



From the Offices of

## Public Herald

Nonprofit Investigative News

Paramount Film Exchange Bldg.

544 Miltenberger St.

Pittsburgh, PA 15219

Tel. 419-202-8503

Email: [joshua@publicherald.org](mailto:joshua@publicherald.org)

Email: [melissa@publicherald.org](mailto:melissa@publicherald.org)

Website: [www.publicherald.org](http://www.publicherald.org)

**Dear Governor Wolf,**

Public Herald has made several requests for an interview with you to your Press Office and Campaign Staff without reply.

Our investigative news nonprofit is dedicated to journalism in the public interest. We wish to conduct an interview with you regarding our investigations of fracking impacts in Pennsylvania and the current issues faced by citizens of the Commonwealth. One citizen, Dorene Dougherty, has also reached out to you specifically but did not receive a reply either. This package is for the purposes outlined below:

1. Public Herald requests your comments regarding the case of Dorene Dougherty, a disabled woman who has exhausted the avenues available to a citizen of the Commonwealth to appeal an industrial permit that allows for construction and operation of an unconventional shale gas site. According to Dougherty's doctor, fracking would exacerbate Dougherty's illness (toxic encephalopathy) and even result in her death.
2. Again, Public Herald requests a time to meet with you for an on-camera interview regarding the impacts from fracking in Pennsylvania and when citizens can expect full protection from those impacts under your leadership.

Enclosed you'll find the original packet of information sent to you via certified mail May 6, 2014 by Dorene Dougherty.

I look forward to your reply,

Sincerely,

Melissa Troutman  
Executive Director

Public Herald

[melissa@publicherald.org](mailto:melissa@publicherald.org)

724-388-0464

Dorlene Dougherty  
[REDACTED]  
Turkhamock, PA 18657

Tom Wolf  
102 N. George St.  
York, PA 17401

May 6, 2014

Dear Tom,

This packet is a collection of information that depicts my plight as a life long PA resident.

My desperate plea is to be allowed to exercise my right to choose life.

I look forward to your response.

Thank you.

Sincerely,  
Dorlene Dougherty

7013 2630 0000 1399 5962

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 Street, Apt. No., or PO Box No. *431 Walnut Lane*  
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 City, State, ZIP+4 *York, PA 17401*

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 Street, Apt. No., or PO Box No. *508 E. Floor Main Cap. Bldg.*  
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Sent To *Ken Rowchuck*  
 Street, Apt. No., or PO Box No. *c/o P.O. Box 260*  
 City, State, ZIP+4 *Cretchenheim, PA 19012*

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Sent To *Katie McGinley*  
 Street, Apt. No., or PO Box No. *P.O. Box 58939*  
 City, State, ZIP+4 *Philadelphia, PA 19102*

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7013 2630 0000 0322 ET02 5279 666T 0000 0322 ET02

Sent To *Alleison Y Schwartz 3*

Street, Apt. No.,  
 or PO Box No. *P.O. Box 205*

City, State, ZIP+4 *Philadelphia, PA 19105*

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Corporate Office  
2350 N Sam Houston Pkwy E  
Suite 125  
Houston, Texas 77032  
www.swn.com

7/3/2013

DAVIS, PAULINE H, C/O DOREEN DOUGHTERY

[REDACTED]  
TUNKHANNOCK, PA 18657  
060.0-010-00-00

Re REQUEST TO CONDUCT A PRE DRILLING WATER SUPPLY SURVEY

Southwestern Energy Production Company ("SEPCO") intends to drill a gas well in the vicinity of your business and/or water supply in the near future. Under Pennsylvania Act 13 requirements, SEPCO is required to identify any water supplies within a 3000 ft. boundary of their intended well locations. These water supplies are to be included on well permit applications and surface owners of identified water supplies will be given notification by SEPCO.

SEPCO is requesting that you participate in the water survey being done in your area. If you choose to participate in the predrilling water supply survey, be advised that such survey would consist of locating and obtaining coordinates of your water supply or supplies and documentation of any available water quality or well construction and depth data.

A representative of SEPCO will follow up with you in the next 60 days. If you have any questions pertaining to this survey in the meantime, please contact SEPCO at the number below.

SEPCO/Field Office  
917 State Route 92 North  
Tunkhannock, PA 18657  
570-996-4200

Thank you, we appreciate your assistance.

Sincerely yours,

Kimberly Galella  
Senior Regulatory Technician  
Southwestern Energy Production Company

VIA US MAIL CERTIFIED RETURN RECEIPT REQUESTED

September 3, 2013

PAULINE H DAVIS  
C/O DOREEN DOUGHTERY  
[REDACTED]  
TUNKHANNOCK, PA 18657

SUBJECT: Permits to Drill Dziuba Benjamin 2H  
EATON TOWNSHIP  
WYOMING COUNTY, PENNSYLVANIA

Dear Sir or Madam,

The intent of this mailing is meant only as a notification, no action is required by you. As of April 1, 2012, all operators are required by the PA DEP to notify any water well purveyor within 3000' of a proposed drill site and all Municipalities adjacent to the well prior to submitting any applications to drill or alter a well.

For this reason enclosed please find the following documents regarding the above referenced well(s).

- Permit Application for Drilling (DEP Form 5500-PM\_OG0001)
- Well Location Plat (DEP Form 5500-PM-OG0002)
- Landowner Notification of Well Drilling (DEP Form 5500-FM-OG0052)

Feel free to contact me at 281/618-6153 or [barbara.critchlow@swn.com](mailto:barbara.critchlow@swn.com) with any questions or concerns you may have.

Regards,

*Barbara Critchlow*

Barbara Critchlow  
Staff Regulatory Analyst

Encl

$\frac{R^2}{A} \rightarrow V^+$



**PERMIT APPLICATION TO DRILL AND OPERATE AN UNCONVENTIONAL WELL**

		<b>DEP USE ONLY</b>	
Notes	OGO #	Objection Date - Do not issue before:	
	Client Id	Date Approved:	
	Bond #	API #s37- _____ and _____	
	C:                      G:	Watershed Name: Designation: <input type="checkbox"/> HQ <input type="checkbox"/> EV	
	INV:	Special Cond.	
APS #	Auth Id	Site Id	PF Id                      SF Id

Please read instructions before you begin filling in this form.

<b>WELL INFORMATION</b>							
Well Operator Southwestern Energy Production Company		DEP ID# 260287	Well API # (if available) 37-	Well Farm Name Dziuba Benjamin	Well # 2H		
Address 2350 N. Sam Houston Pkwy East, Ste 125		LAT 41° 32' 42.14"	LONG 75° 59' 54.56"	NAD 83	Project Number	Serial #	
City Houston	State TX	Zip 77032	Municipality Name/ City, Borough, Township Eaton		County Wyoming		
Phone 281/618-6153	Fax	Email Barbara.critchlow@swn.com		USGS 7.5 min. quadrangle map Tunkhannock	Section 4		

<input type="checkbox"/> Check if this is a new address	24/7 Emergency Phone contact number (800)-541-2050	911 address of well site (if available) 460 Stony Mountain Rd., Tunkhannock, PA
---	---	--

Freshwater Impoundment Name/ Identification Tunkhannock Creek	Centralized Impoundment Name/ Identification Valentine	Well Pad (cluster) Name/Identification Harding Edward-WYOMING-2-PAD1	Borrow Area Name/Identification Commercial
---	--	---	---

Surface Elev 947'	Deepest Formation to be penetrated: Onondaga	Anticipated TVD 8146'	<b>PERMIT TYPE</b> Check applicable. Application is to: <input checked="" type="checkbox"/> Drill a new well <input type="checkbox"/> Re-permit expired permit <input type="checkbox"/> Deepen well <input type="checkbox"/> Redrill wellbore <input type="checkbox"/> Alter well <input type="checkbox"/> Other (specify)	<b>TYPE OF WELL</b> Check applicable. <input checked="" type="checkbox"/> Gas <input type="checkbox"/> Oil <input type="checkbox"/> Comb. (gas & oil/condensate) <input type="checkbox"/> Other (specify)	<b>APPLICATION FEE</b> Check applicable. <input checked="" type="checkbox"/> Marcellus I <input checked="" type="checkbox"/> Unconventional  Total Application Fee <b>\$ 3650.00</b>
Target Formation(s) proposed for production Marcellus		Anticipated Target Top/Bottom TVD 8025'-8175'			
Number of wellbore laterals proposed under this application <u>1</u> . Total feet of wellbore to be drilled under this application <u>13875</u> Ft.					
If applying for a permit to rework an existing well not registered or permitted, check this box <input type="checkbox"/> and enter date drilled, if known: _____ (see instructions)					
PNDI Attached: <input checked="" type="checkbox"/> Any threatened or endangered "hit" must include a copy of the clearance letter from the applicable agency(ies).			Configuration <input checked="" type="checkbox"/> Vertical <input checked="" type="checkbox"/> Horizontal <input type="checkbox"/> Deviated <input type="checkbox"/> Multiple laterals	Bond Agreement Id 08977745	
Application submitted as: Coal well: <input type="checkbox"/> Attach Coal Module CBM well <input type="checkbox"/> Attach Coal Module Non coal well <input checked="" type="checkbox"/> Attach justification.					

