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REPORT OF THE PROCEEDINGS of the  
Department of Natural Resources Public Hearing taken  
at Southern Illinois University, Student Center,  
Carbondale, Illinois, on the 19th day of December,  
2013.

**RECEIVED**

JAN 09 2014

Dept. of Natural Resources  
OFFICE OF LEGAL COUNSEL

1 MR. WELCH: Okay. We're ready to  
2 start.

3 Good evening. My name is Bob  
4 Welch. I'm a hearing officer for the Department of  
5 Natural Resources and I'm going to be the moderator  
6 of our hearing this evening.

7 The reason we're here, as you  
8 know, is for a series of public comment periods we  
9 are holding across the state. We are meeting tonight  
10 in regards to the proposed administrative rules  
11 relating to the Hydraulic Fracturing Regulatory Act.

12 Before we get started, I'm going  
13 to introduce you to the individuals who are up here.  
14 They are here to listen to your comments. To my  
15 immediate right is Mr. Cohen, who is the Director of  
16 the Office of Oil and Gas Resource Management for  
17 IDNR. Next to him is Robert Mool. He is an attorney  
18 with IDNR's Office of Legal Counsel. Next to him is  
19 Nick San Diego. He is also an attorney with IDNR's  
20 Office of Legal Counsel. Next is Kathy Weiss, who is  
21 with Oil and Gas Resource Management with IDNR and  
22 Alan Whitler who is a well inspector for the Office  
23 of Oil and Gas Resource Management, IDNR. That's who  
24 we are.

25 Now, why are we here. As you're

1 aware this summer the General Assembly passed and the  
2 Governor signed a new Hydraulic Fracturing Regulatory  
3 Act. This act applies to all wells where only high  
4 volume horizontal hydraulic fracturing operations  
5 will occur in this state.

6 The act gave to IDNR the primary  
7 authority to administer and enforce the provisions of  
8 this act. The act further requires that the  
9 department adopt rules, as necessary, to accomplish  
10 the purposes of the act.

11 Now, the rule making process or  
12 procedure is designed to allow interested parties the  
13 opportunity to actively participate in the rule  
14 making process through public comments. This public  
15 hearing in which many, many diverse opinions will be  
16 heard are strongly supported by IDNR in the spirit of  
17 openness and transparency.

18 The purpose of this public  
19 hearing, and this the last of five we've done  
20 throughout the state, is to allow members of the  
21 public to express their views and comments related to  
22 the proposed hydraulic fracturing administrative  
23 rules which have been drafted in response to the  
24 dictates of the act. So, in other words, the act  
25 told IDNR you draw up the rules and then we're going

1 to have these hearings. So IDNR has proposed these  
2 rules. It's a draft. It's not the final copy and  
3 we're going to hear from people across the state and  
4 then they'll come up with a final draft.

5 Now, I know many of you are  
6 probably opposed to the idea of hydraulic fracturing  
7 and like at the last hearing you would like to  
8 express your opinions in regard to hydraulic  
9 fracturing, but actually this is not the place to do  
10 that. You're welcome to do that, if you want, but  
11 we're not here to discuss the merits or lack of  
12 merits of hydraulic fracturing. That's something you  
13 probably should take up with your state senator, your  
14 state representative. We're here as far as the rules  
15 are concerned. So we're here to hear your comments  
16 and suggestions in regard to the proposed  
17 administrative rules. Your input will assist IDNR in  
18 adopting rules to insure that the process is done in  
19 a manner that is environmentally sound and consistent  
20 with the law.

21 Now, these gentlemen here are  
22 here to listen to your comments and make note of  
23 them. They are not here -- they are here because  
24 they are interested in hearing from you and due to  
25 the time limitations will not be responding to any of

1 your comments. They'll take them into account in  
2 reviewing all the public comments for the proposed  
3 rules. As you know, also, there's a website where  
4 public comments can also be made.

5                   Throughout the public comment  
6 period IDNR will accept and upon consideration make  
7 changes to proposed rules before filing for a second  
8 notice. IDNR fully anticipates and expects changes  
9 to be made as part of the process. So, remember,  
10 these are proposed rules and not the final draft that  
11 we're dealing with right now.

12                   Now, as far as the format is  
13 concerned, each of you filled out -- or most of you  
14 did, I guess, if not everybody, filled out cards with  
15 your names on it if you want to talk. And Ms. Weiss  
16 here has shuffled them and because -- we'll get to  
17 that, but I'm going to draw names and that's how  
18 we'll get you up here. Because of the number of  
19 people here and the fact that we want to give as many  
20 of you as possible the chance to speak, your comments  
21 are limited to four minutes. I'm asking you to be  
22 respectful of this time limit, because every extra  
23 second or minute that you use is taking that time  
24 from the next speaker or any speaker.

25                   After making your statement, if

1 you have a written statement, we would appreciate it  
2 if you would put it in that box right there.

3                   The intention is to have two  
4 people on each side. What we try to do is I call --  
5 at the beginning I'll call out two names for each  
6 microphone and so we'll always have somebody in the  
7 hole. So after somebody talks, I'll call another  
8 person and have them lined up and there's no wait.  
9 That way we can get more speakers through here. So  
10 we'll always have -- always have, hopefully, four  
11 people up here at one time.

12                   So when it's your turn to speak,  
13 please introduce yourself, spell your last name,  
14 because the court reporter is taking everything down  
15 here. We want to get your names right. Tell us what  
16 city you're from and, if you want, if you're from an  
17 organization, you can tell us that, too, if you wish  
18 to do so. If your comment relates to a specific rule  
19 or section of the proposed rules and you know the  
20 rule or section number, it would be helpful to the  
21 staff here to let them know what you're referring to.  
22 Otherwise, go ahead and make your comment. If you  
23 want to read your comment, you're welcome to do so.  
24 We don't want to rush you, but we want to stick to  
25 the four minutes so everybody -- more people will get

1 a chance.

2 Kathy will hold up the one minute  
3 sign. And after that, another 30 seconds, I'll make  
4 some kind of a verbal or this or something to tell  
5 you that you're running out of time.

6 Two things now. At the very end,  
7 when we're done with everybody talking, giving their  
8 comments, if you're interested in staying a few  
9 minutes after the public comments are finished, the  
10 panel will -- they are going to review their notes  
11 and summaries and summarize the concerns of the  
12 public that we've received today. In other words,  
13 they are going to put together a little summary and  
14 then let you know what they've come up with as far as  
15 tonight in regard to the rules.

16 Now, please remember that the  
17 sole purpose of the hearing is to hear comments and  
18 suggestions from the public in regard to the proposed  
19 administrative regulations. It's not a question and  
20 answer session. And please address your statements  
21 or comments to the rules or proposed rules, actually.  
22 We'll start with Tabitha Tripp.

23 MS. TRIPP: Okay. I live 45 minutes  
24 south of here. When I took the time to drive all the  
25 way to Springfield last spring, to talk to

1 legislators (who were always too busy to make time to  
2 talk,) and it was a long trip and I am dedicated to  
3 protecting our communities.

4 I have been in this campaign to  
5 stop fracking for 22 months working with SAFE, IPA,  
6 Heartwood Forest Council, Vineyard Indian Settlement,  
7 RACE and the Shawnee Chapter of the Illinois Sierra  
8 Club.

9 You have seen me at each one of  
10 the hearings. Why? Because it is that important to  
11 us down here. It's not enough to get a news report.  
12 We want to know exactly what happened.

13 Activist Don West says, "The  
14 abuse of the land has always gone hand in hand with  
15 the abuse of the people. It's easy to take and frack  
16 or mine someone's land if we have convinced the  
17 world, through news, that its inhabitants are  
18 disposable, poor white trash or in essence a bunch of  
19 hillbillies."

20 I am a native of Southern  
21 Illinois. I am a graduate of S.I.U. I am a mother  
22 and a poet and we live on a 5th generation family  
23 farm with a deep well for water. I live in the  
24 boonies and often I don't even have internet. But  
25 that does not make us expendable to the oil and gas



1 industry. I might be a hillbilly, but I am proud of  
2 it.

3 It does not make us any less  
4 significant. This department and the state have done  
5 exactly that, deemed us disposable.

6 Sacrifice zones have been  
7 determined throughout Southern Illinois as  
8 economically depressed and in need of stimulation via  
9 fracked wells and hydrocarbon extraction. Leaving us  
10 with ruined water, worthless land and health effects  
11 as far as we can see into the future, we will be no  
12 better off than when we started extraction technology  
13 200 plus years ago. Not the stimulation my children  
14 were hoping for.

15 Officials and agencies entrusted  
16 to protect public health and the environment have  
17 gutted laws and created industry loopholes. You've  
18 sold us out, just like our legislators did.

19 These rules do nothing to  
20 uphold the already lax safety guarantees set forth in  
21 Public Act 98-0022. That law states Section 1-75.2,  
22 all phases of HVHF shall be conducted in a manner  
23 that shall not pose a significant risk to public  
24 health, life, property, aquatic life or wildlife.  
25 There is no part of regulation that will successfully

1 allow safe fracking.

2 At the very least, if I  
3 am going to be reading the rules again, comparing  
4 them to the law passed in May and then substantiating  
5 my comments to prove the incompetency of these rules  
6 during this joyous holiday season, then the least I  
7 could do is bring you a partial list of scientific  
8 research as my gift to you.

9 This compilation of papers  
10 includes: Radioactivity in shale deposits. USGS  
11 maps 100 year flood plain and liquefaction maps due  
12 to earthquakes. Several research papers on fracking  
13 induced seismicity. OSHA regulations on exposure of  
14 silica dust and toxic chemicals. American Journal of  
15 Nursing Research on fracking and public health.  
16 Research on waterless fracking. Peer reviewed  
17 publication research on air quality near fracking  
18 operations. FWW: The New Global Water Crisis and  
19 water demands and climate change scenarios. NRDC's  
20 research on disposal of radioactive liquified  
21 oilfield waste.

22 By light of the yule log, I  
23 will be reading the ACLU's Guide to Civil Liberties  
24 to my children, because I am pretty sure at this  
25 point the only way to maintain our right to a healthy

1 environment, Article XI of the Illinois Constitution,  
2 will be to defend those rights by force against our  
3 government and the corporations who have hijacked our  
4 democracy.

5 Quoting Don West, "In a  
6 hungry world the struggle between oppressor and  
7 oppressed is unending. The inevitable question,  
8 which side are you on? To be content with things as  
9 they are, to be neutral is to take side with the  
10 oppressor who wants to keep status quo. To challenge  
11 the power of the oppression is the poet's  
12 responsibility. Such action will preserve and build  
13 faith and hope in humanity.

14 MR. WELCH: Thank you. Ms. Daugherty.

15 MS. DAUGHERTY: Yes, sir. I am from  
16 here in Carbondale. I don't have a prepared  
17 statement so I guess I'm here to talk --

18 MR. WELCH: Could you spell your last  
19 name, please?

20 MS. DAUGHERTY: D-A-U-G-H-E-R-T-Y.  
21 That's Irish, sir.

22 So, I am here to tell you that I  
23 have lived most of my life here in Southern Illinois  
24 and I'm here to share some passion with you about  
25 that. The reason that I've lived here for most of my

1 life is because I love Southern Illinois. The beauty  
2 of Illinois only begins once you get south of  
3 Carbondale.

4 I have spent the last many years  
5 passing that passion and love for this environment on  
6 to my grandchildren. We've spent a lot of time  
7 hiking in the woods here and I've taught them to  
8 carry on that legacy of loving and revering the  
9 nature of the -- of the beauty of the natural world  
10 around us. So the other part of the legacy that I  
11 want to pass onto my grandkids is when the system  
12 that is supposed to protect us and our well-being and  
13 our health does exactly the opposite and comes here  
14 and threatens us, then my message to you is this land  
15 is my land and that dog don't hunt here.

16 MS. FRALEY: Karen Fraley. And I  
17 would like to defer my time to Jessica Bradshaw.

18 MS. BRADSHAW: Thank you. My name is  
19 Jessica Bradshaw. I am a member of the city council  
20 here in Carbondale. I want to make clear that I'm  
21 speaking for myself here, though, not the city or the  
22 council.

