

1 ILLINOIS DEPARTMENT OF NATURAL RESOURCES

2 UNIVERSITY OF CHICAGO

3 STUDENT CENTER EAST

4 November 26, 2013

5  
6 TRANSCRIPT of PROCEEDINGS held before

7 MR. ROBERT WELCH, Hearing Officer, taken in the  
8 above-entitled cause before GWENDOLYN BEDFORD, a  
9 Certified Shorthand Reporter within and for the County  
10 of Cook, State of Illinois, at the University of  
11 Chicago Campus, Student Center East, on Halsted and  
12 Taylor Street, Chicago, Illinois held on the 26th day  
13 of November 2013 at the hour of 6:30 p.m. pursuant to  
14 notice.

15  
16 PRESENT STAFF:

17 MR. JIM STEPHENS

18 Mr. ROBERT MOOL

19 MR. MITCHELL COLON

20 MR. BRENDON DAILEY

21 MR. NICK SAN DIEGO



22 JAN 28 2014

23 Dept. of Natural Resources  
24 OFFICE OF LEGAL COUNSEL

1 MR. WELCH: Hello, is this thing working?  
2 Okay. Everybody have a seat and we can get started,  
3 please. I'm not starting until you sit down. Okay.

4 Good evening ladies and gentlemen,  
5 before I think of anything else, if you have your cell  
6 phones on would you turn them to mute, please. I  
7 better do mine too.

8 My name is Bob Welch, W-E-L-C-H. I am  
9 the Hearing Officer by contract with the Department of  
10 Natural Resources. I am going to act as the moderator.  
11 I'll be calling the, names and telling people where to  
12 stand and all that kind of stuff.

13 As you know, we are meeting tonight with  
14 regard to the proposed Administrative Rules relating to  
15 the Hydraulic Fracturing Regulatory Act. These rules  
16 will be proposed. They are not the final rules. And  
17 the reason we're going to be here tonight and we are  
18 going to be in four other towns in the State of  
19 Illinois all the way to Carbondale and Decatur and  
20 Iona, Illinois doing the same thing we're doing here.  
21 Before we get to the purpose of the hearing, I want to  
22 introduce the people who are up here sitting beside me.  
23 On the far right is Nick San Diego. He is an attorney  
24 with the IDNR's office of Legal Counsel. Beside me is

1 Brendon Dailey and he is the IDNR Legislative Counsel.  
2 Next is Mitch Colon. He is the Director of the office  
3 of Oil and Gas Resources Management. Next to Mitch is  
4 Robert Mool, who is also an attorney with the Legal  
5 Counsel's office. And finally, Jim Stephens on the far  
6 left is a Well Inspector with the Office of Oil and Gas  
7 Resource Management. Thank you.

8 Now as the purpose of why we are here  
9 tonight, is you are all aware this past summer the  
10 General Assembly and the Governor signed the Hydraulic  
11 Fracturing Regulatory Act. It applies to all wells or  
12 only high volume hydraulic fracturing operations will  
13 occur in Illinois. This Act gave to IDNR the primary  
14 authority to administer and enforce the provisions of  
15 the Act.

16 The Act further requires the Department  
17 to adopt rules as necessary to accomplish the purposes  
18 of this Act. And again that is why we're here. We're  
19 talking about those rules. The draft rules that have  
20 been proposed and hopefully we will get some help from  
21 you people as to the final draft.

22 The administrative rule making process  
23 is designed to allow interested parties to have an  
24 opportunity to actively participate in the rule making

1 process through public comments which many diverse  
2 opinions may be heard are strongly supported by IDNR in  
3 the spirit of openness and transparency.

4 The purpose of this public hearing is to  
5 allow members to express their views and comments  
6 related to the proposed Hydraulic Fracturing  
7 Administrative Rules which had been drafted in response  
8 to The Act.

9 Now, many of them may be opposed to the  
10 idea of hydraulic fracturing and I kind of got a hint  
11 of that when I came in.

12 (APPLAUSE)

13 MR. WELCH: However, that train has left the  
14 station.

15 (HISSES AND BOOS)

16 MR. WELCH: I repeat, the General Assembly  
17 and the Governor signed the legislation.

18 UNIDENTIFIED FEMALE: It can be undone.

19 MR. WELCH: Not here, Ma'am. We're going to  
20 make some rules here right now. Well, it is up to you  
21 people. You have got two hours. If you want to do it  
22 by yelling at me, you can use up your two hours that  
23 way. If you want to add to the process making valid  
24 comments and recommendations, we want to hear that.

1 You can hold up the signs and do all that. But that is  
2 not going to accomplish a whole lot. If you want to  
3 help draft the rules, I suggest you be a little more  
4 positive. You through me off. Where was I?

5 Your input will assist IDNR in adopting  
6 rules that will assure that the process is done in a  
7 manner that is environmentally sound and consistent  
8 with the law. These gentlemen up here beside me are  
9 here to listen to your comments and to make notes in  
10 regards to your comments. Also we have a Court  
11 Reporter, who is trying to take down everything that we  
12 say. When you come up here and talk, we'd appreciate  
13 it if you would not only tell us what your name is and  
14 spell your last name so that we'll have a good record  
15 of that. I know from experience that Court Reporters  
16 get very upset if they can't spell the names right and  
17 it is not their fault.

18 The gentleman are here because they are  
19 interested in hearing from you. Due to the time  
20 limitations, because all these people want to talk, we  
21 only got two hours. They are not going to respond and  
22 they are not going -- they are not here to talk to you.  
23 They are here to listen to you. This is not a question  
24 and answer. This is a public comment hearing and we

1 want to hear your comments.

2           Throughout the public comment period,  
3 IDNR is going to accept and make changes to the  
4 proposed rules before filing for Second Notice. IDNR  
5 fully anticipates and expects changes to be made as  
6 part of the process. In other words, on the internet  
7 right now are drafts we're proposing. So don't get  
8 wound up about that, because they can be changed. They  
9 can all be changed. That is why we are here to hear  
10 what changes you think are necessary.

11           So this will be a very positive hearing,  
12 if you all take part in that spirit. As far as the  
13 format is concerned, we're going to be shuffling people  
14 around. Everybody filled out a card and wanted to  
15 speak, I can see how many there are. I don't know if I  
16 would get to all of them. But you are going to get  
17 four minutes. And we are going to ask you to not to  
18 use of more than four minutes because you are using up  
19 time that belongs to everybody else.

20           Now, Brendon has shuffled these. I think  
21 the card shark that he is, and we'll be picking those  
22 names in the order that they are sitting right now.  
23 What we're going to do is -- I'm trying to read my  
24 notes here. Have you come up here and after you finish

1 your statement, if you have got a written version of  
2 your statement, give it to Brendon and he has a box.  
3 These will be reviewed at a later date.

4 Now, as far as the logistics is  
5 concerned, stick with me now, okay. I'm going to  
6 call -- once we get started, I'm going to call four  
7 names and we're going to have two stand here and we  
8 might have to move that mic over so they don't step on  
9 this lady's toes and two here. And then when these two  
10 people talk in the front, we're going to call two more  
11 names and they will come in behind those people. So we  
12 always have someone on deck as it were so that there is  
13 no waiting for somebody to trip over somebody. We'll  
14 have somebody ready to go. That is what we're going to  
15 do. I think we're okay, Ma'am. After the first person  
16 falls down, we'll know what to do.

17 Now, when it's your turn to speak,  
18 please introduce yourself by your name and obviously  
19 and the city where you come from. Where you live would  
20 be better phrased. If you belong to an organization  
21 and you wanted to include that, let us know. That is  
22 fine. If your comment relates to a specific rule or  
23 section of the proposed Administrative Rules and you  
24 know the rule or Section Number, it would be helpful to

1 let us know what rule and Section Number you are  
2 talking about. Otherwise, go ahead with your comment.  
3 If you have a written statement and you want to read  
4 that, that is fine too.

5 Now, the reason I got Brendon sitting  
6 besides me is because we're going to stick to the  
7 four-minute limitation. And like I said, if you go  
8 beyond that, you're taking time away from somebody  
9 else. We want to get as many up here to comment as  
10 possible. When you are past the three-minute mark, he  
11 is going to do that. He is going to hold up a little  
12 sign and say you got one minute left. When he gets to  
13 30 seconds, I'm suppose to make some kind of verbal  
14 comment. I'll do something to say 30 seconds.

15 UNIDENTIFIED FEMALE: Thirty seconds.

16 MR. WELCH: Now remember, the sole purpose of  
17 this hearing is to hear comments and the suggestions  
18 from the public in regards to the proposed  
19 administrative regulations. It is not a question and  
20 answer session. It is not about whether fracking is  
21 good or bad. It is about helping IDNR to make these  
22 rules better. Okay. That's the purpose here.  
23 Anything that is not addressed to that is not going to  
24 be helpful. It is not going to help us achieve the



1 goal what we are here for tonight. Please address your  
2 statements or comments to the proposed administrative  
3 Regulation. Okay.

4 Now, we're going to call some names. As  
5 a courtesy allow the Attorney General or the Attorney  
6 General Representative wants to make a comment also.  
7 So we're going to have this gentleman come up and I am  
8 going to call three more names so there won't be any  
9 hesitation. We're going to call Jessica Bryant.

10 Jessica, you'll stand behind this gentleman here and  
11 then Jill Paulus, and Miss Paulus will stand here. You  
12 have a designated speaker? Dr. Laura Chamberlain.  
13 Dr. Chamberlain. This the other microphone. All  
14 right. Tell us your name and your organization,  
15 please.

16 MR. GIGNAC: Good evening. My name is James  
17 Gignac, G-I-G-N-A-C. I serve as the Environmental and  
18 Energy Counsel to the Illinois Attorney General, Lisa  
19 Madigan. The Attorney General has longstanding and  
20 significant concerns about large scale hydraulic  
21 fracturing and it's potential impacts on the people of  
22 our state. So she worked alongside the Illinois  
23 Environmental Council, the Natural Resource Defense  
24 Council, the Environmental Law and Policy Center, the

1 Sierra Club and other advocates to pass the strongest  
2 bill possible.

3 Attorney General Madigan fought to  
4 ensure that Illinois developed a rigorous set of  
5 environments to govern high volume fracking. These  
6 requirements were needed because prior to the Hydraulic  
7 Fracturing Act being passed, there were no regulations  
8 to the practice in Illinois. Now that the Department  
9 of Natural Resources is developing regulations to  
10 implement the Act which is a necessary and important  
11 step and the subject of this evening's hearing.

12 The Attorney General believes that the  
13 Department has put forth many helpful clarifications  
14 and useful details in the proposed rulemaking.  
15 However, there are numerous areas in need of revisions  
16 to ensure that the proposed regulations properly  
17 reflect the language and intent of the Act.

18 Our office will discuss our concerns in  
19 detail in the form of written comments, which we'll  
20 submit by January 3rd. For purposes of tonight's  
21 hearing, I would like to highlight a portion of those  
22 concerns.

