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IN RE:
HIGH VOLUME HORIZONTAL HYDRAULIC FRACTURING ACT

PUBLIC HEARING

ENFIELD UNITED METHODIST CHURCH
304 CHURCH STREET
ENFIELD, ILLINOIS

AUGUST 2, 2017

(Starting time of the hearing: 10:20 a.m.)

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3	WITNESS	PAGE
4	Mona Weaver	11
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	Oath 1	Karen Fiorino
9	Oath 2	Barb McKasson
	Oath 3	Mona Weaver
10	IDNR Exhibit 1	Original application
	IDNR Exhibit 2	Notice of original application
11	IDNR Exhibit 3	Supplemental application
	IDNR Exhibit 4	Notice of supplemental app.
12	IDNR Exhibit 5	Elec. tear sheet July 21, 2017
	IDNR Exhibit 6	Elec. tear sheet July 31, 2017
13	IDNR Exhibit 7	Newspaper certificate
	Requestor's Exhibit 1	Comments of NRDC
14	Requestor's Exhibit 2	Statement of Ms. Fiorino
	Requestor's Exhibit 3	Statement of Ms. McKesson
15	Requestor's Exhibit 4	Deficiency letter
16	(Original exhibits retained by Mr. Heidinger.)	
17		
18		
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25		

1 A P P E A R A N C E S

2 FOR THE REQUESTORS:

3 Vito Mastrangelo, Esq.
4 P.O. Box 1253
5 Mt. Vernon, Illinois 62864
6 (618) 316-9886

7 Jacob Smallhorn, Esq.
8 TAPELLA & EBERSPACHER, LLC
9 6009 Park Drive
10 Charleston, Illinois 61920
11 (217) 639-7800

12 FOR THE ILLINOIS DEPARTMENT OF NATURAL RESOURCES:

13 Andrew Suthard, Esq.
14 John Heidinger, Esq.
15 One Natural Resources Way
16 Springfield, Illinois 62702
17 (217) 557-6379

18 FOR WOOLSEY COMPANIES INC.:

19 Jarred Tynes, Esq.
20 John Beckham, Esq.
21 BLACK, BALLARD, MCDONALD, PC
22 108 South Ninth Street
23 Mt. Vernon, Illinois 62864
24 (618) 242-3310

25 ALSO PRESENT:

Daniel Schuering, Hearing Officer
Dean Pattisson, Woolsey Companies, Inc.
Mark Sooter, Woolsey Companies, Inc.

26 Court Reporter:
27 Joanna Charlton, RPR, CCR(MO), CSR(IL)
28 Midwest Litigation Services
29 711 North 11th Street
30 St. Louis, Missouri 63101
31 (314) 644-2191
32 1-800-280-3376

1 TRANSCRIPT OF PROCEEDINGS

2 *****

3 MR. SCHUERING: Good morning, ladies and
4 gentlemen. This is Illinois Department of Natural
5 Resources matter number HVHHF 000001 in the matter of
6 the application of Woolsey Operating Company, LLC who
7 has filed its application for a permit to conduct high
8 volume horizontal fracturing operations at a well to be
9 located in White County, Illinois. This hearing is
10 being held pursuant to part 245 of title 62 of the
11 Illinois Administrative Code and in particular section
12 245.270, which provides for a public hearing upon the
13 request of members of the public.

14 The -- there have been several requests for
15 a public hearing made. There have been three that were
16 determined to meet the statutory standard. There were
17 several that did not. We're going to take up the
18 matter of one of those denials here in just a minute to
19 potentially hear some additional evidence on this.
20 This is a hearing conducted pursuant to the Open
21 Meetings Act and the Administrative Procedure Act.
22 With respect to the Open Meetings Act, if a witness
23 elects for whatever reason to not have their testimony
24 video recorded, they have that option. I will instruct
25 you to turn off your video recordings for the duration

1 of that testimony. Aside from that, you are free to
2 conduct video and audio recording in a manner that you
3 see fit as long as it does not interfere with the
4 conduct of the hearing.

5 This hearing is not a popularity contest or
6 not one where we're going to take public comments from
7 those of you in the audience. It will allow testimony
8 from those persons who have requested a hearing. I
9 would ask for your cooperation with keeping background
10 noise and certainly applause demonstrations, cheers,
11 and things of that nature from occurring. Please
12 silence or shut off your cell phones. If they ring, I
13 will ask the fine gentlemen of the White County
14 Sheriff's Department to relieve you of your cell phone
15 until the end of this hearing.

16 We will take periodic breaks. You are free
17 to come and go from the hearing room as you see fit.
18 Please do so quietly, and with that, I am going to
19 start by asking the various parties to enter their
20 appearance starting with the Illinois Department of
21 Natural Resources.

22 MR. SUTHARD: I'm Andrew Suthard with the
23 Illinois Department of Natural Resources. Obviously I
24 represent the Department in this matter. I would just
25 like to note for the record that the Department's sole

1 role in this matter is limited to creating a complete
2 and accurate record of this public hearing. As a
3 preliminary matter, I do have some exhibits to enter
4 into evidence. I will -- would you like me to do that
5 now or after everybody enters their appearance?

6 MR. SCHUERING: Let's get all the
7 appearances done, and then we'll do that.

8 MR. SUTHARD: All right. Thank you.

9 MR. SCHUERING: Mr. Tynes.

10 MR. TYNES: My name is Jarred Tynes. I am
11 the attorney for Woolsey Operating Company representing
12 the applicants today. I'll just introduce the folks at
13 the table. John Beckham is an attorney from our office
14 helping me with this. We have Mark Sooter and Dean
15 Pattison, who are representatives of Woolsey.

16 MR. SCHUERING: Okay. Thank you.
17 Mr. Mastrangelo.

18 MR. MASTRANGELO: Vito Mastrangelo. I am an
19 attorney from southern Illinois. I represent the
20 requestor of this hearing Ms. McKasson, Mr. Walker, and
21 Ms. Fiorino.

22 MR. SMALLHORN: Jacob Smallhorn. I am an
23 attorney with Tapella and Eberspacher, and I am
24 co-counsel with Mr. Mastrangelo for the requestor and
25 the participants McKasson, Walker, and Fiorino.

1 MR. SCHUERING: And also at the counsel
2 table is Mrs. Mona Weaver; is that correct?

3 MRS. WEAVER: Yes.

4 MR. SCHUERING: And Mrs. Weaver and her
5 husband, who is also present in the room but not at
6 counsel table, made a request for participation in the
7 public hearing that I denied, and they have asked leave
8 to present some additional information and then
9 participate in the hearing. And we'll get back to you
10 in just a second, Mrs. Weaver.

11 Mr. Suthard, you have exhibits --
12 preliminary exhibits to introduce into the record, sir.

13 MR. SUTHARD: Yes, your Honor. I have what
14 has been previously marked for identification as the
15 Department Exhibits Numbers 1 through 7. I will go
16 through them. I think Mr. Heidinger needs to stack
17 these. Your Honor, I will first offer into evidence
18 HVHHF 000001 Woolsey Operating Company's original
19 application to conduct high volume horizontal hydraulic
20 fracturing activities. As I indicated, this has been
21 previously marked as Department Exhibit Number 1.

22 MR. SCHUERING: Any objection, Mr. Tynes?

23 MR. TYNES: No.

24 MR. SCHUERING: Mr. Suthard -- or
25 Mr. Smallhorn?

1 MR. SMALLHORN: No objection.

2 MR. SCHUERING: All right. Without
3 objection it'll be entered into the record.

4 MR. SUTHARD: Thank you, your Honor.
5 Department Exhibit Number 2 is the notice posted on the
6 Illinois Department of Natural Resources website
7 following receipt of the original application.

8 MR. SCHUERING: Mr. Tynes?

9 MR. TYNES: No objection.

10 MR. SCHUERING: Mr. Smallhorn?

11 MR. SMALLHORN: None.

12 MR. SUTHARD: Department Exhibit Number 3 is
13 Woolsey Operating Company's application as
14 supplemented.

15 MR. SCHUERING: Mr. Tynes?

16 MR. TYNES: No objection.

17 MR. SCHUERING: Mr. Smallhorn?

18 MR. SMALLHORN: None.

19 MR. SUTHARD: Department Exhibit Number 4 is
20 the notice of receipt of the supplemental application
21 that was posted on the Department's website.