23 First, I must say that from  
24 the very beginning of reading the proposed rules for  
25 hydraulic fracturing I had an issue with item number

1 11, the statement of state-wide policy objective.  
2 This simply says that, "This rule making does not  
3 affect units of local government." I think that  
4 fracking would very much affect units of local  
5 government. Even if fracking does not happen  
6 anywhere near Carbondale, we will be affected if, for  
7 example, an injection well causes an earthquake, as  
8 we are in a major fault zone. In fact, we are  
9 between two fault zones here. It could affect every  
10 local government in Southern Illinois and in the  
11 state, if there was a big earthquake.

12                   Second, we will be affected  
13 if the area runs out of fresh water. This is the  
14 issue that concerns me the most, because we only have  
15 so much usable water and regionally we have already  
16 seen some severe droughts. In fact, last summer,  
17 coal plants near Sparta had to halt operations. If  
18 we don't have enough water to keep already existing  
19 operations running, then how in the world are we  
20 going to cope with the increased demand that  
21 hydraulic fracturing would bring?

22                   I am also concerned about  
23 the effect that water shortage and pollution may have  
24 upon our regional tourism industries. Southern  
25 Illinois is home to a burgeoning wine industry and

1 lately breweries, too. That's not to even mention all  
2 the natural beauty we have. I would hate to see  
3 fracking destroy that.

4 Third, I'd like to speak  
5 about local control, specifically, about control for  
6 those who do not live in a city with zoning or other  
7 code enforcements. The proposed rules, in Section  
8 245.10, allow for municipalities to have some say  
9 over drilling, but not counties. I am glad that this  
10 provision is in there, but we have a lot of areas  
11 where there are no cities or municipalities.

12 Counties control their own roads, water, and taxes;  
13 they should also have some say in whether fracking is  
14 allowed in their jurisdiction, with home-rule  
15 municipalities being able to decide, too, obviously.

16 I would prefer it if the state would just pass a  
17 moratorium, but in absence of that, I think it's  
18 important that we let all levels of local government  
19 have control, and I commend IDNR for including this  
20 provision. I just think it needs to be stronger.

21 Another major concern I  
22 have is with the chemical disclosure rules under  
23 Section 245.210. Companies must disclose what  
24 chemicals they're going to use, so that local doctors  
25 and nurses have access to that information in order

1 to treat their patients. It's that simple.

2 In addition, under Section  
3 245.270, on public hearings, the rules first say that  
4 "any person having an interest that is or may be  
5 adversely affected by a fracking permit, can petition  
6 the department for participation in a hearing." But  
7 then Subsection 245.270(a(6) goes against that,  
8 saying that the request for hearing must be served  
9 upon the hearing officer, the department and the  
10 applicant. This makes it harder for the public to  
11 participate, which is inconsistent with the intent of  
12 the law.

13 Finally, I have an issue  
14 with the timing of this comment period. Not only is  
15 it the holiday season, but it is also the time of  
16 year when many municipalities have to deal with  
17 property tax changes. I think that the comment  
18 period should be extended, at least a few weeks, to  
19 allow county and municipal authorities time to review  
20 it.

21 Thank you for your time and  
22 consideration. And I hope you enjoy your visit to  
23 Southern Illinois and Carbondale and have an  
24 opportunity to explore our beautiful region.

25 MR. WELCH: Gibson. Mr. Conley, are

1 you here?

2 MR. CONLEY: Conley. Yes.

3 MR. WELCH: Mr. Gibson.

4 MR. GIBSON: Yes. My name is William  
5 Gibson. I am a citizen of Galatia, Illinois. I'm  
6 also a graduate here of S.I.U., love living in the  
7 area and I'm also a teacher here in Southern Illinois  
8 and when I heard about this meeting and the issue of  
9 fracking, it just concerns me, as a private citizen,  
10 especially living in the area of Galatia, all of the  
11 area that is undermined and my concern is with the  
12 possibility of earthquakes and being triggered --  
13 triggered in an area like that. Within the past  
14 year, since fracking has become such a hot topic, on  
15 my drive to school I have noticed a lot more trucks,  
16 strange trucks and work in the area around the mines  
17 and away from the mines all around Galatia. And,  
18 like I say, I am concerned with possibility of  
19 earthquakes and also the problem of the wastewater  
20 and the contamination. Possibly it could come from  
21 fracking. Not only, you know, from our -- our water  
22 system, but, you know, any of that get into the mines  
23 and cause problems there. And I just -- you know, I  
24 am strongly against fracking and that's all I need to  
25 say. Thank you.



1 MR. WELCH: Thank you. Okay. If you  
2 two stand up, please, Mr. Conley and Ms. Sweet will  
3 have those chairs. The people I call now come up and  
4 have a seat in these front four chairs, please.  
5 Please Agne, is that right? Aaron Palmer. Okay.  
6 Russell Heinrichs. Russell. Russell Heinrichs.  
7 Last, but not least, John Wallace. Okay. Lady will  
8 go first.

9 MS. SWEET: Thank you. Audrey Sweet.  
10 Graduate student here at Southern Illinois, water  
11 sciences group.

12 I've read through the  
13 majority of the regulatory act and can tell that a  
14 lot of thought went into this. I do still have some  
15 concerns and would like to comment on a few things  
16 that caught my attention.

17 I did not see anything  
18 regarding water rights in this act. To ensure there  
19 is enough fresh, uncontaminated drinking water for  
20 the citizens, for the crops and the environment. I  
21 would like to see that all the current stream and  
22 consumptive uses already in place get their  
23 allocation of water before the fracking companies do,  
24 especially in a drought year.

25 Section 245.830 covers

1 reserve pits, which are to be used for temporary  
2 storage when there is a lack of capacity for tank  
3 storage. This is not acceptable and fracking  
4 companies should be required to have extra storage  
5 tanks on hand beyond their initial estimates for such  
6 situations. What does temporary mean? One day? One  
7 week? One year? One decade? This must be defined.

8                                   245.850 flowback storage,  
9 disposal, recycling. Contaminated water is to be  
10 removed from well site within 60 days after the  
11 completion of fracking operations. It goes on to  
12 state that within 7 days of completion the  
13 contaminated water stored in the temporary pits  
14 should be moved to above-ground tanks.

15                                   Now, how is completion  
16 defined? I wouldn't be surprised if well sites can  
17 remain active even if they haven't been used for 10,  
18 50, 100 years if they intend to return and frack  
19 more.

20                                   I feel that the initial  
21 permitting process should include a time period in  
22 which the fracking companies can access the land.  
23 This time frame should be a reasonable amount of time  
24 for the companies to extract their projected amount  
25 of natural gas, while also respecting the landowner's

1 right to solace, and the environment's right to  
2 recover. The completion of the project should then  
3 be defined as no later than the permitted time  
4 allocated to the project.

5 245.940 disposal and  
6 recycling. D, contaminated water can be treated and  
7 reused in future fracking projects. If this can be  
8 done, it would be mandatory. Companies should not be  
9 permitted to take more fresh water if they can reuse  
10 the water they already have.

11 Which leads me to question  
12 the fate of this toxic brine. Will our children and  
13 our grandchildren be stuck cleaning up this fracking  
14 mess? Will these well sites and temporary  
15 contaminant pits be the superfund sites of tomorrow?  
16 Will these fracking companies bow out after they've  
17 filled their pockets or declared bankruptcy after the  
18 cost of cleanups have exceeded their acceptable  
19 profit to loss ratio?

20 To prevent this I would  
21 like the state of Illinois to require fracking  
22 companies to take full responsibility for returning  
23 the contaminated water they use to a condition equal  
24 to or better than it was when they received it.

25 This is no small task, as

1 most of you know. It takes a lot of energy to  
2 transform even saltwater back to what it was. This  
3 makes no sense.

4                               The wars of the future  
5 will be over water, not oil or gas. By allowing  
6 fracking into our state, Illinois is pre-emptively  
7 declaring war on itself by compromising its most  
8 valuable non-renewable resource.

9                               I hope that the IDNR and  
10 the state of Illinois have the foresight to protect  
11 its citizens and natural resources for future  
12 generations. Thank you.

13                               MS. CONNOLLY: I'm Dennis Connolly,  
14 C-O-N-N-O-L-L-Y. This is in regards to Section  
15 245.200, registration procedures, Illinois Register,  
16 notice of proposed rule (C) proof of insurance to  
17 cover injuries, damages or loss related to pollution  
18 in the amount of at least \$5 million per occurrence.  
19 This is wholly inadequate. This needs to change to  
20 \$500 million per occurrence. Considering earthquakes  
21 in this seismic sensitive area between two major  
22 historical earthquake fault lines, a single residence  
23 can cost \$5 million, when you think about it.  
24 There's lots that go for \$500,000 in certain areas.

25                               Now, factor in the cost of

1 the inevitable permanent groundwater contamination of  
2 documented cases in Pennsylvania, North Dakota,  
3 Colorado and Texas. Proof of insurance now needs to  
4 be raised to 5 billion dollars and be retroactive  
5 through the next seven generation. Consider the  
6 property values become next to worthless in this  
7 contaminated, industrial danger zone. Consider the  
8 future generations and their health, plus lack of  
9 livelihood.

10 Okay. This is Subpart F,  
11 water quality, Section 245.600. Water quality  
12 monitoring. I see no plan baseline water testing  
13 north, south, east or west of each fractured well.  
14 Also no 30-day follow up of water testing to adjacent  
15 wells. I suggest an independent agency overseen by a  
16 volunteer group. This testing is to be paid for by  
17 the company fracking. Any contamination needs an  
18 immediate court order to halt all fracking activity.

19 I consider these  
20 regulations to be an assault on democracy.

21 Hydraulic fracturing is an  
22 energy negative extractive technology and that means  
23 it uses more energy than it produces. Please  
24 consider biogas technology instead. Biogas methane  
25 is powering a pottery kiln locally at present. I

1 also have a biogas pit at my home and I will be more  
2 than happy to share information with the state of  
3 Illinois. I researched this with the Chinese Biogas  
4 Manual.

5 This is also an area of a  
6 major species migration habitat. And the IDNR has  
7 not considered a flock landing in a fracking pond.

8 And one final note, we've  
9 got to consider the Halliburton loophole, which  
10 basically was written by Dick Cheney, who is also  
11 potentially illegal representative and I -- I ask you  
12 to research Peg McDonald Brislin, a former state  
13 representative, retired appellate court judge from  
14 the south county where I come from who has told me  
15 personally that we should be in the streets, because  
16 she monitored that election in Ohio. I ask you to  
17 have a hearing and ask her about this. Cheney was  
18 illegal and so is Bush. They stole the election.  
19 We're losing our democracy.

20 MR. SMALIGO: My name is Nick Smaligo,  
21 S-M-A-L-I-G-O. I've been to three of these meetings  
22 so far. They are ridiculous. It's a farce. We  
23 repeat things you already know as if the number of  
24 times we say them makes them more true. It doesn't  
25 make sense. If there are problems that we don't

1 repeat so often, that doesn't make them any less  
2 dangerous. A tally is not an adequate way to  
3 evaluate these concerns.

4   Pretty much everything's  
5 been said. You've got the dirty dozen list. You  
6 know about earthquakes, radiation, V.O.C.'s, methane,  
7 water overuse and contamination, healthcare concerns  
8 over chemical disclosure, the sexual abuse statistics  
9 that these pillaging mercenaries leave in their wake.  
10 It's all been said, or it is all easily available.  
11 What's the point of us getting up here, one person  
12 after another, to keep giving the same complaints?

13   If you were serious about  
14 researching this, all you would have to do is stop  
15 listening to the people who stand to make money from  
16 it and start listening to the people who are either  
17 suffering from it or really studying it; stop  
18 listening to the PR agencies and these fake good 'ol  
19 boys on their payroll. These guys who sit here at  
20 these meetings smirking, mocking people who are  
21 afraid for their health and livelihood. They come up  
22 here telling us they're mom and pop gas drillers  
23 against regulation. It's bullshit. We all know  
24 these corporations are only interested in profits,  
25 and they'll say anything to get them. They don't

1 care about this area, its people or its future.

2 At the start of each  
3 hearing you say the DNR's job is make fracking  
4 environmentally sound. It simply cannot be made  
5 environmentally sound. Even if you could draw up  
6 rules that make fracking safe, protecting the well  
7 casings from earthquakes and rust for years, decades,  
8 centuries to come, which I want to emphasize you  
9 cannot do, but if you could draw up these fantasy  
10 regulations, guess what, we all know you don't have  
11 the resources to monitor and enforce them.

12 So these proceedings are  
13 ridiculous. They are pantomimes of a democratic  
14 process, put on to make us feel like our voices were  
15 heard. But you've already decided that fracking is  
16 inevitable. That ship has sailed, you've said.