23 First, the Act contains an important  
24 tool for citizens, municipalities and enforcement

1 agencies to use in the event of water contamination.  
2 Referred to as a "rebuttable presumption" Section 1-85  
3 of the Act, places the burden on the fracking operator  
4 to establish that water pollution to nearby wells is  
5 not caused by its activities. Proposed regulations,  
6 however, attempt to add limitations on rebuttable  
7 presumption of water pollution that do not appear in  
8 the Act. Such as the types of water quality data and  
9 testing parameters that may be used. The Department  
10 should not restrict the ability of citizens to obtain  
11 belief if their water wells are contaminated.

12 Second, the key part of the Act  
13 prohibits the use of open pits to store fracking  
14 wastewater. In event of unanticipated flowback  
15 conditions, the Act does allow the use of properly  
16 constructed line reserve pits to capture flowback, but  
17 only on a temporary basis.

18 Section 1-75 (c) of the Act requires  
19 that any flowback captured in the pits must be removed  
20 from the site within seven days. The proposed  
21 regulations are inconsistent with the Act in that they  
22 would allow the seven-day time period removal to begin  
23 when the hydraulic fracking operations are completed  
24 instead of seven days from when flowback is captured in

1 the pits. This must be corrected.

2 Third, the Act contains an important  
3 provision of disclosure of trade secret protected  
4 chemical information to help professionals for the  
5 purposes of medical treatment. The proposed  
6 regulations must be changed in the event of an  
7 emergency, medical personnel, one essential point of  
8 contact available 24 hours a day, seven days a week  
9 from which to obtain information for a patient opposed  
10 to the trade secret protected chemical.

11 Fourth, we urge the Department to hold  
12 public hearings on permits in the county where the  
13 proposed well will be located and to ensure that  
14 citizens who may be adverse would have a full and fair  
15 opportunity to participate in the hearings.

16 The proposed rules unnecessarily and  
17 unfairly place the burden of proof upon citizens to  
18 establish the validity of their concerns in the hearing  
19 process. That should be removed. The Act clearly  
20 states that it is ultimately up to the permit applicant  
21 to demonstrate to the Department's satisfaction that  
22 it's proposed operations will comply with the law and  
23 protect public, health and safety.

24 We look forward to providing input on

1 these and other topics where more work is needed  
2 including, but not limited to, the currently low levels  
3 of administrative fines, the conversion factor,  
4 nitrogen foam and the lack of retroactivity in the  
5 requirements in our forthcoming written comments.

6 Thank you.

7 (APPLAUSE).

8 MS. BRYANT: Hello, my name is Jessica  
9 Bryant, B-R-Y-A-N-T. In case you couldn't tell, I'm  
10 here with Green Peas. I actually hadn't planned on  
11 talking, but the lovely redhead in the back convinced  
12 me to do that. And that meant I was called first,  
13 because that is how the world works. Before I make my  
14 comment, I would like to request that there are  
15 additional hearings. I'm glad that there was a hearing  
16 today and that is great. I'm glad that happened. But  
17 eleven days is not enough for people to prepare for  
18 this sort of thing. I can only assume that eleven days  
19 were given because people hoped that no one would show  
20 up. So that is frustrating. I hope that there are  
21 more, especially considering it is a day and a half  
22 before Thanksgiving and people are, you know, planning  
23 their family get-togethers. And I would love it if  
24 there was one in Bloomington. It is a huge population.

1 I am sure it would also love to be represented on this  
2 issue. So you should do that.

3 Second of all, I'm pretty sure that  
4 although not everyone in this room can agree that  
5 fracking altogether is a bad thing, I'm sure that  
6 everyone in this room can agree that cancer is bad.

7 (Applause).

8 MS. BRYANT: No one likes cancer. And there  
9 are over 350 chemicals that are used in the fracking  
10 process. Some of which are really scary, like Benzene.  
11 Benzene is a known carcinogen. It is listed as a  
12 hazardous contaminant in the Safe Drinking Water Act.  
13 In case anyone in here that doesn't know, carcinogen  
14 means that it causes cancer.

15 It is also lead. It is not a coincident  
16 that you see billboards on the side of the road that  
17 says "Don't let your kids eat lead paint chips". They  
18 have a program to remove lead from your home. Why are  
19 we using it to pump water into the ground?

20 Formaldehyde another carcinogen. It  
21 causes lung damage. Reproductive problems for women  
22 over long-term exposure. It is also a carcinogen. Why  
23 on earth are we allowing this stuff, this contaminated  
24 water with known carcinogens in it to be an open air

1 container, open air pools, instead of a closed  
2 container. That's crazy. Everyone knows if it rains,  
3 that is going to spill out. Also it can just leak into  
4 the groundwater. Why would we want to drink this  
5 stuff? I'm not up here for me. I'm up here for the  
6 kids I might have one day. Long-term exposure to this  
7 would kill us. What are we doing? It is crazy.

8           There are one million fracking wells  
9 nationwide, one million. Industry itself has admitted  
10 that at least 5 percent of those wells have failed. In  
11 case you are not good at math, that is 50,000 wells.  
12 50,000 wells. That is 1,000 for every single state.  
13 What are the chances that you live really close to one  
14 of those wells? They are really, really high. That's  
15 crazy. That means that if the cement casing cracks,  
16 because of the high pressure from the water that is  
17 being pumped into the ground, that means that that  
18 water in large portions is being pumped into the water  
19 that you drink everyday. That you drink everyday.  
20 That you drink everyday.

21           I know that we need natural gas, I  
22 understand. I have a gas burner in my house. I know  
23 we need it. But we need to do it in the safest way  
24 possible so that we are not killing ourselves. It just

1 seems crazy. If I had the choice between doing  
2 something that might harm me and doing something that  
3 might not, I'm not stupid. I would do the thing that I  
4 know is not going to hurt me. Thank you.

5 (Applause).

6 MR. WELCH: We're going to call two more  
7 names so that we have people lined up. You two  
8 confused me. I don't know who is who. We're going to  
9 call Linda -- it's Dr. Linda, I guess. And Marla  
10 Shuman. Put her back in the deck.

11 UNIDENTIFIED FEMALE: She is coming.

12 MR. WELCH: Ma'am, what is your name?

13 MS. WALLACE: My name is Jill Wallace. I'm a  
14 member of the Lead Group, the wild ones which is for  
15 wild plants. And that is also impacted by natural gas.  
16 Plants are dying. Where they find natural gas leaks  
17 are by trees dying. So I'm coming here with a broad  
18 perspective. I also feel that, yeah, this wasn't the  
19 most convenient day right before Thanksgiving. But it  
20 is the type of gratitude. I do feel very grateful for  
21 the life I have, and I use natural gas. I'm thinking  
22 there has to be a better way. Rather than squeezing  
23 out the last drops, we know that we have got the easy  
24 gas. This Shell gas is so far down in the earth that



1 we need to process sand from Ottawa to keep the ground  
2 open. Yes, sir, I'm against fracking. And I do  
3 believe that the young people are focusing on the right  
4 thing. They are focusing on new soil, new community  
5 and less materialism. This can be done. And we can  
6 focus -- instead of spending our money on the huge cost  
7 of fracking, we could be focusing on wind solar,  
8 geothermal, using the system and supporting the system  
9 which is dying. And it is death. So you've got this  
10 system of green light, red light. I have a paper on it  
11 for you and I'm sure you are familiar. This is  
12 apparently kind of the nationwide idea of green light,  
13 red light which you do have in your rules. So to begin  
14 with -- excuse me.

15 MR. WELCH: Take your time.

16 MS. WALLACE: I had been down to the -- with  
17 Dr. Laura in August and we suggested don't frack where  
18 there is already rolling earthquakes. But we're going  
19 to frack there and we are not going to worry about the  
20 green light until we get to the yellow light. We might  
21 slow down if we hit a five, which is even not the  
22 standard of the nationwide industry in the report that  
23 I'm going to give you. Illinois is becoming a poster  
24 child on risks. And one of the risks -- and what I'm

1 talking about and there is many more, are earthquakes.  
2 So we're going to yellow light to five. And then when  
3 we hit five, we're going to stop for three to  
4 six miles. Around the center of the quake. And we're  
5 going to figure out, according to your rules, how we  
6 can make the flow of the injection fluid, because we  
7 are talking about the injection wells, safe. We're  
8 going to control earthquakes. Well, that is humorous.  
9 That comes to my mind. Your penalties are minimal.  
10 \$50 for a first infraction. And somewhere I saw  
11 \$2,000 for a cause to a life. That is not enough.

12 (Hisses and Boos)

13 DR. CHAMBERLAIN: My name is Dr. Laura  
14 Chamberlain and I am going to hit the official  
15 statement of fracking which is a large coalition of  
16 community groups.

17 MR. WELCH: Are we missing somebody?

18 DR. CHAMBERLAIN: You put me over here. So  
19 anyway, I'm Dr. Laura Chamberlain. I was told that  
20 members of the JCAR, Joint Committee on Administrative  
21 Rules, was going to be here, one of the staffers. Are  
22 they here?

23 UNIDENTIFIED FEMALE: Probably Thanksgiving  
24 with their family.

1 DR. CHAMBERLAIN: Exactly. If you could give  
2 a copy to the JCAR members, I would really appreciate  
3 it. Thank you very much No. I have a comment.  
4 Exactly. We have three basic issues that we wanted to  
5 comment on. There is literally hundreds of holes in  
6 the rules. And we will be continuing the comments on  
7 them. But the chemical disclosure aspect of it in  
8 245720 is really irreprehensible. I'm a family  
9 physician and it is absolutely unconscionable that we  
10 are forcing our ER physicians and our emergency  
11 personnel to track down the fractors in the middle of  
12 the night to try to find out one of the hundreds of  
13 chemicals that a frack worker might have been exposed  
14 to or a family that ran into one of these trucks that  
15 they are carrying around this radioactive produced  
16 water. It is unconscionable.

17 We were at the IDNR in August and we  
18 asked them to do something that is expressly permitted  
19 in this bill. In the Public Act and Section 177 it  
20 says that the Department can furnish under the trade  
21 secret aspect of it of the chemical disclosure, they  
22 could furnish the entire amount of the chemicals to  
23 County Public Health Directors, emergency managers,  
24 Fire Departments Chiefs, Directors of the Illinois

1 Department of Public Health -- right in the Act the  
2 Department could transfer the responsibility for the  
3 chemical disclosure to the Illinois Department of  
4 Public Health. We have talked about this with  
5 Dr. Hasburg and Dr. Gillian. We talked about it with  
6 Director Mark Miller. We highly recommend that you  
7 transfer the entire responsibility of chemical  
8 disclosure to the Department of Public Health as it  
9 says so in the Act. Thank you very much. They are  
10 health professionals and know what to do about it. It  
11 is not for physicians in this state to tell the IDNR  
12 why they need the chemical disclosure. And also it is  
13 not for physicians in this state to sign agreements  
14 exactly nondisclosure agreements, after they had a  
15 patient. We in the medical community learn from each  
16 other when we have cases like this that come into the  
17 ER. We need to be able to use the standards that are  
18 already relevant in the medical community for all  
19 medical cases, including those that are involved on the  
20 frack field.