22 MR. SCHUERING: Mr. Smallhorn?

23 MR. SMALLHORN: No objection.

24 MR. SCHUERING: Mr. Tynes?

25 MR. TYNES: No objection.

1 MR. SCHUERING: And guess whose cell phone
2 went off.

3 MR. SMALLHORN: Sheriff.

4 MR. SCHUERING: That was not intentional by
5 the way.

6 MR. SUTHARD: Department Exhibit Number 5 is
7 the tear sheet from running the posted notice in the
8 Carmi Times on Friday July 21, 2017, and Department
9 Exhibit Number 6 is the tear sheet from running the
10 notice of this public hearing in the Carmi Times on
11 Monday July 31, 2017.

12 Your Honor, I do not have the certification
13 from the Carmi Times. I was notified that the woman
14 who handled that had a family matter and couldn't
15 e-mail that to us. I can offer Department Exhibit
16 Number 7 into evidence, which is that e-mail, or I can
17 request that the evidence remain open until I can
18 obtain that certification to enter it in at that time.

19 MR. SCHUERING: All right. Do you have any
20 objections to the tear sheets?

21 MR. SMALLHORN: Your Honor, on behalf of our
22 clients, we waive any objection regarding any
23 deficiency regarding notice of this hearing.

24 MR. SCHUERING: Okay. Mr. Tynes?

25 MR. TYNES: No objections.

1 MR. SCHUERING: Okay. We will keep the
2 evidence open until the publisher's certificate is
3 received by the Department, and it'll be made a part of
4 the record. Copies will be supplied to all parties.
5 All right.

6 MR. MASTRANGELO: Your Honor, if I might.

7 MR. SCHUERING: Yeah.

8 MR. MASTRANGELO: If Mr. Suthard's done with
9 his exhibits, I wonder if the deficiency letter was
10 part of what was entered there?

11 MR. SCHUERING: Which?

12 MR. MASTRANGELO: The deficiency letter that
13 IDNR issued in response to the application. I mean,
14 there was an application and a supplement. But I
15 didn't hear about that.

16 MR. SUTHARD: Your Honor, I believe the
17 supplemental application that was just entered into
18 evidence includes that letter. It includes -- does it
19 includes the letter? I believe it includes Woolsey's
20 response to that letter on top. It does not appear to
21 include the actual deficiency letter in and of itself.

22 MR. SCHUERING: Do you want to offer it?

23 MR. MASTRANGELO: I probably do have a copy.

24 MR. SCHUERING: Okay. We can take it up
25 now, or we can take it up before we end today.

1 MR. MASTRANGELO: That's just a
2 recordkeeping matter. That's fine.

3 MR. SCHUERING: Yeah. Okay. Without
4 objection of any of the parties, Departments Exhibits 1
5 through 7 are admitted and will be made part of the
6 record of this hearing. I understand by agreement of
7 the Department, the applicant, and the requestor we're
8 going to permit Mrs. Weaver to speak first and address
9 that matter, and then we'll go forward with the
10 requestor from there. Am I right, gentlemen? Is that
11 what we're doing?

12 MR. SUTHARD: Yes.

13 MR. SCHUERING: Okay. Mrs. Weaver, the
14 floor is yours, ma'am.

15 MRS. WEAVER: Pardon?

16 MR. SCHUERING: You -- let's try this this
17 way. Let me ask you a few questions. You and your
18 husband submitted a request for participation to the
19 department; is that correct?

20 MRS. WEAVER: Yes.

21 MR. SCHUERING: And you indicated in that
22 request that you and your husband were the owners of
23 603 acres of farmland.

24 MRS. WEAVER: Correct.

25 MR. SCHUERING: Your names and residence

1 address were included on that submittal to the
2 Department; is that correct?

3 MRS. WEAVER: Yes, yes.

4 MR. SCHUERING: Okay. Your request said
5 that you did not want your land contaminated.

6 MRS. WEAVER: Correct.

7 MR. SCHUERING: What I indicated in my
8 refusal was that you had not indicated what you meant
9 by contamination, and for those of you who are
10 recording, Mrs. Weaver would prefer not to be recorded.

11 MRS. WEAVER: I own the mineral rights.

12 MR. SCHUERING: And you own the mineral
13 rights. Okay. I indicated that you had not alleged a
14 specific injury. Okay. Which I'm going to let you
15 speak to in a minute, and you had not told us in your
16 application where your land was with respect to the
17 proposed well site. So let's start with that. How far
18 is it from your land to the proposed well site?

19 MRS. WEAVER: The way the crow flies about
20 six miles.

21 MR. SCHUERING: Okay. Are you located in
22 White County?

23 MRS. WEAVER: No. Hamilton County.

24 MR. SCHUERING: Hamilton County. Okay. And
25 what was your concern with respect to contamination of

1 your land?

2 MRS. WEAVER: Well, I don't want nothing
3 disturbed in my property -- the mineral rights and
4 things, and I've got large palms and a big lake and a
5 lot of fish and things in it that we enjoy. My
6 grandchildren fishes.

7 MR. SCHUERING: Okay. And what -- what
8 concern do you have that you have been told or have
9 read about that would cause what you describe as
10 contamination or you said here damage to your property
11 as a result of the application?

12 MRS. WEAVER: I don't want the water
13 contaminated.

14 MR. SCHUERING: Okay.

15 MRS. WEAVER: Spoiled. Whatever you want to
16 call it.

17 MR. SCHUERING: Okay. Do you have any
18 specific evidence that you'd like to offer to show that
19 somehow the activities of the applicant if the permit
20 is granted will directly impact you? Have you been
21 advised by anyone that there is something about what
22 Woolsey will be doing that will directly affect the
23 water on your land or --

24 MRS. WEAVER: Yes.

25 MR. SCHUERING: -- your mineral rights?

1 MRS. WEAVER: I've been told that it could
2 be affected.

3 MR. SCHUERING: Okay. And how would it be
4 affected?

5 MRS. WEAVER: The chemicals and things
6 leaking into the ground.

7 MR. SCHUERING: Okay. So your concern is
8 that compounds that Woolsey may use could somehow
9 contaminate either your land or your water?

10 MRS. WEAVER: What I've been told.

11 MR. SCHUERING: Okay. Did you have any --
12 beyond what you've been told, do you have any specific
13 documents or other materials that you want to submit to
14 the hearing in support of that, and it's okay if you
15 don't.

16 MRS. WEAVER: No. I don't.

17 MR. SCHUERING: Okay.

18 MRS. WEAVER: I filled out a bunch of papers
19 and mailed them in.

20 MR. SCHUERING: Okay. Okay. And we
21 received those. That was --

22 MRS. WEAVER: Good.

23 MR. SCHUERING: That was the basis. Do you
24 have anything else to add?

25 MRS. WEAVER: Right now probably not, but

1 later I'll probably think of something.

2 MR. SCHUERING: Mr. Suthard, do you have any
3 questions of this witness?

4 MR. SUTHARD: I do not, your Honor.

5 MR. SCHUERING: Mr. Tynes?

6 MR. TYNES: No, sir.

7 MR. SCHUERING: Mr. Mastrangelo,
8 Mr. Smallhorn, do you have any questions?

9 MR. MASTRANGELO: I don't think so. I just
10 want -- except to try to get a little more accurate
11 with where she's located. So from where we are right
12 now.

13 MRS. WEAVER: About seven miles west and a
14 quarter mile south. Have been on our same old farm in
15 the same house this coming December it'll be 70 years.

16 MR. SCHUERING: Congratulations.

17 MRS. WEAVER: Thank you.

18 MR. SCHUERING: So are you -- you're saying
19 that your real estate, your home -- and your home is
20 seven miles west and a quarter mile south of the
21 proposed well site. Okay.

22 MRS. WEAVER: Well, seven miles west of
23 here.

24 MR. SCHUERING: Got it. Okay. So seven
25 miles --

1 MRS. WEAVER: I said the way the crow flies.

2 MR. SCHUERING: No. I understand. All
3 we're trying to do -- we all had the same difficulty.

4 MRS. WEAVER: Yeah.

5 MR. SCHUERING: We -- we were looking your
6 property up on GPS, and at least two of us had a little
7 bit of difficulty locating the specific tract.