17 You are just doing your  
18 jobs. But there is contradiction in your job. On  
19 the one hand, your job is to make sure the  
20 environment of Illinois is protected from dangerous  
21 toxins and preventable disasters for present and  
22 future generations. On the other hand, your job is  
23 to make sure fracking starts in Illinois as soon as  
24 possible. It's one or the other. If you do the  
25 second job, the job that's been bought and paid for



1 by the industry, then you aren't doing your first  
2 job, protecting the people and resources of Illinois.

3                   But you can do your first  
4 job. You can go to Springfield and say we need more  
5 research, we recommend a two-year moratorium to  
6 really investigate this process. Better, you can say  
7 we have become convinced that this process is  
8 fundamentally unsafe and cannot be regulated in a way  
9 that protects the people and ecology of Illinois.  
10 You can say as people who have been invested with  
11 power and responsibility for the safety of others, we  
12 cannot, in good conscience, allow Illinois to be  
13 fracked. You can say those things.

14                   Little survey. If you're  
15 convinced we need either a moratorium or an outright  
16 ban on fracking, and you want to see these gentlemen  
17 return to Springfield and say so, please stand up.

18                   You say take it up with  
19 your representatives. A number of dedicated people  
20 in this audience worked themselves to frustration and  
21 tears doing just that. They don't listen to us.  
22 Maybe they'll listen to you.

23                   You say it's going to  
24 happen. It's just a matter of how. We say, it can't  
25 happen safely and we won't let you invite this danger

1 into this region.

2                   You say the decision has  
3 been made. We say the decision is illegitimate  
4 because it was made by excluding the people who stand  
5 to suffer its consequences.

6                   You say the ship has  
7 sailed. We say it's sailing in the wrong direction.  
8 It's sailing toward storms and we need you to help  
9 turn it around.

10                   You say fracking is  
11 inevitable. We say fracking is impossible. As long  
12 as that is the divide between us, then it's hard to  
13 see what we have left to say to one another.

14                   So I'm going to turn  
15 around. Let's make this meeting ours. At all these  
16 hearings people have been getting up and speaking to  
17 these guys. But they seem to have already made up  
18 their minds. Maybe they'll surprise us. But we  
19 can't assume they will.

20                   We don't want this  
21 regulated. We want it prevented. And as you all  
22 know, it's going to take us organizing ourselves to  
23 stop it.

24                   A lot of people have come  
25 with a lot of important things to say. I'm

1 suggesting that when you come to speak, consider  
2 speaking to all of us. If you have problems with the  
3 rules, then say them. But if you object to the very  
4 idea that this can be safely regulated, then say that  
5 too. If you think they should go back to Springfield  
6 and tell them that we need a moratorium for more  
7 research or an outright ban, then show them your  
8 backs. They'll still record it. They'll still  
9 listen. But let's make this meeting ours. Let's  
10 show them that we refuse to accept that this is  
11 inevitable, that we've resolved to make it  
12 impossible.

13 MR. WELCH: Okay.

14 AUDIENCE MEMBER: What's wrong with  
15 you people up there?

16 MR. WELCH: You don't even know us.

17 AUDIENCE MEMBER: You don't know us,  
18 but you will.

19 MR. WELCH: Now, what's your name?

20 MS. PALMER: My name is Ann Palmer.  
21 That's P-A-L-M-E-R. I am a resident of Carbondale.  
22 I've lived here for 20 years and I'm a transplant  
23 from southern California, the other earthquake place.  
24 I have several concerns and suggestions I would like  
25 to make for things for you to consider putting --

1 including in your rules.

2 One, with the aboveground  
3 storage pits. I think there needs to be more --  
4 something written in where the water shed that  
5 potentially will fill in these pits either if we have  
6 a rain event, like what we may be expecting this  
7 weekend, 2 to 4 inches on Saturday -- you know, a pit  
8 may be able to hold a certain amount of liquid, but  
9 what if we have sequential rain events. I know -- I  
10 think it was a couple of years ago at the end of  
11 April Jonesboro had the record for rainfall in the  
12 state of Illinois, which was 22 inches. Most of  
13 those 22 inches happened in a two-week period. I  
14 believe that was the point in time when they blew the  
15 Bird's Point Levee to alleviate the stress on the  
16 Ohio.

17 So it's like are we  
18 thinking about these types of events and these types  
19 of water events that are unique, perhaps, to Southern  
20 Illinois? They may happen differently in  
21 Pennsylvania or in Texas or in the west. We have  
22 flooding from waterfall that comes north of us and  
23 comes down the Ohio and Mississippi and then we have  
24 over the land flooding due to torrential rain events  
25 that sometimes are sequential in events.

1                   And, you know, so is  
2 anybody looking at the height of -- you know,  
3 elevation of these pits? It's like if they are  
4 really low or what the water shed is that's going to  
5 flow into them. How is that being considered  
6 because, if they flood, they are going to do a lot of  
7 damage?

8                   We have -- in addition to  
9 the concerns of health and landowner welfare, we have  
10 a lot of tourism from fishing; hunting, deer, duck,  
11 you know, waterfowl and these over the land  
12 floodings, those of us who live there and you see it,  
13 it spreads ubiquitously to many, many places. I  
14 think looking at the fine levels that the regulations  
15 outlined saying, okay, rather than thinking oh, well,  
16 probably nothing will happen, but what if some of  
17 these worse case scenarios do happen? Are the fines  
18 appropriate to restore property value?

19                  I also have this concern  
20 with regard to earthquakes. I have earthquake  
21 insurance on my house, but I don't have mine  
22 subsidence. If a fracking well causes an earthquake,  
23 it's been suggested to me by my insurance agent that  
24 perhaps my insurance would not cover it because it's  
25 not -- it's not a natural earthquake. But I can't

1 carry insurance for a mine accident because I'm not  
2 in that zone. So I'm very concerned about how you  
3 write the regulations so that I can obtain insurance  
4 and that I am not at risk for that. Thank you.

5 MR. WELCH: Thank you, ma'am. Okay.  
6 Got two names here, Russell Heinrichs. You can stand  
7 there, Russell, please. And Mr. Walls. I'll call  
8 four more names. Beth, is it Koehler, K-O-E-H-L-E-R.  
9 Come up and have a seat, please, ma'am. Last name  
10 Beck. A-M-O-N-E-R-T-A looks like. Okay. And then  
11 Corina Long or Lang, I guess it's Lang. Corina Lang.  
12 Okay. William Joy. All right. Mr. -- let's see,  
13 who has been up here longest?

14 MR. HEINRICHS: Thank you. I am  
15 Russell Heinrichs. That's R-U-S-S-E-L-L and  
16 H-E-I-N-R-I-C-H-S. And I just wanted to basically  
17 say that the reason that I support these regulations  
18 is I believe that fracking is going to be done so I  
19 believe that regulations are better than nothing.  
20 The only one I know about is the diesel one from the  
21 Energy Act of 2005, which basically says that if  
22 there's diesel fuel in your fracking fluid, you have  
23 to say there is diesel fuel in your fracking fluid.  
24 And that's the only one I know about. I did really  
25 like the full disclosure thing and the one thing that

1 I did notice that I was the most concerned with was  
2 the open pit provision. I don't really like the idea  
3 of open pits because open pits allow -- if flowback  
4 is allowed into open pits, it can actually cause more  
5 GHG emissions than a closed system. And as the woman  
6 said earlier, rain events and that sort of thing  
7 could push that out. I would prefer closed tank  
8 systems. It also increases the yield of GHG emission  
9 or methane captured, rather than it go into the air  
10 and cause more problems. So I would like it to be a  
11 little more efficient on that level. So also if they  
12 could possibly try to come up with recycling programs  
13 for water, especially ones that can be done on site.

14 One of the reasons that I  
15 like the disclosure program is because one of the  
16 reasons that the water is going into these injection  
17 wells is they don't know what's in it and if they  
18 don't know what's in it, they can't treat it. And  
19 knowing what's in it, they can possibly come up with  
20 on site recycling programs, which I wholeheartedly  
21 support, because that will cut down on the traffic  
22 and many other things. So those are the two things  
23 that I would really like to stress. Maybe making  
24 open pit -- open pits closed systems and then more  
25 emphasis on having recycling programs for water.

1 MR. WELCH: Thank you, Mr. Heinrichs.  
2 Would you leave that in the box?

3 MR. HEINRICHS: It's just scribblings.  
4 Sure.

5 MR. WALLACE: My name is John Wallace,  
6 W-A-L-L-A-C-E. I am a lifelong resident of the state  
7 of Illinois. A conservationist, a fisherman, hunter,  
8 bird watcher, wilderness lover. You name it. And I  
9 love this part of the state. And I have been very  
10 concerned about the threats that fracking present to  
11 our natural world here. I'm -- I don't relish you in  
12 your position. Apparently these meetings have been  
13 going on and this is -- this is my first meeting that  
14 I've attended, but apparently they've been rather  
15 strongly in opposition to -- to this method of oil  
16 and gas extraction. I must admit I am on the  
17 learning curve. I'm still learning about this method  
18 of -- of drilling for oil and gas. But I have worked  
19 extensively with the Department of Natural Resources  
20 on recreation issues, on natural areas and whatnot  
21 and what is so overwhelming to me is the fact of  
22 funding and incapability of really dealing with  
23 protecting our environment that IDNR is -- is -- is  
24 responsible for. And now we're entering a new type  
25 of horizontal high volume fracking drilling that I



1 worry that this Department is not going to be able to  
2 effectively regulate, effectively monitor and control  
3 and effectively protect our natural resources,  
4 because that's really -- I see all of these oil and  
5 gas names up here. I don't see any biologists. I  
6 don't see any -- I don't see any zoologists. One of  
7 the big things, and I know biology much more than I  
8 know mining, and water has this amazing ability to  
9 carry toxins into the natural environment and they  
10 get out there whether it's oil, whether it's a  
11 horrible thing like dioxin. You know, water carries  
12 that to places that we can't control. We can't  
13 restrain it. And I really stress to all of you here  
14 and to everyone else in the Department of Natural  
15 Resources that you have got to make sure this is  
16 safe. You have -- it's your responsibility.

17                   The people -- obviously  
18 there's a lot of people here that aren't convinced  
19 that's going to, in fact, occur and I certainly have  
20 my doubts. You know, I worry about groundwater  
21 contamination. Some of the herpetological species  
22 that breathe through their skin and live in water in  
23 nature are so susceptible to pollutants and toxins.  
24 And I really think you need -- you need to take that  
25 home with you and make sure that our critters here,

1 here in the prairie state, which, by the way, I think  
2 we have 1/10th of 1 percent of the prairie --  
3 original prairie remaining.

4 MR. WELCH: Fifteen seconds.

5 MR. WALLACE: And so we've compromised  
6 a lot of this state as far as natural conditions. We  
7 do -- please don't compromise it any more.

8 MR. WELCH: Thank you.

9 MS. LANG: I'm going to be reading a  
10 statement -- I'm Korina Lang, K-O-R-I-N-A, L-A-N-G.  
11 And I'm going to be reading a prepared statement by  
12 David E. Christensen. He's a local elder resident  
13 and published author. Since he couldn't be here  
14 tonight, I'm going to be reading his statement.

15 My name is David E. Christensen.  
16 I'm a retired geography professor at S.I.U.  
17 Carbondale. I received my master's and Ph.D. degrees  
18 from the University of Chicago. I taught geography  
19 at universities in the United Kingdom and China and  
20 for summers in Canada and Malaysia. For your  
21 information, professional geographers are concerned  
22 with the human use and misuse of the surface of the  
23 earth and that concern includes thousands of feet  
24 below the surface and the atmosphere. That concern  
25 includes activities that relate to the well-being and

1 survival of humans and other living things with which  
2 we share this planet and on which we depend. For two  
3 centuries the amount of the CO2 in the atmosphere has  
4 suddenly increased to the point of endangering living  
5 things, including humans. Climatic change is real  
6 and we're at an unknown tipping point. That  
7 knowledge is based in part on the chemistry of the  
8 air going back 800,000 years and arctic ice course.