21 I want to bring your attention to  
22 another issue to. We have a paper on radioactivity and  
23 we are extremely concerned with the radioactivity that  
24 is going to be brought up in the waste streams of these

1 frack fields. I encourage you to look at that paper.  
2 We have several very significant recommendations for  
3 you.

4 But the third thing that is very  
5 important is we had communication with Dr. Hamburger  
6 who is -- he is probably the world's premiere expert on  
7 the Wabash Valley Earthquake. And Mr. Miller he sent  
8 you a letter today and he has downgraded every one of  
9 the stages of the green and yellow and red light. This  
10 gentleman has written a book on the Wabash Valley  
11 Earthquake. He is a member of the U.S. Hazards  
12 Advisory Committee. I would highly recommend that you  
13 listen to what he has to say. He wants the green  
14 lights downgraded from three to two. The yellow lights  
15 downgraded from three to five to two to four. And he  
16 wants the red lights downgraded to four, so that it  
17 would be more protective to the Illinois citizens. We  
18 run a high risk of seismic events that were in the  
19 Wabash Valley. I really ask you to listen to the  
20 expert on this. If you would like some more expert  
21 advice of how to manage the seismic events, we would be  
22 happy to help you with that as as well.

23 (Applause).

24 MR. WELCH: Dave Kraft. If you'll stand

1 behind Miss Forst, Dr. Forst and Ira Abrams. One last  
2 try, Ira Abrams. Okay.

3 UNIDENTIFIED FEMALE: There is a big line  
4 outside. People are waiting. Brenda Lewis. All right.  
5 Dr. Forst.

6 MS. FORST: My name is Linda Forst,  
7 F-O-R-S-T. I'm head of Environmental and Occupational  
8 Health Sciences here at the School of Public Health at  
9 UIC. I am also a medical doctor training in internal  
10 and occupational medicine and Public Health. I have  
11 spent my career providing healthcare to the workers in  
12 the public related to hazardous exposures in the  
13 workplace and in the general environment. I also  
14 conduct research and teach and I had the privilege of  
15 working with a lot of environmental health scientists  
16 that are amazing.

17 Today I'm here to express my concern  
18 about Subparagraph G of the proposed regulation on  
19 Hydraulic Fracturing in Illinois. This pertains to  
20 emergency responses to the content of the hydraulic  
21 fracturing fluid.

22 I'm concerned with the draft regulation,  
23 striking an appropriate balance between the protection  
24 of the trade secrets and the protection of human

1 health. Those who drafted Subparagraph G are  
2 undoubtedly not sitting on the OSHA Hazard  
3 Communication Standards. The current standards require  
4 companies to have material data sheets on the site and  
5 make them available to workers and their  
6 representatives. Workers are entitled to know what  
7 they are working with in order to make an informed  
8 decision. And the proposed IDNR regulation healthcare  
9 providers who are treating workers and others only to  
10 track them, exposure information at IDNR during  
11 business hours or the priority of the site after hours.  
12 This is a tremendous barrier to treating workers and  
13 members of the public sicken by hazardous exposures.  
14 And time spent tracking down this information could be  
15 the difference between life and death.

16 I'm quit sure that the EPAs Community  
17 Right To Know Act is one of those who drafted this  
18 regulation. It stresses the importance of community  
19 knowledge, local hazards and hazardous substances for  
20 the purpose of emergency planning.

21 When Governor Quinn signed the HFRA into  
22 law, it was touted as the most stringent and protective  
23 fracking law in the nation. These brass task  
24 regulations emphasizing protection of trade secrets

1 water it down. This is the change to the proposed rule  
2 that needs to be made in order to protect the health of  
3 the public.

4 First the new OSHA Hazard Communication  
5 Standard will require moving to the global system  
6 before 2015. Illinois should require implementation of  
7 the new standard now in order to avoid having to  
8 rewrite this resourcing in another year.

9 Number 2, both statutes and regulation  
10 acknowledge the need for healthcare workers to have  
11 immediate information about the chemicals involved and  
12 the health emergency -- claims of trade secrets. As  
13 written, the regulation places the burden on the  
14 treating physician. Instead the Illinois Poison Center  
15 could function as a suppository of this information.  
16 the IPC has a hotline that's available 24/7. IPC  
17 understands the environmental hazards. Healthcare  
18 providers and residents are also familiar with the  
19 poison center. And finally it took a disaster  
20 management plan in the state. IDNR can leverage this  
21 high quality resource by adjusting the regulations to  
22 satisfy the sharing of the lists of the chemicals with  
23 the IPC and making IPC and the agent for this purpose.  
24 Revenues generated from taxation should be directly to



1 support ICP, a nonprofit for this additional work.

2 Third, IDNR should work with the  
3 Illinois Department of Public Health to establish  
4 surveillance of exposure of hazards of hydraulic  
5 fracturing processes and health effects could be  
6 anticipated as well as long-term health effects. There  
7 are existing databases that can be used to track these  
8 health disorders over time. A realtime and  
9 longitudinal surveillance system should be put in place  
10 with resources allocated from the revenues generated by  
11 the hydraulic fracturing work.

12 Finally, other research and tracking  
13 should be mandated with funds set aside, the health  
14 impact assessment. Online case studies in the counties  
15 and towns affected to shed light on the impact and  
16 inform people of the state and people of other states.

17 Thank you for allowing me to testify  
18 today. I look forward to these and other changes in  
19 the regulations.

20 (Applause)

21 MR. WELCH: I would like to mention when we  
22 started after the representative from the Attorney  
23 General spoke, the Attorney General is not really  
24 considered part of the public. Instead of stopping at

1 8:30, we're going to go to 8:35 and we'll call the last  
2 names at 8: 35. So that gives you that five minutes  
3 that they used up. Ma'am, Miss Schuman, is that how  
4 you pronounce it?

5 MS. SHUMAN: Good evening and thank you all  
6 for being here and thank you for this opportunity. I  
7 would like to start by saying my name is Marla Shuman,  
8 S-H-U-M-A-N. I am here with the Chicagoland Against  
9 Fracking. I would like to start by saying that I hope  
10 that there would be more hearings. Two days before  
11 Thanksgiving. A lot of people are out of town and  
12 there are many, many people who would like to be here.  
13 And so I request that there be another hearing in  
14 Chicago so the people who are out of town have an  
15 opportunity to speak on behalf as well.

16 MR. WELCH: Also a lot of people who can't be  
17 here, there is the website where you can make comments.

18 UNIDENTIFIED FEMALE: It is on the board.

19 MS. SHUMAN: Knowing that there are options  
20 of the public comments, they would like to physically  
21 be here because they want to make their presence known.  
22 It is meaningful for them.

23 I would like to share that. I'm a  
24 wholistic practitioner. I look at this from an

1 interconnected standpoint. So to speak from the  
2 outset, in the rules it says that the pit has to be  
3 closed. Why do we do that? We do that because if the  
4 pits are open, that could evaporate into the air. That  
5 could cause toxic rain. That rain not only rains on  
6 people's physical body, but onto the crops that people  
7 are going to eat. So the effects are much more far  
8 reaching than just the water source. They do seep in  
9 the food source, if we do not -- unless we are going to  
10 be extremely strict about the rules.

11 We are -- we all should feel a choice  
12 about the air, clean water, clean food. I'm sure none  
13 of you want to drink water with butane. I see some  
14 smiles here. If you could light some water on fire,  
15 you know that is not safe to drink. No one wants to  
16 drink fire, drink gasoline. With that many, many  
17 instances of frack wells and nearby towns happen in  
18 such a way that their water is undrinkable or showers  
19 are unshowerable. You cannot shower in frack water.  
20 How would you feel if you realized that your family  
21 could not drink the water from your own home, could not  
22 shower in the shower from your own home that you are  
23 providing for their safety and for their protection?  
24 Think about if that were you, how you would be

1 affected. Put yourself in these people shoes where an  
2 entire town has no portable drinking water. It feels  
3 like a luxury, but it is a necessity for life for all  
4 of us. Nobody can live without water for seven or  
5 eight days. It is not possible. So most important is  
6 the preservation of our resources. 300,000 gallons are  
7 pumped into the earth where there is millions of people  
8 who do not have portable drinking water. And here we  
9 are putting chemicals and wasting water to contaminate  
10 water. It doesn't make sense when we should be  
11 preserving our resources. Thank you.

12 (Applause)

13 MR. WELCH: I'll call two more names. Abby --  
14 if you would stand behind Mr. Kraft, if you are here.  
15 And Briana Tong. Briana and Mr. Kraft. Go ahead.

16 MR. KRAFT: My name is Dave Kraft, K-R-A-F-T.  
17 Director of Nuclear Energy Information Service here in  
18 Chicago where a 32-year-old safe energy organization is  
19 based here. We thank you for the opportunity to  
20 present initial comments on the proposed Illinois  
21 Fracking Rules. More detail comments will be provided  
22 when writing prior to the January 3, 2014 deadline  
23 which will reference specific sections that you have  
24 promulgated. We do want to layout some general

1 obligations of what we read so far.

2           The radiation hazard has been  
3 inadequately addressed by the rules. The absence of  
4 explicit mention and the inadequacy of the regulations  
5 offered pertaining to radioactive substances in both  
6 enabling legislation and the IDNR Rules displays a  
7 shocking negligence on the part of the state  
8 legislature and IDNR to protect the public health and  
9 Safety and the environment.

10           The words "radioactive" or  
11 "radioactivity" are only mentioned five times in very  
12 brief passages in the 135 pages of rules promulgated by  
13 IDNR. Either radon or radium are mentioned by name in  
14 the entire document even though both represent a  
15 substantial public health threat both to the workers  
16 and the residents near fracking storages and sites.

17           The second general observation is that  
18 the unique qualities of radioactive material in  
19 radiation are not adequately represented in the rules  
20 proposed. While general references are made regarding  
21 radioactive substances and the sections dealing with  
22 water quality, pollution, testing and spills and  
23 remediation, none of these adequately appreciate nor  
24 deal with the unique hazards produced by radioactive

1 substances released during the fracking process.

2 In general radioactive substances are  
3 treated simply as one more check back like all the  
4 others to be dealt with. No specifics. Unique to the  
5 remediation of radioactive substances in soil or water  
6 are given. No treatment, handling or transportation  
7 methods or requirements are given. Radiation is simply  
8 a nonissue in these rules.

9 Some brief examples. The issue of radon  
10 gas and the effects on local air quality, this is even  
11 mentioned in Section 245.845, which deals with the gas  
12 management in the flowback. That section only deals  
13 with hydrocarbons. Radon is not mentioned at all.

14 Another example. In the specific cases  
15 of the treatment of recycling of the flowback water, no  
16 mention is made as to what standards for radiation  
17 content would apply or what treatment methods would be  
18 used, even though that flowback water is reusable. So  
19 you may be contaminating workers inadvertently with  
20 that omission. It is clear that significant  
21 radiological threat exist. That every aspect of the  
22 fracking operation both to the workers on site, to the  
23 public living near the wells, storage and disposal  
24 sites both in the present and in the future. Radiation

1 contents of fracking needs to be govern by the existing  
2 rules and regulation for the storage, treatment,  
3 transportation and exposure of low level radioactive  
4 waste. You must define those entities as radioactive  
5 waste and not as mere fracking residues.

