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PUBLIC HEARING
PROPOSED ADMINISTRATIVE RULES
FOR HYDRAULIC FRACTURING

Before: Robert Welch, Hearing Officer

PUBLIC HEARING
Holiday Inn
1301 Avenue of Mid-America
Effingham, Illinois
6:30 p.m.

Barbara A. Glover: CSR #084-001223

Area Wide Reporting and Videoconferencing
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Champaign, Illinois 61820
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1 Panel Members:

2

3 Nick San Diego: IDNR Office of Legal Counsel

4 Robert Mool: IDNR Office of Legal Counsel

5 Ron Sullivan: IDNR Office of Oil and Gas

6 Resource Management

7 Mitchell Cohen: IDNR Director of the Office of

8 Oil and Gas Resources Management

9 Brendan Dailey: IDNR Legislative Counsel

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1 HEARING OFFICER WELCH: Okay. Are we
2 ready to get started? Everybody here who is
3 going to be here? I hope everybody can hear me
4 okay.

5 Good evening. This is one of five
6 public comment hearings that's been held by DNR
7 or IDNR across the state.

8 My name is Bob Welch. I'm a hearing
9 officer for the Illinois Department of Natural
10 Resources, and I'm going to be moderator tonight
11 as far as this hearing is concerned. We're
12 meeting tonight, as you know, in regard to the
13 proposed administrative rules that relate to
14 Hydraulic Fracturing Regulatory Act.

15 Before we get to the purpose and the
16 format of today's proceedings, I'm going to
17 introduce you to the people who are sitting up
18 here with me. On my immediate right is
19 Mr. Cohen, who is the Director of the Office of
20 Oil and Gas Resources Management with IDNR.

21 Next to him is Robert Mool, who is an
22 attorney with IDNR, the Office of Legal Counsel.

23 Next to him is Nick San Diego, who is
24 also in IDNR's Office of Legal Counsel.

1 Next to me here is my left-hand man,
2 Brendan Dailey. He's the IDNR legislative
3 counsel.

4 To the far left is Ron Sullivan, who
5 is a well inspector with the Office of Oil and
6 Gas Resource Management.

7 Now, as you all know, and that's why
8 you're here, I suppose, this summer the General
9 Assembly passed and the governor signed the new
10 Hydraulic Fracturing Regulatory Act. This Act
11 applies to all wells who are only high volume
12 horizontal hydraulic fracturing operations that
13 will occur in the state of Illinois.

14 Now, the reason IDNR is involved is
15 because the Act gave IDNR the primary authority
16 to administer and enforce the provisions of the
17 Act. The Act further requires that the
18 Department adopt the rules as necessary to
19 accomplish the purposes of the Act.

20 The administrative rule making
21 procedure is designed to allow interested parties
22 the opportunity to actively participate in the
23 rule making process through public comments at
24 these public hearings at which many diverse

1 opinions will be heard, I'm sure, are strongly
2 supported by IDNR in the spirit of openness and
3 transparency.

4 Now, the purpose of this public
5 hearing is to allow members of the public to
6 express their views and comments relating to the
7 proposed hydraulic fracturing administrative
8 rules which have been drafted in response to the
9 dictates of the Act, so IDNR has drafted rules.
10 They are proposed rules. They're just that.
11 They're drafts. They're not final.

12 The purpose of the hearing is for
13 comments and suggestions concerning those, so
14 many of you may be opposed to the idea of
15 hydraulic fracturing, and a lot of people
16 probably will want to express their opinions in
17 regard to that, but we're not here tonight to
18 discuss the merits or the lack of merits of
19 hydraulic fracturing.

20 That's something you should take up
21 with your representatives or with your senators,
22 because that's the state Act, and IDNR has no
23 control over and anything to do with the Act
24 itself, other than to try to implement it.

1 We're here to hear your comments and
2 suggestions in regards to the rules themselves
3 that have been proposed. Your input will assist
4 IDNR in adopting rules that assure that the
5 process is done in a manner that is
6 environmentally sound and consistent with the
7 law.

8 Now, these gentlemen that are up here
9 with me are here to listen to your comments and
10 to make note of them. They will be taking notes,
11 and at the end of the hearing Mr. Cohen will --
12 if you want to hang around, Mr. Cohen will
13 summarize what we've heard as far as what the
14 individual ideas have been expressed as far as
15 which processes are most paramount in the minds
16 of the people here tonight.

17 Your input will assist IDNR in
18 adopting rules that assure that the process is
19 done in a manner environmentally sound.

20 Throughout the public comment period
21 IDNR will accept and upon consideration make
22 changes to proposed rules before filing for a
23 second notice.

24 You can't see it from way in the back,

1 but there's a website where you can give public
2 comments, and I think you've been given handouts
3 with that website on there too.

4 Also, do you have a box tonight? We
5 have a box up here. If you don't want to talk,
6 you can leave a written comment in the box up
7 here, and, also, if you do talk and you have
8 something in writing, we would like you to put it
9 in the box too.

10 We anticipate -- IDNR fully
11 anticipates and expects changes to be made to the
12 rules as part of this process, and, as I said
13 earlier, these are just proposed rules. They're
14 not the final draft.

15 Now, how this is going to go about
16 each of you -- those of you, at least that want
17 to speak, have filled out these papers, and one
18 of Brendan's jobs is to shuffle those, and he's
19 done that, and so when we call your name, it will
20 be by the luck of the draw.

21 We had some of you unhappy at our last
22 hearing because your name didn't get drawn. Like
23 I said, that was the luck of the draw.

24 Because of the number of people here

1 and the time limit, we're here for two hours, we
2 can't get everybody up here to speak. Like I
3 said, you're welcome to leave comments on the
4 internet and here in that box too.

5 So the comments are going to be
6 limited to four minutes, and please respect that
7 time, because every minute that you use beyond
8 the four minutes you're taking away from somebody
9 else, because we're going to adhere to the
10 two-hour period. Because I talked for about five
11 or ten minutes, we probably will go a little bit
12 beyond 6:30 to 8:30, so we'll probably go a
13 little bit beyond 8:30.

14 The way we're hoping to do it is I'm
15 going to call -- start out with I'm going to call
16 two names, and the first one will be up here at
17 the mic. The second one will sit here or you can
18 stand behind the speaker, whichever you want, and
19 then the idea is always to have somebody in the
20 on deck circle so we don't have to wait and sit
21 here while somebody from the back row is coming
22 up and waiting to hear from them, so when your
23 name is called, if you'll come on up and have a
24 seat right here in the front, it would speed

1 things up, because that way we can get more
2 speakers.

3 I think I've pretty well covered it.
4 Let me make sure here.

5 Oh, yeah. I forgot one of Brendan's
6 chief duties. I knew he's here for a reason.

7 When three minutes have gone by, he'll
8 hold up a sign saying you've got one minute left,
9 okay, and then when you've got 30 seconds left,
10 or thereabouts, I'll try to get your attention to
11 tell you that you're about done.

12 Please remember now that the sole
13 purpose of the hearing is to hear comments and
14 suggestions from the public in regard to the
15 proposed administrative regulations. This isn't
16 a question and answer session. These gentlemen
17 are not up here to answer questions. They're up
18 here to listen to, take notes.

19 Public comment means we're here to
20 hear comments from the public, obviously, and not
21 to make comments in response so please address
22 your statements or comments to the proposed
23 administrative regulations. Okay? All right.

24 Now, I apologize in advance if I

1 mispronounce your name. I seem to have trouble
2 doing that.

3 When you come on up here if you would
4 please tell us your name and spell your last name
5 so the reporter can get it right. If you want to
6 mention if you're with a group and you want to
7 mention that group, that's fine. You can do that
8 too.

9 You'll have four minutes, and if you
10 have -- like I said, if you have written comments
11 or if you're reading something and you want to
12 leave it with us, you can put it in the box.

13 So the first person who will be
14 standing at the mic is Mike, Mike Q-U --
15 Quandt -- is it? Q-u-a-r -- I don't know how you
16 spell that. Michael, come on up here. Don't be
17 shy. Come on down.

18 I'm going to call somebody else, and
19 then we can get started and then Richard -- are
20 you Mike?

21 MR. QUANDT: Yes.

22 HEARING OFFICER WELCH: Mike, here's
23 the mic.

24 And then we have Richard Deibel. I

1 guess it's a D. Richard.

2 MR. DEIBEL: Yeah, I'm here.

3 HEARING OFFICER WELCH: Okay. All
4 right. Now, we're ready to go.

5 Would you state your name, please, and
6 spell that last name for us?

7 MR. QUANDT: Mike Quandt, Q-u-a-n-d-t,
8 from Clay County. My comments are not
9 environmentally driven, but the Act, in my
10 opinion, shall address the needs of local
11 governments for transportation integrity
12 protection.

13 The letter that I have prepared is To
14 Whom It May Concern: In regards to the Hydraulic
15 Fracturing Regulatory Act, Section 245.210, and
16 on behalf of Clay County, Illinois, I submit the
17 following request for incorporation to the Act.

18 A Road Repair and Maintenance
19 Agreement shall be executed between the applicant
20 and the impacted highway authorities, whether it
21 be county, township, road district system, and
22 municipal street system of the transportation
23 route whereby the applicant shall be responsible
24 for the cost of the execution of interim repairs

1 of the roadway and drainage system impacted by
2 the applicant.

3 Additionally, within the time period
4 approved by the highway authorities following the
5 conclusion of the development activity the
6 applicant shall be responsible for the cost and
7 execution of the permanent repair and restoration
8 of the transportation route impacted by the
9 applicant to be restored minimally to the
10 condition of the transportation system prior to
11 development activity.

12 Prior to development activity, the
13 applicant shall post a bond, cash deposit, or
14 other surety in a form satisfactory to the proper
15 authority to cover the cost of the development
16 impact caused by the development activity on the
17 development route by the applicant.

18 Further, when the bond, cash deposit,
19 or other surety is established in the form
20 satisfactory to the proper authority, it shall be
21 accompanied by a proper form of assignment of the
22 monetary instrument to the authority, in form
23 satisfactory to the authority, which restricts
24 the applicant's ability to withdraw funds before

1 the authority releases them and allows the
2 authority to draw on the funds in the event of
3 the applicant's default.

4 Basically that is my point, to protect
5 the transportation system. It's not
6 environmentally driven, but it's something that I
7 believe needs to be incorporated into the Act.

8 HEARING OFFICER WELCH: Okay. Well
9 done. Thank you. If you want to leave that in
10 the box. All right. Thank you, sir.

11 Nancy Hediger. Nancy, if you'll come
12 up and have a seat in the front row.

13 Okay, sir, state your name, please.

14 MR. DEIBEL: Richard Deibel,
15 D-e-i-b-e-l. I'm in the solid waste business and
16 have hauled trash and solid waste out of the oil
17 field for the last 37 years, and I think if all
18 the rules are implemented with hydraulic fracking
19 and the things that the Illinois EPA have, I
20 think it could be a big boon to the State of
21 Illinois and all of southeastern Illinois, so I
22 am in favor of hydraulic fracking and think that
23 it would be a great asset for the State of
24 Illinois.

1 That's all I have.

2 HEARING OFFICER WELCH: Thank you,
3 sir. Thank you very much. Ma'am, if you'll stay
4 up there, I'll call another name.

5 MS. HEDIGER: Nancy Hediger --
6 H-e-d --

7 HEARING OFFICER WELCH: That's okay.
8 Bob Yancey, if you'll come up and have a seat,
9 and then, Ms. Hediger, you can go right in next.
10 Bob Yancey? Okay.

11 MS. HEDIGER: Nancy Hediger,
12 H-e-d-i-g-e-r.

13 The Illinois DNR has given the
14 fracking industry too narrow a definition of who
15 may be considered as a person having an interest
16 that is or may be adversely affected by fracking
17 and who will, thus, have the standing to request
18 public hearings.

19 This is essentially Illinois gave to
20 the fracking industry permission to limit the
21 public's ability to request hearings on proposed
22 drilling and fracking sites.

23 According to Section 245.270, a person
24 requesting a hearing must directly demonstrate

1 that they have a real property interest in or use
2 resources of economic, recreational, or
3 environmental value that may be adversely
4 affected. People living further than 1,500 feet
5 from a proposed fracking site are also allowed to
6 request a public hearing, but the rules are
7 unclear about when requested public hearings
8 would be granted.