9 My concern with hydraulic  
10 fracturing or fracking is long-term. After our two  
11 centuries of creaming off the easy to mine and drill  
12 fossil fuels, coal and oil, we have entered into more  
13 and more expensive modes. The latest being  
14 horizontal fracking. Yes, there have been fracking  
15 in bore holes for decades, but the major change came  
16 only about a dozen years ago at the turn of the  
17 century when horizontal fracturing over 2 miles from  
18 the bore hole and the rising cost of prospecting and  
19 production and renewed prospects for generous profits  
20 opened the huge reservoir of oil and gas and shales  
21 thousands of feet below the earth's surface.

22 I need not review with you  
23 details about the many controversial aspects of  
24 fracking. You know them well.

25 The use and contamination

1 of vast amounts of limited fresh water resources.  
2 The problem of disposal of toxic, contaminated water  
3 that rises with released oil and gas through the bore  
4 hole. The contamination of groundwater resources as  
5 remaining toxic fluids, oil and gas rise randomly to  
6 the surface for miles around the bore hole.

7                                   The record of increasing  
8 low and mid-level earthquakes causing damage to  
9 infrastructure and on or near the surface,  
10 jeopardizing and disrupting the health and lives of  
11 humans at the surface.

12                                   The use of natural gas from  
13 fracking over the next decades or century would only  
14 exacerbate our already precarious situation in regard  
15 to CO2 in the atmosphere and climate change.

16                                   Just because the fracking  
17 technology has been invented and can increase the  
18 production of oil and gas that provides jobs and  
19 profits for a while does not justify its use if it  
20 puts the health, well-being and survival of the human  
21 species and our accumulated civilization at risk.  
22 Humans also invented nuclear bombs, but must not use  
23 them for similar reasons.

24                                   We should not be playing  
25 games with fracking rules. More rules and nickel and

1 dime fines for environmental damages are part of the  
2 game. We should not even be considering a  
3 moratorium. Fracking technology very simply should  
4 not be used.

5 We should be intensively  
6 researching and developing alternative energy sources  
7 and dealing realistically with the earth's  
8 overpopulation.

9 And I also want to add we  
10 should not have to prove this process safe at all  
11 cost to us. The industry should have to prove it is  
12 safe to us first.

13 MR. WELCH: Ms. Koehler.

14 MS. KOEHLER: Yes. My name is Beth  
15 Koehler. I am a registered nurse. I also have a  
16 degree from S.I.U. in outdoor recreation.

17 MR. WELCH: How do you spell your last  
18 name?

19 MS. KOEHLER: K-O-E-H-L-E-R. I would  
20 like to thank you all for sitting through these  
21 public comment periods. I know they are tedious and  
22 you're taking the brunt of a lot of people's anger,  
23 but it is understandable here. I am also grateful  
24 for the opportunity to speak for myself and many  
25 people in the room and many, many people who are not

1 here.

2 I can't think of anything  
3 more important than to ensure that the water we  
4 drink, the air we breathe, the soil here in Southern  
5 Illinois is protected. This is the proposed job of  
6 the DNR in Illinois. The proposed regulations of  
7 fracking that have been submitted fall miles short of  
8 that, of protecting our resources, as I have sat down  
9 and thought over them several times. The loopholes  
10 that serve the oil and gas industry are numerous.  
11 Too many to even count. And we know that as these  
12 regulations stand that there will be accidents, there  
13 will be leaks, poisoned water and families negatively  
14 impacted. And as we've seen in Pennsylvania and  
15 Colorado and North Dakota the oil and gas industry  
16 will not be held accountable.

17 I'll focus on a few points  
18 of the regulations that demonstrate this lack of  
19 accountability, lack of protection to our resources.  
20 In Section 245.6 for water quality monitoring the  
21 industry is allowed to select a third party engineer  
22 or geologist to conduct sampling and testing of water  
23 sources. This allows the fracking company to have  
24 two -- to select an individual whose methods are not  
25 reviewed and the testing may serve the industry when

1 they are allowed to do this. And shouldn't the DNR  
2 or the people of Southern Illinois be the ones  
3 selecting who is going to do the water testing for  
4 them?

5                                   Also, landowners have the  
6 right to reject water quality testing if they want  
7 and the fracking companies do not have to provide  
8 sampling in this case to the DNR. Water that flows  
9 through property does not stop at the boundary.  
10 Water testing should be the law and individuals  
11 should not have the right to refuse. Water is a  
12 shared resource.

13                                   Also, in the same section  
14 individual landowners may sign a nondisclosure  
15 agreement with the fracking companies where they do  
16 not have to submit water quality testing results to  
17 the DNR unless they find contamination.

18                                   Again, we have proposed  
19 regulations allowing industry to regulate its own  
20 water testing. No one from the outside or the DNR is  
21 stepping in to make sure the water is strictly  
22 monitored and you can bet that these landowners who  
23 have signed contracts have probably already signed  
24 nondisclosure agreements built right into their  
25 contract and they don't even know it because no one

1 reads the fine print.

2 The fracking companies only  
3 are required to keep their water quality test results  
4 for one year following completion of testing. Then  
5 what? Are they allowed to destroy the records when  
6 someone comes forth to hold them accountable when a  
7 water source is contaminated?

8 MR. WELCH: Ten seconds, ma'am.

9 MS. KOEHLER: Okay. I, as a nurse,  
10 have seen many -- half my patients are miners and  
11 I've seen what these industries have done to protect  
12 in the past people who have gotten sick and I don't  
13 think these regulations will protect us. And I hope  
14 that the DNR does its job and either reforms these  
15 regulations or, better yet, proposes a moratorium  
16 until more conclusive research is available.

17 MR. WELCH: Mr. Beck, correct? Where  
18 is Mr. Joy? Who are you?

19 MS. TRIPP: Kosie Tripp.

20 MR. WELCH: I'm sorry?

21 MS. TRIPP: Kosie Tripp.

22 MR. WELCH: What are you doing up  
23 here?

24 AUDIENCE MEMBER: She's a citizen of  
25 Southern Illinois.



1                   MR. WELCH: Is somebody deferring to  
2 you? Is that it? Oh, okay. This poor little girl  
3 is standing up here. Tell us your name. Don't be  
4 scared.

5                   UNIDENTIFIED SPEAKER: I'm deferring  
6 to Kosie Tripp.

7                   MS. TRIPP: My name is Kosie Tripp.  
8 It's spelled K-O-S-I-E T-R-I-P-P.

9                                 We live off well water  
10 Don't frack our water or it will be gone forever and  
11 we won't have any left.

12                                I am only eight. I want to  
13 have clean water when I am old and I don't want  
14 cancer from the toxic chemicals they are putting in  
15 the water and ground.

16                                I want clean air to breath,  
17 too.

18                                Fracking causes bad  
19 earthquakes. I don't want to be part of that either.  
20 Those are scary.

21                                I saw Santa and he said the  
22 rules are naughty.

23                                For Christmas I asked for  
24 renewable clean energy, like solar and wind.

25                                I am wishing for a frack

1 free happy new year. Thank you.

2 MR. WELCH: Call a few more names. Ed  
3 Willis. Ed Willis. Take your time, Mr. Willis.

4 We'll have somebody else take the microphone. Taylor  
5 Sprehe. Why don't you come up to this first  
6 microphone. Paula Bradshaw. Did you already talk?

7 MS. BRADSHAW: No. My daughter did.  
8 It's a mother daughter duo.

9 MR. WELCH: Jessica Bradshaw. How  
10 many Bradshaws do we have here? Nick Smiligo,  
11 S-M-I-L-I-G-O. Allison Smith. Name I can pronounce.  
12 Allison Smith. Allison Smith. Going once.  
13 Treesong. Okay. Let's see, Mr. Joy, you've been up  
14 here the longest.

15 MR. JOY: I'm William Joy. That's  
16 J-O-Y. I am up here not to talk about the science  
17 and other contamination problems that everybody else  
18 has been talking about, but more along the lines of  
19 community awareness and social aspects of it.

20 As a student at SIU-C studying  
21 forestry we learned about community resource  
22 management. I realize this is not a community based  
23 resource management plan, but the IDNR should take  
24 steps to involve the community in a deeper way. My  
25 concern regards Section 245.270 addressing how to

1 make residents aware of both the bill and the  
2 process. During my education I have learned the  
3 importance of community outreach and as a potential  
4 future employee in the field of resource management I  
5 am very displeased with the IDNR's process of  
6 communication. This process seems to neglect the  
7 vast majority of those affected by the proposed bill.

8                   These traditional meet and  
9 greet sessions are just one step that should be  
10 taken, along with a list of others. Hearings such as  
11 this one are great for those who are already aware of  
12 the proposed bill, but those who are unaware remain  
13 nameless and clueless to the dangers of fracking. In  
14 order to fully ensure residents are aware of how  
15 fracking permits and operations will affect them the  
16 IDNR needs to immerse themselves in a more holistic  
17 fashion through reach out and communication.

18                   There was a case study that  
19 looked at community involvement in a Cache River  
20 restoration project that can shed light on this  
21 situation. Although these two cases are very  
22 different in resource management goals there are many  
23 similarities. Once action has been taken many  
24 residents will realize they have been left out of  
25 decisions made that greatly affect their lives. In

1 the case of the Cache River study, many residents  
2 formed a strong distrust and resentment towards the  
3 IDNR for a lack of communication. All members of the  
4 community had different ideas of what should happen  
5 and very few were looked at. This case was for a  
6 restoration project, the proposed bill in front of us  
7 is the exact opposite, a destruction project, so that  
8 fallout from IDNR's limited public input will leave  
9 the residents of Illinois with a bad taste in their  
10 mouth and not just from their poisoned water.

11 MR. WILLIS: My name is Ed Willis. I  
12 am a retired schoolteacher and I'll be very brief.  
13 In 1810 and '11 the New Madrid Fault caused a  
14 monstrous earthquake and a lot of smart people say  
15 that it could happen again and that fracking could  
16 cause it to happen again. If it does, thousands of  
17 people will die and a lot of horrible things will  
18 happen. I just want to ask you advocates of fracking  
19 what you will say, how you will feel if and when it  
20 happens again. Thank you.

21 MR. WELCH: Okay. Mr. Sprehe.

22 MR. SPREHE: My name is Taylor Sprehe,  
23 S-P-R-E-H-E. I am an undergraduate from here at  
24 S.I.U. and I'm currently a first year law student so  
25 I'm going to try to keep the response on a statutory

1 level.

2                               Ambiguous, prone to  
3 circumvention and irresponsible draftsmanship. These  
4 are the words that come to mind when reading these  
5 proposed rules. Section 245.1120, Subsection C,  
6 fines to companies in violation of rules range from  
7 50 to \$500. These fines are ridiculously low and  
8 have absolutely zero punitive value to major  
9 corporations. For an analogy, the average net income  
10 per household in Carbondale is roughly \$27,000. The  
11 fine for not maintaining your lawn in the city of  
12 Carbondale is also 50 to \$500. Halliburton and Exxon  
13 are major players in the fracking industry that net  
14 nearly one billion dollars each year, yet are subject  
15 to the same fines that we citizens are for not  
16 maintaining our lawn.

17                           AUDIENCE MEMBER: And they never paid  
18 it.

19                           MR. SPREHE: Section 245.210  
20 Subsection (a)11, the section does not include  
21 requirements to ensure that storage tank capacity is  
22 accurately calculated. This has a serious potential  
23 to lead to unnecessary use of these emergency open  
24 air overflow pits that the act explicitly says should  
25 be for temporary use as reserves. Moreover the act

1 says the overflow should be removed in seven days.  
2 However, the drafters of these rules interpreted it  
3 to mean within seven days after completion of the  
4 fracking operation. Fracking operation can last for  
5 over a month and if the reserves are allowed to be  
6 kept on the site for the entire duration of the  
7 operation the storage of the overflow is by  
8 definition no longer temporary, which the act clearly  
9 mandates.

10 Section 245.730 regarding  
11 trade secret disclosure to healthcare professionals,  
12 the Department "may provide information to health  
13 professionals who need them in case of emergencies.  
14 However, the act, which you should be acting under,  
15 uses the term shall in section 1-77 Subsection L to  
16 describe the duties owed to the department from the  
17 Department of Conservation to health professionals.  
18 Moreover health professionals may call the Department  
19 "during normal business hours," if the rule is  
20 promulgated as currently written and apology is owed  
21 to all of those who have emergency needs outside the  
22 Department of Natural Resources normal business  
23 hours.

24 One more point on this  
25 specific section is that there is no time limit for

1 response by the department whenever these -- whenever  
2 this information is requested. In this case the  
3 department cannot and will not respond with  
4 information needed by a health professional, again,  
5 this is an emergency situation, the health  
6 professional is directed to contact the trade secret  
7 holder. However, within this draft of the rules  
8 there is no way for the health professional to know  
9 how the trade secret holder is. Read them.