8 MRS. WEAVER: Well, follow me home today.
9 They can see it.

10 MR. SCHUERING: There you go. I can do
11 that. So can -- does that mean we can all come for
12 lunch?

13 MRS. WEAVER: Sure. Why not.

14 MR. SCHUERING: Okay.

15 MRS. WEAVER: Got a lot of deer meat.

16 MR. SCHUERING: There you go.

17 MRS. WEAVER: I'm 87 and I still deer hunt.

18 MR. SCHUERING: All right. Do you have
19 anything else that you'd like to add?

20 MRS. WEAVER: I'm glad I was here today.
21 Glad I was able.

22 MR. SCHUERING: Well, we're glad to have
23 you.

24 MRS. WEAVER: I got my hands full with my
25 husband. I take care of him at home, and I'm going to

1 stay there till they carry me out.

2 MR. SCHUERING: Congratulations. Ma'am,
3 until 5 p.m. tomorrow --

4 MRS. WEAVER: Okay.

5 MR. SCHUERING: Okay. If you have any
6 written material that you wish to submit, okay, in
7 support of what you have said here today, you can just
8 stick it in the mail to the Department, and it will be
9 made a part of your testimony.

10 MRS. WEAVER: Okay. Thank you.

11 MR. SCHUERING: Thank you for coming. If no
12 one else has any further questions, I'm going to
13 dismiss you, and your participation in the hearing has
14 been made a part of the record that will be reported to
15 the Department.

16 MRS. WEAVER: Thank you. Thank you.

17 MR. SCHUERING: Anything else, anybody?
18 Thank you for coming.

19 MRS. WEAVER: Thank you.

20 MR. SCHUERING: Okay. Ms. Fiorino.

21 MS. FIORINO: I can stand.

22 MR. SCHUERING: Mr. Smallhorn, how do you
23 want to proceed with the clients that you represent?
24 Do you want to speak first and then question them? Do
25 you want them to make a statement and then you question

1 them? How do you want to approach this?

2 MR. SMALLHORN: Well, my client has a
3 statement to make, and then we'll have a few follow-up
4 questions.

5 MR. SCHUERING: All right. Ma'am, the floor
6 is yours.

7 MS. FIORINO: Okay. Thank you. A personal
8 concern of mine in regards to permitting Woolsey
9 Operating Company, LLC to drill a high volume hydraulic
10 fracturing well along with the accompanying class two
11 injection wells is the increased risk of induced
12 earthquakes in the southern Illinois region.

13 Earthquakes have been sharp -- have risen
14 sharply in the Midwest in the last decade, a rise that
15 corresponds to the rise in fracturing operations in
16 many states. This uptick in seismic events represents
17 a more than 100-fold increase in overall earthquakes.
18 The states reporting unusually elevated levels of
19 seismic activity include Arkansas, Colorado, New
20 Mexico, Ohio, Oklahoma, Texas, and Virginia, and this
21 is in Science, Ellsworth 2013. Many seismologists
22 across the country have determined that this uptick in
23 the numbers of earthquakes represents induced
24 seismicity from the disposal of oil, liquid natural
25 gas, and natural gas extraction waste in class two

1 injection wells, and that evidence for triggered
2 seismicity in response to injection of these waste
3 fluids is becoming incontrovertible, and that's in
4 Science, Ellsworth 2013. The disposal of 280 billion
5 gallons a year of toxic, chemical laden, mostly
6 radioactive fracturing waste water, brine, across the
7 county is causing earthquakes.

8 Some of the earthquakes are barely
9 perceptible, but some of them have been quite large, a
10 5.7 in Prague, Oklahoma, in 2011, and have caused real
11 property damage, injured residents, and terrorized
12 communities.

13 In Oklahoma, according to a joint statement
14 by both USGS and OGS, residents have experienced more
15 than 200 earthquakes measuring at least a magnitude of
16 3.0 since the beginning of 2009. Recently 103
17 earthquakes rocked the area in a single three-day
18 period from February 14, 2014, to February 17, 2014,
19 many of them cracking walls and foundations.

20 Another example is the Guy-Greenbrier are of
21 Arkansas, which experienced only one earthquake of
22 magnitude 2.5 or greater in all of 2007, the numbers
23 grew to 10 in 2009, and in 2010 there were 54
24 earthquakes of magnitude 2.5 or greater -- that's Kerr
25 2012 -- and on February 27, 2011, a magnitude 4.7

1 earthquake. Many of the earthquakes were tied to class
2 two injection disposal wells in the area, which were
3 ordered to shut down, and the earthquakes stopped.

4 Youngstown, Ohio, experienced a series of
5 earthquakes in 2011 and 2012, then a magnitude 4.0
6 earthquake struck. Governor John Kasich subsequently
7 ordered that four nearby class two injection well
8 projects shut down and the earthquakes slowed.

9 And I'm going to quote here from Dr. Ray
10 Beiersdorfer, Professor of Geology at Youngstown State
11 University. "In regards to the geology, the thousand
12 plus eastern Ohio earthquakes occurred on inactive
13 faults that are over one billion years old. These
14 faults would not have moved if there had been no
15 injection or fracking. In Illinois you have two known
16 seismic zones -- the New Madrid and Wabash Valley
17 seismic zones. Your state already has a known seismic
18 risk. You need to write rules that are more
19 restrictive than Ohio, not less. You also need to work
20 with geologists and geophysicists that have no
21 conflicts of interest regarding oil and gas to
22 delineate regions of the state that are off-limits to
23 both fracking and injection wells. Given what is
24 already known about the historical seismicity in the
25 region, to not do so would be irresponsible and

1 willfully ignorant."

2 The February 27, 2011, Prague, Oklahoma,
3 earthquake was studied by Columbia geologists
4 partnering with the USGS and produced a report. I will
5 read you a bit from it. This is March 26, 2013.

6 "Scientists have linked a rising number of
7 quakes in normally calm parts of Arkansas, Texas, Ohio,
8 and Colorado to below-ground injection. In the last
9 four years, the number of quakes in the middle of the
10 U.S. jumped 11-fold from three decades prior, the
11 authors of the Geology study estimate. Last year a
12 group of the USGS survey also attributed a remarkable
13 rise in small- to mid-sized quakes in the region to
14 humans. The risk is seriously -- serious enough that
15 the National Academy of Sciences in a report last year
16 called for further research to understand limit and
17 respond to induced seismic. Despite these studies,
18 wastewater injection continues near the Oklahoma
19 earthquake -- earthquakes.

20 "The magnitude 5.7 earthquake near Prague
21 was preceded by a 5.0 shock and followed by thousands
22 of aftershocks. What made the swarm unusual is that
23 wastewater had been pumped into abandoned oil wells
24 nearby for 17 years without incident. In the study,
25 researchers hypothesized that the wastewater

1 replenished compartments once filled with oil, the
2 pressure to keep the fluid going down had to be
3 ratcheted up. As pressure built up, a known fault
4 known to geologists as the Wilzetta fault jumped.

5 'When you overpressure the fault you reduce the stress
6 that's pinning the fault into place, and that's when
7 earthquakes happen,' said study co-author Heather
8 Savage, a geophysicist at Columbia University's
9 Lamont-Doherty Earth Observatory.

10 "The amount of wastewater injected into the
11 well was relatively small yet it trigger a cascading
12 series of tremors that led to the main shock said study
13 co-author Geoffrey Abers, also a seismologist at
14 Lamont-Doherty. 'There's something important about
15 getting unexpected large earthquakes out of small
16 systems that we have discovered here,' he said. The
17 observations mean that 'the risk of humans inducing
18 large earthquakes from even small injection activities
19 is probably higher' than previously thought."

20 The results of the Columbia University study
21 showed that the class two injection disposal wells
22 suspected of causing the earthquakes were in operation
23 for at least 18 years, indicating that there can be
24 decades-long lags between oil, liquid natural gas,
25 natural gas drilling wastewater injection and seismic

1 events. It was suspected that over the years pressure
2 in the wells increased and may have significantly
3 lubricated known seismic faults.