9 I'm very nervous, but I have a well,
10 so I'm very worried about it.

11 HEARING OFFICER WELCH: Take a deep
12 breath there.

13 MS. HEDIGER: Just because the frack
14 pad is not on my front lawn does not mean that it
15 will not affect my home, my life, my livelihood,
16 or my well. If our neighbors lease their land or
17 if the forest pooling means that I am forcibly
18 included in a drilling site, we are limited by
19 the IDNR's definition.

20 Though it may move quite slowly,
21 groundwater moves, so any contamination of
22 shallow groundwater from drilling or fracking
23 operations would move with the slow flow of
24 groundwater. Which direction will it flow, how

1 far will it flow, getting that answer would
2 require careful scientific study at significant
3 expense.

4 Clearly, the state cannot expect
5 individual landowners to undertake such studies
6 before they request public hearings, yet they
7 would have to in order to argue for a public
8 hearing to just get in the process of ensuring
9 that the water in their wells is protected, and
10 of course Illinoisans can expect the oil and gas
11 industry to badger the hearing officer's task
12 with deciding on whether or not individuals have
13 standing to request public hearings.

14 Thank you.

15 HEARING OFFICER WELCH: Okay. Thank
16 you, ma'am.

17 Mr. Yancey, if you want to come on up
18 here, and then I'm going to call -- the last name
19 is Baker.

20 HEARING OFFICER WELCH: Okay.
21 Mr. Yancey.

22 MR. YANCEY: Bob Yancey, Y-a-n-c-e-y,
23 Bond County.

24 My statement is in regards to the

1 water source management plan. It seems to me
2 what I've been able to learn is that after just a
3 minimum of info that the operators can -- or
4 producers can basically just go wherever they
5 want and take it. I haven't been able to find
6 any info on how much they can take out of creeks
7 and rivers.

8 I know in Texas they have taken so
9 much that the fish lay dying in heaps. Some
10 towns have been forced to ration water.

11 I mean I have to haul water. Will I
12 go to town and will there be 20 tanker trucks in
13 front of me? I don't know.

14 Anyway, I hope all that don't happen.
15 That's it.

16 HEARING OFFICER WELCH: Okay. Thank
17 you, Mr. Yancey.

18 All right. Next after Ms. Baker will
19 be Gene K-r-a-h-l, it looks like. Come on up and
20 have a seat here.

21 MS. BAKER: Hi. My name is Girwana
22 Baker, B-a-k-e-r.

23 HEARING OFFICER WELCH: Spell that
24 first name too.

1 MS. BAKER: Girwana, G-i-r-w-a-n-a,
2 Baker, B-a-k-e-r. All right, and I'm here with
3 IRON Student Network and Fair Economy Illinois --
4 yeah, Fair Economy Illinois, I'm sorry.

5 I have two points that I want to point
6 out on my comment. First, I'm going to address
7 the non-water fracking and how critical it is
8 that non-water fracking not be exempt from the
9 rules.

10 The law defines high volume fracking
11 based on the number of gallons of base fluid.
12 Now, this means that high volume fracking is
13 between 80,000 and 300,000 gallons total.

14 The problem is that gallons are units
15 of value used to measure liquid, but what if that
16 liquid isn't used in fracking? Not all fracking
17 base material can be measured by gallons.

18 If non-water based fluids are
19 accounted for as liquid gallons, the gallonage
20 total will fall below the threshold set by the
21 rules. Suddenly a fracking operation would no
22 longer be considered high volume, even though the
23 operation is comparable in scale and therefore
24 raised to a high volume fracking in terms of

1 chemical use, frack periods, or other methods.

2 Why is this important? If fracking
3 operations use less than 300 gallons of fluid,
4 they are considered medium volume fracking, and
5 they are exempt from all the regulations in the
6 law.

7 Either IDNR has intentionally created
8 a loophole to exempt the majority of fracking
9 operations from regulations -- I'm sorry,
10 fracking operations from regulations or it's
11 simply inept and lazy, either of which could have
12 disastrous outcomes for Illinois residents.

13 My second comment has to do with the
14 unfair public hearing process.

15 First of all, Section 2 -- I'm sorry,
16 Section 245.230(E) creates a loophole whereby the
17 60-day review period for permit application
18 begins to run even before the application is
19 deemed complete by the Department. This is
20 simply inviting companies to submit incomplete
21 permits as a way of avoiding public oversight and
22 comments.

23 IDNR needs to ensure that the 60-day
24 review period only begins to run after IDNR deems

1 applications as being complete.

2 Another rule I want to point out is
3 that the rules do not require the IDNR to testify
4 under oath and be available for
5 cross-examination. How is the public to be
6 assured that there is concern -- I'm sorry, how
7 is the public to be assured that their concerns
8 will be addressed if IDNR only has to sit and
9 listen to them without responding?

10 Another rule forces petitioners to
11 present their concerns in the context of the
12 rules. IDNR should have -- should be concerned
13 about the content of the complaint not the
14 technicalities. I'm sorry about that. All
15 right. And that's it.

16 HEARING OFFICER WELCH: All right.
17 Thank you, Ms. Baker.

18 Okay. Let's see.

19 MR. KRAHL: Gene Krahl.

20 HEARING OFFICER WELCH: Hang on a
21 minute. Tyler R-o-t-c-h-e. Okay. All right.

22 I'm sorry. Mr. Krahl, is it?

23 MR. KRAHL: Well, that's my human
24 name. I'm actually a monkey, technically.

1 HEARING OFFICER WELCH: You fit right
2 in.

3 MR. KRAHL: K-r-a-h-l is what he likes
4 to go by.

5 So I'm not native to this area, as you
6 can see, but I care about it, and I feel like
7 that's what solidarity is about, that I can fight
8 and argue on behalf of animals and people that
9 are in this area, even if I'm not from it.

10 I want to say that I think fracking is
11 a part of a wider project of seizing land and
12 resources from poor people that are riddled in
13 debt and don't have any other means to sustain
14 themselves, and I think that we, as people in
15 southern Illinois, don't want to invite the kinds
16 of corporations that you are all trying to
17 legislate on behalf of here. Right?

18 These are beings that roam the earth
19 searching for nothing but profit without any
20 concern for the lives and livelihoods of the
21 people that are -- that are subject to what they
22 are producing, and, in this case, that is a ton
23 of pollution.

24 We're seeing it everywhere. We're

1 seeing earthquakes actually being produced. This
2 is well documented, and now here so you can make
3 a note of this, this fits in with the technical
4 things, right, we're between two major seismic
5 zones. Right?

6 Can you just stay with me? There is
7 scientific evidence to show that fracking causes
8 earthquakes, and we are between two major seismic
9 zones. It is scandalous that you would even
10 consider doing this here, and you all wear ties,
11 and I wear a monkey suit, and I look like the
12 weird-o, but, no, look, you are the irresponsible
13 ones here that are even considering doing this,
14 and I think, you know, you say, of course, this
15 is just about the regulations. It's just about
16 the regulations.

17 Well, implementing the regulations is
18 doing something with respect to regulations.
19 You're just doing your jobs, right, and that's
20 the same kind of sales pitch that these industry
21 executives are making or these land men are
22 making to poor people.

23 Well, it will bring you jobs. It will
24 bring you some kind of financial security.

1 Right?

2 One of the things that I think is
3 particularly interesting is that among themselves
4 these industry executives have called this a
5 Ponzi scheme.

6 I don't know if you guys have seen
7 this. This is years old. I don't know if
8 everybody here that is maybe considering leasing
9 their land has seen this, but this is from Forbes
10 magazine, not particularly a magazine of the
11 left. Right?

12 And e-mails amongst themselves, energy
13 executives, industry lawyers, state geologists,
14 and market analysts question the economics of
15 shale gas and hint at impropriety.

16 They call company statements about the
17 value of finds a Ponzi scheme, invoke Enron, and
18 cite the mentality of conning Wall Street while
19 drilling fast before the jig is up.

20 Well, look, when the jig is up, it
21 isn't these dudes in suits or whoever it is
22 that's trying to take your land that's going to
23 be without money. It's going to be you. It's
24 going to be poor people that are left poor for

1 another generation.

2 And, yeah, I think that the Ponzi
3 scheme should end in Illinois, and that everybody
4 up here should take it upon themselves to say,
5 look, we can't regulate this. It can't be
6 regulated safely. This can't be made safe, and
7 it has to stop in Illinois.

8 Thank you.

9 HEARING OFFICER WELCH: Thank you,
10 sir.

11 Tyler is up next, and after Tyler is
12 Kay A-h-a-u-s, it looks like. Okay.

13 MR. ROTCHE: My name is Tyler Rotche,
14 last name R-o-t-c-h-e.

15 Thank you for the opportunity to
16 provide comments on behalf of Prairie Rivers
17 Network and our members in opposition to the
18 current version of the proposed administrative
19 rules to implement the Illinois Hydraulic
20 Fracturing Regulatory Act Or Public Act 098-0022.

21 Prairie Rivers Network is the state
22 affiliate of the National Wildlife Federation, a
23 nonprofit operation that strives to protect the
24 rivers, streams, lakes, and groundwater of

1 Illinois and to promote a lasting health and
2 beauty of water in communities.

3 Much of our work focuses on how
4 environmental policies are implemented and
5 enforced in Illinois in order to protect our
6 environmental and ultimately our health.

7 IDNR's proposed rules are weaker than
8 the regulations passed in June and are not
9 protective of our clean and abundant water
10 supplies.

11 Prairie Rivers Network shares these
12 comments as the basis for our opposition to the
13 current draft of the rules.

14 First, stronger protections are needed
15 against water pollution. This includes full
16 disclosure of all chemicals used, not just those
17 that are considered to be indicators.

18 This is important for adjacent well
19 water users who may need to identify and track
20 contamination, and it is also important for
21 medical professionals and first responders who
22 must be able to access chemical information on a
23 24/7 basis if an accident occurs.

24 Second, no long-term storage of

1 fracking wastewater, and it should allow for
2 sufficient storage for both flowback and produced
3 water.

4 Wastewater should be removed within
5 seven days of placement rather than seven days
6 after fracking operations are complete as stated
7 in the law.

8 Third, rules must include a
9 requirement that all high volume fracturing
10 operations be subject to the law. For example,
11 operations engaged in high volume hydraulic
12 fracturing and were established prior to the
13 regulatory act should not be exempt from
14 following the law and implemented rules.

15 These protections were made into law
16 in order to protect our drinking water supply,
17 our shared resources, and our health, and no
18 exemptions are merited.

19 Fourth, ensure public participation in
20 the permitting process for both new and renewed
21 operations. Every significant revision to the
22 proposed operations permitting plan must be --
23 must require public input process.

24 Too often we see members of the public

1 unable to participate in terms of permitting and
2 escape the system through amendments of previous
3 applications.

4 Fifth, and finally, increased
5 penalties for noncompliance so they serve as a
6 deterrent, not just as a cost of doing business.

7 We understand that no amount of
8 regulation can ever make fracturing failsafe, but
9 the stronger Illinois's regulations are, the
10 better protected our communities' water supply,
11 air quality, and health will be.

12 Thank you for your consideration of
13 our comments. Prairie Rivers Network hereby
14 urges denial of the current version of the High
15 Volume Hydraulic Fracturing Administrative Rules.

16 Thank you.

17 HEARING OFFICER WELCH: Thank you,
18 sir.

19 Dillon or Dillion, A-m-l-i-n.

20 Okay, ma'am.

21 MS. AHAUS: I'm Kay Ahaus from
22 Trenton.

23 COURT REPORTER: Spell your last name,
24 please.

1 MS. AHAUS: A-h-a-u-s. I came 75
2 miles one way, 150 round trip, and I'm here to
3 encourage you to have these public hearings in
4 every county where these wells might be drilled,
5 every county, every county where the permits are
6 being considered. It is a hardship to come in
7 the winter. It is a hardship to come at
8 Christmastime, so please hold these hearings when
9 there's not vacation and not inclement weather.
10 That's to the process.

11 Now, to the problems I have with the
12 regulations themselves, and this stems from
13 personal experience. My neighbor down the way
14 had a well drilled on his land this summer. When
15 I saw him in church yesterday. I said, "Well,
16 what's going on down there?"

17 He said, "What do you mean? I don't
18 know anything about it."

19 I said, "Well, have you leased to an
20 oil well company?"

21 "Yes, I did, one or two years ago, but
22 I haven't heard from them since."

