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April 18, 2016

Mr. Carl Jones, Jr.  
Director of Environmental Justice  
DEP Southeast Regional Office  
2 East Main St  
Norristown, PA 19401

Dear Mr. Jones,

Earlier this month, attorneys from the undersigned organizations joined many fellow environmental attorneys from across Pennsylvania in Harrisburg for the annual Environmental Law Forum. This two-day conference allows attorneys to obtain their yearly requirement in continuing legal education credits. Traditionally, noteworthy and interesting developments in the law have been discussed from respected authorities in particular areas of environmental law. In fact, Secretary Quigley opened this year's conference with updates from the Department of Environmental Protection, highlighting the department's commitment to transparency and integrity in all it does. We have been encouraged by, and supportive of, Secretary Quigley's recent actions in prioritizing the Office of Environmental Justice and issues of equity more generally in the Department. It has been a welcome and needed change that is worthy of acknowledgement.

A troubling disclosure made on the second day of this year's law forum brought to light just how important it is for all of us in Pennsylvania to prioritize environmental justice. A presentation from a Range Resources executive offered a glimpse into the true thoughts and priorities of some actors in the shale gas industry. Terry Bossert, Range Resources' Vice-President for Legislative and Regulatory Affairs, said during his presentation that when choosing where to locate shale gas wells in an area in which it holds leases, the company looks to avoid big houses because people living there may not like the industrial activity and may have the financial capacity to challenge their operations. This confirms what many have long suspected, that the shale gas industry may be targeting Environmental Justice areas in the Commonwealth when making siting decisions, attempting to isolate and target those with less capacity to defend themselves. This is especially concerning given the potential for unconventional natural gas drilling and production activities to harm the environment, public health, property values and the quality of life of people living near sites where such activities occur.

Mr. Bossert's comments suggest that Range Resources, and presumably the general industry, strategically makes decisions to conduct its natural gas operations in disadvantaged communities, often overburdened by other industrial activities. It would violate the principles of environmental justice if natural gas operations were deliberately sited in communities that are designated as Environmental Justice areas or otherwise burdened by industrial uses. To that end, the undersigned organizations respectfully request that the Office of Environmental Justice take action to ensure that Environmental Justice communities in Pennsylvania are not targeted for industrial development simply because they may not have the resources to stand up for their rights.

We are deeply concerned by the implications of Mr. Bossert's comments, which likely reflect the shale gas industry's siting practices generally. To the extent that that ability of residents to object to natural gas development is or has been a consideration in deciding the location of natural gas facilities, Mr. Bossert's comments serve as actual notice of the need to implement policies and practices that protect these communities from the adverse effects of industrial land uses. Based on that notice, the significant risk of disparate impacts to environmental justice communities cannot

be overlooked. All shale gas well permits should be considered trigger permits under the opt-in permit provision of Appendix A of the Department's Environmental Justice Public Participation Policy of 2005. Furthermore, the Office of Environmental Justice should conduct a retroactive analysis of permits previously issued to determine whether there was an adverse impact on environmental justice communities.

The undersigned organizations would welcome the opportunity to further discuss what more can be done to protect already burdened communities. Thank you for your time and consideration. Should you have any questions, please do not hesitate to contact us by phone or by e-mail.

Sincerely,

Patrick Greuter  
Executive Director  
Center for Coalfield Justice

Joanne Kilgour  
Chapter Director  
Sierra Club, Pennsylvania Chapter

Joseph Otis Minott  
Executive Director  
Clean Air Council

cc: Mr. John Quigley, DEP Secretary  
Mr. Scott Perry, DEP Deputy Secretary of the Office of Oil and Gas Management  
Ms. Lauren M. Boles, DEP EJAB member  
Mr. Eli Brill, DEP EJAB member  
Mr. Adam Cutler, DEP EJAB member  
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