4 In another article that I just read the
5 Cardston Earthquake Swarm and Hydraulic Fracturing of
6 the Exshaw Formation, and this is the Alberta Bakken
7 Play.

8 In the abstract I'll read this. "More than
9 60 small earthquakes magnitude .7 to 3 were detected
10 from December 2011 to March 2120 north of Cardston,
11 Alberta, an area with little evidence for previous
12 seismic activity. The timing of these events closely
13 correlates, greater than 99 percent -- hold on. 99
14 ratio 7 percent confidence, with hydraulic fracturing
15 completions of the Devonian-Mississippian-age Exshaw
16 Formation at a nearby horizontal well. Unanimous
17 waveform multiplicity within the swarm suggests that
18 the events share a similar origin and source mechanism.
19 This observation is corroborated by the point-like
20 collocation of hypocenters within the crystalline
21 basement during robust, double-difference relocations.
22 Furthermore, the presence of a pre-existing fault is
23 confirmed via formation-top offset mapping and
24 interpreted to be a Late Cretaceous extensional fault.
25 The confirmation of this fault at depth provides a

1 plausible pathway for rapid hydraulic communication
2 from the fracturing interval into the crystalline
3 basement. Consistent with structure interpretations
4 and available stress information, moment tensor
5 inversion of the largest magnitude event, magnitude
6 3.0, indicates reactivation of a basement fault with
7 normal slip. We conclude that the genesis of this
8 earthquake swarm was likely caused by increased pore
9 pressure, within the basement fault, as a result of
10 fracturing stimulation.

11 In the testimony of Stanford University
12 geophysicist Mark Zoback to the U.S. Senate Committee
13 on Energy and Natural Resources in June 19 of 2012
14 recommended an empirically derived practical framework
15 for reducing the probability of induced seismicity in
16 five straightforward steps.

17 One, it's important to avoid injection into
18 active faults and faults in brittle rock.

19 Two, formations should be selected for
20 injection and injection rates should be limited to
21 minimize pore pressure changes.

22 For these two points there's deficiencies in
23 the permit application document. Document 5 number 4,
24 failure to clearly identify formations to be
25 stimulated. Number 7 and 8, missing identification of

1 confining zone fracture pressure and missing data on
2 confining zone fracture pressure. Number 10,
3 fracturing pressure of the production zone not
4 identified, and number 13, missing data on geological
5 formations gives pause on how much the company does not
6 know of the region and disregarding simple guidelines.

7 The third guideline is local seismic
8 monitoring arrays should be installed when there is
9 potential for injection to trigger seismicity.

10 Four, protocols should be established in
11 advance to define how operations will be modified if
12 seismicity is triggered.

13 And five, operators need to be prepared to
14 reduce injection rates or abandon wells if triggered
15 seismicity poses any hazard.

16 The active faults and active earthquake
17 zones of the New Madrid and Wabash Valley in southern
18 Illinois are poorly defined and mapped out. Per the
19 Illinois GS, they do not have maps of faults in the
20 deep basement rock for the state which are responsible
21 for Illinois earthquakes, and in the Wabash Valley
22 seismic zone is ill defined and has no specific
23 published boundaries.

24 Southern Illinois is also marked by a number
25 of other major seismic -- seismic -- major seismic

1 active structural features including the east-trending
2 Cottage Grove Rough Creek-Shawnee town fault system,
3 the magmatic system of Hicks dome and the fluorspar
4 district, and the north northwest-trending La Salle, Du
5 Quoin, and Clay City fold systems.

6 Induced seismicity from class two injection
7 wells in active earthquake zones carries with it real
8 risks to the public health, safety, and welfare of
9 Illinois residents, and risks to property, businesses
10 and the environment. These risks must be studied in a
11 more detail and communicated clearly to the residents
12 and businesses of southern Illinois. The risk
13 management of induced seismicity from class two well
14 disposal of fracturing wastewater has been poorly
15 studied across the country and poorly delineated and
16 regulated in the Hydraulic Fracturing Regulatory Act.
17 Emergency management plans, insurance levels, bonding,
18 and even mortgages may be affected by assigning
19 probabilities of risk to different areas located within
20 the active zones of Illinois.

21 There is one more issue with induced
22 earthquakes not covered by Hydraulic Fracturing
23 Regulatory Act -- the mechanical integrity of class two
24 wells and horizontal fracturing wells, which is
25 integral to whether water, air, or soil contamination

1 will occur close to these wells. The mechanical
2 integrity of class two wells and horizontal fracturing
3 wells can be affected by seismic events near their
4 locations. The effects of seismic events on the
5 mechanical integ -- integrity of class two wells and
6 horizontal fracturing wells is not addressed in the
7 Hydraulic Fracturing Regulatory Act at all, and it has
8 not been well studied by the geologic community. As in
9 document 13 casing cement plan number 29, there's
10 missing information in casing and cementing plan. The
11 casing and cementing plan does not address the
12 requirement label F in document 13 regarding potential
13 for earthquakes. The application is, therefore,
14 incomplete and must be returned to the applicant to
15 address this deficiency.

16 I feel that in light of current research on
17 the matter of injection wells being the cause of
18 induced -- being the cause of induced earthquakes if
19 injection wells in inactive seismic zones, i.e., the
20 Ohio, can cause earthquakes the risk of destructive
21 earthquakes increases greatly in the active New
22 Madrid/Wabash Valley zones that we/I live in. The
23 science is out there. Why risk the increased threat of
24 induced earthquakes via drilling and injection wells in
25 an already active, high risk New Madrid and Wabash

1 Valley seismic zones.

2 This permit should not be granted in light
3 of the science that earthquakes can be induced via
4 drilling/injection wells and the potential of great
5 harm from a drilling operation in White County causing
6 a destructive earthquake over the whole southern
7 Illinois region including Makanda where I live
8 approximately 75 miles away.

9 And as a note -- an ending note on this, I
10 remember the 2008 Mt. Caramel earthquake, and, yes, I
11 was woke up out of bed when it happened. And then
12 later there was, like, four aftershocks, and I remember
13 feeling at least one of the aftershocks at 10 o'clock
14 in the morning over at a friend's house in Makanda.
15 And it shook everything at that stage, and if it was
16 even more destructive, I feel that more damage would
17 have happened in our area.

18 MR. SCHUERING: Could we have a copy of your
19 statement? If you'd just give it to Mr. Heidinger,
20 he'll scan it and give it right back to you.

21 MR. SMALLHORN: We just have a few follow-up
22 questions.

23 MR. SCHUERING: Mr. Smallhorn, she's your
24 witness. You may proceed.

25 MR. SMALLHORN: All righty. Ms. Fiorino,

1 could you please tell us if you're -- are you
2 familiar -- you've talked a lot about earthquakes and
3 your concerns about earthquakes. Are you familiar with
4 Woolsey's plan to create the well in White County?

5 MS. FIORINO: As did I know that they plan
6 on doing it and they have the permit, yes, or they're
7 applying for the permit.

8 MR. SMALLHORN: Is it your understanding
9 that the Woolsey well will use similar well -- will use
10 similar techniques and operations to the wells you
11 discussed during your --

12 MS. FIORINO: I would imagine so.

13 MR. SMALLHORN: -- summary?

14 MS. FIORINO: I would imagine so.

15 MR. SMALLHORN: Then several times during
16 your statement you referenced a document.

17 MS. FIORINO: Yes.

18 MR. SMALLHORN: Could you please identify
19 for the record what that document is?

20 MS. FIORINO: There it is. It's this
21 document here. The comments of the Natural Resources
22 Defense Counsel on the Woolsey Operating Company, LLC,
23 Woodrow HVHFF permit application as supplemented.

24 MR. SMALLHORN: For the record, we'll be
25 marking it tentatively as Requestor's Exhibit 1. Could

1 you tell us briefly about when did you first become
2 aware of this document?