23 I said, "Well, your land was drilled
24 on by an oil well company."

1 I lived in Oklahoma for 37 years, and
2 I know what an oil well looks like. Oklahoma is
3 full of fracking wells. Yesterday I spoke with a
4 friend from Oklahoma, and they are having
5 clusters of earthquakes, not just an earthquake
6 but clusters of them just about every week.

7 Now -- and they're in the 3.4 to 4
8 range. I don't know what damage that does, but
9 she said some of the houses are being damaged.

10 The well that was on my friend's
11 property, a different friend in Edmond, Oklahoma,
12 was near a capped well that leaked. It rendered
13 their land unusable for human or other kind of
14 animal life. They couldn't grow a garden. They
15 had to haul in their water for drinking and
16 bathing, and they had to even vacate the land.

17 They had spent their life savings
18 building this property, and I certainly want to
19 have high restricted areas near these wells, so I
20 would suggest a three-mile radius, not a 1,500
21 foot radius, because we don't know how far water
22 and air pollution is going to travel once it gets
23 out. All we know is that these wells do create
24 it.

1 I think it was mentioned that we're
2 not sure that there's as much energy we're
3 getting back out of these wells as we're putting
4 into it, so I think there should have to be a
5 hearing run by IDNR on the feasibility study of
6 how much energy we're going to get back for the
7 amount of risk that the public is taking.

8 Fracking waste can't be stored in an
9 open pit. I just don't believe they can, so if
10 you're going to allow this, they've got to be
11 stored in underground, airtight, air sealed
12 tanks, and the rules have to, as the one
13 gentleman that spoke about transportation, have
14 to include what are you going to do if you don't
15 do this? If you have to have these wastes
16 trucked, sent by rail cars or by barges down the
17 Mississippi and other inland waterways.

18 I see I'm about up, so I will just
19 read my -- if I can get -- this microphone keeps
20 getting away from me here. I'm not a public
21 speaker.

22 All landowners within three miles of
23 the well should be informed that the permit
24 process is requested and a public hearing on such

1 a well be held prior to the start of the permit
2 process, prior to the process.

3 No open pit storage facility should be
4 allowed. All fracking must be prohibited in
5 flood plains and on earthquake faults in
6 Illinois.

7 Now, let me just say this farmer whose
8 land had the well dug on it is -- the land is in
9 a flood plain. It floods every single year.
10 There's no way that land can be fracked without a
11 lot of pollution going lots of places.

12 Thank you for listening.

13 HEARING OFFICER WELCH: Thank you,
14 ma'am.

15 Okay. We need Stanley Bratman, it
16 looks like.

17 MR. AMLIN: Hi. My name is Dillon
18 Amlin. That's A-m-l-i-n, and I'm a member of the
19 IRON Student Network as well as a member of Fair
20 Economy Illinois, a state-wide coalition that
21 does not feel that these rules protect Illinois
22 from the dangers of fracking.

23 I am a student at Roosevelt University
24 in Chicago, and I wasn't able to make the hearing

1 in Chicago, because it was two days before
2 Thanksgiving, and I was at home, and I think
3 before I leave my comment on the rules I would
4 like to request that this comment period be
5 extended and that more hearings be announced,
6 particularly in Chicago and Bloomington.

7 I know that there were over 300 people
8 in Chicago and only 30 or 40 were actually able
9 to speak. There were people who literally
10 couldn't even get into the room, and there's a
11 serious demand for more public participation.

12 It's become very apparent from the
13 past two hearings and the media that IDNR is
14 either understaffed in this rule drafting process
15 or needs significantly more time to actually come
16 up with rules that would adequately safeguard the
17 health and safety of Illinois residents.

18 The dirty dozen is a list of -- a
19 non-extensive list of major issues that we have
20 with this legislation that has been released, and
21 I'm just going to be talking about one of the
22 dirty dozen. This is a list of major loopholes
23 and issues with the IDNR rules around
24 radioactivity, seismicity, non-water fracks, also

1 organic compound emissions and local control, and
2 these are just like a good demonstration of how
3 dangerously weak these rules really are.

4 IDNR should at the very least
5 adequately address this dirty dozen before it
6 even thinks about submitting the rules to the
7 joint committee on administrative rules.

8 Furthermore, over 50 people were
9 turned away, like I said, from the hearings in
10 Chicago, and those people weren't able to speak.

11 If you're really committed to public
12 participation, then we should have an extension
13 of this process, and there should be more public
14 hearings, so today I guess first I'd like to say
15 the reason why I do this work, the reason why I
16 organize -- at least 60 hours a week I organize
17 students, I organize community members, and right
18 now we're working on fracking, because this is a
19 major issue in addressing climate change.

20 My father is an energy consultant. He
21 works with companies around climate change
22 issues, and from a really early age I've been
23 exposed to the reality of climate change and the
24 danger that it poses to all of us. I genuinely

1 am concerned that I'm not going to be able to
2 live a full and healthy life because of a threat
3 of climate change, and that's mainly why I'm here
4 today.

5 Fracking has a huge potential to
6 increase -- to increase emissions and is a
7 terrible road to go down if we're serious about
8 addressing climate change, so my comment is on
9 radioactivity.

10 One of the consequences of fracking in
11 Illinois is that we expect much of the produced
12 water that it will be radioactive due to the fact
13 that Illinois shale has above average levels of
14 uranium. The U. S. Geological Survey itself has
15 found that produced water in Illinois has
16 radioactive uranium levels that are 67 times the
17 maximum contamination level of the EPA.

18 The original legislation requires IDNR
19 to comply with all applicable federal, state, and
20 local laws, but the rules make no mention of how
21 regulators will ensure that fracking operators
22 abide by the Illinois Low Level Radioactive Waste
23 Management Act.

24 Unfortunately, Section 245.850 only

1 provides for testing of fracking fluids once
2 during the early flowback stage and only for
3 naturally occurring radioactive materials.

4 The proposed rules include no
5 follow-up requirements or standards of testing
6 that shows radioactivity in flowback to be high.
7 In other words, these proposed rules treat
8 flowback the same whether it is highly
9 radioactive or not.

10 HEARING OFFICER WELCH: You're about
11 out of time.

12 MR. AMLIN: The proposed rules did not
13 require the testing of produced water which is
14 the water produced from a well in conjunction
15 with oil or natural gas production. This is
16 where radioactivity is most likely to show up.

17 It should be noted that while these
18 rules have been purported to be the strongest in
19 the nation, Pennsylvania law requires the testing
20 of produced water at two separate intervals,
21 because, once again, that is where the
22 radioactivity is most likely to show up.

23 Testing only the flowback water is
24 like saying we don't want to find any

1 radioactivity, because then we have to do
2 something about it, so we'll just test where
3 we're pretty sure we won't find any.

4 This is a really serious issue, and I
5 would really like for radioactivity to be
6 addressed.

7 Thank you.

8 HEARING OFFICER WELCH: Thank you,
9 sir.

10 Erin Carmen -- I can't read the last
11 name. Okay, sir.

12 MR. BRATMAN: Hi. My name is Stan
13 Bratman. I am from Chicago.

14 COURT REPORTER: Can you spell your
15 last name, please?

16 MR. BRATMAN: B-r-a-t-m-a-n.

17 I work with a number of environmental
18 organizations. I've been concerned about a
19 variety of environmental issues for very many
20 years.

21 I see that we have -- in the Illinois
22 Department of Natural Resources we have six
23 commissioners, all of whom appear from -- to be
24 white men. I sometimes wonder about that, but

1 let me say that I have to agree with my colleague
2 over here that global warming and pollution are
3 huge problems.

4 I think as the Department of Natural
5 Resources we should be looking towards wind and
6 solar natural resources. I understand that the
7 state has passed a law which allows fracking.

8 Personally, I believe it's a bad law,
9 but you are engaged in trying to enforce that
10 law, and I would hope that you would enforce it
11 vigorously, and so I'd like to talk to you about
12 your specific jobs which is to penalize these oil
13 and gas companies when they don't do what is in
14 the law, and, as I understand it, many of the
15 fines are very, very small.

16 I understand that the fines start at
17 \$25, and they go up to \$2,500 which, for an oil
18 or gas company, is not what it is for me or
19 probably you as well.

20 These are billion dollar companies. I
21 believe that the top five producers of oil and
22 gas made over 118 billion dollars in profits last
23 year, and we are proposing to fine them \$50 to
24 \$2,500 for violations?

1 As if that isn't enough, if they don't
2 pay the fine, apparently within two years, the
3 fine is reduced. I don't quite understand how
4 that can happen, but it does, and, finally, I'd
5 like to speak a little bit about the outsourcing
6 of the damages that can be done, so if someone
7 gets sick because of groundwater contamination,
8 air contamination, if someone's pond is destroyed
9 or stream, their source of water is destroyed, I
10 believe that it's your job to make sure that the
11 oil and gas companies bear responsibility for
12 that.

13 Now, it's difficult to do and given
14 that they have these billions of dollars, they
15 have very good legal staffs. I don't know how
16 many of you are lawyers, but they have extensive
17 and good legal staffs, so I really feel like as
18 commissioners for the state it's your job to
19 protect us, not the oil and gas companies.

20 Without you to stand in the way and
21 say these billion dollar companies can't get away
22 with this sort of stuff, we have no protection as
23 citizens, so that's my comment, and I hope that
24 you do your job energetically. I hope that you

1 increase the fines, at least to the level that
2 the state prescribed. Apparently the state
3 prescribed a higher level of penalty than what
4 you have done as the IDNR, so I'm no expert on
5 that. I don't know, but thanks for your time.
6 Thanks for listening.

7 HEARING OFFICER WELCH: Thank you.

8 All right. We're going to need
9 Dominic, Dio -- yeah, you. Okay, sir.

10 MR. CARMAN-SWEENEY: I'm Erin
11 Carman-Sweeney, E-r-i-n,
12 C-a-r-m-a-n-S-w-e-e-n-e-y. I'm from Makanda,
13 Illinois. Thank you for giving me the
14 opportunity to speak.

15 My comment is about volatile organic
16 compounds emissions, which I don't think have
17 been mentioned enough, so that's why I wanted to
18 speak about that.

19 Although I'd like to say that I feel
20 like this public hearing process has kind of been
21 a facade of democracy this whole time thinking
22 that we are going to have some effect and some
23 say in this when really we know that the rules
24 have been written by the industry and are being

1 implemented by the government that is not
2 listening to us, but I very much would like you
3 to listen, and I think -- I'll just start reading
4 the comment.

5 So even though Section 1 through 53 of
6 the regulatory bill requires that fracking
7 operations be conducted in a manner that will
8 protect public health and safety and prevent
9 pollution, I'd like to say here that it was
10 brought up earlier that this fracking process
11 exacerbates climate change, and we are beginning
12 to at a federal level regulate carbon pollution,
13 and that's not in any way included in this bill
14 and ought to be.

15 We ought to be considering that as a
16 public health and safety risk, because it is and
17 it's proven to be, and there shouldn't be any
18 arguments surrounding that, so even though the
19 bill requires that the operations be conducted in
20 a manner that will protect the public health and
21 safety and prevent pollution, there are currently
22 no known provisions on how to reduce the highly
23 toxic volatile compounds, or VOC emissions that
24 are generated by the fracking process.

1 HEARING OFFICER WELCH: Excuse me,
2 sir. When you read it, it's hard for the
3 reporter to keep up, so don't read so fast.

4 MR. CARMAN-SWEENEY: All right. VOCs
5 scientifically have been shown to cause asthma,
6 cancers, and severe illnesses. These are
7 definitely public health concerns.

8 Also, I'd like to note that my father
9 passed away of cancer only four years ago, and
10 I'm sure that everyone in this room knows someone
11 who has passed away of cancer, and you should
12 be -- we should be taking more care to prevent
13 these volatile organic compounds from spreading
14 around these frack sites and damaging the public
15 health, because if we're really invested in
16 having a democracy, we wouldn't allow some people
17 to benefit from this drilling while the rest of
18 us all suffer these consequences that kill us.

19 So in Colorado oil and gas emissions
20 are the main source of volatile organic
21 compounds, and unsurprisingly there have been
22 many reported cases of illnesses from fracking
23 pollution in Colorado since the boon began.

24 These rules currently contain no best

1 practice standards for mitigating these risks
2 that could cause irreversible and neurological or
3 respiratory damage to children, adults, and other
4 living things.

