-E from Decatur. Cathy
23 maybe?

24 MR. MINICH: My name is Gary Minich,

1 M-I-N-I-C-H. I'm from Decatur, Illinois. I'm a
2 member of the Macon County board. I will be very
3 brief. I want to compliment the rule writers for
4 including municipal governments at the city
5 building or town level in the permitting process.
6 But it seems to be a tremendous oversight that we
7 have county boards for unincorporated areas, and
8 almost every other aspect of business and
9 permitting in Illinois state law in an
10 unincorporated area the county board is the
11 municipal government and has the final authority.
12 Except obviously in the rules that you have
13 written in rule 245-210. Thank you.

14 MR. WEINSTEIN: My name is Mel
15 Weinstein, M-E-L, W-E-I-N-S-T-E-I-N. And I'm from
16 Decatur. I appreciate the opportunity to speak
17 here.

18 I have been a resident of Illinois for
19 33 years. I worked for 10 years as a chemistry
20 instructor in a local community college, and over
21 20 years as an analytical chemist in a major agri
22 chemical company in Decatur. Given my
23 professional background, I know something about
24 industrial chemicals. Particularly the health

1 hazards and safe handling of them.

2 I specifically want to address those
3 sections of the fracking rules that concern the
4 chemicals used by the fracking industry.

5 Section 245.720 states, in my own
6 translation, that companies can submit chemical
7 disclosure information under a claim of trade
8 secret. And redact or mark out parts of the
9 master list of chemicals used in the fracking
10 process.

11 In the IDNR's own words, quote, "the
12 department shall use redacted copies when posting
13 the master list of chemicals on its websites."
14 End quote.

15 This is a direct violation of the
16 public's right to know what hazardous chemicals
17 are being utilized at the fracking site that may
18 pose human health concerns or environmental
19 damage. Why does this matter? Why care about it?

20 In April of 2011, the US House of
21 Representative's committee on energy and commerce,
22 minority staff, published a report entitled,
23 "Chemicals Used in Hydraulic Fracturing". That
24 committee investigated 14 oil, gas and service

1 companies involved in fracking operations between
2 2005 to 2009. Here is what they found.

3 The companies used more than 2,500
4 hydraulic fracturing products containing 750
5 chemicals and other components. Some of the
6 chemicals were extremely toxic, such as benzene
7 and lead. The oil and gas companies used
8 hydraulic fracturing products containing 29
9 chemicals that are one, known or possible human
10 carcinogens; two, regulated under the Safe
11 Drinking Water Act for their risks to human
12 health; or three, listed as hazardous air
13 pollutants under the Clean Air Act. These 29
14 chemicals were components of more than 650
15 different products", end quote. These chemicals
16 included, for example, benzene, toluene, xylene
17 and ethylbenzene, all chemicals with nasty track
18 records for human health. Quoting from the
19 report, "the hydraulic fracturing companies
20 injected 11.4 million gallons of products", and I
21 don't think that products is water--I think that's
22 just products-- "containing at least one of these
23 chemicals over the five-year period", end quote.
24 "The companies used 279 products that contained a

1 chemical or component that the manufacturers
2 deemed proprietary or trade secret. Although some
3 oil and gas service companies provided information
4 about these chemicals upon request, most of them
5 did not because the information was not made
6 available by the chemical manufacturers."

7 I will stop there and give the rest of
8 the information.

9 MR. WELCH: Thank you, Mr. Weinstein.
10 Reverend Brown. Let me read this note. I have a
11 note here which says would you please announce at
12 8:30 that the IPA buses from Peoria, Bloomington
13 and Springfield need to leave now it says. That's
14 from Don Carlson.

15 REVEREND BROWN: Good evening, everyone,
16 and thank you for listening. My name is Michael
17 Brown, B-R-O-W-N. I'm pastor of the Universalist
18 Unitarian Church of Peoria, and I'm here tonight
19 representing Illinois People's Action and Fair
20 Economy Illinois.

21 I want to add my concern this evening to
22 what I perceive is a lack of meaningful penalties
23 in the proposed rules in the situation where rules
24 are not complied with.

1 For example, while the original
2 regulatory bill requires that construction and
3 testing of fracking wells meet standards set by
4 the American Petroleum Institute, the rules don't
5 create any real teeth or incentive for companies
6 to meet those standards. The way they're stated
7 now they only say that IDNR may suspend or revoke
8 permits or issue penalties in the event these
9 standards are not met.