6 The final observation, we wrote the  
7 state legislature in January of this year warning of  
8 these hazards in fracking and none of our warnings were  
9 either responded to or addressed. Yesterday, Channel 7  
10 News reported that a company known as Adco services, a  
11 radiation brokerage in Tinley Park, had been in  
12 violation over 70 times over a 20-year period, yet IDNR  
13 allowed Adco to retain its license and continue  
14 operating. This level of non-regulation will not be  
15 tolerated in fracking. We want you to know that now.

16 (APPLAUSE)

17 MR. KRAFT: The journalist said betrayal is a  
18 solid rational basis for this trust. And given the  
19 rules that we have seen and the way that we seen state  
20 agencies which are now understaff and underbudgeted and  
21 operated, we do not have the trust that these rules  
22 would protect the health, safety and environment.

23 (Applause)

24 MR. WELCH: Thank you, Mr. Kraft. Miss

1 Lewison.

2 MS. LEWISON: I'm Linda Lewison. I am an  
3 energy -- I am a board member of the Nuclear Energy  
4 Information Services, a 32-year-old watchdog. I want  
5 to make general comments, because Dave made the  
6 specific comments about the effects of radiation on  
7 hydraulic fracking. This is -- many of us know that  
8 hydraulic fracking is an inherently unsafe and toxic  
9 technology. In Illinois with increased occurrence of  
10 radar and radioactivity in these unique shell  
11 formations, we see that even more. It is unsafe in all  
12 of its parts. And you cannot regulate your way out of  
13 it as we are hearing tonight.

14 (Applause).

15 MS. LEWISON: The image from the inconvenient  
16 truth if you remember is the scales of justice, jobs.  
17 Does not have to say anymore. We cannot use the jobs  
18 as a cover for safe water, air and food, which is like  
19 Joe said we all know.

20 Senator Marqui said years ago that the  
21 energy policy and the choices we make about energy  
22 policy is the central story of our time. It drives  
23 climate change. It drives so much political acts of  
24 our political decision making. We support a carbon



1 free, nuclear free, energy policy. No nukes, no gas,  
2 no radioactive rate, no fracking, no coal, no oil, no  
3 Peco, no kidding.

4 (Applause).

5 MS. LEWISON: Eventually there will be a  
6 national moratorium on fracking. Eventually there will  
7 be a statewide moratorium on fracking. We have seen  
8 that organizations and individuals that go the  
9 regulatory route will eventually implode on this issue.

10 To end I want to say that we, as the  
11 public, are taxpayers and citizens as well as  
12 ratepayers. We fund the IDNR. We respectfully request  
13 that you take more than two hours and three minutes to  
14 hear us.

15 (Applause).

16 MS. LEWISON: If you have to stay half the  
17 night, we are all prepared to do that. It is a little  
18 cost to allow us, the public, or should I say the  
19 unwashed public to be heard and we request more  
20 hearings not only before Thanksgiving, but throughout  
21 the state. Thank you.

22 (Applause).

23 MR. WELCH: Ben Chametzky. Cathy Machay or  
24 G, Iron Student Network. You stand behind Miss Tong,

1 my right I guess. Okay. Miss Tong.

2 MS. TONG: I'm Brianna Tong. I'm a member of  
3 the Iron Student Network. Before I make my comment, I  
4 would like to request that the IDNR extend the comment  
5 period until after the holidays. During the holidays  
6 people are not thinking about making these comments.  
7 We would like that period to be extended at least to  
8 the end of --

9 (Applause)

10 MS. TONG: We know that the corporations  
11 exist to make a profit and that big banks, fossil fuel  
12 companies and all sorts of companies have a history of  
13 breaking laws and poisoning our environment. We know  
14 that fracking is hurting our community and the people  
15 in them. It is making wealthy corporations even  
16 wealthier. The only way to ensure that corporations  
17 are going to follow the law and protect us and our  
18 environment is to make it more expensive to break the  
19 law than it is to follow the law.

20 (Applause)

21 MS. TONG: And that is the problem with these  
22 rules. The rules drafted by the IDNR contain very  
23 minimal on corporations for very serious violations of  
24 the human and environmental safety. A token \$50 for a

1 violation and only go up to \$2,500 for a violation is  
2 Section 245.200. I am a student at the University of  
3 Chicago. I work part time and I make about \$400 a  
4 month. When I get a ticket for violating the rules of  
5 Illinois, a parking ticket for \$135, that is more than  
6 a fourth of my income.

7 (Applause).

8 MS. TONG: The top producer of gas made  
9 \$118 billion in profit last year. A \$50 or even \$2,500  
10 fine is not going to stop them from fracking in  
11 Illinois. The rules actually are technically lower  
12 than the daily fines in their original legislation.

13 The cost of polluting the groundwater of  
14 over 800,000 Illinoisans, the cost of illness and  
15 cancer caused by contaminated water and air and the  
16 cost of brain damage by toxic fumes should be reflected  
17 in the fines. The costs of violations need to be  
18 higher than the millions of dollars in profits that  
19 corporations stand to gain from fracking our land.  
20 Thank you.

21 (Applause).

22 MR. WELCH: We got away from spelling the  
23 last name. Would you spell your last name?

24 MS. DOMEKE: Abby Domeke. I'm a student at

1 UIC, a member of the Organization Roots of Justice and  
2 part of the Iron Student Network. I would also like to  
3 request that the IDNR extend the public comment period  
4 for 90 days ending on Friday, February 7th. And second  
5 that the Department hold more public hearings in  
6 Chicago and Bloomington around January. There is so  
7 many people that aren't going to get a chance to talk  
8 and they deserve an equal chance.

9 (Applause).

10 MS. DOMEKE: A key provision of the Bill  
11 passed is that fracking wastewater be stored in closed  
12 tanks. The only exception to this is when companies  
13 underestimate the size of the tanks and produce more  
14 wastewater than can be contained in the tanks. In  
15 other words, in case of emergencies. And in those  
16 cases companies would be allowed to store wastewater  
17 and dangerous open air pits for theoretically up to  
18 seven days. There is multiple problems with this rule.

19 First of all the Director's rules do not  
20 ensure that companies accurately calculate the  
21 appropriate size of the tanks, creating a loophole for  
22 companies to chronically underestimate these tank  
23 sizes.

24 The Department can easily fix this by

1 mandating a specific method by which companies must  
2 calculate the size of the tanks in order to minimize  
3 the frequency of overflow and thus the use of open air  
4 pits. As many people have said already, open air pits  
5 are in our food, the water goes in our showers. We  
6 can't have that.

7 My second problem is in reference to  
8 Page 3, Paragraph 6 of the Regulatory Act which states  
9 "Published studies or reports, sources of underline  
10 data, rule making, none." With this comment, I  
11 strongly object to the set of rules that blatantly  
12 admit that if the authors have chosen not to consult  
13 published studies of the underlying data, this is  
14 absolutely unacceptable for something that has such a  
15 large effect on public health and the environment.

16 (Applause)

17 MS. DOMEKE: Before these rules are  
18 published, this commenter requests that IDNR  
19 participate in regular monitoring of government  
20 reports, media reports regarding the hydraulic  
21 fracturing published by reputable sources about the  
22 effects of fracking that are taking place in other  
23 parts of the world. This is important for something  
24 that has such a large impact on the environment and

1 lives. The issue of fracking is important to me first  
2 off because it has such a detrimental to the  
3 environment and our health. Something this dangerous  
4 should have regulations to protect us, the citizens,  
5 not the companies.

6 In addition to this, I would like to  
7 believe that the purpose of our government is still to  
8 protect our people's health and give them a voice.

9 Please show that your intent as  
10 government officials who our taxes pay your salaries,  
11 so this is still your intent by extending the comment  
12 period and providing us with more. Thank you.

13 (Applause)

14 MR. WELCH: I'll call two more names.  
15 Georgette Kirkendall. If you would stand behind this  
16 lady and I will let you spell that. And Joe Kaplan  
17 behind Ben. Ben, spell your last name.

18 MR. CHAMETZKY: Ben Chametzky,  
19 C-H-A-M-E-T-Z-K-Y. I'm a member of the Solidarity  
20 Network at the University of Chicago, the Iron Student  
21 Network and I came up in Carbondale, Illinois, down in  
22 Southern Illinois. And the thing is that during the  
23 holiday season, I'm not going to be there. I'm going  
24 to be out of state with other family and I'm not going

1 to be able to participate in a Town Hall in my own  
2 community. You guys scheduled the hearings during the  
3 period when people are traveling. So I would really  
4 like to be able to get together with the people I grew  
5 up with and express these thoughts.

6 And yeah, one of the things I grew up  
7 with everybody in Southern Illinois knows we are on  
8 this massive fault line. There is no preparation for  
9 it. We don't have the political clout the people in  
10 Chicago do, so there is not adequate funding for  
11 disaster relief. There is no -- I don't think any  
12 large scale preparedness plan. So these companies are  
13 going to be fracking and there is no size of the  
14 disturbances. We got brick buildings. We don't have  
15 Japanese technology to protect ourselves from  
16 earthquake damage. It is up to the regulatory  
17 authorities to make sure that these corporations trying  
18 to scrape the last bit of profit out of the natural  
19 resources would destroy everything that I grew up with.

20 The other thing about down there is a  
21 lot of the people are not in home municipalities. They  
22 are out in unincorporated townships and counties. And  
23 the regulations, as you guys published them, don't give  
24 any authority not to not hold rural municipalities to

1 regulate fracking in your boundaries. So if you live  
2 in Jackson County out where I live or anywhere in Union  
3 County, they have one municipality. If you live in a  
4 place where a lot of people live, you live that way,  
5 you have no political say in what is done with your  
6 resources. And a lot of the people there are living  
7 off of those resources. People there still have  
8 animals in their yard. They drink from wells. And it  
9 is like that there and it is, you know, the entire  
10 political say and what happens to their lives is being  
11 taken away. I hope you listen and come up with some  
12 better regulations.

13 (Applause)

14 MR. WELCH: Spell your last name.

15 MS. MACHAJ: Yes, I am Cathy Machaj,  
16 M-A-C-H-A-J. All right. I'm here with the Iron  
17 Student Network and with Fair Economy Illinois. Before  
18 I begin, I would like to ask for more public hearings  
19 here in Chicago closer to January and then Bloomington.

20 When my parents migrated here from  
21 Europe, they were taught an important life lesson that  
22 they then passed down to my brother and I. They taught  
23 us that nature never takes more than it needs, but  
24 fracking does. I ask specifically that IDNR provide



1 its rules to provide stricter regulations on wastewater  
2 leakage. As spoken before, the rules drafted contain a  
3 loophole that allows for open pits that store highly  
4 toxic carcinogenic waste water. This wastewater can  
5 easily leak into groundwater which in turn contaminates  
6 drinking water that we drink. This wastewater can  
7 generate fumes that harm us, animals and the ecosystem.  
8 Putting fragile ecosystems under that kind of stress  
9 can cause entire populations to become extinct.