5 Also, I should note that down where I
6 live in the Shawnee National Forest, those other
7 living things are really important not just for
8 their own sake but also for our economy as a
9 tourist economy, and if we're trying to provide
10 jobs, we can't be taking jobs from one sector and
11 passing them along to another.

12 As of now, the rules allow companies
13 the holy exemption of runaway natural gas and
14 hydrocarbon fluids from production. Section
15 245.900(E), or flowback, Section 245.845(C).

16 If the regulation of these isn't cost
17 effective or it is economically unreasonable, and
18 those terms are not properly defined in the bill
19 anywhere, defining those terms -- I mean,
20 basically right now you're allowing the industry
21 to define them, and that's not -- I mean that's
22 not sufficient.

23 Ozone forming air pollution measured
24 in Colorado is up to twice the amount that

1 government regulators have calculated should
2 exist. I just graduated with a degree in climate
3 science, and ozone is really great up in the
4 stratosphere where it protects you from UV rays,
5 but down here, the lower troposphere, it's really
6 toxic and terrible for people, and it's a
7 terrible pollutant, so avoiding defining cost
8 effectiveness or economically unreasonableness
9 essentially allows companies to define these
10 terms for themselves, and we can assume the
11 companies will make sure that they define it to
12 their own benefit.

13 The cost-benefit analysis that only
14 calculates private costs of companies while
15 ignoring the social costs on the people, on the
16 environment will result in privatizing profits
17 for big corporations while socializing losses for
18 taxpayers, adding an unjust burden to the local
19 and state government.

20 HEARING OFFICER WELCH: Okay. You're
21 right on time.

22 MR. CARMAN-SWEENEY: All right. Thank
23 you.

24 HEARING OFFICER WELCH: Thank you,

1 sir.

2 Elmer, is it Fugman, Jr.?

3 All right, Dominic.

4 MR. GIAFAGLEONE: I'm Dominic

5 Giafagleone, G-i-a-f-a-g-l-e-o-n-e.

6 All right. Hey, ya'all. This comment
7 is about abandoned oil and gas wells serving as
8 conduits to contaminate aquifers.

9 In the proposed rules Section 245.210
10 at (A)6 and (A)7 and 245.815 at B and 245.1010
11 introduced arbitrary rules and grossly inadequate
12 measures to protect against so-called frack hits
13 when your fractures from fracking intersect with
14 aging and abandoned wells.

15 According to these sections to be
16 permitted in Illinois under the proposed rules
17 operators would have to worry about frack hits in
18 existing wells that are within 750 feet of the
19 proposed wells measured by the minimum distance
20 between any two points along prospective bore
21 holes, and even then, they only need to be
22 considered, those existing wells, if they are
23 drilled within 400 feet of the rock formation
24 that the well should target.

1 This regulation is obviously
2 inadequate. Just this past September in New
3 Mexico fracking at one well leaked fluids out of
4 a neighboring well head half a mile away, 2,640
5 feet.

6 Also, independent research shows that
7 horizontal fractures can extend at least 2,500
8 from a bored well.

9 In addition, expert testimony in
10 Supreme Court cases has provided evidence that
11 fracked fluids have been found 3,000 feet from
12 the well bore. Obviously, only requiring and
13 putting the old wells 750 feet away from the well
14 bore is grossly inadequate, especially since
15 abandoned oil wells are an obvious known source
16 of aquifer contamination here in Illinois.

17 Indeed, the residents of a
18 Hardinville, Crawford County, Illinois, have
19 already known the cost of aquifer contamination
20 from these fractures intersecting with old oil
21 wells.

22 Virtually -- finally, the vertical
23 distance of 400 feet is not adequate since the
24 connection with long-term vertical faults and

1 fractures is a possibility. It only takes one
2 instance to cause a long-term damage between
3 aquifers. These are literally well heads
4 exploding with water. Revisions needed.

5 Requiring the plugging of abandoned
6 oil wells or gas wells up to 4,000 feet
7 horizontally from any well bore and regardless of
8 how deep or shallow the old oil or gas well is
9 reported to be.

10 Further investigation is needed to be
11 done to provide a means of locating abandoned oil
12 and gas wells which are not registered in the
13 State of Illinois or into the decades long
14 history of oil drilling in these parts.

15 And just lastly, \$50 for a fine? I
16 have \$115 parking ticket. Sheesh.

17 HEARING OFFICER WELCH: All right.
18 Thank you, sir. We need Joyce Blumenshine.

19 Okay, sir.

20 MR. FUGMAN: Good evening, gentlemen.
21 My name is Elmer Fugman, F-u-g-m-a-n, and I'm a
22 proud native son of the City of Chicago,
23 Illinois, and by way of identifying myself, I am
24 a progressive political activist, and two of the

1 areas of my concern recently have been the
2 maintenance of gay rights law -- rights and also
3 fracking.

4 I'm a member of the same group -- they
5 call themselves something else, but the name I'm
6 going by is the Chicagoland Coalition Against
7 Fracking.

8 Now, the issues I was going to address
9 my distinguished degreed colleague a couple
10 moments ago has already covered a lot of the
11 things. I just wanted to make a couple of
12 comments that may or may not have been discussed.

13 The comment relates to volatile
14 organic compound emissions, and even though
15 Section 1-53 of the regulatory bill requires that
16 fracking operations be conducted in a manner that
17 will protect the public safety and health and
18 prevent pollution, there are currently almost no
19 real provisions on how to reduce the highly toxic
20 volatile organic compound or VOC emissions that
21 are generated by the fracking process.

22 I want to call your attention to
23 something that has been touched upon, but I have
24 to comment on it, and that is the exemption --

1 well, it's a corporate ploy to identify
2 unreasonable costs and -- because that just means
3 one thing: This money is -- they want that money
4 all to go into corporate coffers for the sake of
5 their wealth and gormandizement and nothing else,
6 so nobody is fooled by the seemingly plausible
7 comment that is listed here.

8 And also about the solution, the
9 Department should quantify the cost of various
10 kinds of emissions utilizing independent -- not
11 stooges, independent scientific studies on this
12 issue included in the qualifications should be
13 the health and environmental costs of emissions
14 relative to the costs of capturing reducing
15 emissions.

16 Thank you very much.

17 HEARING OFFICER WELCH: Thank you,
18 sir.

19 Next we're going to need Mike Ewing.

20 We'll come back to Mr. Ewing.

21 Thomas Graballski. Hello?

22 Okay. Kelvin Ho. Kelvin?

23 All right.

24 MS. BLUMENSHINE: Thank you very much.

1 My name is Joyce, J-o-y-c-e, Blumenshine,
2 B-l-u-m-e-n-s-h-i-n-e. I'm a volunteer with the
3 Illinois Chapter Sierra Club.

4 Thank you to the IDNR staff and the
5 hearing officer for listening to us tonight.

6 The Hydraulic Fracturing Regulatory
7 Act was really a regulatory floor and in no way
8 does it make high volume hydraulic fracturing
9 safe. This was a bipartisan vote through the
10 legislature very clearly establishing the
11 regulations.

12 Unfortunately, the rules developed to
13 better define that Act have not reflected the law
14 that was passed, and we see this as a grievous
15 error.

16 Until the regulations are strengthened
17 in numerous ways, this will not provide the
18 minimum baseline protections that we must have in
19 this state, and I don't mean it to sound trite
20 when I say water is life, but water is life, and
21 whether or not you see climate change and
22 concerns for drought as major problems, in the
23 area where I live -- I'm from Peoria, a host
24 friends of mine are in Fulton County, they worry

1 about their surface water resources and
2 groundwater, and we have to worry about that for
3 future citizens, so I will just refer to a couple
4 of specifics within the proposed rules and how
5 they don't agree with what the law was when it
6 was passed by bipartisan efforts in the
7 legislature.

8 For instance, for public notice the
9 law says that there is required a public process
10 for significant modifications. That means
11 notices, public comment, and public hearings can
12 be held. However, the proposed rules are greatly
13 lacking. They very much narrow the types of
14 modifications that require public process.

15 In other words, it opens the doors for
16 fracking permit holders to skirt public
17 participation and for the IDNR to not hear from
18 local citizens.

19 As a person who volunteered for Sierra
20 Club on mining permit issues I can tell from my
21 years of experience this is a huge problem, and
22 the public cannot get the notices for change that
23 impacts their property, their life, their health
24 and safety. There is no way for them to protect

1 their basic rights in this state.

2 Another great concern is liability and
3 burden of proof, and that's been briefly referred
4 to before. The law says that it is presumed that
5 water pollution found within 1,500 feet of a
6 fracking operation was caused by the fracking.

7 In other words, the unique thing about
8 the legislation was the industry, the frackers
9 have the burden of proof. It's on them, and it
10 is assumed that they have caused the pollution.

11 Unfortunately, in the proposed rules
12 as they are currently, and which is totally
13 unacceptable, the proposed rules have -- it
14 limits the presumption to a much smaller set of
15 indicator chemicals. It's only about a hundred,
16 not the over 300 chemicals that could be causing
17 problems. This is a grave deficit in the
18 pollution rules as proposed.

19 Another thing that's really critical
20 is the emergency response and disclosure in the
21 law it says that trade secret protected
22 information about chemicals should be given to
23 health workers when necessary to treat a patient
24 in emergency and nonemergency situations.

1 Currently the rules are totally
2 inadequate. They say IDNR has discretion. They
3 should be contacted during business hours, no
4 promise of any response.

5 This is totally inadequate for the
6 health and safety of citizens. We ask that these
7 rules be sent back and revised to at least meet
8 the minimum that the law says.

9 Thank you.

10 HEARING OFFICER WELCH: Thank you.

11 I will try these people one more time,
12 and they are going to go to the bottom of the
13 road. Thomas Graballski. Okay, Thomas, You've
14 had two shots.

15 Mike Ewing.

16 MR. EWING: Yes.

17 HEARING OFFICER WELCH: All right.

18 Mr. Ho.

19 MR. HO: My name is Kelvin Ho, that's
20 K-e-l-v-i-n. My last name is Ho, H-o.

21 Before I begin making my comments
22 about the specificities of the rules, I'd just
23 like to mention sort of how ridiculous this whole
24 process is.

1 It's very clear that IDNR does not
2 have the time nor the resources to actually
3 develop rules that can adequately protect the
4 health and safety of Illinois or the people or
5 the environment.

6 I've been reading these rules and
7 trying to draft out, like, all of the issues with
8 the rules, and, like, we're trying to generate
9 one issue a day, and, like, the list is already
10 over a hundred, and there's simply not enough
11 time to have people provide all the comment on
12 these rules and the issues in either -- both the
13 online comment submission process or the
14 hearings.

15 There's, like, 45 days, and, like, I
16 don't understand how people -- there's no mention
17 of any sort of independent experts or consulting
18 other agencies. We're reaching out to, like,
19 professors in Colorado University, reaching out
20 to professors in Indiana University about issues
21 of radioactivity, about issues of, like, well
22 integrity in Cornell, and, like, none of these
23 scientific authorities or agencies are being
24 mentioned in these rules.

1 It seems pretty commonsensical that
2 you would consult independent experts around
3 these issues.

4 No mention of these. It would seem to
5 me that if you're going to begin a job as a
6 government bureaucrat to, like, actually protect
7 the safety of Illinois citizens and serve their
8 interests that you would take the time and spend
9 as much research as you can to make sure that
10 people are being protected.

11 It's clear that this is not happening.
12 I don't understand why the comment process is not
13 being extended, why these agencies aren't being
14 extended.

15 The Illinois Emergency Management
16 Authority is reaching out to us and telling us to
17 submit these comments to them, because they
18 clearly aren't getting any information about the
19 radioactivity problems of these rules, so, with
20 that, let's move into the issue of radioactivity,
21 for example.

22 It's been shown, as people have
23 mentioned, that Illinois -- much of southern
24 Illinois the oil brine is 67 times the maximum

1 contamination level of the EPA. That's five
2 picocuries per gram.

3 At that level I think it's pretty safe
4 to assume that all of the produced water, if not
5 most of it, is going to be radioactive, and if
6 there's already an Illinois rule on the
7 Radioactivity Waste Management Act, if that act
8 exists, why there is no reference to that in the
9 rules, and why is there not, like, actually
10 talking about the worker safety standards that
11 comes with managing radioactive waste, the
12 transportation requirements, or the disposal
13 requirements. None of that is mentioned in the
14 rules.