10 MR. WELCH: Twenty seconds.

11 MR. SPREHE: Thank you. Quick  
12 hypothetical situation. A truck carrying fracking  
13 wastewater is traveling down Highway 51 swerves to  
14 miss a deer, crashes and spills its contents onto the  
15 road. A motorcycle comes around a curve, slides out  
16 on the wastewater, contacting numerous unknown  
17 chemicals. This person has no way to know what  
18 chemicals they've just come in contact with. The  
19 doctor calls the department, however it's not during  
20 their regular business hours. The only other person  
21 left to find out if this substance is contaminated  
22 for the motorist, the ambulance and the hospital is  
23 the trade secret holder. However, there is no way  
24 for the doctor to know who that is.

25 MS. SMITH: My name is Allison Smith.

1 I would like to defer to the Jackson County  
2 Department Administrator, Mary Lind Mullison.

3 MS. MULLISON: My name is Mary Lind  
4 Mullison. M-U-L-L-I-S-O-N. I am the director for  
5 the Jackson County Health Department and I am  
6 speaking on behalf of my agency and also on behalf of  
7 the Illinois Public Health Association.

8 As the director of the  
9 local health department it is my responsibility to  
10 oversee programming directed to protect the  
11 groundwater, quality water supplies and regulation of  
12 construction of wells in the potable -- for potable  
13 water in my county. It's a big task. We consider in  
14 local health -- we consider ourselves to be the local  
15 guardians of groundwater resources.

16 I've been sitting here  
17 tonight and I'm thinking it's a very awesome task in  
18 light of what could be happening and I am asking that  
19 the rules do everything that they can possibly do to  
20 strengthen the regulations and the capacity of the  
21 local health departments to conduct their function to  
22 be guardians of that water. I suggest that we be  
23 included in the information that is being given to  
24 the IDNR. That local Health Departments have  
25 access -- full access to all of that information,



1 including testing and information about contamination  
2 and spillage.

3                                   And I am going to give you  
4 a long list of things that we would like to have  
5 access to. We want to have the tools at the local  
6 level to protect the groundwater of our citizens. We  
7 need your cooperation to help us have those tools.  
8 Part of those tools are information. Part of those  
9 tools would be to increase the amount of testing that  
10 occurs and to make sure that we're not just testing  
11 at the beginning and the end of a process, but we're  
12 testing on a regular basis the groundwater  
13 surrounding those wells. Best -- you know, the best  
14 medicine is always prevention and if there are going  
15 to be spills and, you know, it seems very likely  
16 there will be and likely there will be contamination,  
17 we would want to know that. Everybody would want to  
18 know that as soon as possible. So we're recommending  
19 that a testing occur -- be occurring on a 30-day  
20 regular occurrence, all through any kind of a well  
21 drill operation.

22                                   The other thing that I  
23 wanted to mention, the other tool that we would need  
24 at the local level is I anticipate this is going to  
25 increase the workload of local health departments.

1 We're not specifically mentioned in the law and in  
2 the rules, but I believe the citizens of my county  
3 are going to come to my health department when they  
4 have issues. That's where they come now when they  
5 have issues on private water. So we're also asking  
6 to increase -- for rules to the maximum capacity  
7 increase and enhance local control. Not just  
8 municipal control, county control and that you also  
9 provide permit fees to local jurisdictions so they  
10 have the manpower to do some of the monitoring.  
11 Again, local health departments can be your partners  
12 in monitoring and protecting the health of the  
13 citizens in our communities, but we need access to  
14 the information and we need some financial support  
15 for the work that we would do. Thank you.

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

17 Ms. Bradshaw. Mr. Treesong, if you come up here, I'm  
18 going to fill the seats.

19 MS. BRADSHAW: I'm Paula Bradshaw --

20 MR. WELCH: Just a minute. Mr.  
21 Treesong, come up here. I'm going to fill the seats.  
22 Mr. Treesong. Cosie Tripp? Cosie Tripp? Oh, that  
23 was the little girl. Casey Fuson, F-U-S-O-N. Okay.  
24 All right. June Fehr, F-E-H-R. All right. Jan  
25 Thomas. Jan. Finally Wendell Lambert I think it is.

1 MR. LAMBERT: I'm going to pass. I'm  
2 going to pass.

3 MR. WELCH: Brent Ritzel. R-I-T-Z-E-L  
4 looks like. Ms. Bradshaw, why don't you go ahead.

5 MS. BRADSHAW: Hello. My name is  
6 Paula Bradshaw. I am a member of the Green Party and  
7 I live right here in Carbondale. Over much  
8 opposition we all know that the Democrats and the  
9 Republicans passed the fracking bill last -- this  
10 year and we know that the oil and gas companies  
11 have -- buy and sell our elected representatives. So  
12 we're kind of expecting this by now. But I don't  
13 understand why IDNR, which is an Illinois department  
14 that is tasked with protecting our natural resources  
15 and our environment, why they would come up with  
16 rules which are actually less restrictive than the  
17 actual law. Who wrote these rules? Who wrote the  
18 rules? You say, "I don't know who you are." I don't  
19 know who you are. And I want to know who was  
20 involved in writing these rules which are so  
21 ridiculous, the \$50 fines, which I could pay, for  
22 Pete's sake, and leaving out entire sections of the  
23 bill. And I -- and I hope that that will come out  
24 later. I know this is a not question and answer, but  
25 I really do think we need the answers who wrote the

1 bill -- not the bill, the regulations?

2 As an ER nurse, and I work  
3 swing shift and I work every other weekend, therefor  
4 I'm not there during IDNR business hours most of the  
5 time, I'm appalled that frackers are not compelled to  
6 disclose chemicals that they use. This is in  
7 violation of established HAZMAT rules. I have been  
8 through HAZMAT training and we learn that every  
9 single chemical is supposed to be listed. You're  
10 supposed to have a material safety data sheet.  
11 You're supposed to have the symbols that you see on  
12 the tanker cars. They tell you if it's respiratory  
13 damage. They'll tell you explosive damage. Why is  
14 it that they don't -- that they are allowed to slip  
15 through the HAZMAT laws? And a Herrin firefighter  
16 went to a company, you know, these fracking  
17 corporations, said to them don't you worry about it,  
18 we're going to take care of any fires. You don't  
19 have to be involved. But I'm an ER nurse and I'm  
20 going to be involved when they drag those victims  
21 from the explosions or the fires or the spills to my  
22 ER. I want to know what I'm exposed to. I want to  
23 know what they are exposed to. And it looks like  
24 your rules don't make it possible for us to know,  
25 unless it's normal business hours. The train that

1 exploded in Canada, we were told it was crude oil,  
2 but I was told by a train safety expert that it was  
3 actually fracking chemicals. And we saw what kind of  
4 fireball, how much damage that train did -- those  
5 chemicals did and the fires that caused all the  
6 casualties. That's what is coming around here,  
7 people, and we don't even know what exact chemicals  
8 they are using.

9 I am really appalled by  
10 this entire idea that for profit corporation can come  
11 in and do what ordinary people can't do. They can  
12 come in and poison my well and take a jack hammer and  
13 destroy the foundation of my house. Would I really  
14 be expected to say, hey, that's okay, that's no  
15 problem, because, you know, jobs. This is ridiculous  
16 and I think you people should take your job serious.  
17 Your job is to protect the environment and the people  
18 of Illinois. I don't know if you're taking bribes or  
19 just taking bad advice or what. I don't know what is  
20 going on here, but there is something very fishy  
21 about these rules and regulations. Thank you.

22 MR. WELCH: All right. Mr. Treesong.

23 MR. TREESONG: T-R-E-E-S-O-N-G. And  
24 that is my full legal name. I would like to thank  
25 the panel and especially the audience for attending

1 tonight.

2   The IDNR has been given an  
3 impossible task. The task of making fracking safe.  
4 Many of us in this room are also facing what seems  
5 like an impossible task, the task of convincing the  
6 IDNR that the proposed rules are broken.

7   As representatives of the  
8 IDNR you have been tasked with promoting public  
9 safety for present and future generations. Fracking  
10 poses an imminent threat to the health and safety of  
11 people I know personally right here in Southern  
12 Illinois. It also poses a threat to many of our  
13 livelihoods that are derived from agricultural and  
14 recreational uses of the natural riches and wonders  
15 of Southern Illinois. Your proposed rules are  
16 woefully inadequate to protect my friends and  
17 neighbors from poisoned wells, poisoned farms,  
18 poisoned air, and the many other environmental and  
19 social hazards associated with fracking.

20   I've submitted numerous  
21 comments about the details of these administrative  
22 rules. The take home message, however, is this.  
23 Fracking is not safe and cannot be made safe by a  
24 haphazard set of rules with no real budget or plan  
25 for enforcement. A certain percentage of these

1 fracking wells will fail. Once that contamination  
2 has been unleashed, there's no taking it back.  
3 Present and future generations will suffer for it.

4   The proposed administrative  
5 rules place the people of Illinois, my beloved  
6 friends and neighbors, in grave danger. As public  
7 servants dedicated to the stated mission of the IDNR,  
8 I urge you to take whatever actions necessary to  
9 ensure that fracking does not come to Southern  
10 Illinois. That may involve declaring that there is  
11 not current technology for safe fracking in Illinois,  
12 publically calling for a ban, or resigning your posts  
13 in protest of the impossible tasks you've been given.  
14 Whatever it takes, I urge you to do everything in  
15 your power to stop this dangerous industry from  
16 coming to Southern Illinois.

17   Having said that, I must  
18 admit that I am also realist and know that you will  
19 probably not do any of those things. If you do not  
20 heed our comments, then it is we, the people of  
21 Illinois, who must take up the mission you have  
22 abandoned. In the end, it is we, the people, who  
23 must protect ourselves, our communities, and our land  
24 from the menace of fracking. And so I urge my fellow  
25 Illinoisans to join me in resisting fracking in

1 Southern Illinois. Resist with your comments, resist  
2 with your letters, resist with your voices. And if  
3 fracking does come to our region, resist with your  
4 bodies in acts of nonviolent civil disobedience. If  
5 the IDNR does not do its duty to protect the public,  
6 it is up to us to do so. I hope and pray that it  
7 doesn't come to that, but if it does, I will be  
8 there, and I ask you to join me. Thank you.

9 MR. WELCH: Thank you, Mr. Treesong.  
10 Okay, ma'am, go ahead.

11 MS. CASEY: My name is Casey Fuson and  
12 I'm deferring to Georgia.

13 MS. DELZGARZA: Good evening. I want  
14 to thank you for taking the time --

15 MR. WELCH: Your name, please.

16 MS. DELZGARZA: Georgia Delagarza,  
17 D-E-L-A-G-A-R-Z-A. I want to thank you for taking  
18 the time from your families, as we are here taking  
19 time from ours during the season when we should be  
20 spending time with our family and friends. Or, like  
21 me, wishing I was home supporting my son who is  
22 studying for his finals today and my daughter home  
23 from college. They wish they could be here standing  
24 up here for their future, their Constitutional right  
25 of well-being, but insisted I am here representing



1 all children and their future fighting for our soil,  
2 our air and our water.

3 I stand before you again  
4 drawing from my ancestors who were forced from their  
5 homes in Georgia and forced to ride the Trail of  
6 Tears. Someone who died on this land and lay on top  
7 of this frozen ground too hard for bury. I draw from  
8 my father's spirit, who raised me on this land  
9 fishing from these waters, raising me on this land,  
10 growing vegetables from the soil, running hills as a  
11 child, breathing this air. This Irish shalaylee was  
12 given to my father from Old Man Daily who said my  
13 father was the greatest outdoorsman in the Midwest.  
14 My father gave it to my late husband, who, as a  
15 journalist wrote vehemently about clear-cutting,  
16 stopping the oil and gas industry 20 years ago,  
17 exposing dioxins in Crab Orchard, working with Paul  
18 Simon against acid rain. He wasn't from here. He  
19 was a Texas boy, but he fell in love with this land.  
20 That's where his ashes are rejuvenating the earth  
21 right now. He passed the shalaylee to our son.  
22 Before he passed he told him what my father told him.  
23 This root is made into a world stick to remind our  
24 families where we came from and to remind us we came  
25 after the root to steward the earth.