10 I again ask IDNR to modify these rules  
11 on open pits, because this is a matter of letting  
12 entire cultures fade. Whether everyone wants to admit  
13 it or not, we all speak the language of nature. Thank  
14 you.

15 (Applause)

16 MR. WELCH: Two more names. Michelle Mejia.  
17 Who has been up here longer? Joe Kaplan.

18 MR. KAPLAN: My name is Joe Kaplan. I'm a  
19 student at the University of Chicago. I am here with a  
20 group called Students For Health Equity and I am also  
21 here with the Iron Student Network and Fair Economy  
22 Illinois. I actually grew up in Texas. I'm sure all  
23 six of you are aware that fracking has been around in  
24 Texas for a long time and there are thousands of wells

1 in Texas, but there are very few wells that ever get  
2 shut down. And I was not alive when the rules that  
3 dictated fracking were made where I am from. But had I  
4 been alive, I would have spoken out and said like we  
5 are all here to do now to make these rules strict. Oil  
6 companies will drill with strict rules, but strict  
7 rules help people who would suffer if these oil  
8 companies break the rules.

9 So I want to say the original regulatory  
10 bill requires the construction and testing of fracking  
11 wells meet standards set by the American Petroleum  
12 Institute, these rules create absolutely no incentive  
13 for companies to meet these standards. Without  
14 following these standards, all fracking wells would be  
15 in danger of flood outs, fire and explosions that  
16 endanger the lives of workers and nearby residents.

17 So the solution of this is to suspend or  
18 revoke permits automatically when companies violate  
19 these standards. This way companies will think twice  
20 before they decided to violate these regulatory  
21 provisions. And I also would like to suggest that you  
22 have more of these public hearings. We are here to  
23 help you make these rules better and lots of people who  
24 have lots of positive input and care deeply about these

1 rules. And so it is incredibly valuable to protect  
2 people like us and not people who are trying to make  
3 money. Thank you.

4 (Applause)

5 MR. WELCH: Miss Kirkendall.

6 MS. KIRKENDALL: Hi, My name is Georgette  
7 Kirkendall. I am a member of the International  
8 Socialist Organization. I would like to start by  
9 saying that as an Illinois resident, I would demand  
10 that IDNR extend the comment period past the holidays.

11 (Applause)

12 MS. KIRKENDALL: I demand that there are more  
13 hearings about this company which will irreparably  
14 damage our lives and our ecosystem. This is a  
15 travesty.

16 I can't help but notice that  
17 approximately half of you on the panel have bottled  
18 water. This serves as a symbol today that people like  
19 you, people with more means, can just go buy water  
20 while you damage ours. People like me, people like  
21 everyone in this room cannot afford an alternative when  
22 you pollute our drinking water. Not only is fracking  
23 in Illinois and the environmental issue is a Human  
24 Rights issue, we as human beings have the right to not

1 be abused by companies that are looking for profit. We  
2 have the right to drink water that is not full of  
3 radioactive waste. We have the right to not have  
4 companies come in and do procedures that could cause  
5 earthquakes. We have the right for our lawmakers to  
6 not say it is all right for fracking companies to cause  
7 four earthquakes before they have to shut down, as long  
8 as they are under a 5.0 magnitude. I mean what is  
9 wrong with all of you? Shame on you? Shame on you.?

10 (Applause)

11 MR. WELCH: Couple more names. Horn. Kaley  
12 Horn, Isaac Silver.

13 MS. NEMER-AANERUD: I'm Aija Nemer-Aanerud  
14 and I'm a member of the Iron Student Network and I am  
15 also here from Fair Economy Illinois. And before I  
16 make my comment, like many people up here I would like  
17 to request that the IDNR provide more hearings,  
18 particularly in Chicago for those folks who weren't  
19 able to be here tonight. And as you can see, there are  
20 a lot of people who aren't going to be able to make  
21 comments.

22 I also would like to request that the  
23 IDNR extend the comment period to 90 days in February,  
24 as demonstrated by the number of people who are in this

1 room to testify and the fact that it is two days before  
2 Thanksgiving. I believe more hearings must be added.  
3 I believe more hearings must be added to make this a  
4 truly transparent and democratic process. I think that  
5 there are a lot of problems with these regulations. I  
6 would like to speak about the issues of health  
7 officials, access to information about the chemicals  
8 that are being used as people have tonight.

9           There is tremendous health and safety  
10 risks associated with pumping something highly toxic  
11 and radioactive water into our bedrock. Chemicals  
12 usually are kept secret denying doctors and health care  
13 professional to know what toxins have been involved  
14 when they are trying to treat a patient. So as people  
15 have laid out in their testimony otherwise tonight, the  
16 availability of that information that is not available  
17 24 hours, seven days a week, that healthcare  
18 professionals are going to have to track it down  
19 sometimes in the middle of the night is insufficient.  
20 So for this reason IDNR impedes the very fact that  
21 patients who come in contact with highly toxic fracking  
22 pollutants to at least require immediate treatment in  
23 Section 245.730.

24           This issue particularly troubles me

1 because I clearly can imagine what it would be like for  
2 the residents that would be affected by this. When I  
3 was young, my mom was diagnosed with cancer and as a  
4 child my life is dominated by the pain the rest of my  
5 family were going through as a result of that. Like  
6 doctors we couldn't afford, hair loss, nausea, and  
7 eventually when I was six she passed away. I don't  
8 want to see one more person have to go through that.  
9 It is awful.

10 I think that the IDNR's must enact  
11 stricter regulations to protect Illinois residents.  
12 The ones we have now aren't going to do that.

13 So with that, I also ask that you extend  
14 the public comment period again so we could see all  
15 these real repercussions. Thank you.

16 (Applause)

17 MR. WELCH: All right. Miss Mejia. Would  
18 you spell that?

19 MS. MEJIA: Sure. My name is Michelle Mejia.  
20 I'm a member of the Iron Student Network and Fair  
21 Economy Illinois. Before I make my comment, I also  
22 would like to request that IDNR extend the public  
23 comment period hold more hearings, particularly  
24 hearings here in Chicago and Bloomington.

1           I have grown up in a time where I have  
2 seen corporations wage war on people and the  
3 environment. These regulations are full of loopholes.  
4 I don't believe they are there by accident. I have  
5 some specifics.

6           The original regulatory Bill Section 170  
7 requires that the construction and testing of fracking  
8 wells meet the standards that are set by the American  
9 and Petroleum Institutes. They create actually no  
10 incentive for companies to meet these standards.  
11 Section 245.1100 not only states IDNR may suspend or  
12 revoke permits and/or issue penalties in the event that  
13 these standards are not met. Without following these  
14 standards all fracking wells would be in great danger  
15 of explosions that endanger the lives of residents and  
16 the workers.

17           The solution to this is to suspend or  
18 revoked the permit automatically when companies violate  
19 these standards by changing the saying that IDNR will  
20 suspend or revoke permits or issue penalties. This way  
21 companies would know to think twice about violating  
22 those provisions.

23           Also, the rules as written also place an  
24 impossible burden on IDNR to prove that fracking

1 operations are a significant threat to public health  
2 and wildlife before they could suspend a permit. By  
3 IDNR potentially hindering it's -- fracking operators  
4 accountable for reckless actions. Worst companies can  
5 also completely nullify IDNR's suspension by submitting  
6 materially untrue information and claiming that its  
7 well operations constitute no significant threat to  
8 public health, environment, et cetera. IDNR has been  
9 allowing fracking operators to regulate themselves.

10 So I believe these rules undermine the  
11 spirit of the regulatory and I hope you take a second  
12 look.

13 (Applause)

14 MR. WELCH: We call Julian Borjas and Randy  
15 Juras. And what about Julian -- going once, going  
16 twice, gone. Zack Fabos, is it? Zack? Okay, Miss  
17 Horn.

18 MS. HORN: Hi, my name is Kaley Horn. I'm  
19 here as a part of a group called Students to Help  
20 Equity and Iron Student Network and also Fair Economy  
21 Illinois. I am here. I'm with the University of  
22 Chicago students. I'm a college student. And I am  
23 pretty busy. I understand that 11 days is not enough  
24 time to go through 135-page document on there rules



1 that were designed for the people. I think we need  
2 more time to be able to go through this document and  
3 have more space that we can voice our opinion. So I  
4 call for another public hearing after the holidays.

5 (Applause)

6 MS. HORN: So although I didn't make it  
7 through the 135-page document, I did get to Page 3  
8 where the rules say there are no public study reports  
9 or sources of underlying data that were used or  
10 consulted in the process of this rule making. This is  
11 unacceptable. I think that this is echoed in other  
12 places in the document.

13 For example, in Section 245.200, the  
14 rules state that they require fracking companies to  
15 disclose all findings of serious violations under  
16 federal, state and other laws when applying for a  
17 fracking permit. But at the same time -- the  
18 definition of what constitutes a "serious violation".  
19 This is akin to having no disclosure requirement at  
20 all, because companies can easily state that this is  
21 not considered a violation to be serious enough for  
22 reporting. This to me is an example of the ineffective  
23 nature of these rules and an indication that not enough  
24 thought was put into them and not enough public input

1 was given.

2 The solution for this is to remove the  
3 word "serious" and ask the corporations to disclose any  
4 and all violations and fines alleged by public  
5 authorities.

6 (Applause)

7 MS. HORN: It is clear from what we heard  
8 tonight that these rules are inadequate, ineffective  
9 and out of touch with reality faced by the Illinois  
10 citizens and I ask that they be revised. Thank you.

11 (Applause)

12 MR. WELCH: Mr. Silver.

13 MR. SILVER: My name is Mr. Silver. The  
14 first thing I want to say so it gets on the record is  
15 thanks for the hard work of the note taker. I do a lot  
16 of that stuff and it is amazing to keep up with  
17 everything that people are saying and get that on the  
18 historical record.

19 (Applause)

20 MR. SILVER: So we've heard from people who  
21 have environmental and scientific and workplace safety  
22 expertise. And looking at all of the details of the  
23 things that are wrong about the proposed legislation.  
24 I just want to sort of step back beyond the details and

1 say this is about a process which when I first heard  
2 about it, it has been going on for decades? When I  
3 heard about it, I thought it was like a plot from the  
4 '90s cartoon series, Captain Planet. Blasting water  
5 into the earth to explode rocks and then pump poisonous  
6 chemicals and gas and other toxins to sit in pits and  
7 harm the land, the water, and the people who are doing  
8 the work and the people who have to live around that is  
9 totally ridiculous. Is there anybody here who has come  
10 to speak in favor of this? Is this really something  
11 that we can say we're going down the right path as a  
12 society rather than going down a path where everything  
13 will be put on the alter to be sacrificed for profit  
14 where there is no end to this stuff? Do we really want  
15 to blow up things underground in order to suck out the  
16 very last bit of fossil fuels until there is none left  
17 and then we are totally screwed?