<b>COORDINATION WITH REGULATIONS AND OTHER PERMITS</b>		Yes	No
1. Will the well be subject to the Oil and Gas Conservation Law? If "No," go to 2).		<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. If "Yes" to #1, is the well at least 330 feet from outside lease or unit boundary?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the location fall within an area covered by a spacing order?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. If the well will be multilateral, identify the wellbores on the sketch on page 3 of the plat that will be completed as conservation and non-conservation.			
2. Will either the edge of the disturbed area of any portion of the well site of the unconventional well be within 100 feet, or the vertical well bore be within 300 feet, from the edge of any solid blue lined stream, spring or body of water identified on the most current 7 1/2' topographic quadrangle map or wetland greater than one acre in size or in a wetland?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
If yes, is a waiver request (form 5500-FM-OG0057) and site-specific E&S control plan attached?		<input type="checkbox"/>	<input type="checkbox"/>

3.	Will the vertical wellbore penetrate or be within 3,000 feet of an active gas storage reservoir boundary?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a.	If Yes, print the names of: Storage Field: Operator:		
4.	Is the proposed well location within the permitted area of a landfill?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.	Will the vertical wellbore of the unconventional well be drilled within 500 feet from any existing building or an existing water supply?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a.	If "Yes," is written consent from the owner attached?	<input type="checkbox"/>	<input type="checkbox"/>
b.	If written consent is not attached, is a variance request (form 8000-FM-OOGM0058) attached?	<input type="checkbox"/>	<input type="checkbox"/>
5.1.	Will the vertical wellbore of the unconventional well be drilled within 1,000 feet from any existing water well, surface water intake, reservoir or other water supply extraction point used by a water purveyor?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a.	If "Yes," is written consent from the owner attached?	<input type="checkbox"/>	<input type="checkbox"/>
b.	If written consent is not attached, is a variance request (form 8000-FM-OOGM0058) attached?	<input type="checkbox"/>	<input type="checkbox"/>
6.	Will the well be located where it may impact a public resource as outlined in the "Coordination of a Well Location with Public Resources" form 5500-PM-OG0076? If yes, attach a completed copy of the form and clearance letters from applicable agencies.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7.	Will any portion of the well site be in a Special Protection High Quality <input type="checkbox"/> (HQ) or Exceptional Value <input type="checkbox"/> (EV) watershed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Provide name of special protection watershed _____.		
8.	Is this well part of a development which requires an Earth Disturbance Permit for Oil and Gas Activities disturbing more than 5 acres? If yes, list the number of the ESCGP approval if the permit has been issued.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9.	Is waste, including drill cuttings, from the drilling of this well to be disposed of on this well site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10.	Will the well or well site be located within a defined 100 year floodplain or where the floodplain is undefined, within 100 feet of the top of the bank of a perennial stream or within 50 feet of the top of the bank of an intermittent stream.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a.	If yes, is a waiver request attached that will protect the Waters of the Commonwealth?	<input type="checkbox"/>	<input type="checkbox"/>
11.	Is the well to be located within a H <sub>2</sub> S area pursuant to §78.77a?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12.	Attach a current Ownership & Control form 8000-FM-OOGM0118		

<b>Signature of Applicant</b>	The person signing this form attests that they have the authority to submit this application on behalf of the applicant, and that the information, including all related submissions, is true and accurate to the best of their knowledge.		
Signature of Person Authorized to Submit Application	(Print or Type)	Name of Signer: John Nicholas Title: Operations Management General Manager	Date: 09/04/13
Application Preparer/Contact: Barbara Critchlow, Sr. Staff Regulatory Analyst		Phone: 281/618-6153	

Dziuba Benjamin 2H





## NOTIFICATION OF SURFACE LANDOWNER/WATER PURVEYOR OF WELL DRILLING OPERATION OR ALTERATION WATER SUPPLY PROTECTION

Section 3218 of 58 Pa.C.S. §§ 3201-3274 (relating to Development) ("2012 Oil and Gas Act") provides certain protections to public or private water supplies. This notice is to provide you with a summary of your rights under Section 3218.

1. The Act states that an oil or gas well operator who pollutes or diminishes a public or private water supply shall restore or replace the water supply with an alternate source of water adequate in quantity or quality for the purposes served by the supply.

DEP has a statewide toll-free phone number for reporting cases of water contamination which may be associated with development of oil and gas resources. Call 1-866-255-5158.

2. Any landowner or water purveyor whose water supply is polluted or diminished as a result of the drilling, alteration or operation of an oil or gas well may submit notice and request that the Department of Environmental Protection conduct an investigation. Within 45 days of the request, the Department will make a determination. If the Department finds that pollution or diminution was caused by the drilling, alteration or operation activities or if it presumes the well operator responsible for pollution, then it will issue such orders as are necessary to assure restoration or replacement of the water supply.

The following information is to be provided when filing notice and requesting an investigation:

- a) The name, address, and telephone number of the surface landowner or water purveyor requesting the investigation;
  - b) The type, location and use of the water supply;
  - c) Any available background quality and quantity data regarding the water supply;
  - d) Well depth, pump setting and water level, if known; and
  - e) Description of the pollution or diminution.
3. The Act establishes a legal presumption that a well operator is responsible for the pollution of a water supply if:
    - a – Conventional well
      - i. the water supply is within 1,000 feet of an oil or gas well; and
      - ii. the pollution occurred within six months after completion of drilling or alteration of the oil or gas well;
    - b – Unconventional well:
      - i. the water supply is within 2,500 feet of the unconventional vertical well bore; and
      - ii. the pollution occurred within 12 months of the later of completion, drilling, stimulation or alteration of the unconventional well.

If the affected water supply is within the rebuttable presumption area and the rebuttable presumption applies, the operator shall provide a temporary water supply if the water user is without a readily available alternative source of water. The temporary water supply provided under this subsection shall be adequate in quantity and quality for the purposes served by the supply.

4. The well operator may rebut or disprove this presumption by proving one of the following five defenses:
  - a – Conventional well
    - i. The pollution existed prior to the drilling or alteration activity as determined by a pre-drilling or pre-alteration survey.
    - ii. The landowner or water purveyor refused to allow the operator access to conduct a pre-drilling or pre-alteration survey.
    - iii. The water supply is not within 1,000 feet of the well.
    - iv. The pollution occurred more than 6 months after completion of drilling or alteration activities.
    - v. The pollution occurred as a result of some cause other than the drilling or alteration activity.
  - b – Unconventional well:
    - i. the pollution existed prior to the drilling, stimulation or alteration activity as determined by a predrilling or prealteration survey;
    - ii. the landowner or water purveyor refused to allow the operator access to conduct a predrilling or prealteration survey;
    - iii. the water supply is not within 2,500 feet of the unconventional vertical well bore;
    - iv. the pollution occurred more than 12 months after completion of drilling or alteration activities; or
    - v. the pollution occurred as the result of a cause other than the drilling or alteration activity.

NOTICE: To landowner or water purveyor.

The presumption may be void if the landowner or water purveyor refused to allow the operator of an unconventional well access by the operator (or their agent) to conduct a predrilling or prealteration survey.

Well operators electing to preserve their defenses under 4 a or b,(i) or (ii) above must retain the services of an independent certified laboratory to conduct the pre-drilling or pre-alteration survey of water supplies. The results of the survey must be provided within 10 business days of receipt of the results by providing a copy to the Department and the landowner or water purveyor. Test results not received by the Department within 10 business days may not be used to preserve the operators defense under 3218(d). If the applicant for a well permit does not conduct a pre-drilling or pre-alteration survey, you may wish to have such a survey done in order to support any future claims you may have that your water supply has been diminished or polluted.

**OBJECTION TO WELL PERMIT APPLICATION**

When a well is located on a tract whose surface is owned by a person other than the well operator, the surface landowner has the right to file objections with the Department pursuant to Section 3212 on the following basis:

- a) The information on the application is untrue in any material respect,
- b) The well is within 200 feet or, in the case of an unconventional gas well, 500 feet measured horizontally from the vertical well bore from any existing building or existing water well existing when the copy of the plat is mailed and the owner thereof has not given his written consent and the operator has not been granted a variance. Unconventional gas wells may not be drilled within 1,000 feet measured horizontally from the vertical well bore to any existing water well, surface water-intake, reservoir or other water supply extraction point used by a water purveyor without the written consent of the water purveyor and the owner thereof has not given his written consent and the operator has not been granted a variance.
- c) The well site is within 100 feet or, in the case of an unconventional well, 300 feet from the vertical well bore or 100 feet from the edge of the well site, whichever is greater, measured horizontally from any solid blue lined stream, spring or body of water as identified on the most current 7½ minute topographic quadrangle map and the operator does not have a waiver. The edge of the disturbed area associated with any unconventional well site must maintain a 100-foot setback. No unconventional well may be drilled within 300 feet of any wetlands greater than one acre in size, and the edge of the disturbed area of any well site must maintain a 100-foot setback from the boundary of the wetlands, and the operator does not have a waiver, or
- d) No well site may be prepared or well drilled within any floodplain if the well site will have:
  - (i) a pit or impoundment containing drilling cuttings, flowback water, produced water or hazardous materials, chemicals or wastes within the floodplain; or
  - (ii) a tank containing hazardous materials, chemicals, condensate, wastes, flowback or produced water within the floodway. and the operator does not have a waiver. or
- e) The well location violates Section 3215 of the Act.

Any objections and request for a conference must be filed within 15 days of receipt of the plat by the surface landowner and contain the following information:

- a) The name, address and telephone number of the person submitting the objection;
- b) The name of the well operator, and the farm name and number of the proposed well; and
- c) A statement of the basis for the objection and a request for a conference if a conference is being requested.