15 Like in Ohio right now there's all
16 sorts of loopholes that allow people to, like --
17 allow the companies to mix the radioactivity
18 wastes with all sorts of other chemicals to
19 dilute it, and now it's contaminating the
20 groundwater. There's actual radioactive brine in
21 people's drinking water.

22 We just have to, like, look to prove
23 for, like, all of the problems that come with,
24 like, inept management of radioactive wastes.

1 Quite frankly, I think we should assume that,
2 like, all of the produced water is classified as
3 low level radioactive waste and put it upon
4 companies to show that it isn't.

5 If the average is 67 times the maximum
6 level of the EPA, that would be the common sense
7 thing to do.

8 The other thing is, like, I mean, the
9 whole issue of non-water fracturing is another
10 thing. Without, like, getting any sort of
11 scientific evidence for how to, like, come up
12 with the level at which we judge high level
13 hydraulic fracturing for, like, mixed fracking
14 that includes both water and gas or foam or ones
15 that only use gas and foam it basically seems,
16 like, IDNR is sort of coming up with some random
17 way of, like, equating liquid gallons with gas
18 gallons and allowing companies to basically
19 completely be exempt from the regulations
20 altogether.

21 This is a huge loophole. Why even
22 write the rules if you're going to leave a
23 loophole that is going to allow all of these
24 companies to add enough gas or foam to basically

1 exempt the regulations altogether?

2 That, to me, shows that IDNR is not
3 doing its job, or I guess it's being paid off by
4 the oil and gas industry. There's so many
5 problems.

6 HEARING OFFICER WELCH: Your time is
7 up.

8 MR. HO: Okay. Thank you.

9 HEARING OFFICER WELCH: Let's see.
10 Gianna Chacon.

11 All right. Mr. Ewing.

12 MR. EWING: My name is Mike Ewing. I
13 represent no one. I'm just an independent
14 citizen of this area, born and raised here,
15 haven't been imported to give any speeches.

16 I had no intentions of speaking
17 tonight, but after hearing a few things, I did
18 want to make some comments.

19 One thing when I was a young man I
20 used to go with my dad quail hunting down in
21 southeastern Illinois, and the villages and the
22 cities and the towns down there were very active,
23 and they was bustling little communities. The
24 windfall profits tax of the '70s annihilated

1 southern Illinois.

2 I don't think that most of the people
3 realize it. I don't think any of the politicians
4 in Washington that passed the law have any idea
5 what they did to it. I don't think they care,
6 and I think the fracking and the deep well
7 horizontal drilling we have another opportunity
8 to revitalize this area, and I think it would be
9 very foolish to pass this opportunity.

10 Now, at one time I was an
11 environmentalist, and that was before everybody
12 got silly with this. I mean they've taken it to
13 a level that I think is -- I don't agree with,
14 so, anyhow, that's all I have to say.

15 HEARING OFFICER WELCH: Okay. Thank
16 you, Mr. Ewing.

17 Joseph Knotts.

18 MS. CHACON: First, I want to thank
19 you guys for allowing me to speak today. My name
20 is describe Gianna Chacon. I'm a student at
21 Roosevelt University in Chicago.

22 COURT REPORTER: You're going to have
23 to spell your first and last name.

24 MS. CHACON: G-i-a-n-n-a, C-h-a-c-o-n.

1 I'm a student at Roosevelt University in Chicago.
2 I'm also a member of the IRON Student Network,
3 and I'm here for Fair Economy in Illinois. I'm
4 also a resident of Dixon, Illinois, which is
5 about two and a half hours west of Chicago.

6 The reason I'm here today is growing
7 up in Dixon, Illinois, one of our prominent
8 features in our part is the fact that we have two
9 great national parks. We're also about 45
10 minutes to an hour from the Starved Rock Park
11 which is probably one of the greatest national
12 parks in Illinois minus the Shawnee National
13 Forest.

14 So my comments will be on the
15 radioactivity that occurs in fracking and how it
16 may affect the national parks' waters.

17 Unfortunately, Illinois shale rock has
18 some of the highest levels of uranium, and in
19 Section 245.85 it only provides testing of
20 fracking fluids only once during the early
21 flowback stage and only for naturally occurring
22 radioactivity in materials.

23 The proposed rules do not require the
24 testing of produced water which is a water

1 produced from the well in conjunction with the
2 oil and natural gas. This is where radioactivity
3 is most likely to show up, and it should be noted
4 that while these rules have been prompted to be
5 the strongest in the nation, the Pennsylvania
6 laws requires testing of produced water at two
7 separate intervals.

8 Once again, that is where the
9 radioactivity is most likely to show up, so what
10 I recommend is that the produced water should be
11 at least tested twice to the standard of
12 Pennsylvania, but because the law is limited to
13 one test, I recommend that the test occur greater
14 than every 21 days to obtain an accurate reading
15 on the radioactivity and test for naturally
16 occurring radioactivity material according to the
17 Illinois Low Level Radioactivity Waste Management
18 Act.

19 In order to do this, that's the way we
20 can protect our national parks which is one of
21 your greatest resources here in Illinois.

22 Thank you.

23 HEARING OFFICER WELCH: Thank you,
24 ma'am.

1 We're going to need JoAnn Conrad.

2 All right, Mr. Knotts.

3 MR. KNOTTS: Hi. My name is Joseph
4 Knotts. That's K-n-o-t-t-s, and I wanted to
5 comment on the section about this -- of this
6 draft that the IDNR has put forth that
7 essentially it allows -- it requires the consent
8 of the municipal government in order to allow
9 fracking within -- within the municipal areas,
10 and I think that's great. I think it allows for
11 dissent of the locals to say no to fracking if
12 they choose to.

13 The one problem that I would like to
14 point out, though, is that it is -- there is
15 not -- there is not the same provision anywhere
16 mentioned in the draft about the -- about the
17 county level, and that the -- and the problem
18 with that is that there's not predicted to be any
19 fracking to occur within a municipal area, and so
20 if you're not under municipal government, then
21 you basically don't have the right to say no,
22 even though you're going to be more likely to be
23 subject -- to be subject to fracking in or near
24 your community, and so I would like to advise

1 that -- that the county level government would
2 also be able to dissent to this.

3 And I also wanted to add to a lot of
4 people have been talking about the radiation as
5 well as the VOCs and all these things that are
6 causing -- that are known to cause cancer and
7 other diseases, and I just wanted to use that to
8 respond to any incentives that some people seem
9 to have, and that if the IDNC might have any
10 incentive to loosen regulations based on economic
11 reasons. I would like to point out that a large
12 part of the state, especially where I'm from,
13 which is Bloomington, Illinois, is highly
14 dependent on insurance for -- for -- for its
15 economic flows, and that in the long term, at
16 least, when these regulations that are too loose
17 end up creating -- creating diseases that will
18 affect large numbers of people in these states
19 that are covered by insurers that are
20 headquartered in this state, it's going to end up
21 being very harmful to our economy, not to mention
22 harmful to our state deficit, so if that was --
23 if you had any economic mind to loosen
24 regulations, then I would advise you to

1 reconsider them.

2 Thank you.

3 HEARING OFFICER WELCH: Thank you,
4 sir.

5 We're going to need -- is it Angel
6 Sides? I can't read the writing. Okay,
7 Ms. Conrad.

8 MS. CONRAD: Hi. I'm JoAnn Conrad,
9 that's J-o-A-n-n, no E, Conrad, C-o-n-r-a-d.

10 I'm the downstate organizer for Frack
11 Free, and I want you all to know that you folks
12 from around here, this isn't your daddy's
13 fracking. My best friend is from Flora, and I
14 don't want to see her die from cancer that can be
15 caused by radiation.

16 I visit Shawnee Forest. I don't want
17 to see it destroy that, and I resent the
18 implication that I'm being imported. I live in
19 Springfield, and I had to drive really far,
20 because you didn't have hearings near me, in the
21 fog and risked my life, so we need to fix that.
22 We need more hearings.

23 I testify before you as a guardian of
24 Mother Earth. I am a daughter, a mother, a

1 sister, a wife, and a teacher. I earned a BA
2 from Illinois State University in the area of
3 legal studies. I hold a master's in education
4 from the University of Illinois.

5 I have advocated for stronger fracking
6 regulations. I've read the rules and the
7 science. I was present when fracktivitsts from
8 around the country came to Illinois to beg
9 politicians and the Sierra Club to wait for
10 health studies that were due out.

11 I would jokingly say we needed to wait
12 for the legislatures to actually read the science
13 we were providing as well as the rules
14 themselves. Sadly, a vote was taken, and the
15 science and the rules were unread, undigested,
16 and rushed through.

17 The legislators said they had no time
18 to read either, because the boat had left the
19 dock, and then they got on even though the ship
20 is destined to sink.

21 The author and now famous
22 environmentalist Aldo Leopold held, "A thing is
23 right when it tends to preserve the integrity,
24 stability, and beauty of the biotic community.

1 It is wrong when it tends otherwise," and instead
2 of doing right, the State of Illinois is doing
3 wrong. If the regulations were allowed by
4 Governor Quinn, the Madigans, and the IDNR to be
5 left loose and non-specific, lives and land will
6 be endangered.

7 Progressives know that short-term jobs
8 and long-term suffering is wrong. Union workers
9 know that fracking jobs are highly dangerous.
10 Communities have suffered, declined, and been
11 permanently abandoned, left to turn to a ghost
12 town.

13 We're in a rush to take the quick way
14 on a road that will soon be torn apart, over a
15 river that will soon be dead, and through the
16 woods that will soon be gone.

17 I refer now to the Chicago hearings.
18 There, when summarizing, no mention of radiation
19 was made. Radiation is a major concern. If you
20 live here near Clinton, as I do, you worry about
21 radiation and earthquakes in a fault zone. There
22 are dangers.

23 In the public act there is a broad
24 mandate for the IDNR to act. Rules that protect

1 the public health and the environment, Section
2 175, high volume horizontal hydraulic fracturing
3 operations.

4 Section 175(A), general, 2, all phases
5 of high volume horizontal hydraulic fracturing
6 operations shall be conducted in a manner that
7 shall not pose a significant risk to public
8 health, life, property, aquatic life, or
9 wildlife.

10 Section 183, order authority: The
11 Department may issue conditions within anywhere
12 to protect the public health or welfare of the
13 environment.

14 The IDNR has not followed through with
15 their expressed responsibilities in the public
16 act 098-022 to protect the public health and
17 environment as it relates to radioactivity
18 brought by fracking.

19 The IDNR has only allowed for the
20 testing of the flowback water in the adjacent
21 ground and has not regulated the testing of the
22 produced water for radioactivity. This will
23 certainly impact on the health of the public and
24 the workers and on the ground frack fields.

1 Thank you. I hope you'll do the right
2 thing.

3 HEARING OFFICER WELCH: Thank you.

4 We need Dan -- is it Niebrugge?

5 Ma'am, your turn.

6 MS. SIDES: My name is Angel Sides.

7 That's A-n-g-e-l, like angel in heaven; Sides,
8 like two sides of a coin.

9 I do a commentary on Access 4, and I
10 brought a copy of my -- that I've done on
11 fracking, if anyone here wants it.

12 HEARING OFFICER WELCH: Put it in the
13 box when you're done there, if you would.

14 MS. SIDES: Okay. Sure. I can read
15 this as well.

16 I, too, don't want to develop cancer
17 or have children in Illinois being born with
18 autism or another birth defects. I, too, do not
19 want damage to devalue property from earthquakes
20 and unusable water.

21 One thing a fellow activist that I
22 know brought up is Springfield sits on coal mines
23 that were dug out years ago, and there may be
24 something that would happen with that where we

1 would end up like the community of Bayou Corne or
2 something worse, a sinkhole.

3 I think all citizens in Illinois would
4 be here if our media wasn't so corrupted, our
5 media sponsored by corporations, such as the oil
6 industry. I think the truth is only on
7 independent media, such as Free Speech TV and
8 Link TV. Cable does not cover these stations. I
9 have a problem with that. They're only on
10 satellite TV, and they live stream online.

11 Global warming is not a hoax.
12 Scientists have reported in July of 2013, and
13 these are facts I've gotten from independent
14 media, the arctic ice sheet that keeps the carbon
15 stable, the arctic ice sheet that keeps the
16 carbon stable lost 41,000 square miles every
17 single day and kilometer-wide columns of methane
18 gas were bubbling up from the ocean floor.