1   This is the responsibility  
2 of the job you accepted, to steward this land, this  
3 air, this water and this soil and I'm hoping and  
4 wishing and sending you all of the good energy that  
5 you can leave this last hearing, maybe consider more  
6 hearings, more time for more people to express what  
7 they have inside of their spirit and you can  
8 reconsider and forget about the regulatory act and  
9 just join us in solidarity on a ban on fracking.  
10 Thank you.

11   MR. WELCH: Okay. Thank you, Georgia.  
12 Jeannie?

13   MS. FEHR: Jeannie Fehr, F-E-H-R.

14   MR. WELCH: And you're going to sing  
15 for us?

16   MS. FEHR: Yes. That's a good guess.  
17 I'm not very good at speeches.

18   MR. WELCH: I saw that guitar and I  
19 figured it out.

20   MS. FEHR: I'm not very good at  
21 speeches, sir. I'm very good with words so that's  
22 why my speech is a song. Please pay attention. You  
23 all look very tired today. Try to make it through.

24   (The following words were set to music.)

25 As I was hiking and they were drilling and the sun

1 was shining while the corn was wilting, I made a  
2 promise we're all fulfilling, take back this land for  
3 you and me. This land is your land, this land is my  
4 land, from the Shawnee Forest to southern wetlands,  
5 from the Wabash River to the Mississippi, this land  
6 belongs to you and me. In the depths they fracture  
7 the shale formations and claim the bedrock of our  
8 proud nation, but up above them, they don't own  
9 nothing, this whole land belongs to you and me. This  
10 land is your land, this land is my land, from the  
11 Shawnee Forest to the northern tar sands, from the  
12 Hudson Valley to the Texas prairie, this land belongs  
13 to you and me. In the forest bottoms, a deer was  
14 drinking as an uncapped well-head was slowly leaking  
15 and the poisoned waters set me to thinking, wasn't  
16 this land made for you and me? Stop fracking on your  
17 land, stop fracking on my land, from California to  
18 New York islands, from the redwood forests to the  
19 Gulfstream waters, take back this land for you and  
20 me. I said take back this land for you and me.  
21 Thank you. Before I get -- sorry, I almost said  
22 before I get off stage. This isn't a stage. The man  
23 who wrote these lyrics, his name is Rich Fabec. I've  
24 never met the man, but these are beautiful lyrics and  
25 I know there are a lot of regulatory acts and I'm new

1 to fracking, but these lyrics are pretty  
2 straightforward, so please consider them. Thank you  
3 and happy holidays.

4 MR. WELCH: This land is your land and  
5 this land is my land takes me back. I was president  
6 of the Young Democrats here at S.I.U. and the -- we  
7 campaigned for Bobby Kennedy and that was his theme  
8 song. We -- we took Young Democrats to Evansville,  
9 Indiana, to the primary. We took them to Omaha,  
10 Nebraska. We went door to door.

11 AUDIENCE MEMBER: Listen to it.

12 MR. WELCH: That was his song.

13 AUDIENCE MEMBER: So you can make your  
14 own rules, can't you, sir?

15 MR. WELCH: I don't know what she  
16 said. Anyway, it was this man is your man, this man  
17 is our man. Anyway, kind of takes you back. What's  
18 your name, ma'am?

19 MS. THOMAS: I'm Jan Thomas.

20 MR. WELCH: Then we have Brent. I'm  
21 going to call four more names. All right. Barney  
22 Bush. Barney Bush. You've got a following. All  
23 right. Barney. Cheyenne Adams. Cheyenne. Okay.  
24 Chris Malory -- Miller -- Milroy. Chris -- and Jim  
25 Todd. Are you all here? Okay. Ms. Thomas, you go

1 ahead.

2 MS. THOMAS: My name is Jan Thomas,  
3 T-H-O-M-A-S. I live in Murphysboro where my husband  
4 and I are the proprietors of the Douglass School Art  
5 Place. "The Doug" was Murphysboro's segregated  
6 elementary school from 1897 to 1966. And it's a home  
7 place and a valued place by many generation of black  
8 students in Murphysboro and it's for the last 20  
9 years we have had it as an art place. We call it  
10 "The Doug" for short. It's a valuable resource for  
11 many people in the artist community particularly.  
12 But, let's face it, it's a big pile of bricks and we  
13 live between the New Madrid earthquake zone and the  
14 Wabash earthquake zone and one of my concerns, among  
15 many, which have been voiced here, is the deep  
16 injection well induced fracking -- induced  
17 earthquakes, which seem likely to happen. We've  
18 known about this since the 60's. They did a deep  
19 injection well in Colorado, the Army did it in order  
20 to get rid of some of their toxic chemicals and  
21 earthquakes started happening and it was determined  
22 that they were, in fact, caused by this well, which  
23 they closed. But earthquakes did continue for quite  
24 sometime. So we've known about this possibility for  
25 50 years and we also know that any number of three,

1 four and even five Richter scales have been triggered  
2 by earthquakes. There are hundreds, literally  
3 hundreds of examples of this happening all over the  
4 country in places where there never were earthquakes.  
5 Oklahoma and Ohio, for instance. And seems like  
6 these rules don't really address this question. 4.9  
7 doesn't seem like much, but we really don't know if  
8 in active earthquake zones like we live between two  
9 of, whether a major quake could happen. The one that  
10 somebody referred to earlier was actually three.  
11 There were three major earthquakes in the early 19th  
12 century, 1811 through '12. They -- they rated as  
13 high as 8.7 on the Richter scale and people actually  
14 reported that the ground rolled like water and the  
15 Mississippi River ran backwards. Bells were rung in  
16 Boston and Washington D.C. So this is a big one,  
17 people, and here we are right on it. And it would  
18 break my heart if my beautiful old pile of bricks,  
19 which means something to so very many people, fell  
20 into rubble because of it.

21                   Apparently the IDNR was  
22 supposed to consult with the Illinois geological  
23 survey to determine seismic rules for this -- for  
24 these issues and whether that was actually done or  
25 not, it doesn't seem to have been, but there's a

1 Sanford University Professor Mark Zoback who is a  
2 proponent of fracking, actually, thinks it will help  
3 us out, and most of us here don't think so, but even  
4 he says that this is a serious peril and there should  
5 be at least these minimum precautions. Injection  
6 wells should not be placed in active earthquake zones  
7 and in brittle rock.

8 MR. WELCH: Fifteen seconds, ma'am.

9 MS. THOMAS: The formations for  
10 injections should be very carefully selected where  
11 they will -- the high pressures and the volume of  
12 water will hopefully not affect them and seismic  
13 monitoring equipment should certainly be required for  
14 each well, because this is the only way we're going  
15 to find out if the wells do cause the earthquakes or  
16 not. And certainly there should also be protocols  
17 and the rules say what should happen if, in fact,  
18 seismic activity occurs and require that the wells be  
19 shut down, if they do.

20 MR. WELCH: Thank you, Ms. Thomas.

21 MS. THOMAS: The fine, which amounts  
22 to a fast-food dinner --

23 MR. WELCH: We've heard that.

24 MS. THOMAS: -- is ludicrous.

25 MR. WELCH: Okay. Thank you very

1 much.

2 MR. RITZEL: Brent Ritzel,  
3 R-I-T-Z-E-L. And I would like to thank you very much  
4 for your time and I really don't envy the job that  
5 you have, especially as a public administration  
6 master's student. I'm going to get to some of those  
7 reasons kind of what we're having to deal with as a  
8 community that makes this very difficult for us. But  
9 you guys have been basically given the impossible  
10 task of regulating a technology that has already been  
11 exempted from seven different major essential federal  
12 environmental health protections. The Clean Water  
13 Act, Safe Drinking Water Act, the Resource  
14 Conservation Recovery Act, the Comprehensive  
15 Environmental Response Compensation Liability Act,  
16 the National Environmental Policy Act, the Emergency  
17 Planning and Community Rights and the Superfund Law.  
18 Obviously fracking was never supposed to be  
19 regulated. That's the whole plan with it. But it  
20 does seem to me that if you were tasked with such a  
21 project, the very first step would be to put all of  
22 those protections back in the regulations that the  
23 Halliburton loophole removed. It's not a loophole.  
24 It's an abyss. And we need that business filled in.

25 A couple weeks ago I did a



1 study entitled Fracking Industrialization and Induced  
2 Earthquakes, which looked at fracking and more than  
3 50 years of studies regarding the known connection  
4 between disposal of waste water and deep injection  
5 wells and earthquakes. Here is a copy of the paper  
6 for each of you. It's fully sourced. And I did it  
7 under supervision of the chair of S.I.U.'s geology  
8 department.

9   And what really propelled  
10 me in research and writing this piece was my  
11 attendance at the July 18, 2013, fracking conference  
12 at Rend Lake College, which was sponsored by the  
13 Illinois DCEO and I witnessed presentations by Robert  
14 Bauer of the Illinois State Geological Survey. For  
15 the event presentation had the straightforward title  
16 "Hydraulic Fracturing, Horizontal Wells and  
17 Unconventional Oil/Gas Resources." However, in its  
18 YouTube treatment it was given the title "Are  
19 Environmentalists's (sic) Concerns Over Fracking  
20 Valid". So really this was the whole spin, the whole  
21 angle that was played with that.

22   Now instead of addressing  
23 the real and substantive concern of damaging  
24 wastewater induced earthquakes as large as magnitude  
25 5.7, Bauer tells the audience that the fracking

1 process does not induce felt earthquakes. In fact,  
2 he kind of dealt with it in a little of a mocking  
3 way. He shows the range from hydraulic fracking in  
4 the negative four to negative two range on the  
5 Richter scale. Because it's a long Richter scale we  
6 can go negative. You know, quite literally mocking  
7 people who would even suggest or say there might be  
8 earthquakes related to fracking be on that range.  
9 What he failed to mention is the fact that wastewater  
10 deep hole injections, which he does understand part  
11 of the process is the deep water injections  
12 throughout the presentation, so he does understand  
13 part of the process, but yet he still ended up  
14 denying that there's anything earthquakes that we  
15 need to be concerned about.

16 Now, in my classes I  
17 learned sort of a thing is called capture.

18 Capture --

19 MR. WELCH: Thirty seconds.

20 MR. RITZEL: -- capture of  
21 governmental agency. That's when we are completely  
22 compromised and their mission is no longer the  
23 mission of the people, but is the mission of  
24 industry. What are we supposed to do about that?  
25 Because Paula, to answer your question, who is

1 writing -- who is writing the regulations regarding  
2 seismology? It's Mr. Rob Bauer of the Illinois  
3 Geological Survey, who, I don't know, there's bad  
4 doctors, there's bad lawyers and I guess there's  
5 really bad geologists out there, too.

6 MR. WELCH: Chris. You're up. Spell  
7 your last name, please.

8 MR. MALROY: Malroy, M-A-L-R-O-Y.  
9 Yeah. I want to like do this. I want to turn my  
10 back --

11 MR. WELCH: Excuse me, sir. There is  
12 a court reporter trying to take down what you say.

13 MR. MALROY: Okay. All right. Well,  
14 so I wanted to like do it -- like this one guy said,  
15 how many people so who all opposes fracking? Wow.

16 Well, what we have here is  
17 a failure to communicate. Some men you just can't  
18 reach. So what would you say your most valuable  
19 resource is? You like have all of these rivers and  
20 lakes and water, I guess, you know.

21 All right. So what's this  
22 meeting for? Is it for gas or is it for water?

23 AUDIENCE MEMBER: Water. We say  
24 water.

25 MR. MALROY: So that one thing that we

1 were talking about radiation, yeah, that causes  
2 droughts, doesn't it? Does it cause droughts? If it  
3 comes from Fukushima and it caused a drought and they  
4 are saying they are going to have another Fukushima  
5 meltdown here pretty soon. What are we going to do  
6 with our water?

7                                 So I was like checking this  
8 stuff out. I've been doing a lot of research on this  
9 for a while. I was like, man, how do I tell these  
10 rocks apart? I looked it up. Googled it. It said  
11 hydrochloric acid, that's what you use to tell the  
12 different rocks apart. So I'm like is the Illinois  
13 Department of Natural Resources like on an acid trip?  
14 I mean that is what you use in fracking, right? Put  
15 it in pressure. Hit me up. Anyway, so like you take  
16 and put the acid in the ground and you mix it in with  
17 chemicals and it comes back and it's bad. Then they  
18 put it in another well. Wow. It's a lot of wells,  
19 man. And then it heats up the soil, like more than  
20 the first well. The injection wells eat the soil.  
21 They actually erode it and then it falls in causing  
22 an earthquake. So let's say Fukushima melts down, we  
23 have another drought, you guys are fracking it up,  
24 you know, they are using all of our water for that  
25 shit -- excuse me. Sorry. And we're out of water.

