

## **For Immediate Release**

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### Contacts:

Maya K. van Rossum, the Delaware Riverkeeper, 215 - 369 - 1188 ext 102 (rings office & cell)

Connie Fleeger, Save Lake Arthur Watershed, 724 - 841-1713

Jordan Yeager, Legal Counsel, 267 - 898 - 0570

## **Needed Wellsite Permit Cancelled In Wake of Legal Challenge**

*Franklin Township, Butler County, PA:* The Department of Environment Protection has cancelled a needed permit for a proposed Marcellus Shale drilling site in the Lake Arthur Watershed. In response to a legal challenge brought by the Delaware Riverkeeper Network and residents of Franklin Township, Butler County, XTO Energy has withdrawn its application for an Erosion & Sediment permit and DEP has cancelled the permit approval given for a Marcellus well drilling site located approximately one mile from the boundaries of Moraine State Park, and that would drain, in part, into waters designated by law as high quality.

Specifically, the proposed wellsite would be located in two watersheds, one of which is designated as a special protection watershed:

- ➔ The site would drain into the Shannon Run (HQ-CWF) watershed, which feeds into Lake Arthur in Moraine State Park.
- ➔ The other watershed (Mulligan Run) is designated as a CWF and feeds the Connoquenessing Creek.

“The Delaware Riverkeeper Network and concerned residents in Franklin Township brought our legal challenge to protect the Lake Arthur watershed and its communities from the damage that would inevitably result from the proposed shale gas drilling site and also

because we were concerned about the dangerous precedent this project would set regarding DEP well site approvals. Unfortunately once again DEP failed to protect our communities and environment when it failed to assess the risk of surface and groundwater contamination prior to issuing its approvals for the XTO project. In so doing, DEP violated its public trust obligations under Article I, Section 27 and issued approvals for the XTO well site that violated our constitutionally protected rights to clean air, pure water, and the preservation of, among other values, the natural, scenic, and esthetic values of our environment,” said Maya van Rossum, the Delaware Riverkeeper.

“This makes me wonder how many dangerous permits are being approved every day by the DEP,” said Connie Fleeger, of SLAW. “If we hadn’t appealed, XTO would be preparing to drill. They had every intention of endangering Lake Arthur and Moraine State Park with the blessings of our local and state governments. Pennsylvanians need to join together and stand up for themselves because no one else is going to do it for them. They can feel powerless and do nothing, or they can fight. We choose the latter.”

Jordan Yeager, an attorney for Delaware Riverkeeper Network and the residents, said, “This victory demonstrates, once again, that when residents are organized, they can hold DEP accountable, and they can protect their communities.”

The appeal challenged the well permit and Erosion and Sediment Control (E&S) permits DEP issued, asserting that the review of XTO’s antidegradation and thermal impacts analyses were deficient; the wellsite would be located less than 1000 feet from private water wells; that DEP failed to assess the risk of surface and groundwater contamination prior to issuing the approvals; that DEP violated its public trust obligations under Article I, Section 27 by issuing the approvals without considering the short-term, long-term, and cumulative impacts of the wellsite development on the local watersheds, Moraine State Park and Lake Arthur, and local air quality.

As parties were preparing for a hearing on a petition seeking supersedeas to prevent the project from moving forward while the

larger legal action was pursued, XTO withdrew its E&S permit application, and DEP cancelled its approval of XTO's E&S permit. As a result, XTO cannot move forward with its development of this wellsite.

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Karen Appleby  
Administrative Assistant  
**Delaware Riverkeeper Network**  
925 Canal Street, Suite 3701  
Bristol, PA 19007  
*Main* (215) 369-1188 x 105  
*Fax* (215) 369-1181  
[www.delawariverkeeper.org](http://www.delawariverkeeper.org)

<Notice of Appeal - faxed to EHB 7-28-14 (4)[1].pdf>  
<PR XTO Save Arthur Lake win.pdf>