*DEP Regional Offices  
to contact:*

*Dept. of Environmental Protection  
NW Regional Office – Oil & Gas Mgmt  
230 Chestnut Street  
Meadville, PA 16335-3481  
Phone: 814-332-6860 Fax: 814-332-6121*

*Dept. of Environmental Protection  
SW Regional Office – Oil & Gas Mgmt  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745  
Phone: 412-442-4024 Fax: 412-442-4328*



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF OIL AND GAS MANAGEMENT  
**WELL LOCATION PLAT**

Page 1 Surface Location

DEP	Auth ID #	G:
USE	Permit #	C:
ONLY	Project #	C:

	Denotes location of well on topo map.
	Denotes surface location of well on plat
NAD 83 True Latitude: NORTH 41° 32' 42.14"	
True Longitude: WEST 75° 59' 54.56"	
NAD 83 True Latitude: NORTH 41.545039°	
True Longitude: WEST 75.998488°	

- LEGEND**
- - PROPERTY CORNER FOUND
  - - WATER SOURCE

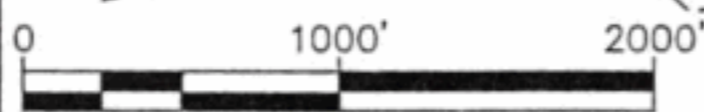
LINE TABLE		
LINE	BEARING	LENGTH
L1	S78°19'00"E	1156.2'
L2	S62°16'23"W	2019.9'

**NOTES**

THIS PLAT IS FOR WELL LOCATION PURPOSES ONLY AND DOES NOT REPRESENT A COMPLETE BOUNDARY SURVEY ON ALL PARCELS SHOWN. PROPERTY LINES AND OWNER INFORMATION WERE OBTAINED FROM VARIOUS FIELD EVIDENCE, TAX RECORDS, DEED PLOTS AND AERIAL MAPPING

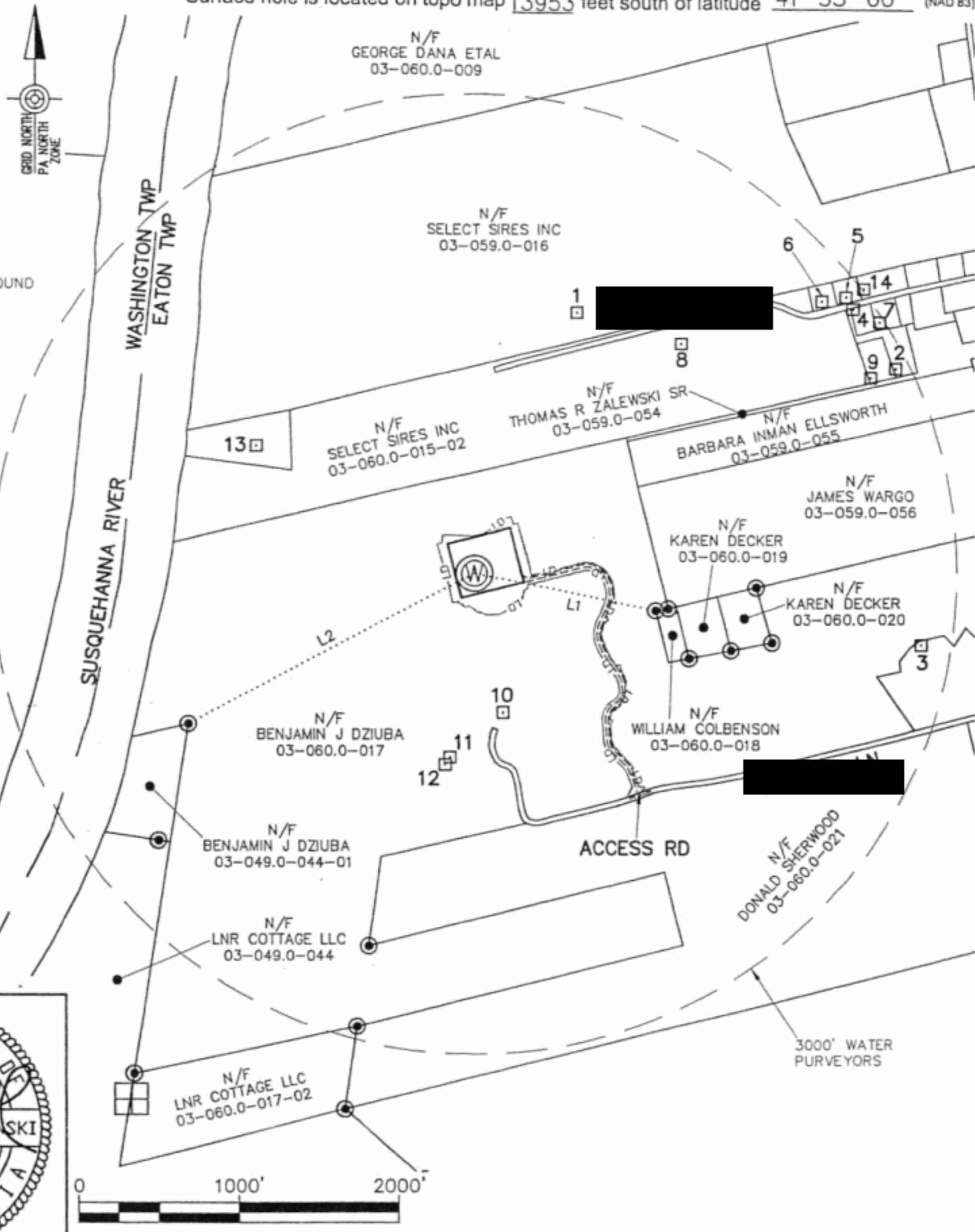


Drawn By: BAS



Surface hole is located on topo map 13953 feet south of latitude 41° 35' 00" (NAD 83)

Surface hole is located on topo map 10992 feet west of longitude 75° 57' 30" (NAD 83)



Applicant / Well Operator Name: <b>SOUTHWESTERN ENERGY PRODUCTION CO.</b>		DEP ID #: <b>260287</b>	Well (Farm) Name: <b>DZIUBA BENJAMIN</b>		Well #: <b>2H</b>	Serial #:
Address: <b>2350 NORTH SAM HOUSTON PARKWAY E. SUITE 125 HOUSTON, TX 77032</b>			County: <b>WYOMING</b>	Municipality (Host): <b>EATON TWP.</b>	Well Type: <b>GAS</b>	
911 address of well site: <b>59 HORIZON LANE, TUNKHANNOCK, PA 18657</b>			USGS 7 1/2' Quadrangle Map Name: <b>TUNKHANNOCK</b>		Map Section: <b>4</b>	Surface Elevation: <b>947.0 ft.</b>
Surveyor or Engineer: <b>ANDREW J. DOMASHINSKI LARSON DESIGN GROUP</b>	Phone #: <b>570-323-6603</b>	Dwg #: <b>7688-005-009</b>	Preliminary Date: <b>AUG. 28, 2013</b> Finalized Date: <b>AUG. 29, 2013</b>		Scale: <b>1" = 1000'</b>	Tract Acreage: <b>569±</b>
Lat. & Long. Metadata Method: <b>TRIMBLE (L1 &amp; L2) GPS</b>		Accuracy: <b>0.3'±(PPS) ft.</b>	Datum: <b>NAD 83</b>	Elevation Metadata Method: <b>PAMAP LIDAR</b>	Accuracy: <b>2'± ft.</b>	Datum: <b>NAVD 88</b>
						Survey Date: <b>AUG. 16, 2013</b>



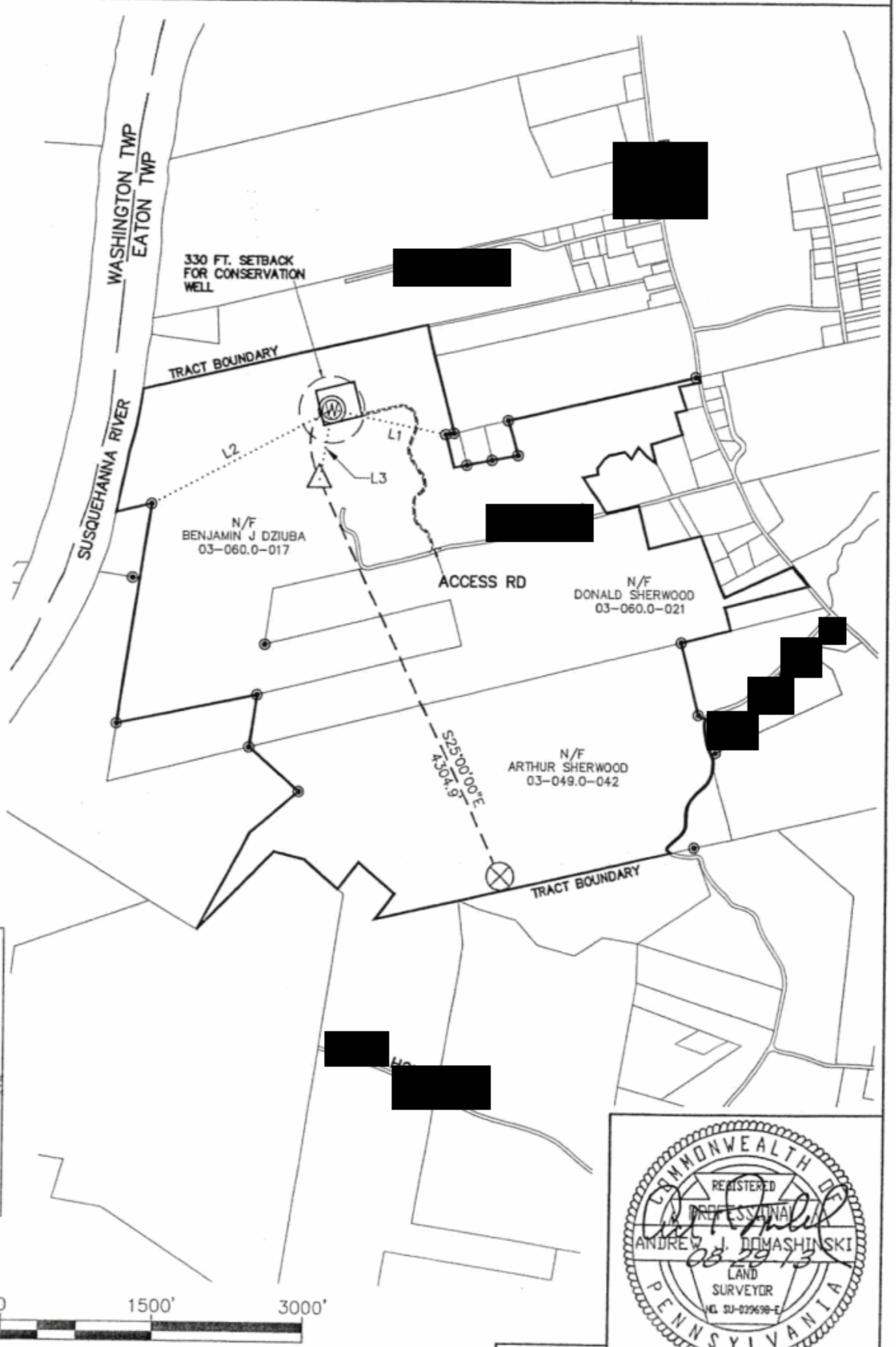
COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF OIL AND GAS MANAGEMENT  
**WELL LOCATION PLAT**