18 I think it is totally ridiculous. It  
19 puts us on the wrong path. I'm for as many hearings as  
20 there can be. I'm for prolonging the process as far as  
21 it can go. I reject the framework that the train has  
22 left the station. As long as there is people --

23 (Applause)

24 MR. SILVER: As long as there is people who

1 live here and anywhere this is proposed who have any  
2 kind of moral, human and environmental conscience there  
3 will be opposition to fracking whether it is through  
4 public comment at events like this or any other thing  
5 that people deem necessary.

6 So the train hasn't left the station.  
7 We're all here and we are all opposed to it and I  
8 didn't see if anybody raised their hands in favor of  
9 fracking. So that is my comment. (Applause).

10 MR. WELCH: Christina Martinez and Joy  
11 Holowicki.

12 MR. WELCH: Mr. Juras.

13 MR. JURAS: My name is Randy Juras. As a  
14 resident of Homer Glen, Illinois, I currently do use  
15 well water. I am also a member of the Home Glen  
16 Environmental Committee and we have been following  
17 fracking in Illinois. While we do not feel that  
18 fracking will come to Will County, there are real  
19 concerns about how fracking will affect the radium  
20 levels in our wells.

21 I would like to point out that the City  
22 of Waukesha, Wisconsin is currently having problems  
23 with radium levels only in their deep wells. The  
24 water for these deep wells originated west of the

1 divide. The water seeps underground below the  
2 impermeable -- layer. While there is currently no  
3 mention of the fracking process being responsible for  
4 this radium, there is also nothing to say that  
5 fracking is not responsible.

6 More to the point, why are we here  
7 today? With the high volume hydraulic fracking that is  
8 being proposed, eventually cause deep water wells to  
9 become contaminated. Researching the history of  
10 fracking in Illinois, you'll find that fracking was  
11 probably done in some form or another 60 years ago.  
12 Only very small numbers and then no environmental  
13 follow-up was ever done.

14 From what I can see, the oil and gas  
15 industry had been wildcatting it up to now. House Bill  
16 2615 and Senate Bill 1715 did not have universal  
17 approval. Not at all. There were and still are a  
18 large number of people who oppose fracking because it  
19 doesn't seem right to drop 70,000 gallons of toxic  
20 chemicals in a deep hole and pump gallons of water  
21 under high pressure on top of that. If nothing else,  
22 the wastewater will -- from the fracking process.  
23 Simply pumping dead wastewater back into the lakes,  
24 rivers is extremely risky. As we have seen with fly

1 hash they leak. Then you have the toxic chemical  
2 powering down the deep well. We are being told that it  
3 is only enough that we know what these chemicals are.  
4 Not which ones should not be used. It appears that no  
5 one is going to investigate what chemicals will have  
6 detrimental effects on the environment. As far as I  
7 can see, there is honestly is no way to tell of  
8 applying pressure to the toxic mix, exactly what the  
9 fracturing of the rock structure would incur. It does  
10 not seem to be an exact science yet. The possibility  
11 of fracking has created being bigger than expected is a  
12 real risk. What are the possibilities that fracking  
13 causes seismic activity. The whole idea of fracking is  
14 to move things around deep underground. Using high  
15 pressure with toxic chemicals to force a crack to  
16 happen and then inject a sand mix into that crack would  
17 keep the crack open. What are the assurances that  
18 radium will not also fall in these cracks? We know  
19 that there is a good chance the wastewater would have  
20 radium. Where else would that radium flow go.

21 Nowhere in the proposed rules do I see  
22 any further research being done with regard to any of  
23 these questions. They talk about minimum testing, but  
24 nothing about follow-up work to maybe be sure or to

1 determine how fracking causes seismic activities.

2 There also seems to be no standard on  
3 health or regulation how our wastewater will ultimately  
4 be treated. Holding all wastewater in the tanks is a  
5 good idea. What happens next to that wastewater, there  
6 is no way that toxic chemicals should be dumped  
7 anywhere. It needs to be handled in the same fashion  
8 as any hazardous waste product should be. Thank you.

9 (Applause)

10 MR. WELCH: Zack Fabos.

11 MR. FABOS: I'm Zack Fabos. I would like to  
12 ask two things of you. First, I would like to ask for  
13 an extension of the hearings. I would also like all of  
14 you to put yourselves in the shoes of those living in  
15 Southern Illinois, because if these regulations aren't  
16 changed, their lives will be ruined. And they would  
17 have nowhere else to go. I think their lives are at  
18 risk just so someone could make money. That is really  
19 all I have to say. Thank you.

20 (Applause)

21 MR. WELCH: We have Carol Kurz and Glenda  
22 Reed.

23 MS. MARTINEZ: Miss Christina Martinez. I  
24 live in Tinley Park which is near Brighton Park and I

1 represent the Tinley Park Community Garden. And my  
2 comment relates to the -- first, before I make any  
3 comment, I would like to say that we need to have more  
4 of these hearings. And I know that the Latino  
5 Community, when I talk about fracking they have no  
6 clue. There is a lot of people that do not have a  
7 clue. The media is not talking about it and the  
8 Spanish stations on the radio are not talking about  
9 this. It is affecting our food, our water and our  
10 health and we need to have a statewide education  
11 campaign to educate the public about fracking --

12 (Applause).

13 MS. MARTINEZ: -- particularly about fracking  
14 in the Spanish, Cantonese and the Japanese. So my  
15 comment relates to the administrative rules regarding  
16 wastewater storage. My understanding was that this  
17 water contained over 360 carcinogenic and radioactive  
18 chemicals.

19 According to the rules drafted by the  
20 IDNR, these natural gas companies will be allowed to  
21 store this wastewater in open air containment pits  
22 rather than closed tanks by the regulatory bill. This  
23 wastewater does leak into the ground and contaminate  
24 drinking water. Here in our State of Illinois the



1 water quality of 800,000 citizens may be compromised as  
2 a result of the fracking process.

3 As a registered and licensed dietician I  
4 express to my clients the importance of eight to ten  
5 glasses of water daily. If you don't have clean water  
6 to drink, people can get sick and develop cancer and  
7 become dehydrated and eventually die with long term  
8 consumption of contaminated water. I'm concerned about  
9 the health and well-being of my fellow citizens  
10 downstate. This is where fracking is supposed to take  
11 place. I have no faith in these companies following  
12 the rules. So that is all about money and not about  
13 the health and well-being of the people of the  
14 communities. There is no safe way to frack. Illinois  
15 needs to have a moratorium on fracking like Governor  
16 Cuomo has in New York State. Thank you.

17 (Applause)

18 MR. WELCH: Okay. I think that is Joy  
19 Holowicki.

20 MS. HOLOWICKI: Yes, my name is Joy  
21 Holowicki. And I'm with the Rising Tide Chicago.  
22 Yeah, go on the website. And so just hearing that a  
23 \$2,000 fine for a loss of a life, am I hearing that  
24 correctly? That is pretty sick. You make me sick.

1 I also happen to work at Argonne  
2 National Laboratory and I have lived in Illinois my  
3 entire life. Even when I lived in Illinois, my entire  
4 life was not mutually exclusive from that part of me is  
5 that I am concerned about climate change. And most  
6 specifically how methane gas affects the atmosphere and  
7 how we are informing citizens about this effect and  
8 what its relationship is to fracking.

9 Recently the "New York Times" announced  
10 another study that methane release were grossly  
11 underestimated. And so what I would like to know is  
12 not only are these affecting human beings, how would  
13 they affect the other human beings around the world.

14 (Applause).

15 MS. HOLOWICKI: In addition to that, I want  
16 to know what the best standard practice is for fracking  
17 will be and what the industry is doing to help  
18 standardize that.

19 Now we have this permit system. So what  
20 I'm imagining is these mom and pop companies coming  
21 along and performing their highly intensive process,  
22 what is being done to standardize practices. This is a  
23 major concern of the EPA which in 2012 issued out Green  
24 Standard Practices and set that as a goal. What are we

1 in Illinois doing to help to promote that issue?  
2 We're probably doing nothing, since we can't even put  
3 the correct location of where the meeting is on their  
4 website.

5 (Applause).

6 MS. HOLOWICKI: I'm mad. And so are the  
7 citizens of Illinois. That is all I have to say.  
8 Thank you.

9 (Applause)

10 MR. WELCH: I'll call two more names. Tina  
11 Briggs. Tina Briggs. William McFadden, William  
12 McFadden. If you are here, let us know. Elias  
13 Friedman. Are you here?

14 MS. KURZ: My name is Carol Kurz and I'm a  
15 member of NEIS. Most of the comments that I wanted to  
16 make have been kind of spoken about already. I did  
17 want to make a comment about CO<sup>2</sup> emissions because  
18 we're fast becoming -- the methane gases are really  
19 hurting the rest of our lives. I have two  
20 grandchildren. One seven and one two. My grown  
21 children I'm not too concerned about, but I'm concerned  
22 about my grandchildren that we don't have global  
23 warming and all this fracking adds to that. And I am  
24 75 years old and when I was a little girl growing up we

1 were told that we make this life better than how we --  
2 we leave this place and we make it better than how we  
3 came. We are not doing that anymore. We all need  
4 money. We all love comfort. But we have got to get to  
5 the point where we care about each other because we're  
6 all in this together and nobody is going to survive.  
7 If you think that you are going to some trip to Mars or  
8 something and get away from this planet, this planet is  
9 not going to exist in another 100 years the way we are  
10 going. And it might be less than that. So please,  
11 please, I wish you would stop fracking. But if you  
12 cannot, make it as safe as you possibly can. This is  
13 really going nowhere and it is killing us all. That is  
14 all I have to say.

15 (Applause).

16 MR. WELCH: Those that want to leave a  
17 written statements with us, please do so. Miss Reed.

18 MS. REED: My name is Glenda Reed. I'm here  
19 with the organization Food and Water Watch. The  
20 Hydraulic Fracturing Regulatory Act was passed by the  
21 Illinois Legislature and signed into law after running  
22 negotiations between lawmakers, industry and several  
23 environmental groups. At the time, many of us warned  
24 that the oil and gas industries well paid lobbyists

1 would succeed in watering down the resulting  
2 regulations and that these watered down regulations  
3 would be inadequately enforced. Our underground  
4 sources of drinking water are vital. It only takes one  
5 case of contamination to ruin a community source of  
6 water. Oil and natural gas are not worth the risk of  
7 ruining our drinking water.

8 I would like to address Sections 245.210  
9 at A6 and A7 and 245.815. That is 245.815, at B as  
10 well as 245.101. The rules proposed by the IDNR ignore  
11 what we are learning about fracking disasters across  
12 the country. And in doing so exacerbates the risk to  
13 the health of our water. So these sections are grossly  
14 inadequate to protecting against so-called frack hits.  
15 Frack hits occurs when new fractures from fracking  
16 intercept with aging and abandon wells. According to  
17 these sections, permitted operators would only have to  
18 worry about frack hits on existing wells that are  
19 within 750 feet of the proposed well. Measured at the  
20 minimum distance between any two points along two  
21 retrospective water holes. Even then they only need to  
22 consider those existing wells if they were drilled  
23 within 400 feet of the rock formation targeted by the  
24 new well.