19 James Hansen from the NASA Goddard
20 Institute was quoted in the New York Times as
21 saying if this dirty oil is refined, it will be,
22 quote, end game, unquote, for the planet.

23 Dr. Michael Benton, Professor of
24 Paleontology at Bristol University and others

1 have used the term for the carbon increase in our
2 atmosphere as, quote, the sixth mass extinction,
3 unquote.

4 And Peter Ward, Professor of
5 Geophysics at the University of Washington,
6 refers to global warming in the context of
7 agriculture disruption as a, quote, civilization
8 tipping event, unquote.

9 And when interviewed on the Thom
10 Hartman Show he said, "We have in the longer term
11 mass extinction and in the shorter term human
12 population extinction."

13 It doesn't matter how safe the wells
14 are or how safe the oil is transported, it is the
15 refining of the oil that is going to kill us.
16 These are scientists. This is science. This is
17 independent media.

18 In 1893 Rudolf Diesel invented an
19 invention that ran on peanut oil. After he died,
20 mysteriously his invention was discredited, and
21 the public was told his engine only ran on
22 petroleum.

23 In 1970 Tom Ogle of El Paso invented a
24 vapor engine that got a hundred miles per gallon.

1 After he died, mysteriously his engine
2 disappeared, and his inventory was discredited --
3 or his invention was discredited.

4 It's obvious years ago we had the
5 technology for clean air and a healthy planet and
6 that these inventors were obviously whacked.

7 HEARING OFFICER WELCH: You've got
8 about 15 seconds.

9 MS. SIDES: If the fines -- if the
10 fines Illinois imposes on the oil industry are
11 less than the profits oil industry makes, it will
12 have -- it will still have toxic air and water.

13 The oil industry has a track record of
14 eating the costs of fines. If the devil knocks
15 on your door, you slam it in the devil's face.
16 You don't invite him in to negotiate.

17 I, obviously, think we should have a
18 moratorium on fracking. Because of citizens
19 united our politicians are dependent on
20 corporations for their campaigning. Our
21 government is being ran by the mob, and greed is
22 destroying our planet and our health.

23 Because of this, my gut feeling is
24 nothing will come of this hearing, and what I

1 came here to say is Bill McKibben is right. It's
2 time to engage in a militant type of civil
3 disobedience and put our bodies between the
4 machines ready to frack our states and the whores
5 willing and ready to operate that machinery.

6 If we do not take the attitude, fire
7 me, imprison me, kill me. We are already dead.

8 Thank you.

9 HEARING OFFICER WELCH: Thank you.

10 Did Thomas Graballski ever show up?

11 Okay. Three strikes, and he's out.

12 Is he here? Come on down here. Where
13 have you been?

14 Okay, sir.

15 DR. NIEBRUGGE: My name is Dan
16 Niebrugge. I'm a pediatric oncologist. My day
17 to day job is taking care of kids with cancer.

18 HEARING OFFICER WELCH: Could you
19 spell your last name?

20 DR. NIEBRUGGE: N-i-e-b-r-u-g-g-e.

21 I'd like to voice my concern about
22 fracking not because I know that this causes
23 pediatric cancer. I don't know what causes
24 pediatric cancer, but I'm quite concerned about

1 the Haliburton loophole allows chemicals to be
2 used that we know nothing about, and they don't
3 have to release them when they do fracking.

4 And something causes pediatric cancer.
5 I don't know what it is, but I'm really afraid
6 about these chemicals being released into the
7 ground, and we don't have any control, and we
8 don't even know what they are, so until we have
9 more studies to know what this is, I'm really
10 quite concerned about this regulation.

11 Thank you.

12 HEARING OFFICER WELCH: Thank you,
13 sir.

14 Mary Swanson. Okay, sir. Can you
15 spell your last name, please?

16 MR. GRABALLSKI: Yes.

17 G-r-a-b-a-l-l-s-k-i.

18 HEARING OFFICER WELCH: Thomas is your
19 first name?

20 MR. GRABALLSKI: Correct.

21 I believe that there should be an
22 addition to the regulations for operations to
23 cease work during hours when the sun is not up.
24 Operations produce light and noise pollution.

1 This pollution will affect humans and wildlife
2 while they sleep.

3 Also, there's a lack of regulation for
4 operations to adhere to the Clean and Water
5 Act -- Clean Air and Water Act, sorry, and I also
6 would like there to be more public hearings and
7 public hearings in the counties where these
8 operations would be located.

9 Thank you.

10 HEARING OFFICER WELCH: All right.
11 Thank you, sir.

12 Is Mary Swanson here? And then we're
13 going to have Vito Mastrangelo. I've seen these
14 people before. Vito, are you still here?

15 Okay, ma'am.

16 MS. SWANSON: The first thing that I
17 really want to say is -- I'm sorry, Mary Swanson,
18 S-w-a-n-s-o-n.

19 The first thing I would like to say is
20 I don't think there is any such thing as safe
21 fracking. It's not safe for the environment.
22 It's not safe for the workers.

23 I -- also, I have worked in the
24 medical profession. I've spent time in an

1 emergency room. You can't wait until Monday to
2 find out what you're treating your patient for.
3 It just isn't going to work, because who knows?
4 They might be dead by Monday.

5 We don't know what these chemicals
6 are, and I don't even know how they can train
7 their workers on safety, you know, OSHA training
8 if they don't even know what it is that they're
9 being exposed to, and, again, I think that
10 doctors -- doctors need to be -- if this is going
11 to be done, which, again, I think it's a really
12 bad idea, but if the doctor is going to treat
13 somebody who has been chemically exposed, he
14 needs to know right now, he needs to know right
15 now what chemicals it is, and there needs also to
16 be available some sort of -- because everybody
17 can't be an expert on everything. They need to
18 have available instructions on what this chemical
19 can do to people and what kinds of things can
20 ameliorate those problems, so that's one thing
21 I'd like to talk about.

22 Another thing that I would like to
23 address is -- has been brought up a couple of
24 times the fact that counties are not really

1 considered an entity as far as being able to have
2 any kind of control over things. As people have
3 said before, they're not looking to frack in the
4 middle of Carbondale or Effingham or Chicago.
5 They're looking to frack out in the middle of
6 nature, you know, where we'd like to do other
7 things, actually, and so I believe that the
8 counties and townships, or whatever kinds of
9 entities that we have, should be able to have
10 some input into this as well.

11 And, finally, the interested persons,
12 the 1,500, whatever feet from this or that, coal
13 mines have to go way further than that when they
14 are telling people what's going on. I know I
15 live probably five miles from a proposed coal
16 mine, and we all got notices about this coal
17 mine. They're going to be doing this blasting
18 and blah, blah, blah, and you need to go out, and
19 you need to document your -- take pictures of
20 your foundation, not that they're going to come
21 and do that, mind you, but I have to do that,
22 which is pretty cheap.

23 It's not cheap to go and have your
24 water tested. It's very expensive. I should not

1 have to do that, and I understand that people who
2 have done that the industry said, oh, that's a
3 bad test. Our test didn't say the same thing, so
4 I think it's very important that pretesting of
5 resources, rivers, wells, aquifers is done and is
6 done at the expense of the industry and not of
7 the landowner.

8 HEARING OFFICER WELCH: Thank you.

9 MS. SWANSON: Thank you.

10 HEARING OFFICER WELCH: Jessica
11 F-u-j-a-n.

12 Spell your last name. Okay, sir.

13 MR. MASTRANGELO: Vito, Mastrangelo,
14 M-a-s-t-r-a-n-g-e-l-o.

15 Thank you for the opportunity to speak
16 again. I saw you at Rend Lake College and wanted
17 to supplement what I said there.

18 Also, I wanted to give a personal
19 anecdote, but first I wanted to say that I stand
20 here in support of the people who have traveled a
21 great distance and expense to be here. It shows
22 a lot of courage to speak out against industry
23 and what they plan to do, and, you know, so far
24 it's fallen on deaf ears, and we're kind of

1 hoping that you're a little more -- take our
2 concerns into a little more consideration.

3 I live -- I'm an attorney. I live in
4 Jefferson County, rural Jefferson County. I have
5 an oil well just across the road from my own
6 property. I own -- my wife and I own 51 percent
7 of the mineral rights, and I was told at the time
8 that we bought our land that we would be able to
9 stop drilling on our land.

10 Now, that might apply to vertical
11 drilling, but now I'm concerned that horizontal
12 drilling would be allowed to go underneath my
13 land without my consent, and I urge you to look
14 at the definitions in your draft rules to make
15 sure that I retain my rights to my subsurface, so
16 that's why I've been following the fracking rules
17 especially, because I have a well that close to
18 me.

19 What I wanted to say that the people
20 here who are speaking out against fracking don't
21 do so out of profit motives. Unlike industry,
22 they're not in it for the money, but the people
23 here are speaking about environmental issues and
24 public health issues. They are concerned about

1 people's health. They're concerned about their
2 property values, so please take that into account
3 also when you rewrite these rules, as I expect
4 you will.

5 My supplement to the testimony I gave
6 at Rend Lake College is about noise and light
7 pollution, specifically light pollution. I have
8 this map here of the night sky of the United
9 States, and I'll show this around to you in just
10 a minute, but there is an area in the great
11 plains where there are no big cities and yet
12 there is an area of lights that is as large as
13 Atlanta, perhaps not as dense but yet as large,
14 and that is the Bakken oil fields.

15 Now, I raised this issue for two
16 reasons: One is to show that there are light
17 pollution issues, and if you can imagine the
18 wells in every one of these lights, you can
19 imagine the noise pollution, but, also, because
20 it shows the scope and the magnitude of the
21 fracking industry.

22 If they find oil and fracking works in
23 southern Illinois, we're not talking about a few
24 wells. We're talking about something that looks

1 like a large city, and so, again, I'd like to ask
2 you to take that into consideration when you're
3 rewriting the rules.

4 HEARING OFFICER WELCH: All right.
5 Thank you, sir.

6 Jessica has been at every one of our
7 meetings, so we're friends here.

8 MS. FUJAN: I'm an enthusiast.

9 HEARING OFFICER WELCH: Georgia,
10 maybe, de la Garza.

11 Okay. Now.

12 MS. FUJAN: My name is Jessica Fujan.
13 Last name is F-u-j-a-n. I'm the Illinois
14 organizer for Food and Water Watch.

15 I wanted to talk tonight about
16 volatile organic compounds. So, unfortunately,
17 Illinois has given the fracking industry a free
18 license to use open air pits holding toxic
19 wastes. In Sections 245.210(A)11, 245.510, and
20 Section 245.830 all of these would allow the oil
21 and gas industry to use open air pits.

22 Volatile organic compounds in the
23 industry's waste waft off of these pits, and it
24 is believed to be the reason that many people

1 living and breathing their waste pits are
2 experiencing severe health problems.

3 Fracking flowback is the waste fluid
4 that flows up the surface immediately after
5 fracking. It is a multi-phase fluid meaning it's
6 a mix of liquid and gas, and it is chocked full
7 of sand and other earthen bits.

8 The makeup of the gaseous portion of
9 flowback is not very well characterized. The
10 amounts of the different volatile organic
11 compounds and other hydrocarbon gasses in
12 flowback vary by region, so this is something
13 that we won't know about until it's happening to
14 us and causing us unique problems here in
15 Illinois.

16 Of course, many of these gasses are
17 harmful, particularly BTEX compounds, which are
18 benzene, toluene, ethylbenzene, and xylene.
19 These gasses waft off open air waste pits and
20 into our communities and are unfortunately
21 breathed by the people nearby.

22 The liquid version of the flowback is
23 a mix of used fracking fluids and so-called
24 formation water, or brine, that has long been

1 trapped deep underground and which has been full
2 of numerous harmful metals and other chemicals.

3 Of course, the spent fracking fluid
4 liquid typically contains harmful chemicals as
5 well as those protected, which chemicals are
6 unknown, and for the reasons that have been
7 stated by previous commentators, it's very
8 important that we know these things.
9 Unfortunately, at this point we don't.

10 These liquid wastes can spill over the
11 liners and contaminate land and watersheds at
12 drilling sites, so an open air waste pit is an
13 almost guaranteed failure on a number of health
14 accounts.

15 No one understands this threat better
16 than the residents of an area northeast of
17 Denver and Boulder that was recently hit hard by
18 the flooding in September. Weld County,
19 Colorado, has nearly 18,000 active fracking wells
20 and is also a main drilling center and a state
21 that is increasingly reliant on hydraulic
22 fracturing for energy production.