3 MS. FIORINO: Probably within a month or so.

4 MR. SMALLHORN: Okay. And you reviewed it
5 prior to the hearing prior to today.

6 MS. FIORINO: Yes, yes. I did.

7 MR. SMALLHORN: Did you instruct your
8 counsel to submit this document as part of your hearing
9 request?

10 MS. FIORINO: Can you repeat that question,
11 please?

12 MR. SMALLHORN: Yes. Did you instruct your
13 counsel to submit this comment to supplement your
14 initial hearing request?

15 MS. FIORINO: I was informed to do that.

16 MR. SMALLHORN: Okay. And you've reviewed
17 the document prior to today.

18 MS. FIORINO: Yes.

19 MR. SMALLHORN: And do -- do you share the
20 concerns that are contained in that document?

21 MS. FIORINO: Yes. I do, because I feel
22 that -- I think it was very hastily -- the application
23 was hastily just wrote, and it just makes me concerned
24 about if they were that lax in making an application
25 that their work ethics are shotty as well. And then

1 that could be -- yes. I'm concerned about that that's
2 just a reflection on how they operate.

3 MR. SMALLHORN: All right. We'll move to
4 admit Requestor's Exhibit 1 into evidence -- the
5 document identified as the NRDC comment.

6 MR. SCHUERING: Mr. Suthard?

7 MR. SUTHARD: No objection.

8 MR. SCHUERING: Mr. Tynes?

9 MR. TYNES: No objection.

10 MR. SCHUERING: Okay. Yeah. I'm just going
11 to ask you to provide a copy of that. Without
12 objection, that will be admitted into the record as
13 Requestor's Exhibit Number 1 as it was identified by
14 the witness.

15 MR. SMALLHORN: The requestor rests.

16 MR. SCHUERING: Rests?

17 MR. SMALLHORN: We rest, yes.

18 MR. SCHUERING: Okay. Mr. Suthard any
19 questions for the requestor?

20 MR. SUTHARD: No, your Honor. I don't have
21 any questions just to ensure that we have a copy of her
22 statement. Ms. Fiorino packed a lot in in a very short
23 amount of time.

24 MR. SCHUERING: Yeah. We've got it.

25 MR. SUTHARD: I want to make sure the notes

1 are correct with the record.

2 MR. SCHUERING: Mr. Tynes, any questions?

3 MR. TYNES: No, your Honor.

4 MR. SCHUERING: Okay. I have a couple.

5 MR. SMALLHORN: Okay. I'm sorry.

6 MR. SCHUERING: Don't run off just yet.

7 MS. FIORINO: Okay.

8 MR. SCHUERING: As I look at your document
9 -- and Mr. Suthard's absolutely correct. For people
10 like us, you did a great job because you put a lot of
11 information into a small space. That's always a good
12 thing. Your principal problem is with the injection
13 wells.

14 MS. FIORINO: That's because that does --
15 that's the --

16 MR. SCHUERING: Your belief is that -- that
17 the injection wells are the principal problem here.

18 MS. FIORINO: That is mine, yes.

19 MR. SCHUERING: Okay. I understand you have
20 others.

21 MS. FIORINO: Right.

22 MR. SCHUERING: But I'm just trying to
23 understand what your principal concern is. Okay. And
24 are you aware that the regulations provide for
25 on-the-ground seismic monitoring?

1 MS. FIORINO: I did read that, yes. I
2 hopefully each one -- each well site and each place
3 does have the seismic monitoring and that there's funds
4 for a nonpartisan person to collect the data from those
5 places.

6 MR. SCHUERING: Okay. But -- but you are
7 aware that the system that's set forth in the
8 regulations now it's called a red light/green light
9 system?

10 MS. FIORINO: Yes. I read that. It was
11 very confusing to me, and it seemed like it was
12 different from other states. That -- and that was one
13 of the quotes of --

14 MR. SCHUERING: Okay.

15 MS. FIORINO: Here we had in Ohio that there
16 was an inactive area that there was induced earthquakes
17 and that the -- in Illinois we needed to be more
18 stringent because we are on an active fault line.

19 MR. SCHUERING: Okay.

20 MS. FIORINO: And I -- yeah. Got it.

21 MR. SCHUERING: Understanding that you
22 oppose the application generally.

23 MS. FIORINO: Generally.

24 MR. SCHUERING: Okay. What -- with respect
25 to your seismic concern, can you tell me what you think

1 is most important not -- and you don't get to deny the
2 permit. Okay. But what would you do to help alleviate
3 your concerns?

4 MS. FIORINO: To help alleviate my concerns.
5 Well, I know there's no way regulating an operation is
6 going to prevent earthquakes, period. I feel that in
7 light of how our energy sources are changing that this
8 is, for lack of a better word, archaic. It's a way --
9 it's an old way of doing things. It's a way they're
10 trying to get more and more resources out of the ground
11 that actually should stay in the ground. We should put
12 our money into other ways of getting energy -- of
13 renewable energies. On -- I would prefer they didn't
14 do it at all.

15 MR. SCHUERING: Okay.

16 MS. FIORINO: I think that would be --
17 would -- because of where we live the risk of
18 stimulating the New Madrid -- the New Madrid and the
19 New -- and the Wabash Valley active faults is just too
20 great.

21 MR. SCHUERING: Okay.

22 MS. FIORINO: And I know from just little
23 incidents like the derecho that came through
24 Carbondale. It was a small event, but I was out of
25 power. There was no way of helping that I was out of

1 power for ten days. If there was a major earthquake,
2 people of southern Illinois are not going to get the
3 help either --

4 MR. SCHUERING: Okay.

5 MS. FIORINO: -- to help them out. It could
6 be catastrophic.

7 MR. SCHUERING: Okay. Anything else?

8 MS. FIORINO: I guess not.

9 MR. SCHUERING: Mr. Smallhorn, any questions
10 in light of mine?

11 MR. SMALLHORN: Yeah. Just one question.

12 MR. SCHUERING: Go ahead.

13 MR. SMALLHORN: Question for clarification.

14 So your particular concern is the location -- you
15 believe that this is too close to the New Madrid --

16 MS. FIORINO: Yes. I believe it's --

17 MR. SMALLHORN: -- fault.

18 MS. FIORINO: I believe that the information
19 from what I can understand that they're drilling and
20 putting injection wells in places where there is faults
21 and a place where there could be induced earthquakes.
22 I think it shouldn't be done there.

23 MR. SCHUERING: Okay.

24 MR. SMALLHORN: Okay.

25 MS. FIORINO: Is that...

1 MR. SCHUERING: Mr. Suthard?

2 MR. SUTHARD: I have nothing further, your
3 Honor.

4 MR. SCHUERING: Mr. Tynes?

5 MR. TYNES: Nothing.

6 MR. SCHUERING: Just for my own information,
7 are you an engineer?

8 MS. FIORINO: No. I'm not an engineer.

9 MR. SCHUERING: Okay. And that is not said
10 to diminish your comments at all. Okay. I just want
11 to get a sense of how you -- how and where you acquired
12 your information.

13 MS. FIORINO: I read a lot.

14 MR. SCHUERING: And that's a very good way
15 to learn things. I have told my kids that for years,
16 but you have no particular training or expertise in the
17 petroleum industry.

18 MS. FIORINO: No.

19 MR. SCHUERING: Okay. And -- and again,
20 that is not asked to diminish what you're saying.
21 Okay. I just I want to understand where people got
22 their information and how they came to understand it.
23 So if there's nothing further, I will dismiss you.
24 Mr. Smallhorn, anything else?

25 MR. SMALLHORN: This isn't a question. It's

1 just a clarification that her statement does contain
2 written citations to scholarly articles that for --

3 MR. SCHUERING: I'm not --

4 MR. SMALLHORN: I just want to note that for
5 the record.

6 MR. SCHUERING: And it is my intention to
7 make your written statement a part of the record if you
8 have no objection.

9 MS. FIORINO: I have no objections.

10 MR. SCHUERING: Gentlemen, do either of you
11 have an objection to this becoming what would be
12 Requestor's Exhibit 2?

13 MR. SUTHARD: No. No objection.

14 MR. SCHUERING: It's the text of her
15 statement with some additional citation in it.

16 MR. TYNES: No.

17 MR. SCHUERING: And you're welcome to
18 inspect it. All right. Without objection, this will
19 become Requestor's Exhibit Number 2. Thank you very
20 much.