DEP	Auth ID #	G:
USE	Permit #	C:
ONLY	Project #	C:

Page 3 Plan View of Deviated Well Bore

Applicant / Well Operator Name: SOUTHWESTERN ENERGY PRODUCTION CO.	DEP ID #: 260287	Well (Farm) Name: DZIUBA BENJAMIN	Well #: 2H
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Denotes surface location of well on plat
NAD 83 True Latitude: NORTH 41° 32' 42.14"
True Longitude: WEST 75° 59' 54.56"
NAD 83 True Latitude: NORTH 41.545039°
True Longitude: WEST 75.998488°
Denotes proposed landing point on plat
NAD 83 True Latitude: NORTH 41° 32' 35.37"
True Longitude: WEST 75° 59' 56.32"
NAD 83 True Latitude: NORTH 41.543157°
True Longitude: WEST 75.998979°
Denotes location of bottom hole on plat
NAD 83 True Latitude: NORTH 41° 31' 56.46"
True Longitude: WEST 75° 59' 33.44"
NAD 83 True Latitude: NORTH 41.532351°
True Longitude: WEST 75.992623

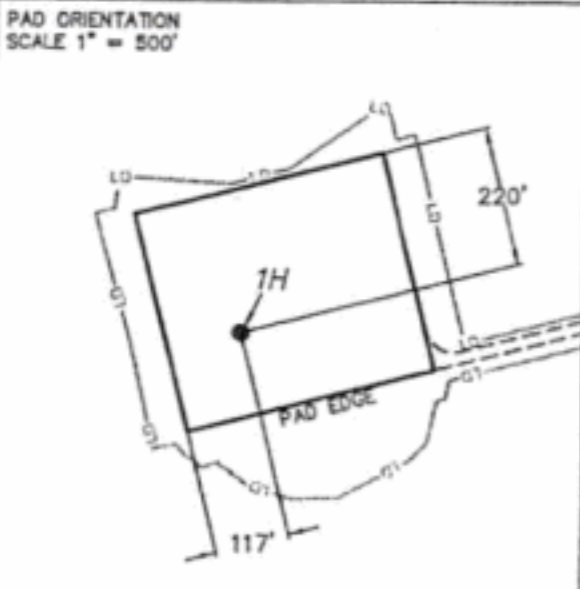


**LEGEND**

- PROPERTY CORNER FOUND

LINE TABLE		
LINE	BEARING	LENGTH
L1	S78°19'00"E	1156.2'
L2	S62°16'23"W	2019.9'
L3	S09°55'52"W	698.7'

NOTE: L3 OF THE LINE TABLE IS A STRAIGHT LINE TIE FROM THE SURFACE HOLE TO THE LANDING POINT.



**NOTES**

THIS PLAT IS FOR WELL LOCATION PURPOSES ONLY AND DOES NOT REPRESENT A COMPLETE BOUNDARY SURVEY ON ALL PARCELS SHOWN. PROPERTY LINES AND OWNER INFORMATION WERE OBTAINED FROM VARIOUS FIELD EVIDENCE, TAX RECORDS, DEED PLOTS AND AERIAL MAPPING



Surveyor or Engineer: ANDREW J. DOMASHINSKI / LARSON DESIGN GROUP	Phone #: 570-323-6603	Dwg #: 7688-005-009	Preliminary Date: AUG. 28, 2013	Finalized Date: AUG. 29, 2013	Scale: 1" = 1500'	Tract Acreage: 569±
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Applicant / Well Operator Name  
Southwestern Energy Production Company

DEP ID#

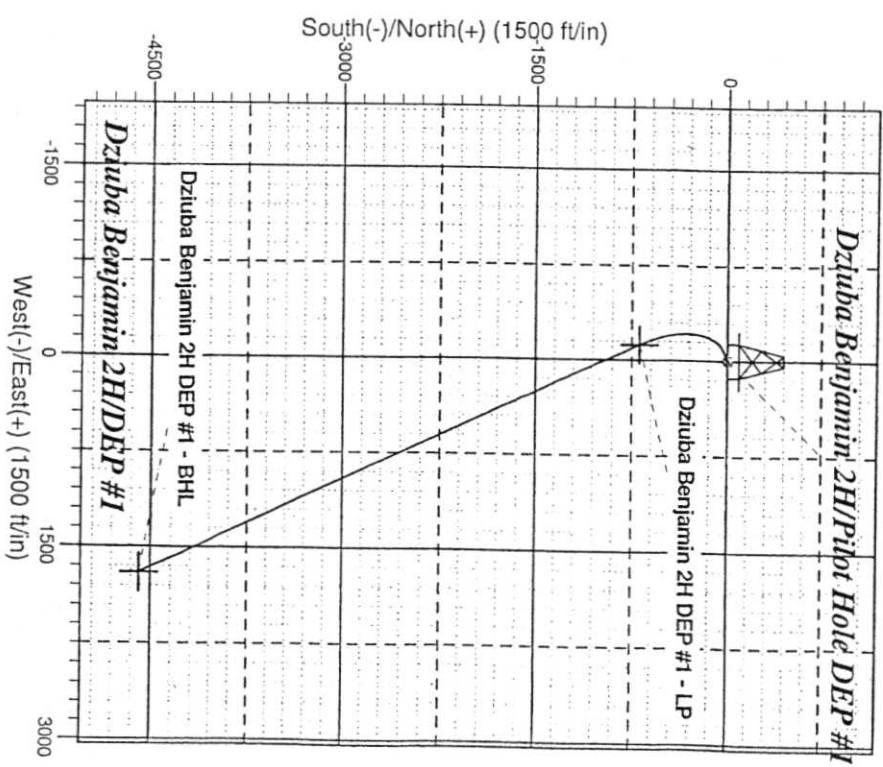
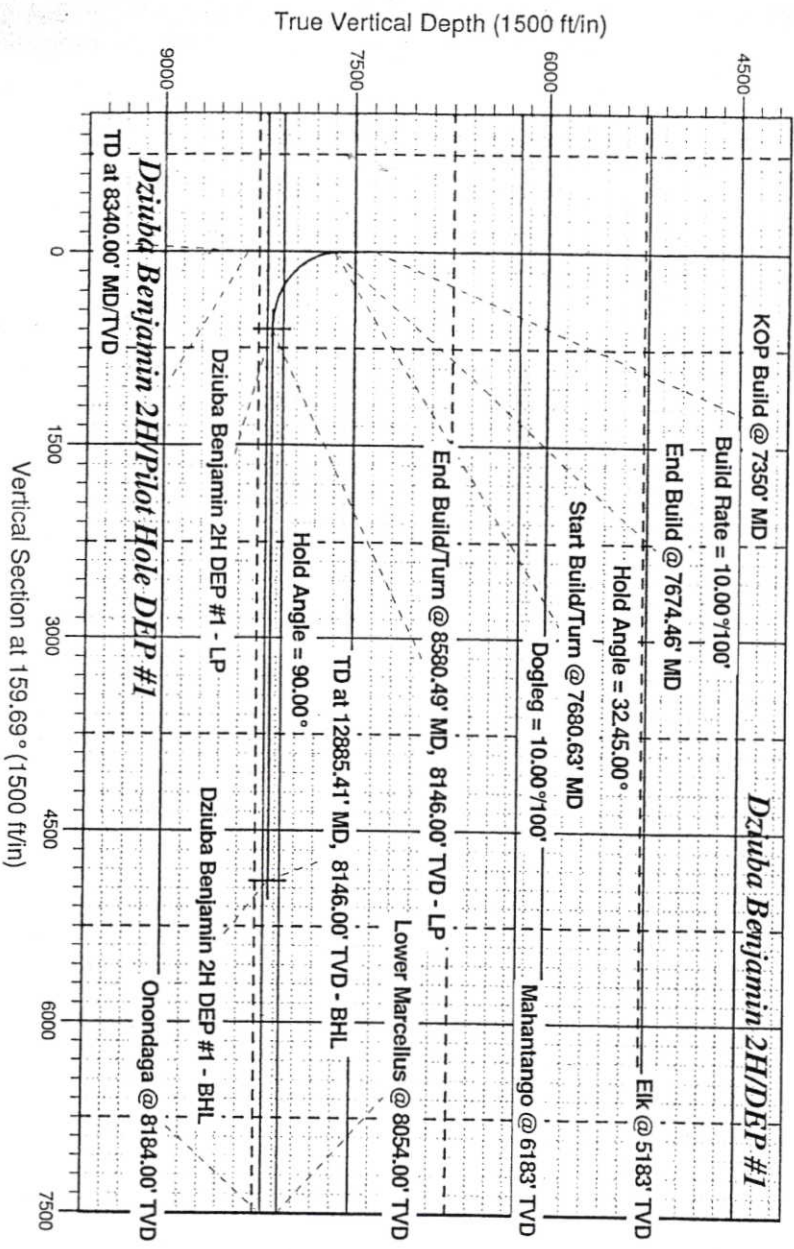
Well (Farm) Name  
Dziuba Benjamin

