



**TESTIMONY BY
THE PENNSYLVANIA STATE ASSOCIATION OF
TOWNSHIP SUPERVISORS**

**BEFORE THE
HOUSE LOCAL GOVERNMENT COMMITTEE**

**Public hearing on prohibition on road spreading of oil and gas wastewater
HB 2384.**

**PRESENTED BY
Jack Lee, Supervisor Summit Township, Erie County**

**June 10, 2024
HARRISBURG, PA**

4855 Woodland Drive Enola, PA 17025-1291 Internet: www.psats.org

PSATS Pennsylvania Township News Telephone: (717) 763-0930 Fax: (717) 763-9732

Trustees Insurance Fund Unemployment Compensation Group Trust Telephone: (800) 382-1268 Fax: (717) 730-0209

Good afternoon, Chairman Vitali, Chairman Causer, and members of the House Environmental Resources and Energy Committee. My name is Jack Lee, I am a supervisor from Summit Township, Erie County, and a member of the PSATS Resolutions Committee. Thank you for letting me present remarks on behalf of the 1,454 townships of the second class represented by PSATS.

PSATS as you know, is a nonprofit, nonpartisan organization committed to preserving and strengthening township government and securing greater visibility and involvement for townships in the state and federal political arenas. Townships of the second class cover 95% of Pennsylvania's land mass and represent more residents — 5.7 million Pennsylvanians — than any other type of municipality in the commonwealth.

My township, Summit Township is in central Erie County and is a little over 24 square miles on a ridgeline that separates the Erie watershed and the Ohio river basin. We have approximately 7,500 residents that my fellow supervisors and I represent. We enjoy a nice

suburban and rural mix that has attracted our residents and where I have made my home.

In our region, and in rural municipalities across the state, it's common to have unpaved, low volume roads, roads made of dirt, gravel and clay. In fact, 17,500 miles of these dirt and gravel low volume roads are the responsibility of municipalities, most of which are townships.

Altogether, including the municipal roads, Pennsylvania has roughly 25,000 miles of these unpaved roads that provide access to our agricultural, residential, commercial, industrial and recreational assets of our Commonwealth.

I have spoken to many Supervisor colleagues in my neighboring townships and across Pennsylvania who share these sentiments, in fact a resolution was passed by the general membership of PSATS at our Conference in Hershey to petition Harrisburg to allow the use of conventional well brine for road maintenance again.

And I stress *conventional wells*, meaning shallow wells, to make clear that this is not residual from fracking modern Marcellus or Utica wells.

We are charged with ensuring safe passage of these roads in our township. A charge we take very seriously. The Center for Rural Pennsylvania recently cited a PennDOT study that said that on average a fatal crash occurs every 21 hours in rural Pennsylvania. In 2023 that equated to 420 crashes and the lives of 1,318 people. Very serious indeed.

Before 2018, we used brine from conventional gas wells to stabilize dirt and gravel roads and prevent airborne dust distribution. This dust creates a visibility hazard as well as a health hazard to anyone close by that may breathe it in. Once a township is notified about such a hazard, we have 24 hours to rectify that hazard. We did so using the previously approved methods and regulations created by the Pennsylvania Department of Environmental Protection to safely use this brine such as avoiding areas near streams, not applying before predicted rainfall, not over applying etc. This was an economical and easily accessible way for rural townships to mitigate these issues. Our options now are expensive petroleum emulsions, synthetic fluids, acrylic solutions, recycled steel slag and several other options. The petroleum

and synthetic by-products have other challenges already highlighted by environmental advocates. In all there are 8 approved products, and their cost far exceeds the brine from conventional wells. Rural townships simply do not have the resources to afford such products and these costs approach the cost of tar and chipping the roads.

Liquid fuels distributions simply do not cover these expenses adequately.

The state provides some funding, \$35 million, from the Motor License Fund (seven million of which is given directly to DCNR's Bureau of Forestry) the rest goes to the county conservation districts and up to 8 million can be used for low volume road maintenance. For a state as large and vast as Pennsylvania, this is simply a drop in the bucket.

Liquid fuels funding is declining because of more efficient gas-powered vehicles and the expanding growth of non-paying subsidized Electric vehicles. The amount of liquid fuels funds allocated to each municipality is based on the census population and total municipal road mileage. The amount allocated to each county is based upon the

county's average gas consumption over a set historical period. This hurts lower populated counties which will have many of these roads.

Section 9106 of the PA Motor Vehicle Code (§9106), the Dirt and Gravel Road Maintenance Program is based on the principle that informed and empowered local control is the most effective way to stop pollution from dirt and gravel roads.

We are the stewards of our lands and waterways, this is where we live, work, play, and raise our families.

We take this responsibility as seriously as we take our safety responsibilities. As elected leaders, we also have a duty to be fiscally responsible to our shared tax paying constituents. Rural areas simply cannot bear these costs alone. We look forward to addressing this issue and hopefully receiving increased funding to make more affordable options like conventional well brine available immediately to our townships to help protect our rivers and streams.

Again, I appreciate the opportunity to address this committee today. I understand you will be voting on HB 2384 which would permanently ban the use of conventional **AND** non-conventional gas

wells. I speak to you today only about conventional gas wells. As you vote tomorrow, I ask you to remember that townships have many responsibilities including safety of roads, as well as health and safety of residents.

It's our hope that you support the use of conventional well brine for dust suppression on dirt roads as it is effective and affordable.

Thank you for listening and I am available to try and answer any questions you may have.