1               I would like to clearly say that this  
2 law ignores reality. Just this past September in New  
3 Mexico, fracking at one well blew fluids out of the  
4 neighboring well head located half a mile away. That  
5 is 2,640 feet away. That is three times, three times  
6 the distance required by the IDNR rules. That is three  
7 times inadequate.

8                               (Applause).

9               MS. REED: New oil and gas wells with cement  
10 and casing failures, aging or abandoned wells, their  
11 own leaking casings, new fractures from fracking and  
12 existing natural fractures all combine to create a  
13 network of underground pathways through which  
14 contaminants can flow. Simply put, the oil and gas  
15 industry cannot reliably predict the length of  
16 fractures they are creating until they created them.  
17 And these rules all guarantee that the fractures from  
18 fracking will connect with existing pathways of  
19 contamination. There are many other problems that the  
20 proposal -- that the proposed regulations only begin to  
21 address. At Food and Water Watch we believe that  
22 these problems are best avoided all together with an  
23 outright band on fracking.

24                               (Applause)

1 MS. REED: In lieu of the outright band, we  
2 ask that the IDNR extend the review period for two  
3 years to allow for adequate -- Thank you.

4 (Applause)

5 MR. WELCH: We're going to call Sasha  
6 Mitchell. Sasha. And Jessica Fujan. Jessica.  
7 Mr. Friedman, I think you're up.

8 MR. FRIEDMAN: My name is Elias Friedman.  
9 I'm here with the Iron Student Network, Chicagoland  
10 Against Fracking and also with Fair Economy Illinois.  
11 As others have pointed out, the IDNR has admitted that  
12 no studies, reports or underlying data were used for  
13 consulting in the process of this rule making. I would  
14 like to thank the IDNR for being honest about that.  
15 But also it is very clear even without that disclaimer.

16 (Applause).

17 MR. FRIEDMAN: Section 245.600 B1, the  
18 proposed rules for monitoring, testing water sources  
19 only are in effect within 1,500 feet of the well site  
20 and do not provide for testing on the horizontal leg.  
21 This is high pressure horizontal fracking.  
22 "Horizontal" is the keyword there. This type of  
23 fracking, this type of mining affects a wide area far  
24 beyond that 1,500 feet.

1                   Additionally, the entire system of  
2 regulation, which we have been critiquing this whole  
3 long period we have had so far and will continue to, is  
4 about high volume, high volume horizontal fracking.  
5 Does that only involve wells with only 300,000 gallons  
6 of water? A number of the smaller wells would not be  
7 covered. I think this is a drastic oversight as well  
8 as the variety of other problems that other people have  
9 brought up. And I would like this to be noted and  
10 close this loophole by the IDNR if fracking must go  
11 through this state. Thank you.

12   (Applause)

13                   MS. KATHURIA: My name is Monica Kathuria.  
14 I'm here today with the Iron Student Network and also  
15 Fair Economy Illinois. I also would like to start my  
16 testimony by requesting that the IDNR extend the public  
17 hearings and the comment period until well after the  
18 holiday, until February 7th, just over 90 days. It is  
19 apparent to me it was deliberately scheduled two days  
20 before Thanksgiving to mitigate the number of people  
21 that would show up. I know at least 30 people that  
22 wanted to be here that could not and another handful  
23 that are outside the room that haven't been let in.

24   We need more hearings in Chicago as well



1 as throughout the state, especially Bloomington.

2 I also want to mention the lack of  
3 studies, reports or underline data used in making these  
4 rules. I'm appalled that not a single Peer Review  
5 Journal or report was consulted in drafting of these  
6 rules. I have written high school papers that required  
7 more sources than that.

8 (Applause)

9 MS. KATHURIA: I also want to speak to the  
10 fines on administrative operating violations. Like  
11 people before me had mentioned, I know that  
12 corporations do not care about people as long as they  
13 are able to make a profit off of us and off our  
14 environment. I can't believe that fines for violating  
15 these rules go from \$50 to \$2,500 in this state. I pay  
16 parking tickets that are more than \$50.

17 UNIDENTIFIED MALE: How about jail time?

18 MS. KATHURIA: I make about 1,000 a month to  
19 survive off of. These corporations that are making  
20 billions of dollars in profits by exploiting the people  
21 and the environment of our state need to be held  
22 accountable for their action. I demand that the rules  
23 be amended.

24 (Applause)

1 MR. WELCH: Brian Larson and Jason Duba.

2 MR. MITROFANENKO: Hi, my name is Sasha  
3 M-I-T-R-O-F-A-N-E-N-K-O. I'm here with the Iron  
4 Student Network. And also I'm here with Fair Economy  
5 Illinois. And before I make my comments, I also would  
6 like to request that IDNR extend the comment period  
7 until after the holidays and provide more hearings,  
8 particularly in Bloomington and in Chicago. The only  
9 Chicago hearing as we all know is today. Today is  
10 before thanksgiving. I was the only one spending time  
11 with the family during this wonderful week to come here  
12 and speak with you and thanks for that. Yeah.

13 My sister works in the Department of  
14 Environmental Science. I was aware of the dangers of  
15 fracking when I was growing up. I was also well aware  
16 that there is more than a billion people on this planet  
17 who don't have access to clean water. And being  
18 privileged to have access to clean water and using it  
19 for killing other people that is interesting. That is  
20 not how it is supposed to be.

21 And also -- I mean water is a great  
22 thing. As you all know, water keeps us alive. And  
23 IDNR, along with a lot of problems, a lot of problems  
24 with water moratorium. And high volume horizontal

1 fracturing means that well bores can oftentimes extend  
2 up to two miles from the actual oil sites. And  
3 unfortunately Section 245.600 B1 of the proposed rules  
4 only provide for testing and the moratorium on water  
5 sources within 15 feet of the wells, 1500 feet of the  
6 well site and do not provide for testing of the well  
7 bore.

8                   This is a reckless disregard of the  
9 known risks of the underground -- of toxic fluid from  
10 the well bores and especially hydraulic fracturing and  
11 the use of the explosive charges and especially in  
12 areas known for the risk of higher magnitude  
13 earthquakes. The U.S. Government have themselves  
14 acknowledge that one major risk from fracking is that  
15 underground gases and chemicals which can lead to  
16 contamination of surface water and groundwater. Given  
17 that toxic chemicals are present not only along the  
18 vertical portion of fracking wells, but also the  
19 horizontal water testing and monitoring must be  
20 required along the full length of any horizontal well  
21 bores in order to mitigate this risk.

22                   Furthermore, the fracking companies have  
23 the burden of proof of water pollution within testing  
24 areas are not caused by fracking, IDNR has to severely

1 limit this burden of proof to a small list of chemicals  
2 included in the law.

3 I'm 18 years old and I'm a student. I  
4 mean it might be selfish of me, but I care about the  
5 future of myself and friends and family. And, you  
6 know, I have a lot of dreams and I want all those  
7 dreams to come true. I don't want to get cancer around  
8 30 or even sooner. So please do something about it.  
9 At least do something about it with the rules. It is  
10 obvious that a lot of things are not about this. Thank  
11 you.

12 (Applause)

13 MS. FUJAN: My name is Jessica Fujan. I'm  
14 representing the Food and Water Watch. I'm an  
15 organizer. I want to talk about 245.210 6A. It is  
16 worth looking at closely. It states 'To acquire  
17 permits to conduct high volume hydraulic fracturing in  
18 Illinois the Applicant would have to submit among other  
19 things, a key description of the confining zones  
20 constituting or contributing to that zone, including  
21 but not limited to a description of -- permeability,  
22 source contact and susceptibility to vertical -- of  
23 fractures of confining formation if known after  
24 reasonable inquiry." I will repeat the last part. "If

1 known after reasonable inquiry." What does that mean?  
2 The fact of the matter is very little is known about  
3 the connectivity of pathways below ground. About the  
4 only thing we do know is that widespread drilling and  
5 fracking will expand those pathways creating new roads  
6 for contamination that we may not see for decades.

7 Widespread fracking in Illinois -- our  
8 landscapes fragment forests across the state. It will  
9 crowd rural road with heavy duty trucks carrying toxic  
10 waste leading to ineffable accidents spills. It will  
11 leave costly legacy of local air and water pollution  
12 for communities to cope with long after the industry  
13 has left town, along with the jobs it will supposedly  
14 create.

15 The proposed rules make all of these  
16 outcomes ineffable. As for the massive volumes of  
17 toxic waste generated by drilling and fracking, there  
18 are no good options though disposing of it as far as  
19 I'm concerned. Injecting it back underground is the  
20 industry's favorite option. The proposed rules  
21 anticipate this. But regardless of these rules, the  
22 risk that Illinois will be struck by damaging  
23 earthquakes will increase at the cost of waste  
24 disposal. We cannot afford to allow widespread

1 drilling and fracking in Illinois.

2 Now, with new rules proposed under the  
3 contentious Hydraulic Facturing Regulatory Act the  
4 IDNR accept parameters for widespread fracking and  
5 drilling for oil and natural gas in our state. As a  
6 consequence, the coming oil and gas industry for the  
7 profits will enroll Illinoisans, many would be enrolled  
8 against their will. Some of who are here today, in a  
9 large public health experiment that puts their lives,  
10 their water, their family and future at risk. This is  
11 completely unacceptable.

12 I work in a national organization that  
13 fights fracking in a number of states, in a number of  
14 highly frack states such as Colorado and Pennsylvania.  
15 What we have seen is that in Pennsylvania they drew up  
16 regulations, ones that were supposedly strong. But the  
17 rules that we are looking at today, do not match rules  
18 that are currently enacted in other states that are  
19 already failing and endangering the lives of  
20 individuals, their families, their farms and even their  
21 livestock.

22 (Applause)

23 MS. FUJAN: At Food and Water Watch we agree  
24 with those in the back that regulating fracking is an

1 impossibility. That these companies will violate the  
2 laws that we're trying to set here today and we doubt  
3 that the IDNR will have the capacity to enforce the  
4 rules, even though the low standards that we are  
5 observing today.

6 We believe that a band on fracking is  
7 necessary to protect the people in this room. However,  
8 we understand that the point of these hearings is we'll  
9 talk about this specific content of the rules, but I  
10 look forward to seeing you at every hearing that you  
11 have coming up in the future.

12 We do encourage that you extend the  
13 comment period of these hearings and for comments for a  
14 103-page document that we have been given 11 days to  
15 analyze. Your research couldn't come up with a  
16 comprehensive response to all the inadequacies that we  
17 have been given. We look forward to discussing the  
18 rules that we got before us for at least 90 days and  
19 talking to the rest of the holiday season.

20 (Applause)

21 MR. WELCH: Call two more names and that is  
22 going to be it. Karen Fort and Drew Nenin. UIC School  
23 of Public Health.

