**Is it “Our” DEP?**

Today on Earth Day we, a coalition of grassroots groups and concerned citizens who reside in the area covered by the Northwest Regional Office of the Department of Environmental Protection (DEP), have gathered to ask the question: “who does the DEP serve?”

The DEP mission statement says it “...is to protect Pennsylvania's air, land and water from pollution and to provide for the health and safety of its citizens through a cleaner environment. We will work as partners with individuals, organizations, governments and businesses to prevent pollution and restore our natural resources.”

This mission conforms to Article 1, Section 27 of the Pennsylvania Constitution which provides:

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and aesthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

But, under the Corbett administration as well as prior Pennsylvania administrations, in practice the DEP puts promotion protection of extraction industries ahead of protection of the environment and the health, wellbeing and rights of the people. In fact, Michael Krancer, Corbett’s DEP Secretary who recently stepped down boldly stated: “At the end of the day, my job is to make sure gas is done and gas is done right.”1 Dismissing the question of what getting it done “right” means for whom, that was not his job. However, his earnestness in getting gas done was apparent soon after he became head of the DEP when as one of his first acts was, without public notice, to require his personal approval before any environmental violation could be issued with respect to Marcellus Shale drilling.Not unsurprisingly, the cry of political interference with the judgment of professionals on the ground, Krancer was forced to walk it back, but a chill had descended over DEP’s role as watchdog.2 Later that year and again without public notice, he removed decision making about when property owners should be notified of water well contamination related to Marcellus Shale operations from field offices and transferred it to Harrisburg.3 Upon stepping down from the DEP, Krancer returned to his former firm, Blank Rome, which has a lobbying arm and a Shale Oil and Gas Development practice representing major oil and gas companies fighting environmental regulations.4 Krancer had also been a former attorney for Exelon Energy.

Michael Krancer is an example of “the revolving door trend” found in a report by Public Accountability Initiative of the ties of the natural gas industry to public officials and regulators of Pennsylvania.The report tells that every governor has had ties to the natural gas industry, as well as 45 other current or former state officials, including 28 who have left to take industry jobs, and 20 DEP employees.5 How has this ‘revolving door trend’ served the people of Pennsylvania?

Not well. PennEnvironment Research and Policy Center’s report “Risky Business: An Analysis of Marcellus Shale Gas Drilling Violations in Pennsylvania 2008-2011” conservatively identified 3,355 violations of environmental laws by Marcellus Shale gas drillers between January 1, 2008 and December 31, 2011, of which 2,392 were likely direct environmental threats as opposed to administrative violations.6 These violations demonstrate an industry unconcerned about its impact on Pennsylvania’s environment and communities. Yet the DEP is guided by industry insiders who think their mandate is to expedite the drilling. Even more telling is the revelation that not only is the DEP adequately testing the water of residents who complain of contamination, they haven’t been disclosing all the results.

Late last year, the DEP came under fire when court documents showed that in its testing of drinking water, it was not reporting all findings to homeowners.

Sworn depositions of two high-ranking DEP officials also brought to light the agency’s use of so called "suite codes" in its testing of residential drinking water. “Suite codes” refer to options field inspectors have in requesting water tests after a resident has filed a complaint about their drinking water.

The following summarizes the different water tests available, the number of chemicals tested and the number of times these tests were used by field inspectors.

* Suite 942 ( 1991 ) tests 14 chemicals; 2011-12 used 300 times;
* Suite 946 (2008) 24 chemicals; used 210 times; yet DEP only reported 8 chemicals to residents
* Suite 944 (2010) Marcellus inorganic survey - 45 chemicals; never used

DEP developed suite code 944 to fully analyze for impacts of Marcellus shale, and not only did they never use it, they never even told anyone it existed.7

References

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