21 MS. FIORINO: You're welcome.

22 MR. SCHUERING: Nice to have you here.
23 We've gone for an hour. Shall we charge on, gentlemen?

24 MR. SMALLHORN: Just give us one brief
25 moment. I believe our client has a brief statement

1 that it should be shorter than even the previous one.

2 MR. SCHUERING: That's fine. The floor is
3 still yours.

4 MR. SMALLHORN: And we'll follow the same
5 format with Ms. McKasson giving a brief statement.
6 Then we'll ask follow-up questions as necessary.

7 MR. SCHUERING: Just stay. You're fine.
8 Let's get a copy of it. Similar to Ms. Fiorino,
9 Ms. McKasson has indicated she would prefer not to have
10 video recording made.

11 MS. MCKASSON: This --

12 MR. SCHUERING: Just a moment. Let me get
13 everybody back in their chairs. Thank you for coming
14 this morning, but give us just a second. Did you have
15 a nice trip?

16 MS. MCKASSON: Yes, yes. Very nice.

17 MR. SCHUERING: I kind of heard about it
18 third-hand. I hope you had a lovely time.

19 MS. MCKASSON: I'm still recovering. I have
20 major jet lag. So hopefully I won't fall asleep during
21 my own presentation.

22 MR. SCHUERING: Gentlemen, are you ready to
23 proceed?

24 MR. SMALLHORN: Yes, your Honor.

25 MR. SCHUERING: All right. Ms. McKasson,

1 the floor is yours.

2 MS. MCKASSON: Thank you. This permit
3 application HVHFF number one is in actuality a test
4 case for IDNR and for the HFRA rules, which will show
5 us all whether or not IDNR is truly prepared to enforce
6 the rules for the High Volume Horizontal Hydro
7 Fracturing Act. Whether or not IDNR makes Woolsey meet
8 the standards of the regulations in its permit
9 application will be a signal to other companies on what
10 will in actuality be required of them. For that
11 reason, I am affected by this proposed well since a
12 HVHFF well could be proposed on property near my home
13 in southern Illinois.

14 In addition, I am in the earthquake zone for
15 effects from the Wabash fault and also the New Madrid
16 fault. According to geological studies, the Wabash
17 fault has become increasingly active for the last few
18 decades. I've experienced the affects of several
19 earthquakes in southern Illinois and have seen waves
20 coming from the east and moving through the earth on my
21 own property during an earthquake. A great increase in
22 earthquake frequency and value has been linked to both
23 the HVHFF process and the related waste disposal into
24 injection wells. This increase in earthquake activity
25 has been documented in Oklahoma, Arkansas, Ohio, and

1 other states.

2 Thus, I challenge the assertion of Woolsey
3 that I am not affective enough -- affected enough to
4 testify at this permit hearing.

5 I am especially concerned with the handling
6 of the flowback wastewater. Besides the estimated 7.5
7 million gallons of water Woolsey proposes to use, there
8 will be an unknown amount of produced water from
9 underground all laden with many fracking chemicals plus
10 the brine, heavy metals, and radioactive substances
11 from produced water. The Woolsey flowback containment
12 plan is not a coherent plan. The number or capacity of
13 tanks for the flowback water is not specified. Plus
14 the size and height of the earthen containment berms is
15 not -- is not specified. The number of trucks
16 available to transport the flowback waste to the
17 injection wells plus the frequency of removal of the
18 flowback is not specified. The estimate for the
19 flowback from the 7.5 million gallons of water is very
20 low compared to the average percentage given in studies
21 in other states. Woolsey is estimating that less than
22 three percent of the injection -- injected water will
23 flow back. Well, the state of Ohio estimates that 15
24 to 20 percent of the injected fluid will return as
25 flowback. This lack of preparedness by Woolsey is a

1 recipe for a spill of toxic liquid. This could easily
2 reach the nearby non-perennial streams and the ground
3 water system, which could in turn reach my property in
4 southern Illinois.

5 In the supplemental document number ten,
6 Woolsey has still not satisfied the requirement to
7 describe -- to describe testing procedures for the
8 flowback waste. Will Woolsey be testing flowback for
9 heavy metals and naturally occurring radioactive
10 materials? If so, how will they conduct the tests?
11 Since Woolsey has not specifically figured out how much
12 flowback they must prepare for and have grossly under
13 estimated the amount of flowback, it becomes even more
14 important for Woolsey to test for the content and
15 levels of potentially toxic liquid in the flowback.

16 Information deficiencies found in document
17 four, which is underground fresh water information, of
18 the first Woolsey permit application evidently have not
19 been corrected since there is no reference to document
20 four in Woolsey's supplemental application information
21 document. Thus, Woolsey has not submitted data from
22 the Illinois geological survey to show the termination
23 of the lowest -- lowest potential fresh water.
24 Therefore, Woolsey has failed to ensure that
25 underground fresh water will not be contaminated by

1 their proposed operations. The condition of the
2 underground water concerns me in that southern Illinois
3 is prone to drought conditions that can greatly deplete
4 reservoirs that are already stressed by high usage
5 leading to conditions that threaten quality and
6 quantity of southern Illinois water. I depend on a
7 reservoir for my water usage present, but we may have
8 to depend on ground water in the future especially in
9 the increasing extreme drought conditions that we have
10 been experiencing more frequently. For these reasons,
11 IDNR should deny this permit. That's all.

12 MR. SCHUERING: Thank you. Mr. Smallhorn.

13 MR. SMALLHORN: Just very briefly one or two
14 questions. Ms. McKasson, could you please tell us what
15 town you live in?

16 MS. MCKASSON: I live in Carbondale,
17 Illinois. We also still have a house in Makanda,
18 Illinois.

19 MR. SMALLHORN: And about what distance
20 would you estimate you are from the proposed Woolsey
21 site?

22 MS. MCKASSON: I think it's about 50 to 60
23 miles.

24 MR. SMALLHORN: And did you feel that 2008
25 earthquake that was discussed earlier by Ms. Fiorino?

1 MS. MCKASSON: Yes. I did.

2 MR. SMALLHORN: I think we'll rest on that.

3 MR. SCHUERING: All right. Mr. Suthard?

4 MR. SUTHARD: I have nothing, your Honor.

5 MR. SCHUERING: Mr. Tynes?

6 MR. TYNES: No questions.

7 MR. SCHUERING: Okay. I want to ask a
8 couple of the same questions that I asked Ms. Fiorino.
9 First, I presume you're not an engineer of any kind and
10 not involved in the petroleum industry in any way.

11 MS. MCKASSON: No. I'm not.

12 MR. SCHUERING: Okay. Your estimates that
13 you used, for example, with respect to the percentages
14 of flowback just generally can you tell me where you
15 obtained your information?

16 MS. MCKASSON: Well, I have been following
17 this for quite a while and been reading many different
18 articles.

19 MR. SCHUERING: Okay. Okay.

20 MS. MCKASSON: Also I, you know, have been
21 in contact with various groups that have been working
22 on the fracking issue including NRDC.

23 MR. SCHUERING: Okay. So you're not relying
24 on any single source, scholarly treatise, textbook.

25 MS. MCKASSON: No.

1 MR. SCHUERING: Okay. All right. So your
2 statement -- and again, I'm not picking at anyone's
3 statement. I'm just trying to understand how they came
4 together. Your statement is kind of the summary of the
5 information that you've learned applied to this permit;
6 is that correct?

7 MS. MCKESSON: Yes.

8 MR. SCHUERING: Okay.

9 MS. MCKESSON: It's not --

10 MR. SCHUERING: That's fine.

11 MS. MCKESSON: It's not all inclusive. I
12 could've said more if I hadn't been in jet lag mode.

13 MR. SCHUERING: I understand and that's
14 fine. Mr. Smallhorn, do you have anything to add?

15 MR. SMALLHORN: Yeah. If I could just ask
16 one follow-up question, did -- did you -- you said that
17 you've been in contact with various groups regarding --
18 regarding this. Could you -- one of those groups you
19 said was the NRDC.

20 MS. MCKESSON: That's correct. The NRDC as
21 I understand it has employed some experts in
22 engineering challenging hydrology, and so I, you know,
23 I figured it was to my benefit to read what they had
24 found from these experts.