Well #  
2H

# WELL PLAN

Operator Name: Southwestern Energy Production Company  
Well/Farm Name: Dziuba Benjamin 2H

KOP:	TVD: 7350.00'	TMD: 7350.00'	Latitude	41° 32' 42.14" N	Longitude	75° 59' 54.56" W
Landing Point:	TVD: 8146.00'	TMD: 8580.49'	Latitude	41° 32' 35.37" N	Longitude	75° 59' 56.32" W



**Applicant / Well Operator Name**  
 Southwestern Energy Production Company

**DEP ID#**

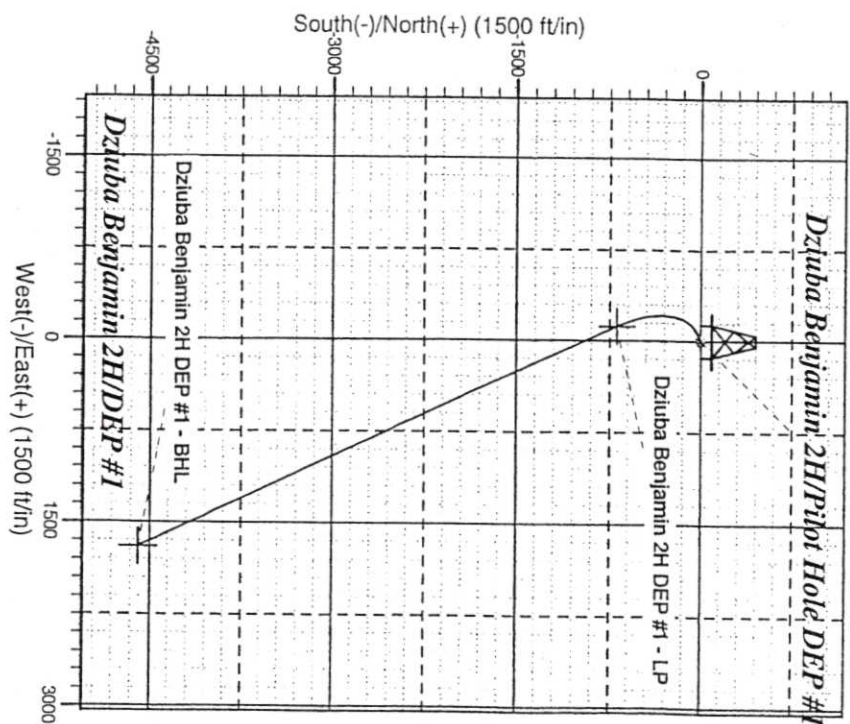
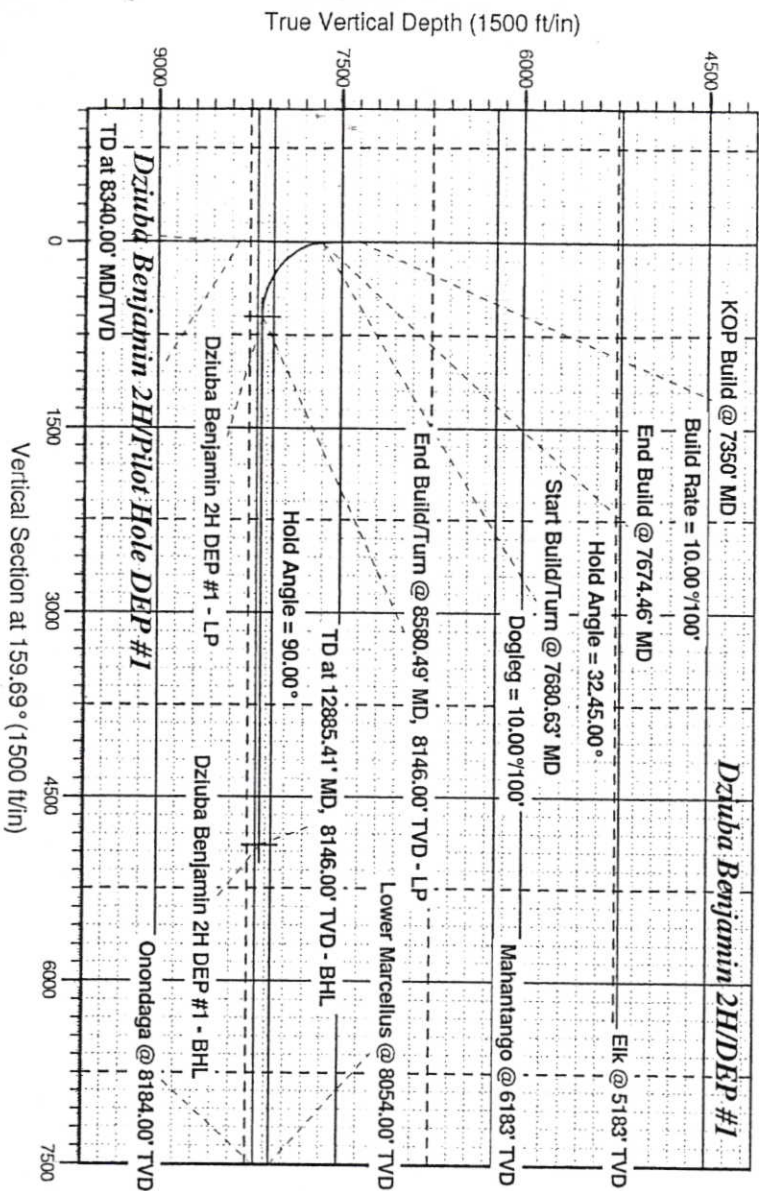
**Well (Farm) Name**  
 Dziuba Benjamin

**Well #**  
 2H

# WELL PLAN

**Operator Name:** Southwestern Energy Production Company  
**Well/Farm Name:** Dziuba Benjamin 2H

KOP:	TVD: 7350.00'	TMD: 7350.00'	Latitude	Longitude
Landing Point:	TVD: 8146.00'	TMD: 8580.49'	41° 32' 42.14 N	75° 59' 54.56 W
			41° 32' 35.37 N	75° 59' 56.32 W





COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF OIL AND GAS MANAGEMENT  
**WELL LOCATION PLAT**

Page 2 Notifications

DEP	Auth ID #	G:
USE	Permit #	C:
ONLY	Project #	

DEP Statewide toll-free phone number for reporting cases of water contamination which may be associated with development of oil and gas resources is **1-866-255-5158**.

Applicant / Well Operator Name: SOUTHWESTERN ENERGY PRODUCTION CO.	DEP ID#: 260287	Well(Farm) Name: DZIUBA BENJAMIN	Well #: 2H	Serial #:
Surface Landowner / Lessor: BENJAMIN J. & LOU ANN DZIUBA	Angle & Course of Deviation (Drilling): S09°55'52"W 698.7' S25°00'00"E 4304.9'		Anticipated True Vertical Depth Feet (TVD): 8340	Anticipated Total Measured Depth Feet (TMD): 12885
Target Formation(s): MARCELLUS SHALE	Deepest Formation to be penetrated: ONONDAGA		Number of Laterals: 1	Total Footage to be Drilled all Laterals: 12885
Surface Owner/Water Purveyor w/ Water Supply within 1000'/3000'		Latitude and Longitude of Water Supply (NAD 83)		
1. SELECT SIRES, INC. (TAX ID#: 03-059.0-016)				
2. THOMAS R. ZALEWSKI, JR. (TAX ID#: 03-059.0-054-01)				
3. CLIFTON & CARLA DANIELS (TAX ID#: 03-059.0-066)				
4. PATRICIA S. TAYLOR (TAX ID#: 03-060.0-012)				
5. ELWIN HERMAN (TAX ID#: 03-060.0-013)				
6. SHARON A. PUZA TRUST, DOANLD R. & SHARON PUZA, TRUSTEES (TAX ID#: 03-060.0-014)				
7. JAMES O. & JANICE V. SICK (TAX ID#: 03-060.0-015-01)				
8. SELECT SIRES, INC. (TAX ID#: 03-060.0-015-02)				
9. RONALD W. & JOAN F. ZALEWSKI (TAX ID#: 03-060.0-015-03)				
10. BENJAMIN J. & LOU ANN DZIUBA (TAX ID#: 03-060.0-017)				
11. BENJAMIN J. & LOU ANN DZIUBA (TAX ID#: 03-060.0-017)				
12. BENJAMIN J. & LOU ANN DZIUBA (TAX ID#: 03-060.0-017)				
13. WAYNE MEHAL (TAX ID#: 03-060.0-016)				
14. PAULINE H. DAVIS, C/O DOREEN DOUGHERTY (TAX ID#: 03-060.0-010)				
Municipality: where the well will be drilled, adjacent to the well, or within 3000 feet		Municipality: where the well will be drilled, adjacent to the well, or within 3000 feet		
EATON TWP., WYOMING CO., PA (Host)		TUNKHANNOCK TWP., WYOMING CO., PA		
BOROUGH OF TUNKHANNOCK, WYOMING CO., PA		WASHINGTON TWP., WYOMING CO., PA		
FALLS TWP., WYOMING CO., PA				
FORKSTON TWP., WYOMING CO., PA		Coal related parties		
MEHOOPANY TWP., WYOMING CO., PA		NONE		
MONROE TWP., WYOMING CO., PA				
NORTHMORELAND TWP., WYOMING CO., PA				
NOXEN TWP., WYOMING CO., PA				

**Grace Ziem, M.D., MPH\*, Dr. P.H.\*\***

Occupational and Environmental Health

16926 Eyler's Valley Road

Emmitsburg, MD 21727-9729

Phone 301-241-4346 Fax 301-241-4348

Website: [chemicalinjury.net](http://chemicalinjury.net)

\*Johns Hopkins

\*\*Harvard

September 11, 2013

I am an occupational medicine physician with advanced training in toxicology. In addition, to my M.D. degree, I have a Masters of Public Health from Johns Hopkins and a Masters of Science and Doctor of Public Health from Harvard.