10 So I wish to suggest to you tonight that
11 the violation of these kinds of standards can
12 produce serious effects as we saw happen in the
13 Gulf with British Petroleum. So there must be a
14 stronger word than "may suspend". And I strongly
15 urge that it be not "may", but it "must" or "will"
16 suspend or revoke permits.

17 I also want to comment on the weak fines
18 for administrative and operating violations. When
19 I first moved to Peoria from Chicago 22 years ago,
20 the first time I was in the downtown Peoria area,
21 I happened to park illegally. And when I got to
22 the car and saw the ticket, I said oh, my God,
23 I've got a parking ticket; when I looked at the
24 ticket, it was for three dollars. And I said to

1 myself, I'm going to park here every day.

2 And so it seems to me that when an oil
3 company is making 20 billion or 30 billion dollars
4 a year, we have to think in all seriousness about
5 what is a meaningful fine to a company like that?
6 It certainly isn't \$50.00. It isn't even \$2,500.
7 It probably isn't \$10,000. Or maybe even \$50,000.
8 Those are like flies that you just brush away.
9 They just would not consider that to even be a
10 fine. And in an accounting sense, it would be
11 called immaterial.

12 So I urge this group to consider
13 carefully what it means to place a penalty on a
14 company that makes 20 or 30 billion dollars a
15 year. There is no more sacred duty for the state
16 government than the safety of our citizens. I
17 urge that these rules be amended to include
18 realistic, serious penalties to try to keep the
19 people of Illinois safe. Thank you.

20 MR. MOOL: For those of you who have to
21 leave, go ahead. We've got three more people to
22 hear from. On behalf of the IDNR, we would like
23 to thank everyone from the IPA who did make the
24 long trip tonight. We are sorry you won't be here

1 for the wrap up. We do appreciate you all making
2 the long trip.

3 MR. WELCH: Next is James Moldovan.

4 MR. MOLDOVAN: My name is Jaymes
5 Moldovan, J-A-Y-M-E-S, M-O-L-D-O-V-A-N. I'd like
6 to make a short comment, and I'm a chemistry
7 student at Illinois State University.

8 I'd like to make a small comment on the
9 chemistry involved in the fracking. The volatile
10 organic compounds that are currently being used in
11 fracking, that are currently being harvested in
12 fracking, have a potential to be extremely
13 dangerous from the -- I'm sorry -- they can cause
14 many and various problems in human bodies,
15 including cancer. They are not something that
16 should be taken lightly. And quite honestly, when
17 I looked over just what was in this packet that
18 was handed out, I was quite frankly distraught and
19 horrified at the potential risks that we are
20 taking. To be quite frank, we are able to
21 calculate many of the costs that it will take to
22 keep things safe. We are going to be able to
23 calculate some of the losses that are going to
24 affect the county. We are going to be able to

1 calculate the costs to the industry. We are not
2 ever going to be able to accurately calculate the
3 amount of damage that we could potentially cause
4 if we do not handle this in a safe and responsible
5 manner. Thank you.

6 MS. BAFFORD: My name is Diana Bafford,
7 B-A-F-F-O-R-D. I am just a concerned citizen. I
8 believe that all chemicals used in fracking should
9 be listed and posted with medical authorities and
10 police departments and everything wherever they're
11 being used. I believe that the companies doing
12 the fracking should have to post huge fines,
13 billions of dollars in case of damages from health
14 and from earthquakes, because they are having
15 earthquakes in places that have never had
16 earthquakes before. We should have the right to
17 have our property protected. And all chemicals
18 that are being used should be listed, but some of
19 them should be banned.

20 Many of the chemicals that are being
21 used in the industry now have contributed to the
22 increase in asthma and cancer and everything
23 that's going around. And I don't know how we can
24 afford to use the water. Decatur was under water

1 restrictions last year. We were very close to it
2 this year. We couldn't water our gardens. We
3 couldn't water lawns. We couldn't wash cars. The
4 car washes in town closed. We have to have water
5 to live. And it needs to be safe. And I don't
6 know how you can protect it if they're pumping
7 chemicals into it.

8 MR. WELCH: Thank you, ma'am. All right.
9 Our last speaker then will be Kathi Eads.

10 MS. EADS: My name is Kathi Eads. I'm
11 from Illinois People's Action and Fair Economy
12 Illinois. I also represent the First Presbyterian
13 Church here in Decatur. My subject is about
14 county control.