24 MR. DURSCHMID: My name is Mike Durschmid.

1 I'm an organizer with the Organic Consumer Association.  
2 We're a national organization working on food,  
3 agriculture and sustainability and social justice  
4 issues. Mandatory labor, factory, farming and  
5 fracking. In Illinois we are 30,000 strong. There is  
6 no safe way to frack. The very idea of claiming it is  
7 safe injecting hundreds of gallons of toxic chemicals  
8 into our earth -- many known carcinogens that don't  
9 breakdown and many so-called proprietary chemicals kept  
10 secret from public scrutiny is ridiculously reckless.  
11 And without the Halliburton loophole to the Clean Air  
12 and Water Act it would be criminal. The practice will  
13 deplete precious water resources at a time when we are  
14 experiencing increasing drought. Our farmers and  
15 communities need that water reserve. This practice  
16 will degrade and destroy our water resources in a way  
17 that is unrecoverable as well as the communities they  
18 operate in. The track record in other states and  
19 countries prove how hazardous this practice is.

20 Can this be regulated? Well, the bill  
21 as written is already way too weak. It allows for  
22 those polluters to still do business. This industry is  
23 constantly experiencing accidents. These are not just  
24 mishaps. The reckless business model plans for fines



1 as a doing business expense. Let's try that \$50,000 a  
2 day to start with. I would go a \$1 million a day.

3 UNIDENTIFIED MALE: Jail time.

4 MR. DURSCHMID: Jail time is good too. This  
5 IDNR regulation is even weaker than the already too  
6 weak bill. You need to fix that and then some.  
7 Example. The so-called fines as low as \$50, how would  
8 that be a deterrent to destroying our farms and homes?  
9 I didn't even know about that \$2,000 for a loss of  
10 life. How ridiculous is that. That is a real  
11 deterrent. Who wrote this, the Industry? Serious?  
12 It is not just a joke. I'm serious. It sounds like  
13 it.

14 Serious violations. The fractors are asked  
15 to list the past five years what serious violations  
16 they did. What the heck is that about? I want to know  
17 all the violations. No matter how far back it goes.  
18 And the serious violations, they need to not just pay a  
19 fine, a huge one, but all serious violations should  
20 require mandatory losses of permit. No exceptions.

21 (Applause)

22 MR. WELCH: You have 30 seconds left, sir.

23 MR. DURSCHMID: Is the corporate hypocrisy  
24 alive and well at IDNR? I think so. With this draft of

1 captive rules, the political corporate hatchet men and  
2 women running the IDNR have just proved itself as not  
3 just inept, but incapable and without the will to  
4 regulate fractures, yet alone stop them. The timing of  
5 this holiday -- this holiday timing of these hearings,  
6 we need more hearings. Either make the rules  
7 prohibitive to all fractors or turn this charge you  
8 have back on the policymakers, telling them only a band  
9 will do.

10 (Applause)

11 MR. CASTO: My name is Kevin Casto. I'm a  
12 member of South Side Solidarity Network at East  
13 Chicago, the Iron Student Network and I'm also here for  
14 Fair Economy of Illinois. First of all, I would like  
15 to demand, not just request, demand that IDNR extend  
16 the public comment hearings until after the holiday and  
17 provide more hearings particularly in Chicago and  
18 Bloomington. The only hearing so far in Chicago is  
19 today, a day and a half before Thanksgiving with only  
20 11 day's notice and that is totally ridiculous. And  
21 there is no hearing at all in Bloomington.

22 There are so many points, as people have  
23 been talking for the last two hours, I would like to  
24 talk about the risk of large scale environmental

1 disasters. So even though Section 153 of the  
2 regulatory bill requires that fracking operations be  
3 conducted in a manner that will protect the public,  
4 health and safety and prevent pollution, the rules do  
5 not at all address the risk of large scale  
6 environmental disasters. They can occur as the result  
7 of fracking specifically in a valley in the Illinois  
8 100 year floodplain. Earthquakes of over seven on the  
9 Richter scale. The Illinois Emergency management  
10 agency itself identified these areas with its most  
11 severe earthquakes of destructive and ruinous. An  
12 earthquake of these magnitudes compounded with fracking  
13 and injection wells spread throughout the affected  
14 zones is quite literally a recipe for disaster.  
15 Injection wells have been know to trigger earthquakes  
16 in area without major fault lines and to allow any  
17 fracking at all to occur in the New Madrid is putting  
18 the lives of thousands of Southern Illinoisans at  
19 devastating earthquakes. The only sensible solution is  
20 to prohibit any and all fracking along the La Bosch and  
21 New Madrid seismic zones. Whatever profits the  
22 corporations stand to gain from fracking is not worth  
23 the kind of human catastrophe that IDNR is putting us  
24 in danger of. IDNR cannot be allowed to play with

1 human lives so carelessly.

2 Earthquakes of these magnitudes can  
3 easily damage injection wells, fracking wells, open air  
4 pits causing toxic and radioactive fluids to poor into  
5 the ground and contaminate the soil and the hundreds of  
6 thousands of Illinoisans.

7 IDNR would not only be responsible for  
8 the damages directly caused by the earthquake itself,  
9 but a toxic chemical disaster, ruptured pipelines and  
10 wells. Similarly allowing any fracking within the  
11 Illinois 100-year floodplain zone is also asking for  
12 disaster. The environmental devastation caused by the  
13 recent floods in frack county colorado is inundated.  
14 Flooded wells and overturned tanks and ruptured lines  
15 are just a few of the horrific images of toxic  
16 chemicals spewing over Colorado. Open air pits of are  
17 particularly vulnerable for floods and compound the  
18 disaster.

19 Finally I just want to counter the idea  
20 that "the train has left the station". And that  
21 somehow like these legislations are being made and we  
22 have a little time, you know, to complain against them,  
23 and I just want to say, if these regulations are not  
24 seriously made so that fracking is actually safe, then

1 we the people, the people who you are trying to ignore  
2 by scheduling so few hearings over the holiday, we can  
3 push JCAR to reject these rules and we will come back  
4 unless you make these safe.

5 (Applause)

6 UNIDENTIFIED FEMALE: Don't shut out  
7 democracy.

8 MR. BUSSER: I am a member of the Iron  
9 Student Network and here with Fair Economy Illinois.  
10 Like a lot of people before I begin, I would request  
11 that the IDNR the extend the comment period until after  
12 the holidays as well as provide more hearings in  
13 Bloomington and Chicago.

14 (Applause)

15 MR. BUSSER: It is only fair to assume that  
16 the fact that this hearing was scheduled a day and a  
17 half before Thanksgiving and with only 11 day's notice  
18 that was done on purpose to make sure everybody here  
19 would not show up.

20 I would like to first start by saying that  
21 any regulations, any scientific research needs to go  
22 into enforcing those regulations. And regulatory  
23 procedures should not be at the cost of the taxpayer.  
24 That bill should be sent to the oil and gas companies

1 who is making the money.

2 (Applause)

3 MR. BUSSER: The specific section that i  
4 would like to speak to has to do with the health  
5 professionals' access, information about the chemicals  
6 used in fracking fluid. There are tremendous risks  
7 with pumping tons of toxic and radioactive water deep  
8 into our bedrock. With the actual chemicals used being  
9 kept secret, now even doctors and healthcare worker  
10 don't know what toxins have been involved when they see  
11 a sick patient. The IDNR rules impede the ability of  
12 affected patients to come in contact with highly  
13 pollutants to require immediate treatment. Even though  
14 these laws require that the IDNR provide health  
15 professionals with the information about the chemicals  
16 used in fracking when necessary to treat a patient, the  
17 rules provide circular information about what an  
18 affected patient is. There are over 353 mysterious  
19 chemicals that could be involved. Doctors cannot run a  
20 few tests when patients come in with results of an  
21 accident or exposure to these chemicals. To make  
22 matters worse, the rules give medical professionals  
23 only one of two options in the event of a medical  
24 emergency to either call the IDNR during normal

1 business hours or to call the trade secret holder. The  
2 IDNR gives no indication of how one could go about  
3 identifying who exactly this trade secret holder is and  
4 how to go about contacting them in the event of an  
5 emergency outside of the IDNR. Worse yet both IDNR and  
6 the trade secret holder have complete discretion when  
7 they want to share information about the chemicals  
8 involving fracking regardless of the medical necessity.

9 This is important to me. I grew up in a  
10 small town and I drank well water my entire life. I  
11 have had a mom and a grandma both die from breast  
12 cancer. And when my mom died a year and a half ago, I  
13 promised that I would fight to make sure that our  
14 public institutions are making sure that more  
15 carcinogens are not flooded into these areas where we  
16 know the environmental risk is involved in the increase  
17 of incidents of cancer. So the IDNR needs to do its  
18 part to make sure that that doesn't happen. Thank you.

19 (Applause)

20 MR. WELCH: Last car catchment aremfo rf t  
21 karen fort board members of the second uniontarianian  
22 church and here with the social justice committee. our  
23 religion ask us to affirm and promote the respect for  
24 the interdependent web of all existence which we are a

1 part. and there is a larger ethical calling that brings  
2 me here, speaking for the planet, the people. i also  
3 want job site for the people who live in the southern  
4 illinois and there is much work that needs to be done.  
5 there is just transsis, we can move towards a suspend  
6 and stainable low carbon economy. crane business  
7 magazine have joined by sex the business initiative pof  
8 the clie nate and the environmental policy and they are  
9 stating that preventing climate change is the greatest  
10 economic opportunity of our time. (applause).

11 those low income rural area that face  
12 increased pollution impacts for many of the same reason  
13 that urban community of the color face and increase  
14 pollution. small towns rural areas often support any  
15 project that promises any kind of the job much no  
16 matter how dangerous or deadly, they are desperate,  
17 they see no alternative. i want to hire these people  
18 to build wind farm and solar power. (applause).

19 climate change by the time my grandchildren  
20 are grandparent, the dust ball of heat would have turn  
21 southern illinois farm land into a waste land. unless  
22 we can keep the methane which is 37 times as harmful to  
23 the stratosphere as carbon dioxide. down there  
24 lifestyle depend upon you having long-term vision and



1 being not politicians but statesmen. (applause). it  
2 audauddon't end this meeting we can be here all night.

3 MR. WELCH: If you would like to take a few  
4 minutes break, we'll take a few minutes to meet in the  
5 back and try to summarize the comments and come back in  
6 less than five minutes and give you a summary of what  
7 we heard tonight.

8 (WHEREUPON the meeting was  
9 adjourned at 9 o'clock p.m.)

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) SS:  
COUNTY OF C O O K )

C E R T I F I C A T E

The within and foregoing deposition of the witness was taken before GWENDOLYN BEDFORD, Certified Shorthand Reporter and Notary Public, in the City of Chicago, County of Cook and State of Illinois, and there were present at the taking of said deposition Counsel as previously set forth.

The signature of the witness was waived by agreement of the parties.

The undersigned is not interested in the within case, nor of kin or counsel to any of the parties.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 13<sup>th</sup> day of January, 2014.

Gwendolyn Bedford  
GWENDOLYN BEDFORD, C.S.R.  
No. 084-003700