I have been a consultant for numerous agencies, including the World Health Organization, U.S. Environmental Protection Agency, Federal OSHA, Maryland OSHA, Maryland Department of the Environment and numerous other environmental agencies to improve health protection of the public.

I am an actively practicing clinician and have been treating Dorene Dougherty since March of 1998. She lives at [REDACTED] in Tunkhannock, PA 18657, where she has lived for 37 years.

She has severe toxic encephalopathy, upper and lower reactive airway disease and widespread systemic inflammation which is very severely exacerbated by even modest amounts of irritants, pollutants and airborne particulates. Her health is in serious condition and she does not have another nontoxic house where she could be relocated.

**There are many hazards associated with the proposed fracking operation to Ms. Dougherty and others in her community.**

The Southwestern Energy Company is planning fracking operations in the small valley where Ms. Dougherty lives. This involves drilling down 8,000 to 10,000 feet and then doing horizontal drilling. The process involves injecting, with the use of an oil-based chemical mixture known as drilling "mud," which can contain potent irritants such as hydrochloric acid, the use of scale inhibitor which contains neurotoxic glycol compounds, corrosion inhibitor chemicals which contain methanol (highly neurotoxic).

When the gas and chemical mixtures come back up from this high-pressure fracking process, the gas can come out at extremely high pressures, such as 15,000 PSI. To reduce pressure, pipes are often used to vent into the air and these are often ignited from a one to two story stack, lighting up the sky like daylight for weeks, releasing carbon monoxide, particulate and irritants.

Once the well is in production, water has to be kept out of the pipeline, involving the use of a glycol separator process. This requires ethylene or another glycol to be stored on-site in tanks that are not airtight but rather are vented into the valley.



Further, there is open-air storage of the toxic chemical mixture from the drilling process, which contains the toxic chemicals as well as a friction reducing chemical mixture, often containing benzene, toluene, ethyl benzene and/or xylene, all respiratory irritants and all very neurotoxic as well as carcinogenic.

The toxic chemical mixture is stored in large open-air "ponds" which are often aerated causing increasing evaporation of toxic chemicals, as well as biocides containing neurotoxic and sensitizing gluteraldehyde. The pond lining or casing has to last indefinitely in order to prevent the contamination of the well water of Ms. Dougherty and others in this community. It is not uncommon for the casing to leak within a year and even more common for leakage to occur within several years causing ground water contamination. This would have a disastrous effect upon her drinking water quality and she is not mobile and cannot obtain water from other sources.

In addition there is evaporation of the volatile compounds from this large surface area pond which then tends to hover in the geographic valley, greatly increasing air pollution with toxic chemical mixtures.

It is common to have approximately 1500 diesel truck trips per well, with engines idling, as well as the diesel from fracking pumps. Diesel contains very toxic particulate which also tends to hover in the valley.

Southwestern Energy has had 32 wells inspected where a total of 100 violations have been found, clearly demonstrating their lack of competence to conduct operations that are safe to the public.


The Department of Environment Protection has the right to not issue a permit because of their history of careless negligence.

In addition, the combined exposures from diesel particulate, ozone and smog produced by the fracking process, the evaporation from the large pond and glycol separator tanks, likelihood of eventual contamination of groundwater which would contaminate her well (and that of others in the community.) creates a **serious life threatening hazard to Ms. Dougherty** who has no other place which is safe for her to live.

It is my medical opinion that if this permitting is allowed for even 1 well, let alone the 4 to 5 wells probably planned for this small valley, it would create a serious life-threatening risk to Ms. Dougherty. Having been her treating physician for 15 years, I seriously doubt she can survive this fracking process so close to her house.

The above is within reasonable medical certainty.

Sincerely,

  
Grace Ziem, M.D., MPH, Dr.PH



# pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NORTHWEST REGIONAL OFFICE

October 1, 2013

Re: SWN Production Co.  
Dziubak Benjamin 2H  
Eaton Township, Wyoming County

Dear Dr. Ziem:

The Pennsylvania Department of Environmental Protection (Department) is in receipt of your letter objecting to the issuance of permits for the above referenced application(s). Any notifications received from the operator in regards to this permit are a requirement of the Oil and Gas Act, Sec. 601.201.

“(a) No person shall drill a well...without having first obtained a well permit pursuant to subsections...(b)”

“(b)...The applicant shall forward, by certified mail, a copy of said plat to the surface landowner, all surface landowners or water purveyors whose water supplies are within 1,000 feet of the proposed well location, and shall submit proof of such notification with the well permit application...With respect to surface landowners or water purveyors whose water supplies are within 1,000 feet of the proposed well location, notification shall be made on forms and in a manner prescribed by the department sufficient to identify, for such persons, the rights afforded them under section 208 and the advisability of taking their own predrilling or prealteration survey.”

To date this office has not received the above referenced application(s). When submitted to this office for review, you will be contacted regarding the specifics of your objection. The Department issues drilling permits based on the Oil and Gas Act and reviews the applications for accuracy and completeness. The drilling permit does not convey any property rights. Once issued, the drilling permit is valid for one year. If you have any questions concerning this matter, please contact this office at the telephone number below.

Sincerely,

A handwritten signature in black ink, appearing to read "Renee Lee".

Renee Lee  
Administrative Support  
Oil and Gas Management



# pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NORTHWEST REGIONAL OFFICE

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Dziubak Benjamin 2H  
Eaton Township, Wyoming County

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Sincerely,

A handwritten signature in black ink, appearing to read "Renee Lee".

Renee Lee  
Administrative Support  
Oil and Gas Management



# pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NORTHWEST REGIONAL OFFICE

November 15, 2013

Ms. Doreen Dougherty



Tunkhannock, PA 18657

Re: Joint Public Comment  
Southwestern Energy Production Company  
Dziuba Benjamin 2H Unconventional Well  
Authorization ID 997497, API No. 131-20371  
Eaton Township, Wyoming County

Dear Ms. Dougherty:

The Pennsylvania Department of Environmental Protection (Department) received your letter regarding the proposed Southwestern Energy Production Company's (Southwestern) unconventional well. The application to drill the well was received by the Department on October 1, 2013. Title 25-Chapters 78.21 and 78.22 of the PA Code allow for valid objections from the surface landowner of the tract on which the proposed well is located and the owners or operators of coal mining activities in the area.

State law and regulations require that proper erosion and sedimentation measures be in place for any earth disturbance. This should protect any watercourse in the drainage area. Also, regulations are in place for the protection of fresh groundwater through specific drilling, casing and cementing standards. Remedies are mandated in the off chance a water supply is affected by the drilling of an oil or gas well. Inspections are conducted by Department personnel to administer, implement, enforce and determine compliance with state laws and regulations that apply to activities associated with oil and gas operations.

The Department issues drilling permits on the basis of 2012 Oil and Gas Act (58 Pa.C.S. §§3201-3274) and the various laws and regulations promulgated thereunder. This being the case, the Department is obligated to issue permits for applications to drill wells that meet all of the requirements and limitations of the 2012 Oil and Gas Act and applicable laws and regulations.

Bureau personnel conduct permit reviews according to established procedures that are based on satisfying the requirements of the 2012 Oil and Gas Act and applicable laws and regulations. If the proposed well meets spacing requirements, the application appears true in all material respects and the application received from Southwestern meets all criteria for lawful issuance of the drilling permit, the Department must issue the permit within 45 days. The permit is valid for 1 year from date of issuance.

The Department has developed a fact sheet for home owners interested in having their water supplies tested when oil and gas activity is proposed in their area. Enclosed is the Department's fact sheet covering recommended basic oil & gas pre-drill parameters for your review.

We will keep your letter on file. Department personnel will be made aware of your concerns and monitor drilling activities accordingly. If you have any further questions or concerns, do not hesitate to write or call.

Sincerely,



Aaron O'Hara  
Licensed Professional Geologist  
Northwest District Oil and Gas Office  
District Oil and Gas Operations

Enclosure

cc: Southwestern Energy Production Company  
Grace Ziem, M.D., MPH, Dr. PH  
Alex Lotorto  
Brian Babb - PADEP  
Stephen Watson - PADEP Scranton District Office  
Matt Shope - PADEP Scranton District Office  
File

AOH:ls1

November 25, 2013

Doreen Dougherty  
[REDACTED]

Tunkhannock, PA 18657

RE: Dziuba Benjamin 2H  
Eaton Township, Wyoming County

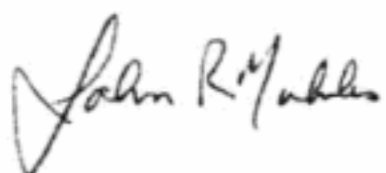
Dear Ms. Dougherty,

We are in receipt of your Joint Public Comment dated September 11, 2013 regarding your concerns of Southwestern Energy Production Company (SWN) drilling the above referenced well. SWN would like to reassure you that we are committed to protecting the environment in which we operate while also complying with all applicable regulations regarding our oil and gas operations.

