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

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

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

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

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

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

MR. WELCH: How's that?

A VOICE: Louder.

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

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

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

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

24 These public hearings, at which many

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 have complete discretion whether or not they want  
2 to share information about the chemicals involved  
3 in fracking, regardless of medical necessity. Why  
4 does the NRDA or fracking companies have the  
5 ability to make life and death decisions for other  
6 people?

7 MR. WELCH: Thank you, ma'am. If you  
8 want to leave that in the box.

9 MR. WELCH: Ms. Lindberg, is that right?  
10 What is your name?

11 MS. JOHNSON: My name is Anna Johnson.

12 MR. WELCH: Go ahead.

13 MS. JOHNSON: When an applicant wants a  
14 permit to frack, the applicant shall request an  
15 application from IDNR. When IDNR receives the  
16 applicant, IDNR shall file it in the courthouse of  
17 the county in which the fracking is proposed.  
18 Concurrent with receiving the applicant, IDNR  
19 shall publish in the newspaper of greatest  
20 circulation in the county a notice for three  
21 consecutive weeks explaining that the permit  
22 applicant can be reviewed during regular  
23 courthouse hours.

24 Four, a resident of the county may

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

1 tested regularly throughout the well's operation.

2 I'm skipping five.

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

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

21 MR. WELCH: 15 seconds.

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

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

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

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

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

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

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

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

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

13 MR. WELCH: Mr. Wehrle.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

18           MR. WELCH: 15 seconds.

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

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

3 Second thing that can be done --

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

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

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

12 MR. WELCH: Okay, sir.

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

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

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

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

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

1 economic and social justice.

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

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

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

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

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

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

24                The law itself sets strict penalties

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

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

23                 MR. WELCH: Mr. Carlson is next.

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

1 over to William Rau.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 MR. WELCH: All right.

24 MR. SMITH: Good evening, gentlemen of

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

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

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

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

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

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

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

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

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

1 in solidarity, stand with me.

2 MR. WELCH: Got 14 seconds.

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

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

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

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

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



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

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

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

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

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

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

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

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

24 If an earthquake happens, if some floods

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 MR. WELCH: Ms. Grow.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the people.

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

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

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

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

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

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

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

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

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

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

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

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

18 MR. WELCH: Ms. Heyl.

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



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

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

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

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

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

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

1 materials are at any moment at any time.

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

16 MR. WELCH: Mr. Levy.

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

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

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

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

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

1 case of a drought.

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

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

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

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

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

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

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

21 MR. WELCH: Ms. Prandi.

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

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

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

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

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

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

14                 A VOICE: I will pass.

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

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

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

21                 A VOICE: He already spoke.

22                 MR. WELCH: Thank you. Mel Weinstein.

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



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

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

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

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

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

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

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

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

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

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

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

21                        MR. WELCH: 30 seconds.

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

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

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

8 MR. WELCH: Thank you. Kyra Shair.

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

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

24 Humans can survive without a lot of

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

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

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

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

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

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

1 Economy Illinois.

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

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

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

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

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

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

12             MR. WELCH: 15 seconds.

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

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

1 need more than 60 days?

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

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

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

22 (Interruption.)

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



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

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

24 Basically it just boils down to a

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

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

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

17              A VOICE: I'll pass.

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

20              A VOICE: Moldovan?

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

24              MR. MINICH: My name is Gary Minich,

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

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

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

1 hazards and safe handling of them.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

3 MR. WELCH: Next is James Moldovan.

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

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

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

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

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

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

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

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

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

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

24 The purpose of this legislation is to

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

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

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

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

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

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

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

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

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

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

5 (Break taken.)

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

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

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

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

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

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

8                   (Proceedings adjourned at 8:48 PM.)

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

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

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

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

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

20  
21  
22  
23  
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\_\_\_\_\_  
DEANN K. PARKINSON, CSR  
NOTARY PUBLIC