23 A search of Colorado oil and gas
24 information systems show that the state recorded

1 nearly 20 spill incidents in September even
2 before the flooding began.

3 It is still unknown the full effect
4 that the flooding and the spreading of these
5 toxic chemicals from the pits has had in
6 Colorado. This is something that's highly
7 disputed because, of course, the industry would
8 like to say that it has nothing to do with the
9 chemicals that are now strewn all over the
10 surface of Colorado, and this is a problem that
11 is going to require basically the state to fight
12 private companies to take responsibility for
13 toxic wastes that was moved by flood waters.

14 It was brought up in a number of
15 statements in previous hearings that much of the
16 fracking that is slated to begin in Illinois will
17 happen on a hundred year flood plain. This is a
18 serious concern, not just for people who live
19 directly adjacent to a fracking well site but
20 people who live anywhere within the flood plain
21 who hope to keep BTEX which is, again, benzene,
22 toluene, ethylbenzene, and xylene off of their
23 lawns and out of their lungs.

24 A number of the spill incidents that

1 took place in Colorado have been in Weld County
2 and involved hydrocarbons and benzene, and the
3 American Cancer Society has listed both of these
4 as carcinogens.

5 This is not something we want in
6 Illinois. We should avoid these problems and ban
7 the use of waste pits in the state. Doing so
8 would allow us to mitigate the risks associated
9 with environmental contamination due to fracking.

10 However, to remove this risk entirely
11 and protect Illinois's natural resources, which
12 I'm pretty sure is your job, we should consider
13 disallowing all permits until fracking has been
14 proven safe and risk free.

15 Thank you very much.

16 HEARING OFFICER WELCH: Okay.

17 Ma'am, spell your name, please.

18 MS. DE LA GARZA: Yes. My name is
19 Georgia, like the state, and d-e space l-a space,
20 capital G-a-r-z-a.

21 And I want to thank all of you for
22 taking the time away from your families being
23 here on this very vital issue that we have facing
24 us.

1 We have been encouraged to comment on
2 sections of the regulatory act on HVHF. As a
3 group of concerned citizens from southern
4 Illinois, the Shawnee Hills Hollers, we reject
5 the regulatory bill as we reject fracking.

6 I've read the bill like I hope many
7 others in here have several times, and I can't
8 help but focus on one word that I've seen in that
9 bill: frivolous.

10 I think you will go through the bill,
11 and I think that you guys probably came up with
12 that word as it was being composed, and that
13 leads me to the IPA and IRONs and then agreed by
14 Sierra, the dirty dozen, which I think at this
15 time we really should call it the naughty list.

16 So I'd say Section 245.850 only
17 provides for testing of fracking fluids only once
18 during the early flowback stage and only for
19 naturally occurring radio materials, and that's
20 frivolous, frivolous.

21 Okay. Let's go with fracking and
22 earthquakes. The INDR [sic] rules have created a
23 dangerous and inadequate warning shutdown system
24 for injection wells tied to seismic events and

1 have given companies no reason to actually abide
2 by this warning system other than small fines.
3 That's frivolous.

4 Revoking permits if the wells aren't
5 built to specification. Section 170 in the bill,
6 standards set by the American Petroleum
7 Institute, API, the rules create absolutely no
8 incentive for companies to meet these standards.
9 Section 245.1100, that's frivolous.

10 Weak fines for administrative and
11 operating violations: I'm just going to say \$50
12 fines? That's frivolous.

13 Level control: Section 245.210
14 requires that fracking permits include documents
15 certifying consent for fracking operations to
16 accord for all authorities affiliated with the
17 particular city, village, or incorporated town
18 where the well site is supposed to be located and
19 that no permit be issued otherwise.

20 This section demonstrates blatant
21 disregard for the realities of the geography of
22 our southern Illinois and fracking in our
23 southern Illinois. That's frivolous.

24 Wastewater storage: The rules drafted

1 by the IDNR, Section 245.830, 245.850 contain a
2 huge loophole that allows fracking companies to
3 store this highly toxic wastewater until seven
4 days after the completion of fracking. That's
5 frivolous.

6 I've been in the media for about 30
7 years. My husband was a journalist. We traveled
8 the world. We fought a lot of environmental
9 issues.

10 One of the things that stick out to me
11 the most that I feel this coming is work in the
12 DR Congo with Haliburton has been fracking there
13 since the '90s. Ninety percent of the rural
14 population of the DR Congo cannot drink their
15 water. I see that coming here.

16 We stopped spraying in Columbia of
17 toxins that were stored here that we quit
18 spraying and using in the United States and took
19 them into Columbia and sprayed them there. This
20 is frivolous. This is frivolous, and I'm going
21 to go on.

22 I'm out of time, but just taking the
23 12 and not all of the sections that you have in
24 here, and you can sit down and tear down every

1 one of these sections, that's frivolous.

2 You guys have a lot of work ahead of
3 you. One of the things that we'd like to do is
4 for you just to stop this work and join us in
5 banning fracking.

6 Thank you.

7 HEARING OFFICER WELCH: We've got 20
8 minutes.

9 Does anybody want to come up here who
10 hasn't signed a card or anything saying they want
11 to speak?

12 Come on up here, sir. Tell us your
13 name. Spell your last name, if you would,
14 please.

15 MR. POELKER: I'm Brian Poelker,
16 Effingham. P-o-e-l-k-e-r.

17 I've already got my card in there.
18 Just a couple of things. I read over -- just a
19 couple of points to make.

20 It seems like we're talking -- a lot
21 of people mentioned fines. On page 127 it says
22 the Department may assess a penalty for
23 administrative violations, and I underlined the
24 word may there, because there's a real

1 possibility that no fine may be assessed as small
2 as it may be.

3 I do have a concern about the
4 earthquake problems in southern Illinois with the
5 fault lines. It seems like if there's a 925
6 fault or earthquake and there's a fracking
7 operation within six miles of that thing, that's
8 a serious problem, and it shouldn't be left up to
9 the operators to decide whether to continue the
10 operations or not.

11 Thank you.

12 HEARING OFFICER WELCH: Thank you,
13 sir. Did you want to make a comment, sir? Come
14 on down.

15 MR. STEFFEN: Hello and good evening.
16 My name is Matthew Steffen, M-a-t-t-h-e-w. Last
17 name is spelled S-t-e-f-f-e-n, and I would also
18 like to echo comments made earlier this evening
19 regarding the treatment of radioactive wastes.

20 That is an inevitable symptom of
21 hydraulic fracturing. I believe it's Section
22 245.850, and I think that this waste should be
23 treated as low level radioactive waste, and it's
24 very important that that type of waste receives

1 the proper treatment, and it isn't treated as
2 just regular water waste from a fracking
3 operation, so that's my request and thank you for
4 having us.

5 HEARING OFFICER WELCH: All right.

6 Thank you, sir.

7 Anybody else? We have a few minutes
8 left. If not --

9 UNKNOWN VOICE: Can I make an
10 additional comment?

11 HEARING OFFICER WELCH: Well, we've
12 got 20 minutes. Why don't you come up here?

13 MS. BAKER: Okay.

14 HEARING OFFICER WELCH: What's your
15 name?

16 MS. BAKER: Girwana Baker,
17 G-i-r-w-a-n-a, Baker, B-a-k-e-r.

18 Listening to people's comments, we've
19 heard -- all the catastrophes and all the bad
20 things that will happen due to fracking, we know
21 this.

22 To me, it just seems very important to
23 see that you guys are just like us even though
24 that we have this board of six people or we're

1 here in this room asking for you guys to please,
2 please stop fracking, you're just like us. Do
3 you know what I'm saying? Like without the
4 suits, without the board, we're in this together.
5 This is our world. It's not just us here in this
6 room. It's our world, and I feel like it's very
7 important for us to -- well, I feel like it's
8 very important for you guys in a position to --
9 where you can hurt or affect people's lives that
10 you can take that initiative and change the
11 world.

12 I mean if I was in your position, I
13 would want to change the world as much as
14 possible, and you're in the position to do just
15 that, and I can't say that being in your position
16 is easy, listening to people with thousands of
17 comments is easy, going to hearings is easy.

18 I'm not saying that it's easy, and I
19 know that it's hard, but you chose the job, you
20 know what I'm saying, and I respect it a little
21 bit for you even taking on the responsibility to
22 listen to us.

23 In other words, I want to say just
24 truly take into consideration how fracking is

1 really going to affect people's lives seriously.

2 You have that power. Use that power.

3 Thank you.

4 HEARING OFFICER WELCH: Thank you,
5 Ms. Baker, for recognizing that we're human, and
6 we have families, and this affects us too. We
7 all know that. I mean we're not coming up here
8 and rubber stamping things. We're humans too,
9 and we have families, and we're not here just,
10 you know, just to sit here and listen like potted
11 plants. These gentlemen are taking into account
12 what is being said here.

13 MS. CONRAD: Hi. JoAnn Conrad again.

14 Hi. I don't want to end on such a
15 happy note. I want to point out that countries
16 around the world have banned fracking, at least
17 seven: France, Germany, Great Brittain. We're
18 looking at Vermont just banned fracking. A lot
19 of counties right here in Illinois want to ban
20 fracking, but the regulatory bill didn't allow
21 for that.

22 You guys, you have the power. You can
23 interpret these rules, and you can tighten them
24 up, and if you don't do it, there's going to be

1 lawsuits, and I wonder really how this bill got
2 pushed through. I heard a rumor, and we're not
3 here to talk about rumors, but how can somebody
4 that leases their land to Haliburton or some
5 other oil company be a sponsor on a regulatory
6 bill? I hope that didn't happen, and I hope you
7 guys do the right thing.

8 HEARING OFFICER WELCH: Thank you,
9 ma'am. Now, we'll want to hear our comments
10 concerning the rules or proposed rules. All
11 right.

12 MR. CARMAN-SWEENEY: All right. My
13 name is Erin Carman-Sweeney,
14 C-a-r-m-a-n-S-w-e-e-n-e-y.

15 Earlier I had mentioned that this
16 hearing process has kind of been an insult to
17 democracy, and I wanted to expand upon that,
18 because nobody is here to make that accusation
19 and not explain why.

20 So the last hearing itself at Rend
21 Lake I heard these people mention radioactivity a
22 dozen or more times, and whenever you went
23 through your checklist at the end of the night,
24 you didn't mention it. You didn't mention that

1 as one of the concerns, so I really hope that
2 tonight you do, because, once again, many, many
3 people have mentioned it.

4 UNKNOWN VOICE: That happened in
5 Chicago too.

6 MR. CARMAN-SWEENEY: Yes, I wasn't in
7 Chicago. You need to extend the comment period.
8 We need more local controls so that people can
9 actually have a say in this, because,
10 realistically, I feel like I'm a privileged
11 person to be able to come and speak here, and not
12 everyone has the time, and the fact that we don't
13 have local control and people can't go to speak
14 to their local politicians and say, hey, we don't
15 want fracking here or, hey, we do really want
16 fracking here, whatever, if people can't actually
17 reach out to the legislators and have an impact
18 on them and they're not listening, then we really
19 don't have a democracy.

20 I think that's why some people are
21 calling for a revolution, because we're not being
22 properly represented, and I think it's time that
23 our elected officials start representing us, if
24 they want to, you know, still have a state

1 government.

2 Thank you.

3 HEARING OFFICER WELCH: Thanks. Wait
4 a minute. Wait a minute. Is there anybody who
5 wants to speak who has not spoken?

6 Okay. Sir, come on up.

7 MR. OLIVER: Thank you. My name is
8 Chris, C-h-r-i-s, last name is Oliver,
9 O-l-i-v-e-r. I'm a resident and taxpayer in
10 Carbondale, Illinois.

11 I have just moved here probably seven
12 years ago, and I've completed two undergraduate
13 degrees. I'm working on my graduate degree in
14 Carbondale, so you guys will probably see me
15 again on Thursday. It will be nice to see your
16 smiling faces. Hopefully, you'll be smiling.

17 I do appreciate the time that you have
18 given us, especially this time of year it being
19 the holiday season and you want to be with your
20 family just as much as I would like to be with my
21 family. I have not finished reading through all
22 the rules, and that's why I did not want to
23 comment today, but I felt that I should still
24 talk about what's on my mind, and that is the

1 list of ingredients, I'm calling it.