15 Section 245.210 does state that the
16 fracking permits must include documentation
17 showing certifying consent be provided by the
18 local municipal authorities affiliated with the
19 particular city, village or incorporated town
20 where the well site is going to be located.

21 It states that if this consent is not
22 made available, is not obtained, then the permit
23 will not be granted.

24 The purpose of this legislation is to

1 make sure that local county -- local governments
2 are given decision making control as to whether or
3 not fracking should be -- should occur in their
4 community.

5 We need to talk a little bit about the
6 geography of fracking in the State of Illinois.

7 Little or no fracking it appears would
8 occur in cities like Decatur, Carbondale, Marion
9 or other metropolitan areas. Rather, fracking is
10 going to be occurring in the rural areas where the
11 county government is the local authority.

12 The question that is being raised at
13 this time, that I'm raising, is if this consent,
14 if it is so important for metropolitan communities
15 to provide consent for fracking, why has this not
16 been asked of the county government? County
17 government and municipal government are singular
18 in the powers that they have. They both levy
19 taxes, provide law enforcement, create social
20 services and other infrastructure. Yet, there is
21 no reference in the rules as to why, as to a
22 consent being given, being needed from the
23 counties. There is no explanation then as to
24 whether people living in the counties have the

1 right to participate in and ultimately determine
2 the type and quality of any energy extraction in
3 that area. Without consent being required from
4 the county for a permit to be given, it appears
5 that the personnel in the Illinois Department of
6 Natural Resources is creating a second class
7 citizen in the county with citizens in the county.

8 We're just recommending that it be made
9 more clear in the rules that the county has
10 control of decision making for fracking in their
11 area.

12 MR. WELCH: Thank you, ma'am. If you
13 want to leave your comments in the box.

14 A VOICE: I have a question. If we're
15 stopping now, how many of you still didn't get to
16 make a comment but wanted to? Because some of us
17 didn't get to make comments, and they are on
18 topics you haven't heard about yet tonight.

19 MR. WELCH: Ma'am, at the start of this I
20 said we're going to draw the names at random for
21 two hours. There is a box up here; if you have
22 written statements, you can put them in the box.
23 If you want to, like I said at the start, you can
24 go to the website, and that's the end of my

1 reading. If you want to wait around, these
2 gentlemen are going to give a short summary of
3 what we've heard here today. Thank you all for
4 coming. Be careful driving home.

5 (Break taken.)

6 MR. COHEN: My name is Mitchell Cohen
7 with the Illinois Department of Natural Resources.
8 Based on the comments tonight, here is what the
9 panel from the IDNR heard related to the proposed
10 administrative rules, or sort of the top five or
11 so.

12 Number one was, we heard comments
13 tonight related to county government participation
14 in the permitting process.

15 Number two, enforcement of fines,
16 especially were too small.

17 Number three, a lot of concern related
18 to the chemical disclosure trade secrets.

19 And number four was sort of a mixture of
20 quite a few issues, but we see them as all
21 related, and that has to do with flowback,
22 produced water, radioactivity, VOC and testing.
23 And we sort of see that all as a big issue and all
24 sort of interrelated.

1 So we would like to thank everyone who
2 is still here and who was here and those who had
3 to leave. We do appreciate all the comments, and
4 we want to remind everybody that you still have
5 time to submit written comments related to the ad
6 rules until January 3rd, and we will consider all
7 the comments, and we do appreciate them.

8 (Proceedings adjourned at 8:48 PM.)

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1 STATE OF ILLINOIS)
) SS
2 COUNTY OF CHAMPAIGN)

3 I, DEANN K. PARKINSON, a Notary Public
4 in and for the County of Champaign State of
5 Illinois, do hereby certify that the foregoing was
6 taken on December 17, 2013.

7 That said hearing was taken down in
8 stenographic notes and afterwards reduced to
9 typewriting under my instruction and said
10 transcription is a true record.

11 I do hereby certify that I am a
12 disinterested person in this cause of action; that
13 I am not a relative of any party or any attorney
14 of record in this cause, or an attorney for any
15 party herein, or otherwise interested in the event
16 of this action.

17 In witness whereof, I have hereunto set
18 my hand and affixed my notarial seal December
19 30th, 2013.

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DEANN K. PARKINSON, CSR
NOTARY PUBLIC