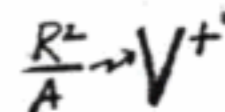
Regarding the drilling of the Dziuba Benjamin 2H well, let me advise you of our standard operating procedure which includes testing of all fresh water sources within 2500' of a proposed well site. This allows SWN to establish a water quality baseline in the area where the well is being drilled. Your property is approximately 3000' from the referenced well, or 500' outside the normal pre-testing radius. However, in an effort to provide you additional information and alleviate some of your concerns, SWN is offering you a complimentary test and analysis of your water supply prior to the start of any drilling activity. A representative from our local office in Tunkhannock will provide to you additional information on this testing, which will be conducted by a state certified independent third party. We look forward to discussing the results of that test with you when the results are available. If, at the time we begin drilling operations, you still feel apprehensive about your drinking water, SWN would be willing to arrange complimentary bottled water for consumptive use until our drilling operations are completed.

SWN is committed to developing our nation's natural gas resources, our national treasure, in a safe and environmentally sound manner, and we are also committed to working with the communities in which we operate to increase the knowledge and comfort of the public about our operations. I believe you will find our local employees to be extremely courteous and very helpful to you during this process. One of our employees will be in contact with you shortly to coordinate the testing. In the intervening time, should you have any questions, please feel free to contact one of our representatives in the Tunkhannock office at (570) 996-4200.

Sincerely,



John Nicholas  
General Manager, Appalachia Division



**Grace Ziem, M.D., MPH\*, Dr. P.H.\*\***

Occupational and Environmental Health  
16926 Eyer's Valley Road  
Emmitsburg, MD 21727-9729  
Phone 301-241-4346 Fax 301-241-4348  
Website: [chemicalinjury.net](http://chemicalinjury.net)

\*Johns Hopkins  
\*\*Harvard

January 2, 2014

I first saw Dorene Dougherty as a patient in 1998. After I relocated my office to a nontoxic location near Emmitsburg, Maryland, I began to see her again beginning in March 2007. By that time, she had developed very severe upper and lower reactive airway disease, toxic encephalopathy, and widespread systemic inflammation secondary to life-long exposure to frequent pesticide and herbicide applications around her by the agribusiness operation known as Select Sires.

By that time, she was probably the most severely affected chemically injured patient I had ever seen in my now 46 years of medical practice specializing in the care of patients with chronic illness from toxic exposure. She had and continues to have extreme neurotoxicity which does and did also involve neural intolerance to electromagnetic exposure of more than very minimal degree.

Every time she has attempted to obtain any follow-up care by leaving her home, she has had severe respiratory, neurologic and systemic exacerbation as well as extreme, long persisting systemic pain of excruciating degree. Literally every motion, such as getting out of a chair, using the bathroom in her home, getting dressed and virtually all activities of daily living cause severe pain.

Her neurologic testing (using U.S government recommended methods for neurotoxicity evaluation) has documented balance impairment, extreme weakness by dynamometry, tremor, abnormal cerebellum function, severe intolerance to even touch such that she cannot be lifted or assisted without severe pain. Her combined inflammation and impaired energy metabolism results in difficulty with normal speed of brain function, which was documented on neurocognitive testing.

Thus, because of the severe and excruciating pain from inflammation and pain exacerbation from EMF as well as respiratory and systemic inflammation from exposure to ambient irritants, she is unable to go to a hearing in Harrisburg, Pennsylvania. Her extreme EMF intolerance makes her unable to utilize videoconferencing technology but she is able to use a corded phone, needing to use a speakerphone sitting as far from it as possible to reduce EMF exposure. I realize the defendants desire to see her, but this

patient has such severe neurologic exacerbation with increase in EMF in her living or other environments that this videoconferencing exposure in her case would cause neurologic harm to her brain and nervous system. She is an honest patient and I have found that she does not exaggerate her actual physical condition or needs.

She is also unable to rapidly prepare for the hearing because of her extreme fatigue, extreme excruciating pain in doing functions of daily living, and her slower cognitive function which requires significant effort in preparation which is time consuming for her way beyond what can be imagined by healthy persons who are not familiar with someone in this severe state of debility.

I regret any inconvenience for the defendants, but it is my ethical responsibility to protect her life and she is so severely impaired that the defendant's request could be life-threatening. The time pressure makes it impossible for her to prepare herself and thus she cannot accurately respond to questions, which would appear to compromise her legal rights.

The above is within reasonable medical certainty with knowledge available to me.

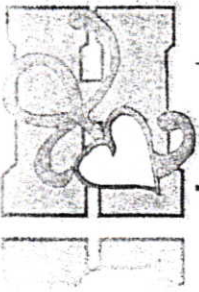
Sincerely,

*Grace Ziem* M.D., MPH, DrPH

Grace Ziem, M.D., MPH, Dr.PH

Cc Todd O'Malley Fax# 570-344-6199





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The Law Office of  
ATTY. JOHN M. HART, III

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January 8, 2013

Dear: Ms. Doreen Dougherty,

Unfortunately, we were unsuccessful with your supersedeas petition and the Environmental Hearing Board has denied it. A copy of the opinion is enclosed. At this point in time, I regret to inform you that based on monetary constraints, I am unable to continue representing you with regards to this matter. In order to continue with an appeal, several experts would need to be retained including experts on your health issues, the drilling process, air pollution, temperature inversion, and several other experts to support your claims, which would cost an exorbitant amount of money.


The likelihood of the granting of a supersedeas was not high, as I had informed you before. The costs incurred over the course of the past few weeks I will handle.

That being said, should your conditions worsen after the permittee commences drilling operations, please do not hesitate to contact me immediately, as there may be other legal courses of action to pursue at that point in time.

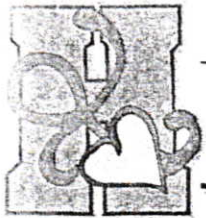
I am pleased to have had the opportunity to represent you on this matter. I regret that I could not continue to represent you.

If you have any questions, comments or criticisms about our case, or my representation of you, please contact me and I will be happy to sit down and discuss the matter with you.

Very truly yours,



John M. Hart, III, Esq.



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The Law Office of  
ATTY. JOHN M. HART, III

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January 10, 2014

Dear Ms. Doreen Dougherty,

Enclosed, please find a copy of an email sent to me from opposing counsel, Steve Silverman regarding their thoughts on the remaining appeal. Also, enclosed is a copy of a case (*Robert Kwalwasser v. Commonwealth of Pennsylvania*) referred to in Mr. Silverman's email.

Should you have any questions please feel free to contact me.

Sincerely,

---

John M. Hart, III, Esq.

John:

As we discussed very briefly on Friday, now that the supersedeas has been denied, we strongly urge Ms Dougherty to dismiss her remaining appeal, rather than proceed on the merits of the case. The issues your client raised on appeal are simply meritless.

As you have repeatedly told me, the lynchpin of Ms. Dougherty's case is that the permit should have been denied because of her fragile health. However, the law is quite clear that Ms. Dougherty's medical condition does not serve as a legitimate basis for denying our client a drilling permit. This was made clear in a 1986 EHB decision called *Kwalwasser v. Dept. of Env'tl. Resources*, 1986 EHB 24. (I have attached a copy for your reference.) That case is exactly on point as to the health issues you raise.

In *Kwalwasser*, the Board held that the Department "did not err in failing to consider Appellant's special health problems," in a case in which a third-party landowner appealed a surface mining permit issued by the Department pursuant to the Surface Mining Conservation and Reclamation Act and the Clean Streams Law. The appellant in *Kwalwasser* was a landowner that suffered from a chest wound and myocardial infarctions in connection with prior military service. He believed that dust and dirt from mining operations would potentially aggravate his medical problems and force him to live indoors. *Kwalwasser* argued that the Department should have considered his special health problems when deciding whether to issue the mining permit. In rejecting that argument, the Board held that "it would be unreasonably impractical to require [the Department] to ascertain whether there are any persons in the vicinity [of the proposed activity] who have special health problems needing special protection, for every mining permit application under review." In addition, the Board found that Pennsylvania environmental statutes and regulations "have been promulgated . . . with the intent of striking a reasonable balance between the Commonwealth's legitimate government functions of protecting the health of its citizens and permitting responsible harvesting of its resources." As a result, the Board believed that the Department could be "exceeding its enforcement role" if it rejected an otherwise acceptable application because of one individual's special health concerns. The Board supported its conclusion by pointing to "well-established principles pertaining to the law of nuisance," which required an action to be a material interference with the life and enjoyment of a person of "ordinary sensibility" to qualify as a nuisance. The Board

concluded that, by analogy to the law of nuisance, the Department's statutory mandate to protect the public against threats to its health, safety and welfare "should not be construed to require [the Department] to do more than protect against unreasonable interferences with these public interests. The fact that a particular individual may be adversely affected by a mine operation due to a health condition which makes him more sensitive than the general public does not mean that the mine operation is 'unreasonable'". The Board ultimately held that the Department's failure to consider Kwalwasser's special health problems was not an abuse of discretion. Accordingly, your client's medical issues cannot serve as a basis for denying Southwestern's drilling permit.

Likewise, the claim that the value of your client's home will decrease is equally specious. Your client has no standing to bring such a claim since (as a life tenant) she does not even own her home.