1                                    You know, I started doing  
2 all of this research and studying how all of this  
3 works and along the way I met like all of these great  
4 people right here. You'll never find people like  
5 this. I don't care where you go, you'll never find  
6 people like this. I fell in love with the people and  
7 I fell in love with mother earth. Do you love your  
8 mother?

9                                   MR. WELCH: You've got 30 seconds.

10                                  MR. MALROY: Do you love your mother?

11                                  MR. WELCH: Barney Bush, where are  
12 you?

13                                  MR. BUSH: I actually don't know what  
14 that's all about. My name is the Barney Bush. I'm  
15 the chairman of Vineyard Indiana Settlement near  
16 Herod, Illinois. We are descendants Chief Sagomi's  
17 (ph) band of Shawnees who were in resistance to the  
18 colonial occupation of our homeland. And in 1809 or  
19 1810, depending upon which of the histories that you  
20 read, we crossed the Wabash or the Ohio River,  
21 whichever history is accurate, and settled into the  
22 hills of Hardin County in order to be -- to avoid  
23 being moved into -- into territory, which is now  
24 called Oklahoma, of course. And a number of our  
25 people got sent there anyway. And I grew up here. I

1 was born here. I was born as a citizen of the  
2 Vineyard Indian Settlement. And we're under  
3 reconstruction right now in order to obtain  
4 recognition by the state of Illinois. And, of  
5 course, speaking out against any of this kind of  
6 thing jeopardizes our application because I do know  
7 the politics of the human beings with whom we deal.

8 I do want to note that my  
9 father and his family were all fishers and hunters  
10 and trappers and it wasn't an occupation sport. It  
11 was a way of survival for our people. I grew up that  
12 way myself.

13 And I would like to read a  
14 couple of things here from -- I just got a report  
15 from a study, a scientific study out of the  
16 University of Missouri and it was just published and  
17 this was sent to me by Richard Fedder. And the  
18 authors of this identified 12 chemical additives  
19 commonly used in fracking. They studied the health  
20 impact of these 12 chemicals and found that 11 of  
21 these are endocrine disruptors. I believe they found  
22 these chemicals to cause significant increase in  
23 cancers, liver disease and so forth. The authors  
24 then tested for these chemical additives in two  
25 Colorado counties. One county which is heavily

1 fracked and one county which is not fracked. They  
2 also sampled the Colorado River. What they found was  
3 that the heavily fracked county was significantly and  
4 broadly contaminated with these 11 chemical  
5 additives. The unfracked county was not  
6 contaminated. And the Colorado River was moderately  
7 contaminated. You should note that this study looked  
8 at what I consider the lesser pollution problem,  
9 contamination from the chemical additives. The  
10 larger problem is the chemicals which are brought up  
11 from the shale through the fracking process. The  
12 VOC's, heavy metal, methane itself and radium. These  
13 were not part of the University of Missouri study.

14                                   The next is a scary set of  
15 studies which are indirectly related to fracking. To  
16 try to say it simply, we all have an outmoded  
17 understanding of genetics. We think that only DNA  
18 can be passed from parents to children. And that  
19 only mutations, a relatively rare event, can change  
20 that inheritance. The pinnacle of this thinking is  
21 beautifully expressed by Richard Dawkins in his book  
22 The Selfish Gene. Thesis, we are all just conduits  
23 for the gene to reproduce itself.

24                                   MR. WELCH: 30 seconds, sir.

25                                   MR. BUSH: I would like to say that we

1 do know that there's a word in English that relates  
2 to how people feel about the land and about profits  
3 and about what's going on here in our homeland. And  
4 I'm real proud to be here among these people that  
5 love my ancestral homeland, but there's a word  
6 called sociopath and it's defined as someone who does  
7 not have a conscious. And for someone to come in and  
8 to involve themselves in potentially destroying our  
9 water, you cannot be of conscious in order to do  
10 that. You have to be a sociopath.

11 MR. WELCH: Okay. I'm going to call  
12 four more names and that's going to be it.  
13 Christopher Oliver.

14 MR. OLIVER: Right here. I'll get up  
15 there.

16 MR. WELCH: Let's see. Sarah Shelton.  
17 Chelsee Bradey. Chelsee? Last, but not least, Sarah  
18 Hubler. Okay, young lady.

19 MS. ADAMS: All right. My name is  
20 Cheyenne Adams. C-H-E-Y-E-N-N-E, A-D-A-M-S. I am  
21 going to try to talk as quickly as I can. I will be  
22 submitting everything word for word in writing at the  
23 end of it. All right. This is too high for me.

24 I'm not going to comment  
25 about anything I found in the rules. I'm going to



1 comment about what I didn't find. Throughout the  
2 entire document, there is not a single citation or  
3 reference to any scientific literature or  
4 publications. In fact, on the third page it  
5 explicitly states "Published studies or reports, and  
6 sources of underlying data, used to compose this rule  
7 making: None." As a student in the sciences, I find  
8 this disrespectful at best, dangerous at worst. This  
9 is simply not acceptable. The information is  
10 available, and I demand that it be referred to when  
11 making decisions that affect the health and  
12 livelihood of the public and the land.

13 On the first page of a  
14 search for scholarly journal articles with the search  
15 term hydraulic fracturing I found this information.

16 "The EPA admits that many  
17 recent reports of hydraulic fracturing suggest  
18 impacts to drinking water." Weinstein 2013. I would  
19 like the IDNR to cite this publication.

20 "Hydraulic fracturing poses  
21 environmental risks to drinking water supplies."  
22 Weinstein 2013. I would like IDNR to cite this  
23 publication.

24 "Despite the risks that  
25 hydraulic fracturing poses to water supplies the

1 United States chose to significantly reduce federal  
2 involvement in fracturing regulations when Congress  
3 passed the Energy Policy Act of 2005, which  
4 specifically exempted underground injections from the  
5 Safe Drinking Water Act. Weinstein 2013. I have to  
6 wonder why underground injections would need to be  
7 exempt from SDWA unless it posed a threat to the  
8 drinking water, and I would like IDNR to address this  
9 when they cite this publication.

10 "Hydraulic fracturing may  
11 pose a threat to groundwater resources if fracturing  
12 fluid or brine can migrate through fault zones into  
13 shallow aquifers. Diffuse methane emissions from the  
14 gas reservoir may not only contaminate shallow ground  
15 water aquifers, but also escape into the atmosphere  
16 where methane acts as a greenhouse gas." Kissinger et  
17 al. 2013. I would like IDNR to cite this  
18 publication.

19 "Seismic activity is a  
20 known side effect of fracking. Seismologists  
21 believe, however, that a bigger danger is posed by  
22 the injection of this wastewater back into the earth  
23 because it can reach the fault line and cause more  
24 significant earthquakes. Multiple states have  
25 recently reported substantial earthquakes, some as

1 high as 5.1 magnitude." Kerner 2012. According to  
2 the US Geological Survey, an earthquake at this  
3 magnitude is expected to cause damage to poorly  
4 constructed buildings, may cause damage to all other  
5 buildings, and may result in a few casualties. I  
6 would like IDNR to cite these publications.

7 I'll paraphrase a list of  
8 the most important gaps and shortcomings of hydraulic  
9 fracturing. Not enough reliable field data. Not  
10 enough information on the role of fault zones.  
11 Models need to be established for the migration of  
12 fracturing fluid and brine. The movement of  
13 displaced brine needs to be quantified. Not enough  
14 is known about the release mechanisms of methane from  
15 the rock phase. Capillary pressure saturation  
16 relationships and relative permeability saturation  
17 relationships need to be established for the  
18 migration of methane through the overburden. Models  
19 for the propagation and flow of fractures need to be  
20 improved. I would like IDNR to cite this  
21 publication. Kissinger et al. 2013.

22 Finally, from an analysis  
23 of attempted fracking regulation, "A moratorium  
24 followed by dedicated national environmental  
25 standards directed at hydraulic fracturing would be

1 the most appropriate and effective solution."  
2 Downing 2011. I would like to see IDNR try to cite  
3 this publication in their rules and regulations on  
4 fracking.

5                   Although there is obviously  
6 much more information available, I don't have time to  
7 tell you everything in these four minutes. The  
8 information is clear, fracking contributes to  
9 drinking water contamination with known human  
10 carcinogens, ecological damage, greenhouse gas  
11 emissions more potent than carbon dioxide and  
12 dangerous levels of seismicity. The conclusion in  
13 the literature is that a moratorium on fracking is  
14 the most appropriate response. I encourage IDNR to  
15 try to cite these publications in their regulatory  
16 rules. Until all of these concerns can sufficiently  
17 be accounted for in the regulatory rules, which I  
18 assure you they cannot, I demand a moratorium on  
19 fracking.

20                   I have included my  
21 references at the bottom of this document and I  
22 encourage all of you to read and cite the scientific  
23 information about hydraulic fracturing, which should  
24 have been done before the rules were drafted. I  
25 shouldn't have to do your homework for you.

1 MR. OLIVER: Thank you for the round  
2 of applause. Thank you board for coming. My name is  
3 Christopher Oliver, O-L-I-V-E-R. I have one quick  
4 statement and then I would like to yield my time to  
5 Janet Donoghue. The only statement I have for you is  
6 the same thing I said in Effingham, I would love for  
7 you to please release the list of chemicals to every  
8 citizen, not just health care professionals. I need  
9 to know what's going to be in my water and so does  
10 everyone else. So, please, please, consider  
11 releasing that list to everyone. It is not a trade  
12 secret. I'm yielding my time to Janet Donoghue.

13 MS. DONOGHUE: Janet Donoghue.  
14 D-O-N-O-G-H-U-E.

15 MR. WELCH: Your first name, please?

16 MS. DONOGHUE: J-A-N-E-T. And  
17 Donoghue is D-O-N-O-G-H-U-E. And I thank you for  
18 your time tonight. I know that you have a really --  
19 you're in a rough spot sometimes here.

20 I would like for you to  
21 consider the regulation to go forward with the notion  
22 making this part of the process that there is no  
23 away. That no matter how far down you put something,  
24 no matter how far up it goes, we can't get rid of it.  
25 We live in a closed system. And it frightens me with

1 some of the planning language that seems that we can  
2 just get rid of stuff.

3 I have some specific  
4 concerns with these regulations. One that was spoken  
5 to earlier. I don't have this -- the number with me,  
6 but the proposed insurance coverage, being 5 million  
7 dollars it says per an incident. I would really like  
8 you to be very clear on what per an incident means  
9 and also to have some kind of -- some kind of measure  
10 in place to increase that amount, which should be  
11 increased anyway, but to increase that amount based  
12 on how many people are affected. So there's a town  
13 that needs to find a new water supply or something  
14 like that, that that is taken into account and the  
15 insurance -- and we get more insurance from the  
16 getgo.

17 Then I also would like --  
18 I've read no provision so far -- I am a mother, I'm a  
19 believer in our youth, you know, one of our greatest  
20 natural resources of our country, of our world, and I  
21 read no provision that deals with the crime increase  
22 related to fracking. That is a known thing. Higher  
23 incident of rape and assault and other crime goes up  
24 in fracking areas. This is something that really  
25 concerns me and I would like that -- something that

1 speaks to that to be written in the rules and I would  
2 like to know that when extra policing is done it's  
3 not being done on any tax dollars and that the oil  
4 and gas industry is ponying up for that.

5                     Also, I was going to  
6 mention the University of Missouri study that was  
7 recently released and it says in no uncertain terms  
8 that water can be contaminated from fracking. Please  
9 consider that as part of your study and that if harm  
10 is known as a scientific component that you will halt  
11 the process and recommend a moratorium or ban.

12                    One more thing. I would  
13 like for you to extend the comment time. And I also  
14 thank you for including the woman on the panel  
15 tonight. I don't mean that as flippant. I mean as a  
16 woman representing more than half the population of  
17 Illinois. Mothers have to deal with their kids  
18 getting sick. Have to deal with miscarriages. Have  
19 to deal with -- are often the first ones, first  
20 species, if you will. I would like to thank you for  
21 that. And then it is an election year and can you  
22 just hold off until after the election? That will be  
23 great. Thank you.

