

ENERGY ALERT

DEP RADIOACTIVE MATERIAL TEST RESULTS SHOW WATER SAFE & NY TIMES 2/27 ARTICLE DELIBERATELY FALSE

On Monday, March 7, 2011, the Department of Environmental Protection issued a press release announcing that test results for radioactive material in streams in 7 counties and all samples "showed levels at or below the normal naturally occurring background levels of radioactivity."

Secretary Krancer is quoted as saying "Here are the facts: all samples were at or below background levels of radioactivity; and all samples showed levels below the federal drinking water standard for Radium 226 and 228."

For the press release go to:

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=16532&typeid=1>

The monitoring took place in November and December with in-stream monitors in Washington County, Greene County, Indiana County, Venango County, Beaver County, Tioga County, and Lycoming County.

These are welcome test results and more testing is being done by the Pennsylvania American Water Company and the Pittsburgh Sewer and Water Authority.

These results also are another blow to credibility of the New York Times February 27th story that was deliberately false. The story had a fictional narrative of lax regulation and oversight of gas drilling in Pennsylvania. It also gratuitously frightened Pennsylvanians by suggesting that their water was contaminated with radioactive materials and unsafe.

Currently about 70% of drilling wastewater is partially treated and recycled and reused and not discharged to rivers and streams. The amount of recycling is increasing.

In August 2010, Pennsylvania completed a rulemaking that ended the decades long practice of allowing unlimited amounts of drilling wastewater to be discharged without treatment for Total Dissolved Solids. The new, stronger rule required all new or expanded treatment plants that discharge drilling wastewater to treat it at the pipe to the Safe Drinking Water Act standard of 500mg/liter. The rule also created a watershed standard to insure that the cumulative loading of TDS from any or all sources could not cause waters to have TDS concentrations about the Safe Drinking Water Standard.

The August rule conditionally allowed the historic, existing plants to continue operating without treatment for TDS only if they did not expand or did not cause the receiving waters to have TDS levels above 75% of the Safe Drinking Water standard.

*The Energy Alert is intended to keep readers current on matters affecting businesses and is not intended to be legal advice. If you have any questions, please call **John Hanger** at 717.237.6036, **Dan Clearfield** at 717-237-7173, **Scott Dismukes** at 412.566.1998, **Kevin Moody** at 717-237-7187, or any other attorney with whom you have been working.*