2 How can you have a company put stuff
3 in the earth and not tell us what it is? The FDA
4 makes it regulatory that we know what we're
5 consuming, and every food product has a list of
6 ingredients.

7 I'm not asking you to put in this bill
8 what percentages of these chemicals they're
9 putting in the ground. I'm just asking you what
10 are they? Just give us a name. It will help --
11 thank you, it will help -- it will definitely
12 help those who are in emergency room situations.

13 I've had to deal with that myself when
14 consuming something, and then the doctor says,
15 "What did you consume?"

16 My dog has gotten sick, and I've told
17 the vet what my dog ate, but if I get sick from
18 this water and they don't know what's in it, how
19 can they help me or how can I help my son or
20 daughters? I may choose southern Illinois to be
21 my hometown.

22 I'm not for sure what the future is
23 for me, but if it is here, I would like it to be
24 somewhere that's safe for them, and I'd like to

1 know what's being put into my water.

2 That's all I ask, just a full list of
3 ingredients, and I think it's something that the
4 six of you can write up legislation for that.

5 Thank you very much for my time.

6 HEARING OFFICER WELCH: Thank you,
7 sir.

8 Anybody else who has not spoken who
9 may want to make a comment, suggestion,
10 statement? There's a gentleman right back there.
11 Come on up, sir, you in the sweater. Didn't you
12 want to make a statement? Yes, you. Come on
13 down.

14 I know you've spoken before, but we
15 can't let the front row take over.

16 MR. FUGMAN: Yes, it is true that I've
17 spoken before. My name is still Elmer Fugman,
18 F-u-g-m-a-n, as it was before, and I just want to
19 make the following promise to the constituents of
20 the State of Illinois. I intend to bombard my
21 state representative and state senator to the
22 effect that they repeal the law that allows
23 fracking.

24 That's my statement.

1 HEARING OFFICER WELCH: Thank you,
2 sir. I'm going to call Mr. Ho. He's been
3 bouncing up and down in here.

4 MS. TRIPP: Tabitha, Tripp,
5 T-a-b-i-t-h-a, T-r-i-p-p, and I respectfully
6 request that you extend the comment period,
7 because simply I'm going to miss out on my
8 daughter's Christmas play and my son's Christmas
9 performance, holiday performance to go to
10 hearings to stand up for people in Illinois to
11 tell you that these rules are hideous.

12 They've got huge holes in them, so I
13 respectfully request that you extend this comment
14 period past the holiday season so we can actually
15 spend time with our families.

16 Thank you.

17 HEARING OFFICER WELCH: Thank you,
18 ma'am.

19 MR. HO: All right. My name is
20 Kelvin, K-e-l-v-i-n, last name is Ho, H-o.

21 So I could actually speak here for
22 hours and probably --

23 HEARING OFFICER WELCH: No, we can't.

24 MR. HO: So I can probably fill my

1 time just by listing out the chemicals that
2 aren't included in the water testing standards
3 that were actually mandated by the Act.

4 Currently the water testing only
5 mandates that a couple indicator chemicals be
6 tested in the water testing whereas in the Act
7 there are a list of almost a hundred different
8 chemicals that ought to be tested that are the
9 actual cause of the water pollution, so I can
10 start listing them now: Let's see, antimonium,
11 beryllium, cobalt, copper, cyanide, fluoride --

12 HEARING OFFICER WELCH: Slow down. Do
13 you really want to read all those?

14 MR. HO: There's over a hundred of
15 them. I think that's a good indication of why we
16 need more public hearings and extending the
17 comment process, because there's simply way too
18 many things to talk about in these rules.

19 I've got a 50 pager here are all the
20 things that are wrong with the rules, and, like,
21 there's not enough time to talk about all of
22 these. Like, the chemicals alone will probably
23 take, like, 15 or 20 minutes to read off.

24 It's completely ridiculous.

1 I'll talk about a couple of other
2 changes in terms of water pollution.

3 In Section 245.620(B)2 the word "the"
4 before baseline water quality status should be
5 stricken to made clear that any baseline water
6 quality data, not just the data collected
7 pursuant to the Act's requirement may trigger the
8 jumps in the water pollution.

9 In Section 245.620(B)4 this section
10 should be amended to mirror subparagraph (B)2 to
11 state that water quality data obtained up to 30
12 months after commencement of hydraulic fracking
13 operations shows that pollution or diminution of
14 water quality has occurred with respect to one or
15 more parameters set forth in the relative section
16 in the EPA regulations referenced in the Act
17 245.610(E).

18 245.620(C)4, this section is
19 completely superfluous. It's confusing for the
20 reasons specified. If the water quality data
21 does not show pollution or diminution, then
22 there's no presumption to rebut.

23 The relevant concepts from the statute
24 that should be reflected here and is not is from

1 Section 1-85(C)3 specifies a presumption can be
2 rebutted if it can be affirmatively established
3 that the pollution or diminution had an impact
4 and the probable cause other than hydraulic
5 fracturing operations.

6 Something else that wasn't mentioned
7 today was that currently -- or probably was
8 mentioned in previous hearings is water testing
9 right now is done only 1,500 feet within the well
10 site. The horizontal bores of these wells extend
11 for miles on end, and that has an equal chance of
12 causing water pollution.

13 Why is there no water testing around
14 these horizontal wells? 1,500 feet is way too
15 short. Other states have up to one to three
16 miles within this radius.

17 There should be a radius around every
18 single point along those horizontal bores -- a
19 1,500 feet radius or more should be tested for
20 water pollution just like anyone within that
21 radius should also be able to testify at hearings
22 around these issues.

23 There's simply way too many issues to
24 mention in these comments. I mean I can go on

1 about, like, well integrity standards there's no
2 mention of.

3 I mean. Let me see. Just way too
4 much. Surface casing requirements, Section
5 245.530(A), the requirement that surface casing
6 be set to a depth prior to the encountering of
7 any hydrocarbon bearing zones --

8 HEARING OFFICER WELCH: Slow down.

9 MR. HO: -- it shall require that if
10 such zones are encountered, drilling must stop
11 and surface casing must be set or cemented before
12 drilling deeper.

13 These regulations should further
14 require that all such zones be reported to the
15 Department.

16 Bore hole circulation, Section
17 245.530(D) --

18 HEARING OFFICER WELCH: Ten seconds.

19 MR. HO: The Department shall require
20 that the applicant circulate at least two whole
21 volumes of drilling fluid to ensure that the well
22 is static and all gas fluids are killed.

23 There's a whole list of these
24 standards that need to be specified in the rules

1 in which there's no mention of. Like -- that's
2 going to take pages and hours of, like, comments
3 to actually specify all these standards, and
4 there's no time to do this. We have 45 days.

5 How are we expected to provide all of
6 these comments? We need way more time.
7 Honestly, this should not be the public's
8 responsibility. Before these rules are released,
9 all of this should have been done.

10 HEARING OFFICER WELCH: Okay.

11 MR. HO: Thank you.

12 HEARING OFFICER WELCH: One more,
13 and -- wait a minute. I didn't call you.
14 Somebody who has not had a chance to make a
15 comment, this is your last chance. Somebody that
16 has not made a comment and wants to make a
17 comment.

18 Come on up here. All right. Ma'am,
19 you only have three minutes, and that's it.

20 MS. DE LA GARZA: Georgia, d-e l-a
21 G-a-r-z-a.

22 One thing that I haven't heard in the
23 last couple of hearings looking over there in the
24 corner and reading some of his writing I do want

1 to bring up, especially in this community, I had
2 several people approach me saying I'm
3 pro-fracking, although I don't know much about
4 it.

5 That is one thing that we haven't had
6 an issue on are how are communities like this and
7 small communities in southern Illinois, who is
8 going to be funding the women centers for the
9 domestic violence that's on the rise: The sexual
10 assault, the HIV, the STDs, all these social
11 issues that are rising from these areas of
12 fracking.

13 We have to do something about that.
14 You're going to have to include this, I think, in
15 your regulation act. I do. I think it's vital.
16 I think it's important.

17 You can't just support these oil and
18 gas companies and have them pull out and leave
19 and leave these communities with these issues.

20 Thank you.

21 HEARING OFFICER WELCH: Thank you,
22 ma'am. One minute.

23 MR. AMLIN: All right. Thank you.
24 It's Dillon Amlin, A-m-l-i-n, and I just want to

1 point out again that there were three hundred
2 people in Chicago who were unable to speak at the
3 last hearing, and I demand another hearing in
4 Chicago.

5 I also demand an extension of the
6 comment process for the reason that Kelvin
7 mentioned.

8 I think -- I, again, just really want
9 to emphasize that I represent a lot of students
10 in Chicago. This comment period, which is
11 incredibly short, even if it weren't during the
12 holiday season, we have so many students who are
13 not at school who are either in finals, I know
14 that there are people here from UIC who have
15 finals, and there would have been way more of
16 them here if they weren't doing that work.

17 I failed a class this semester because
18 I was doing this work, and I think if you all are
19 trying to really protect the citizens of Illinois
20 that you would extend this process and give us
21 more time.

22 Again, like Kelvin said, there's not
23 enough time to list out these basic rules, but we
24 have this dirty dozen which is just, again, a

1 non-extensive list of major holes in this
2 regulation that need to be addressed.

3 HEARING OFFICER WELCH: Thank you,
4 sir. Come on up here. After this gentleman, we
5 are done. We are done.

6 MR. BIGARD: My name is Joe Bigard.

7 HEARING OFFICER WELCH: How do you
8 spell your name, sir?

9 MR. BIGARD: B-i-g-a-r-d.

10 I'm kind of hoarse, so bear with me.
11 I've been in the oil business since 1975. I've
12 never had a job since high school except I've
13 worked for myself. I started business from
14 scratch, started the oil business from scratch,
15 drilled wells.

16 I own a manufacturing business in the
17 oil field, and I feel like that people are
18 failing to realize that Illinois is made up of
19 small business not just big oil companies.

20 It's not all big oil companies.
21 There's a lot of mom and pop operations that are
22 trying to survive, and the regulations right now
23 are so burdensome I'm ready to sell out and quit.
24 I'm quitting because the regulations are too

1 stringent for little guys.

2 They put a burden on the -- the oil
3 and gas industry has got such a burden from
4 regulatory agencies that we can't hardly operate,
5 and I'm selling out, because I'm tired of the
6 regulations.

7 Every year we get notices you've got
8 ten days to respond, 30 days to respond. It's
9 not enough time for little guys. We just can't
10 hack it. You're going to see little guys fold up
11 and quit, and that happens.

12 All you're going to have is big
13 companies, and I'm one of the little guys. I'm
14 tired. I'm quitting. It's over.

15 Thank you.

16 HEARING OFFICER WELCH: Thank you,
17 sir.

18 Well, all right. I want to thank you
19 all for coming. Like I said, these gentleman are
20 going to go over their notes here and come up
21 with an idea of what the comments mostly were
22 about.

23 I want to thank you for coming. Our
24 next meeting is tomorrow night in Decatur, and

1 then we have one in Carbondale, my alma mater, so
2 you all have a good Christmas, and if you want to
3 hang around and wait for these gentleman, that's
4 fine too.

5 All right. Thank you.

6 (At this point a short recess was
7 taken.)

8 MR. COHEN: For the comments that we
9 received tonight related to the administrative
10 rules, sort of in summary the ones, the top sort
11 of that we grouped together the ones that we
12 heard most frequently tonight related to
13 radioactivity, enforcement, mainly that the fines
14 in the administrative rules were too small, water
15 pollution, open pits, and chemical disclosure, so
16 that when we go back, these are the
17 administrative rules that we will be reviewing
18 again based on the public comments we received
19 tonight.

20 Hopefully for those of you who have
21 left, you left us your comments in boxes, and
22 there is still plenty of time to submit your
23 written comments to us online or by mail, and we
24 hope to receive those by January 3rd.

1 Thank you very much. We appreciate
2 all the comments we received tonight. Thank you.

3 (Hearing is concluded at 8:39 p.m.)

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CERTIFICATE

I, BARBARA A. GLOVER, do hereby
certify that I am a court reporter doing business
in the State of Illinois, County of Coles, City
of Mattoon; that I reported in machine shorthand
the hearing on December 16, 2013, and that the
foregoing transcript is a true and correct copy
of my shorthand notes.

Barbara A. Glover, CSR, RPR
CRR, CCR