24                    MR. SHELTON: My name is Sarah  
25 Shelton, S-H-E-L-T-O-N. So I wrote a nice speech

1 here, I think, so I'm going to try this out.

2 Hello there. I first -- I  
3 first want to thank you for listening to me and all  
4 of the people here tonight who are voicing their  
5 concerns about these Illinois regulations on  
6 hydraulic fracturing.

7 When I started to look into  
8 regulations I began more to learn about how the  
9 process of fracking actually works. Yes, I knew that  
10 fresh water, hundreds of chemicals were being  
11 injected into the ground to produce hydraulic  
12 fracture that will create natural gas. I knew it was  
13 going to bring jobs. And that with a crippling  
14 economy that it's something that Illinois lawmakers,  
15 like yourself, are looking to pull us out of. I  
16 appreciate the gesture, but the process of safe  
17 fracking is impossible. I wanted to -- I wanted to  
18 say that I have you and the rest of IDNR to thank for  
19 bringing this to my attention. So I can go into  
20 that.

21 So in reading these  
22 regulations I keep seeing terms like toxic fluids and  
23 earthquakes and radioactivity, water contamination,  
24 repeatedly. And this makes me realize there cannot  
25 be a safe way to regulate fracking. Because you are



1 here for us to comment on specific rules I will talk  
2 about. I thought it would be nice and pick one out  
3 to talk about. So I wanted to talk about section  
4 245.600(b)1. I think I said that right. This  
5 proposed rule provides for the testing and monitoring  
6 of water sources within 1,500 feet of the well site.  
7 But the proposed rules do not provide for testing  
8 along the horizontal line of the well bore, which  
9 I've learned can extend for up to two miles from the  
10 well site. This seems like a blatant disregard of  
11 the known risk of the underground migration of the  
12 toxic chemicals that are injected into the ground,  
13 especially when hydraulic fracturing involves the use  
14 of explosive charges and especially in areas known  
15 for the risk of higher-magnitude earthquakes.

16 But as I began to look more  
17 into these regulations I found that if residents near  
18 a fracking site are not provided testing and  
19 monitoring of their water, then it's up to the  
20 resident to do so. The cost of getting your water  
21 tested is close to \$400. This is extremely expensive  
22 and more money than you are actually going to fine  
23 the oil companies for violations that range from \$50  
24 to \$500, as stated in Section 245.1120.

25 Throughout my learning

1 process of these regulations of fracking, I've  
2 learned that there are 596 toxic chemicals that the  
3 public does not have to know about. I keep reading  
4 the word radioactivity throughout these regulations  
5 and that freaks me out. Fracking causes earthquakes  
6 and can contaminate the water. This is crazy and now  
7 I'm absolutely convinced that there cannot be safe  
8 fracking and that fracking does not need to come to  
9 Illinois.

10 MR. WELCH: Fifteen seconds.

11 MR. SHELTON: If you're tired and  
12 pissed off, let's ban together to ban fracking. If  
13 these guys won't help us, let's help ourselves.

14 MR. TODD: I'm Jim Todd. I'm a  
15 retired chemistry teacher. Your rules are just  
16 ridiculously lax. You need to require monthly  
17 testing of everything that comes back up, both  
18 chemicals and radiation. Especially if you're going  
19 to use something like hydraulic acid. The companies  
20 need to be made to return the water to its state that  
21 it was in when they received it or took it out of the  
22 ground or wherever they take it from. The idea that  
23 that's not happening is just ridiculous. The idea  
24 that you people don't require full disclosure of the  
25 chemicals is also ridiculous.

1 I've got a class A CDL in  
2 my pocket. If you drive HAZMAT, you're required to  
3 keep the material safety data sheet within easy reach  
4 of the driver in case anything happens. And you're  
5 going to prevent health care people from finding out  
6 what the chemicals were?

7 MS. BRADEY: My name is Chelsea  
8 Bradey, B-R-A-D-E-Y. I am going to face the crowd so  
9 I'm going to try to talk as clearly as I can.

10 They say that this is  
11 inevitable. That horizontal fracturing is our  
12 future, that somehow loose regulations will spare us  
13 from watching this beautiful place that we grew up  
14 in, or traveled to, turn into a toxic wasteland.  
15 They try to tell me that my family will be safe, that  
16 our wells will not be affected by the hundreds of  
17 chemicals that they plan on pumping into the ground.  
18 They say that the soil and the stream that we've  
19 built our farm around will remain as clean and usable  
20 as it is today. They also say that if they do, by  
21 chance, poison our water they will kindly give us at  
22 least \$50 to make up for the damages. For those of  
23 you that have built your homes and raised your  
24 families in this area, especially those of you that  
25 do not get your water from the city, but instead have

1 a well on your property, please remember this.

2 Do not lease your land to a  
3 hydraulic fracturing company. Fifty dollars will not  
4 come close to covering the cost of having to get your  
5 water delivered to you on a truck for the rest of  
6 your lifetime, because no one will ever want to  
7 purchase your land once it has been depleted of its  
8 resources. Even with this being said, chances are  
9 you do not own your mineral rights, which means that  
10 even if you don't lease your land, according to them  
11 this doesn't matter, because they don't want your  
12 land, they want the minerals beneath it. If you  
13 don't own these rights, you can wake up one morning  
14 to find a natural gas well being built on your  
15 property even if you don't approve of this. Even  
16 more importantly, if you do get your water from a  
17 private well, I urge you to look into purchasing your  
18 water rights. This way, if their prophecy comes  
19 true, and your water becomes contaminated, you can  
20 sue the natural gas companies for everything you will  
21 be put through.

22 They say that their  
23 regulations will prevent us from ending up like those  
24 in Oklahoma. They say that even though they are  
25 creating mini earthquakes beneath the ground, we will

1 not be affected. For those of you that are not from  
2 this area, we live on a major fault line. Not that  
3 many years ago I was woken up in the middle of the  
4 night by an earthquake. It will happen again and it  
5 will be worse than the last one. You cannot be here  
6 in this room today and tell me that it is okay for me  
7 to sit back and watch all of the fresh water springs,  
8 lakes, streams and swamps that I spent every long day  
9 of my childhood playing in be destroyed. And that is  
10 economical?

11 New information is being  
12 leaked every day about how uneconomical hydraulic  
13 fracturing really is. The conservative business  
14 magazine Forbes argued a while back that the  
15 cost-effectiveness of fracking was a fantasy and that  
16 we can expect some staggering investment errors  
17 because what it's all about is some very stupid money  
18 chasing, an illusion that will surely end in tears.  
19 The head of Shell Oil said recently that investing  
20 \$24 billion in fracking was one of the biggest  
21 regrets, as he writes down huge losses along with  
22 other operators like H.P. Billiton, Chesapeake,  
23 Encana. Some CEO's have even lost their jobs over  
24 it.

25 Hydraulic fracturing, like

1 extracting tar sands oil, is very expensive. It is  
2 also very short-lived. Production declines by as  
3 much as 50 percent or more in the first year, as much  
4 as 80 percent by the second. To keep gas coming, you  
5 have to keep fracking. The industry, even at a loss,  
6 has flooded North America and driven prices below the  
7 cost of production.

8                                 For those of you that are  
9 in support of hydraulic fracturing because America  
10 will have its own source of natural gas, used solely  
11 for the purpose of powering our country, that is also  
12 a fantasy. All of it will not stay here. There is  
13 already talk of building terminals to ship gas  
14 overseas from North America.

15                                 They say that this will be our  
16 future and that it has to happen, but it doesn't.  
17 They may have their forces, but I've met many people  
18 along the way that lose sleep at night for building  
19 the roads and foundations for these plants. We are  
20 prepared to join together and do whatever it takes to  
21 prevent this from taking place in this area. We are  
22 prepared to join together in a barricade to protect  
23 the resources and natural beauty that belong to us.

24                                 MS. BAUMGARTER: Sarah Baumgarter,  
25 B-A-U-M-G-A-R-T-E-R.

1 IDNR proposes to fine  
2 violators of the rules from \$50 to \$500 per  
3 violation. Most of the companies that will be  
4 conducting the hydraulic fracturing make tens of  
5 millions of dollars, or in many cases even more.  
6 Accidents are inevitable if the hydraulic fracturing  
7 were to take place, and the evidence behind this  
8 statement is roaring through the earth, from the  
9 mouths of every being that now has to live with the  
10 aftereffects of fracking. Such minor penalties for  
11 violation of water resources are not worth the  
12 repercussion of an inevitable accident.

13 The well being of the  
14 people rests in the quality of fresh water. We can't  
15 make new water and we cannot depend on melting  
16 glaciers or shipping our water in by trucks. How can  
17 these huge companies threaten our water supply and  
18 not be considered a public health threat to the  
19 nation? A man thinks whatever witty laws he creates  
20 are somehow superior to the law of Mother Nature, but  
21 the laws of nature will surely deflate the laws of  
22 man. Here in Southern Illinois many people are  
23 living off potable well water in the areas of  
24 proposed fracking sites. Some of these people are my  
25 family and friends. We are harboring the confluence

1 of the Mississippi and the Ohio River. If one water  
2 body, whether it be aquifer, stream or river, is  
3 polluted all water bodies will be affected by the  
4 inevitable effects of hydraulic fracturing. The  
5 confluence of the Mississippi and Ohio River are part  
6 of a major watershed that travels through many  
7 states, nurturing birds throughout their migration,  
8 feeding the bellies of fishermen and harmonizing with  
9 the Gulf of Mexico.

10 For those of you who are  
11 not familiar with the Cache River wetlands, it is  
12 home to Cypress and Tupelo trees that have lived many  
13 millenniums. It has experienced its own fight, and  
14 has made a phenomenal recovery. The Cache River  
15 wetlands are a gold mine of bio-diversity, and  
16 shelter a very special bird that has barely fought  
17 its way off the endangered species list. That bird  
18 is the Prothonotary Warbler. People come from all  
19 over to see this bird and they nest along the swamps  
20 of the Cache River. As do Great White Egrets, Belted  
21 Kingfishers and Barn Owls. Over 300 different birds  
22 migrate along the Mississippi and Ohio River to nest  
23 or pass through Southern Illinois. If the watersheds  
24 were contaminated not only will it affect the health  
25 of a human body, but also it will greatly affect



1 these birds and they will not return.

2 We are here to join hands  
3 in solidarity with the people of New Brunswick,  
4 Oregon, Pennsylvania, Alberta, New York, Oklahoma,  
5 United Kingdom and Romania. There are thousands of  
6 hands locking together to barricade the road that  
7 would allow such an ethically blind industry to  
8 poison the waters, air and soil. The people behind  
9 these companies need to remember, they are only human  
10 and they are part of the congruent system we call  
11 earth. Hydraulic fracturing will not happen in  
12 Southern Illinois and we will join hands until this  
13 heinous act ends throughout the world. We are  
14 strong. We came here to fight.

15 MR. WELCH: Okay. On that note, we  
16 want to thank you all for coming. If you want to  
17 hang around, Mr. Cohen and the others are going to  
18 get together and advise what the summary -- you know,  
19 what the main topics were tonight and that will be  
20 it.

21 (At which point in the proceedings a  
22 break was taken.)

23 MR. COHEN: Excuse me, folks. We're  
24 going to wrap this up. My name is Mitchell Cohen  
25 with the Department of Natural Resources. Just want

1 to give you a summary of what we heard tonight in  
2 relation to the administrative rules. Excuse me  
3 again. My name is Mitchell Cohen. I'm with the  
4 Department of Natural Resources. Here's what we  
5 heard up here for the panel in relation to the  
6 administrative rules, comments from the audience.  
7 These were sort of the main concerns we heard from  
8 the people tonight as they related to administrative  
9 rules which we were here to discuss tonight. The top  
10 four areas that we heard from the comment related to  
11 enforcement, that the fines were too small and the  
12 proposed administrative rules. People were concerned  
13 with the induced seismicity activity and the  
14 earthquakes, given the location here in Southern  
15 Illinois. Number three was chemical disclosure and  
16 trade secrets. And number four was open pits and the  
17 closed tank storage. So those are the areas we will  
18 be looking at closely as we review the proposed  
19 administrative rules.

20 We would like to thank  
21 everybody for coming tonight and we do appreciate all  
22 of the comments. Everyone still has time to submit  
23 any comments that you want to this evening in the box  
24 and until January 3 online at our website or by mail.  
25 Thanks everybody for coming tonight. We appreciate

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