25 MR. SMALLHORN: Did you -- did you review

1 the comment that NRDC submitted as part of the public
2 comments in this matter?

3 MS. MCKESSON: Yes. I did.

4 MR. SMALLHORN: All right. And just for
5 identification purposes, can I see the Requestor's
6 Exhibit 1? Could you please review this document
7 that's marked as Requestor's Exhibit 1.

8 MS. MCKESSON: Yes.

9 MR. SMALLHORN: Are you familiar with this
10 document?

11 MS. MCKESSON: Yes. In fact, I have a copy
12 of it myself.

13 MR. SMALLHORN: All right. And what --
14 could you identify what that document is.

15 MS. MCKESSON: That is comments of the
16 Natural Resources Defense Counsel on the Woolsey
17 Operating Company, LLC Woodrow HVHFF permit application
18 as supplemented.

19 MR. SMALLHORN: All right. And did you rely
20 on any of the comments that are contained in that
21 document for the preparation of your statement in
22 anyway?

23 MS. MCKESSON: Yes. I did.

24 MR. SMALLHORN: All right. I have nothing
25 further.

1 MR. SCHUERING: Okay. Mr. Suthard?

2 MR. SUTHARD: Nothing further, your Honor.

3 MR. SCHUERING: Mr. Tynes?

4 MR. TYNES: Nothing further.

5 MR. SCHUERING: Okay. Do you have anything
6 else for Ms. McKasson?

7 MR. SMALLHORN: We don't, your Honor.

8 MR. SCHUERING: All right.

9 MS. MCKESSON: So I have a question.

10 MR. SCHUERING: Sure.

11 MS. MCKESSON: To Mrs. Weaver you said that
12 she had until tomorrow at 5 to submit anymore.

13 MR. SCHUERING: Yes.

14 MS. MCKESSON: Do I have that same?

15 MR. SCHUERING: Absolutely. The evidence --
16 the evidence of this hearing generally -- and I'll go
17 over this at the end again, but I knew she'd be
18 leaving. The -- the evidence will be open until 5
19 tomorrow for additional submissions. I know you
20 communicate by e-mail.

21 MS. MCKESSON: Right.

22 MR. SCHUERING: I will give you my e-mail --
23 well, why don't you do this. If you have something
24 else to submit, get it to Mr. Mastrangelo or
25 Mr. Smallhorn, and they'll make sure that it gets to

1 all the right places.

2 MS. MCKESSON: Okay. Thank you.

3 MR. SCHUERING: Okay. Thank you for coming,
4 and thank you for testifying.

5 MS. MCKESSON: Okay.

6 MR. SCHUERING: All right. Do you have any
7 additional witnesses, Mr. Smallhorn?

8 MR. SMALLHORN: Your Honor, Mr. Walker is
9 unable to attend the hearing today. So we don't have
10 any additional witnesses.

11 MR. SCHUERING: Okay. Even though it would
12 all be hearsay, do you wish to make a statement on his
13 behalf?

14 MR. SMALLHORN: I believe we'll rest on the
15 written -- the request for hearing that he submitted.

16 MR. SCHUERING: All right. Okay. Do you
17 have any further witnesses to present?

18 MR. SMALLHORN: We do not.

19 MR. SCHUERING: All right. We're going to
20 take a recess until 11:30 at which time we're going to
21 go around the table and see if anyone has anything else
22 they want to put in the record or if they want to make
23 closing statements or present any other material
24 particularly the Department, and the applicant can
25 consider whether they want to submit anything. And if

1 not, we'll do closing statements and wrap things up and
2 see where we go from there. So we're in recess until
3 11:30.

4 (Break was taken.)

5 MR. SCHUERING: All right. We are back on
6 the record in the public hearing in the matter of the
7 application of Woolsey Operating Company, LLC in
8 connection with its permit application to conduct
9 horizontal hydraulic fracturing in White County.
10 Mr. Mastrangelo, I think you have a motion.

11 MR. MASTRANGELO: About the --

12 MR. SCHUERING: McKasson.

13 MR. MASTRANGELO: Yes. The attorneys for
14 Ms. McKasson would ask that her statement be admitted
15 into evidence.

16 MR. SCHUERING: Okay. Mr. Suthard, any
17 objection?

18 MR. SUTHARD: No objection.

19 MR. SCHUERING: Mr. Tynes?

20 MR. TYNES: This is the statement that we
21 she read?

22 MR. SCHUERING: This is the printed
23 statement that she read. They did not move its
24 admission at the time.

25 MR. TYNES: Yeah. No objections.

1 MR. SMALLHORN: It'll be marked as
2 Requestor's Exhibit 3.

3 MR. SCHUERING: Requestor's Exhibit 3. All
4 right. Requestor's Exhibit 3 will be admitted into the
5 record without objection. Now, do you have any
6 additional evidence to present, Mr. Smallhorn?

7 MR. SMALLHORN: Well, we also would ask that
8 the court take judicial notice of the deficiency
9 letter --

10 MR. SCHUERING: Okay.

11 MR. SMALLHORN: -- that has been issued by
12 the Department of Natural Resources and that the court
13 also take judicial notice of the -- of the request for
14 hearing, which were submitted by Ms. McKasson and Ms.
15 Fiorino, and that they be made part of the record by
16 this -- by your notice.

17 MR. SCHUERING: I think that they are part
18 of the record already. I understand your point,
19 though. With respect to evidence, I am going to keep
20 this hearing open for the purpose of submission of
21 evidence until 5 p.m. tomorrow for any of the attorneys
22 to submit additional documentation. It can be tendered
23 to me by e-mail as we've done with other items.

24 If there are objections to any of the
25 material that is submitted, then we'll schedule a

1 post-hearing conference call to hear those objections
2 and determine those, but since you're specifically
3 asking about the deficiency letter, I think I'll just
4 take care of it right now. Mr. Tynes, do you have an
5 issue with the deficiency letter issued to Woolsey
6 being a part of the record of this public hearing?

7 MR. TYNES: No.

8 MR. SCHUERING: Okay. Mr. Suthard?

9 MR. SUTHARD: No, your Honor.

10 MR. SCHUERING: All right. So you provide
11 the deficiency letter copies to all parties that you
12 believe should be made part of the record, and given
13 the fact that there's no objection, I will enter it as
14 part of the record. It will be Requestor's Exhibit
15 Number --

16 MR. SMALLHORN: Wouldn't it be more
17 appropriate for the Department to provide a copy of its
18 correspondence?

19 MR. SCHUERING: Can you do that?

20 MR. SUTHARD: I can do that, your Honor,
21 yes.

22 MR. SCHUERING: All right. The Department
23 will provide a copy to all of the attorneys and to me,
24 and that will become Requestor's Exhibit Number 4.

25 MR. SMALLHORN: And if we also could in that

1 vein ask the file stamped received copies of the
2 request be submitted as well. I know you said you
3 think they're a part of the record but...

4 MR. SCHUERING: They are attached to my two
5 determinations.

6 MR. MASTRANGELO: Are those in your -- in
7 what you've presented today as exhibit?

8 MR. SCHUERING: The hearing request.

9 MR. SUTHARD: No, no. They're not as they
10 were a precursor to actually having this hearing, and
11 his honor included them in his determination.

12 MR. MASTRANGELO: Are the determination
13 letters in what you've --

14 MR. SCHUERING: They are part of -- my
15 determinations with respect to the hearing request
16 granted or denied, okay, will be a part of the record
17 of the hearing.

18 MR. SMALLHORN: Yeah. I think that's the
19 issue.

20 MR. SCHUERING: Okay. And I think I have
21 file stamped copies of all of them so. Anything else,
22 gentlemen?

23 MR. SMALLHORN: Nothing.

24 MR. SCHUERING: From the requestors, slash,
25 participants any further witnesses? Testimony? All

1 right. I will give each party an opportunity to make
2 closing remarks. Representing the requestor, slash,
3 petitioner, would you like to go first or last?