Nearly all of Ms. Dougherty's claims (including the two above) are based on purely hypothetical future events. Should your client choose to pursue these claims, she will be required to present more than just unsupported allegations based purely on speculation. In fact, many of her claims will require Ms. Dougherty to retain several experts to even have a hope of supporting them. For instance, at a minimum you would be required to offer expert testimony on her health claim, the drilling process, her air pollution claim, the temperature inversion issue, and the endangered species issue she raises. We obviously will move to strike those issues for which you do not offer expert testimony.

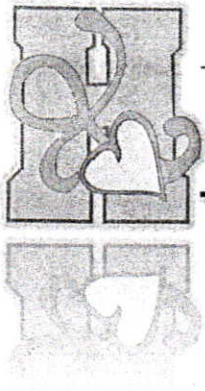
Lastly, Ms. Dougherty raised several appeal issues where she seeks to substitute her judgment for that of the DEP (such as the "bad actor" issue and the endangered species issue). Such an approach is simply not legally cognizable.

Notwithstanding the insurmountable legal hurdles your client faces, the procedural obstacles your client insists on are equally problematic for her. Should the case continue, I have been instructed to conduct significant discovery, much of which will be centered on your client directly. Not only will all of the parties incur significant legal fees, but this will require a significant investment of time and personal attention from your client. To date, you have requested that Ms. Dougherty be allowed to participate at both her deposition and the supersedeas hearing merely by telephone. Yet

you simultaneously have offered a letter from her treating physician claiming that she cannot testify for periods of time without possibly endangering her health. On one hand Ms. Dougherty wants to shut down what will likely be a multi-million dollar operation, but on the other she is unwilling or unable to participate in the legal process sufficiently to allow my client to adequately defend itself. Your client simply cannot have it both ways. Southwestern has the right to require Ms. Dougherty to either appear in court or make some other arrangement (such as testifying by a video conference link) that allows both those she is accusing and the judge to evaluate her credibility by looking her in the eye. Therefore, should Ms. Dougherty insist on pursuing her claims, we intend to strenuously object to any attempt by her to testify at either her deposition or at trial telephonically.

Accordingly, we strongly ask that Ms. Dougherty consider voluntarily dismissing her appeal. Please let me know her decision as soon as possible, as we are prepared to serve extensive written discovery on your client shortly if the case is to proceed.

Thank you,  
Steve



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The Law Office of  
ATTY. JOHN M. HART, III

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February 24, 2014

Re: Notice to Withdraw Appeal

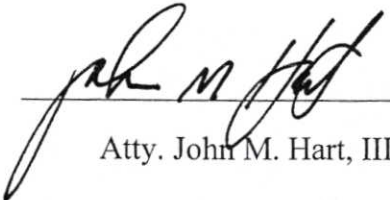
Dear Dorene:

Enclosed you will find the Judge's Order marking the appeal closed and discontinued. This will end all representation regarding your appeal to the DEP's issuance of a permit to Southwestern Energy.

This does not preclude you from filing future actions against Southwestern as I have stated to you before. Should you experience any signs of future injury whether it be new symptoms or aggravation of pre-existing injuries, please notify me, or any other attorney of your choosing. It's important to document any and all things that may happen to you with regards to the well site. Keep records/logs of any form of contact any drillers might have with you, and record any issues you may have relating to your health or even concerns.

It has been a pleasure representing you, and please feel free to call me should you have any future questions or thoughts, or comments.

Yours truly,



---

Atty. John M. Hart, III

Dorine Daugherty

[REDACTED]  
Tunkhannock, PA 18657

VIA US MAIL CERTIFIED RETURN RECEIPT REQUESTED

April 26, 2014

Mr. Scott Perry  
Rep Oil and Gas Management  
230 Chestnut Street  
Meadville, PA 16335

Dear Mr. Perry,

The intent of this letter is to request a liaison from your agency. SWN's planned construction and development of natural gas wells, in my neighborhood is imminently fatal to me. You already have in your possession, a letter written by my specializing physician, stating this. I have enclosed another copy for your review.

Due to my life threatening circumstances, it is of utmost importance that NO construction shall begin.

Thank you for your cooperation in this most serious matter.

Sincerely,  
Dorine Daugherty

cc. SWN  
Rep. Karen Boback  
Eaton Twp. Supervisors  
Randy Ekenzeller (Chairman)  
Paul Rowker (Vice Chairman)  
Kenny White (Roadmaster)  
Benjamin and Lou Ann Dziuba  
Joshua Privanic at Public Herald  
Dr. Ghozziem M.D., MPH, Dr. P.H.

Representative Karen Boback  
608 Hunter Highway  
Tunkhannock, PA 18657

Dear Representative Boback,

I am writing in regard to my most urgent and serious situation as I reside in Tunkhannock.

My physician, Energy Justice Network, and I filed a joint public comment in response to SWN'S proposed plan to develop natural gas sites very near my home in the river valley of Eaton Township.

The DEP was made aware that such activity involved in hydraulic fracturing would likely be fatal to me due to my disabilities. Also, the public comment brought forth the fact that SWN had extensive violations. Actually of thirty wells inspected they had one hundred violations.

The lame response from DEP was a letter stating they would keep my Physician's letter on file and that they must issue drilling permits within forty-five days of receipt of application based on 2012 Oil and Gas Act if all requirements are met (mining sedimentation etc.). SWN sent me a letter with an offer to do a complementary water test of my private well, and supply me with complimentary drinking water while they were drilling. Imagine, there is no mention to the threat to my life! Also they are planning to apply for another permit near me.

The DEP's action was inexcusably irresponsible. I am being recklessly endangered by their issuance of this permit. I have extenuating circumstances. Why was there no investigation upon receipt of the joint public comment that included my physician's letter?

Energy Justice Network prepared a petition on my behalf for a supersedes and appeal of the well permit to be heard before the Environmental Hearing Board. The judge ruled against me without giving me the opportunity of a hearing.

Though I qualify for pro bono legal counsel because SS disability is my only income, there is a need for additional funds because of the work load, time constraints, and the need for expert witnesses. The DEP has received \$3650 from SWN to issue the permit. On the other hand I am left without access to the justice system because I lack the necessary finances to defend myself.

I am currently on the independence waver which allows me to stay in the community while receiving care with my activities of daily living. I inherited a life estate on this property, A home my parents built where I have lived since I was a child. I am responsible for all taxes, insurances, and repairs; the same as any home owner. Nationally there is an extreme shortage for housing to accommodate my disabilities. I have no suitable place to flee from the dangers of a well site being built 3,000 feet from my home. It appears now that I will have to leave the state of Pennsylvania to find a safe place to live. This is also cost forbidding. Not only am I being pushed out of my only home, but I will lose my care givers if I leave Pennsylvania. I have done research on home and community based services throughout the United States. I will not receive the same benefits in any other state. I am too severely disabled to be homeless. My physician states that shelters, motels, and nursing facilities are a death sentence due to the nature of my disabilities.



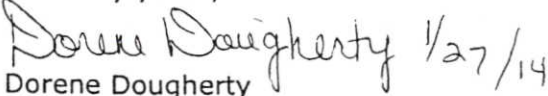
With the overturning of Act 13, my rights to clean air and water are protected. The Constitution of Pennsylvania Article I Section I, "All men are born equally free and independent, and have inherent and infeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation and of pursuing their own happiness."

My father was a WWII Veteran; a sergeant in the European Theater. He already defended my life and liberty and that of every American.

I am merely asking to be out of harms' way. What can you do to help me?

Enclosed, please find copies of my physician's letters (given with her permission).

Sincerely yours,

 1/27/14  
Dorene Dougherty

cc.

State Representative Tina Pickett  
State Senator Lisa Baker  
State Attorney General Kathleen Kane  
State Auditor General Eugene DePasquale  
Secretary Department of Health Michael Wolf



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL

KATHLEEN G. KANE  
ATTORNEY GENERAL

January 30, 2014

OFFICE OF CONSTITUENT SERVICES  
16<sup>th</sup> Floor, Strawberry Square  
Harrisburg, PA 17120  
717-705-6939

Dorene Dougherty

[REDACTED]  
Tunkhannock, PA 18657

RE: Pennsylvania Department of Environmental Protection Issue

Dear: Ms. Dougherty,

I have reviewed your recent correspondence to this office concerning your issues with the Pennsylvania Department of Environmental Protection. Although this office has an Environmental Crimes Section, that section only has jurisdiction over environmental issues referred by the Pennsylvania Department of Environmental Protection (DEP) for criminal prosecution. DEP is the agency with oversight authority over most environmental issues in the Commonwealth. If you are unable to resolve the matter with DEP, you may want to contact the Governor's Office at 717-787-2500. DEP is under the Governor's jurisdiction.

On behalf of Attorney General Kane, thank you for contacting this office. If you have any questions, please contact me at the number listed above.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip M. McCarthy".

Philip M. McCarthy  
Director of Constituent Services

Dorene Dougherty

Turkhamack, PA 18657

VIA US MAIL CERTIFIED RETURN RECEIPT REQUESTED

April 26, 2014

SEPCO  
2350 N. Sam Houston Pkwy. E  
Suite 125  
Houston, TX 77032

Dear Sir or Madam,

The intent of this letter is to request a liaison from your company. Your planned construction and development of natural gas wells, in my neighborhood is imminently fatal to me. You already have in your possession, a letter written by my specializing physician, stating this. I have enclosed another copy for your review.

Due to my life threatening circumstances it is of utmost importance that you do not begin any construction.

Thank you for your cooperation in this most serious matter.

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Rep. Karen Boback  
Cator Twp. Supervisors  
Randy E. Krenzler (Chairman)  
Paul Rowler (Vice Chairman)  
Kenny White (Roadmaster)  
Benjamin and Lou Ann Dziuba  
Joshua Privanic at Public Herald  
Dr. Enochziem M.D., MPH, Dr. P.H.

Sincerely,  
Dorene Dougherty