4 MR. MASTRANGELO: Last.

5 MR. SCHUERING: Last. All right. Then
6 we'll start with Mr. Suthard if you have any closing
7 remarks, sir.

8 MR. SUTHARD: Thank you. Just briefly, I
9 would just like -- the Department would like to thank
10 everybody for showing up today. Really. I mean, this
11 is -- as one of the requestor's pointed out, this is
12 the first time in the state of Illinois that this has
13 happened. All right. So we'd like to thank you
14 everybody for showing up and participating and becoming
15 a part of this. Your input is very important to the
16 Department, and we take it very seriously. And I'd
17 like to thank you, everybody, for, you know, really
18 complying with the hearing officer and, you know,
19 making this very easy and making it a productive
20 matter. And so going forward hopefully that not only
21 is this a test case but this will be a model for how we
22 proceed in Illinois.

23 And on that -- on that point that we do take
24 everybody's input very seriously, we are opening up an
25 additional comment period beginning at 8:30 a.m. on

1 Friday morning, and we are allowed by statute to do
2 this. But this comment period is solely for the
3 benefit of responding to anything that was presented
4 here today. So in other words, it's, you know, it's
5 not an opportunity to open up additional evidence.
6 It's an opportunity for people who have been here and
7 listened to respond to anything that was testified at
8 today, and that additional comment period will go on
9 for 15 days and will be shut down at 15 days after
10 that. But that is by statute, and so starting at 8:30
11 on Friday morning, we will open up that comment period.
12 And it will be -- we'll post it on the Department's
13 website, but it'll be the same public comment e-mail
14 address. And all comments have to be in writing.
15 There will be no additional public hearings on this
16 matter. So thank you again.

17 MR. SCHUERING: Anything else, Mr. Suthard?

18 MR. SUTHARD: No. That's it, your Honor.

19 MR. SCHUERING: Mr. Tynes.

20 MR. TYNES: I'm going to try not to use that
21 microphone. Just briefly, we would -- Woolsey would
22 echo the Department's sentiments about thanking
23 everybody for their participation. We recognize this
24 as an important and necessary part of the permitting
25 process, and we appreciate the participation and

1 concerns raised today by Ms. McKasson, Mrs. Weaver, and
2 Ms. Fiorino. You know, after years of debate and
3 negotiations amongst legislators, regulators,
4 representatives of the industry, and also environmental
5 groups, we have what is considered to be by all of
6 those -- by all of those folks as one of the most
7 comprehensive, if not the most comprehensive, statutory
8 and regulatory scheme for this particular process.

9 Woolsey has invested an immense amount of
10 time and effort to ensure that the application they
11 have filed as now supplemented fits within the
12 parameters of that statutory and regulatory scheme, and
13 we believe that we're within those parameters as we
14 speak. However, that being said, the purpose of this
15 hearing was to allow folks who had demonstrated that
16 they have an interest that may or may -- may be
17 adversely affected by the proposed project and who
18 properly requested to participate in the hearing either
19 through a hearing request or through a petition to
20 participate to have this forum to voice their concerns
21 and have a record of those concerns made and made a
22 part of the Department's ultimate determination on this
23 application.

24 With that being said, anything that the
25 Department now wants to hear from Woolsey on we will be

1 happy to address. This is not the time or place for us
2 to directly respond to any specific concern. Again,
3 we're happy to be here. We recognize this as being an
4 important and necessary part of the process, and we
5 thank you again.

6 MR. SCHUERING: Mr. Mastrangelo.

7 MR. MASTRANGELO: Thank you, your Honor. My
8 voice isn't so saturant. So I'm going to stand up by
9 the microphone, and hopefully everyone can hear me.
10 But, yes, I would like to thank everyone as well. I
11 know several people drove quite a distance to get
12 here -- Department employees from Springfield, and
13 thanks to the court reporter and Department employees.
14 Thanks to everyone in the audience who's come and
15 showed an interest. I want to thank the Department for
16 organizing the process. As we've heard, this is the
17 first time a fracking permit has been applied for. So
18 there was new ground to break, and, you know, they've
19 had to manage a lot of documents correspondence. So
20 thanks to the Department.

21 Thanks to the owner of the building. I
22 don't know how they arranged this, but I think this
23 worked out pretty well.

24 You know, to the merits of the fracking
25 application, you know, I do -- I will not agree with

1 Mr. Tynes' characterization that it was -- these are
2 the strictest regulations in the country. I understand
3 some people believe that, but, you know, I've looked at
4 them often enough now and tried to educate myself from
5 other sources. And I do believe there are flaws in it,
6 but even more importantly I believe that the
7 Department's regulations have not been satisfied by the
8 application. And the Department's deficiency letter
9 actually mentioned several deficiencies, and I don't
10 believe those have been satisfied yet. There have been
11 many public comments that the Department is -- is
12 required to consider, and so I'm hoping that the
13 Department will make a thorough evaluation of the
14 process. And I consider -- considering those public
15 comments and evidence at this will hearing, the
16 evidence that will be presented in the next 24 hours or
17 so, and then the public comments that are submitted in
18 response, and I do urge the hearing officer to
19 recommend that the application be denied in its present
20 form. And that's it.

21 MR. SCHUERING: All right. Well, I would
22 like to echo the comments of all of the attorneys here.
23 The folks of White County have been incredibly
24 welcoming. Mr. Heidinger and I made our first trip
25 down here about two months ago to take a look at this

1 venue for this public hearing. Everyone here has been
2 wonderful in assisting us to do what is a difficult
3 task. I recognize that there are many different points
4 of view with respect to this issue that take a lot of
5 different forms. I commend the people who testified
6 today because they were able to explain their concerns
7 from their point of view without being an engineer or a
8 lawyer or involved in the petroleum industry. Your
9 testimony is exactly what this public hearing process
10 was designed to do. There are lots of lawyers who look
11 at this application. There are lots of engineers who
12 look at it. There are lots of people who look at it
13 from a regulatory, geologic, engineering, legal policy
14 point of view. They try to apply pages and pages of
15 regulations to a permit that is the first in Illinois,
16 is the first test of the regulations, is the first test
17 of the act.

18 I will have no trouble reporting to the
19 director that this process does exactly what it is
20 intended to do. It invites citizens who have
21 particular concerns to express those concerns in a way
22 that makes sure that those concerns get straight to the
23 decision-maker's desk. I am confident from my dealings
24 with the Department on this that this transcript and my
25 report will not be something that somebody throws in a

1 file drawer that it gathers dust. They will look at
2 your concerns, but as all of you recognize, there are a
3 lot of competing interests here. There are a lot of
4 unknown facts with respect to the geology and the --
5 and from the point of view of the requestors the safety
6 and efficacy of the system. From the point of the
7 applicant they have a different view, and fortunately
8 I'm not the person that has to sort all that out and
9 make that decision. I'm not sure anybody sitting up
10 here wants to do that frankly, but somebody does have
11 to decide at the end of the day.

12 So thank you all for your participation.
13 You have made this unbelievably easy for all of us, and
14 again, I want to thank the White County Sheriff, the
15 conservation police, the staff at DNR, all of you, and
16 I'm going to go around the table once more. This is
17 your very last word, Mr. Mastrangelo. Anything else?

18 MR. MASTRANGELO: No.

19 MR. SCHUERING: All right. Mr. Suthard?

20 MR. SUTHARD: No.

21 MR. SCHUERING: Mr. Tynes?

22 MR. TYNES: No.

23 MR. SCHUERING: All right. All of that
24 being said, we will adjourn the public hearing at 11:53
25 a.m. subject to the submission of additional evidence

1 by the lawyers on or before 5 p.m. tomorrow. Thank you
2 all for coming.

3 (Wherein, the public hearing was
4 adjourned at 11:53 a.m.)

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CERTIFICATE OF REPORTER

I, JOANNA CHARLTON, RPR, CCR(MO), CSR(IL),
the officer before whom the foregoing public hearing
was taken, do hereby certify that foregoing public
hearing was taken by me to the best of my ability and
thereafter reduced to typewriting under my direction;
that I am neither counsel for, related to, nor employed
by any of the parties to the action in which this
public hearing was taken, and further that I am not a
relative or employee of any attorney or counsel
employed by the parties thereto, nor financially or
otherwise interested in the outcome of the action.

JOANNA CHARLTON,
RPR, CCR(MO), CSR(IL)

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