

Hawbaker Hearing Transcript

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1 APPLICATION FOR CONDITIONAL USE PERMIT

2 TOWNSHIP OF WYALUSING PUBLIC HEARING

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5 Held on: December 1, 2010

6 Held at: Wyalusing Township Municipal Building,

7 Route 6, Wyalusing, Pennsylvania;

8 commencing at 5:00 p.m., concluded at

9 7:15 p.m.

10 APPEARANCES:

11 IN RE: GLENN O. HAWBAKER, INC.
12 Three-facility contractor's yard

13 RUSSELL MARKS, FLUIDS MANAGEMENT
14 ROBERT G. KUNZEL, MORETRENCH
15 CARL V. BANKERT, P.E., HAWBAKER

16 WYALUSING TOWN SUPERVISORS:

17 MARVIN METEER
18 LANNY STETHERS
19 ARTHUR ALLYN

20 MAXINE METEER, Secretary for Township

21

22 LESLIE WIZELMAN, CELA
23 106 Second Street, P.O. Box 114
24 Wyalusing, Pennsylvania 18853
Solicitor for Township

25

26 REPORTED BY: MYRA J. LUDDEN, Hearing Reporter

27

58 1/2 Main Street, Almond, New York 14804

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BY MR. METEER: Good evening,

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everybody. We had advertised the hearing

3 Hawbaker Hearing Transcript
4 to begin at 5:00. So being a couple
5 minutes after, I'm going to call this
6 meeting to order. I want to begin by
7 introducing our Township officials. To my
8 far right is Art Allyn, supervisor. My
9 immediate right is Lanny Stethers,
10 supervisor. My name is Marvin Meteer. Our
11 solicitor is Leslie Wizelman. Our
12 stenographer for tonight is Myra Ludden.
13 And our secretary is over here having
14 people sign in.

15 The purpose of this evening's
16 hearing is to hear testimony on the
17 conditional use application submitted by
18 Hawbakers. In this application they
19 propose an asphalt plant, a groundwater
20 treatment facility and a facility to
21 manufacture synthetic drilling mud. This
22 is on property which has become known as
23 the Brown site located in Brown Town on the
24 east side of Wyalusing.

 Action on the application by the

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1 Board of Supervisors must be rendered
2 within 45 days after the conclusion of the
3 hearing. To make sure that there is no
4 confusion among those in attendance here
5 tonight, this hearing is being held in
6 front of the Board of Supervisors in
7 accordance with the Pennsylvania

8 Hawbaker Hearing Transcript
Municipality's Planning Code and the
9 Wyalusing Township Zoning Ordinance.

10 Appropriate notice of this
11 hearing has been given by the appropriate
12 advertisement and a complete record of
13 tonight's proceedings will be recorded, as
14 I've already mentioned, by the
15 stenographer. So before we begin, let me
16 just explain something about the procedure.

17 The applicant or the applicants'
18 representatives will be asked to present
19 its proposed use for the conditional use.
20 The stenographer will swear in each person
21 who is recognized to make a presentation or
22 to make a public comment. Witnesses for
23 the party involved will be asked to take a
24 chair here in the front. And during or at

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1 the conclusion of the witnesses testimony,
2 the supervisors, of course, may propose
3 questions of that witness or the applicant.

4 If there are any persons here
5 tonight that may want to speak in support
6 of or in opposition to the proposed use,
7 those persons must be recognized as a party
8 to the application. In a moment, I will
9 ask if there are any persons here who want
10 to be recognized as a party to this
11 application.

12 After the applicants' initial

13 presentation, any other person, persons or
14 groups of persons who have stated their
15 desire to be a party to the application may
16 cross examine the applicant or any
17 witnesses for the applicant. The witness
18 will then be excused and the applicant may
19 continue their presentation. The applicant
20 will announce when the presentation is
21 completed, at which time any other
22 previously recognized party or a
23 representative may then present its
24 position in the same manor as already

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1 described.

2 If there is anyone here who may
3 have a question but prefers not to speak,
4 you may write that question on a piece of
5 paper and give it to our secretary who will
6 read those questions after the applicants'
7 initial presentations. As a matter of
8 courtesy to everyone here tonight and for a
9 record of tonight's proceedings, witnesses
10 and all persons speaking must announce
11 their names and the association with the
12 applicant or your interest in the
13 application.

14 Now I mentioned a few moments ago
15 that anyone wishing to make a public
16 comment either in favor of or in opposition
17 to this must be recognized as a party to

18 the application. So now I ask, is there
19 anyone here who wished to be a party to
20 this application? And if you would state
21 your name -- what else do they need?
22 (Directed to the solicitor)

23 BY MS. WIZELMAN: That's it, just
24 state their name.

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1 BY PUBLIC SPEAKER: May I ask a
2 question?

3 BY MR. METEER: Sure.

4 BY PUBLIC SPEAKER: I would like to
5 make a statement about the application. Is
6 this the appropriate time -- (interrupted)

7 BY MS. WIZELMAN: This is the
8 appropriate time for you to identify
9 yourself and then -- as a party and then we
10 can -- then you'll have an opportunity
11 later to make a statement.

12 BY PUBLIC SPEAKER: Okay. Then I'll
13 state my name.

14 BY MS. WIZELMAN: Yes.

15 BY PUBLIC SPEAKER: Trudy -- or
16 actually legal name is Gertrude Gerlach,
17 G-E-R-L-A-C-H.

18 BY MR. METEER: Was there somebody
19 else?

20 BY PUBLIC SPEAKER: Patricia Keiber,
21 K-E-I-B-E-R.

22 BY PUBLIC SPEAKER: Carol French and

Hawbaker Hearing Transcript
Carolyn Knapp, K-N-A-P-P.

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BY PUBLIC SPEAKER: Diane Sigmond.

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BY MR. METEER: Diane?

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BY PUBLIC SPEAKER: Diane Sigmond.

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BY MR. METEER: Yes?

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BY PUBLIC SPEAKER: Diane Ward.

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BY PUBLIC SPEAKER: David Buck.

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BY PUBLIC SPEAKER: Dan Nadd. Daniel

7

Nadd, N-A-D-D.

8

BY MR. METEER: Are there any others?

9

Okay. During the past several weeks, this

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application has been reviewed by the

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wyalusing Township Planning Commission, as

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well as the Bradford County Planning

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Commission. Prior to the presentation

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because this has already been reviewed by

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the Planning Commission, I will read their

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letter of recommendation.

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At the October 6th, 2010 meeting

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of the wyalusing Township Planning

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Commission, request was reviewed for a

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conditional use hearing from G.O. Hawbaker,

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Incorporated for 4.0.3 Paragraph D of the

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contractor's yard and 4.0.3D Section 9

23

Natural Resource Processing. The parcel

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for the request is Parcel Number 61-115.02

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-- well, not a dash, 115.02-004, located
Page 6

Hawbaker Hearing Transcript

2 off Route 6 beyond the Wyalusing Livestock
3 Barn and Blooms Gas business. The site
4 would include an asphalt plant, aggregate
5 and recycled asphalt stockpiles, a drill
6 mud production operation and a water
7 treatment facility. They intend to utilize
8 the railroad located at the rear of the
9 property for a rail delivery of various
10 products needed in the asphalt and drill
11 mud production.

12 Proposed road access to the site
13 is by way of a 50 foot private right-of-way
14 directly to Route 6. There are no public
15 roads proposed for this project. The tract
16 is bordered by the Wyalusing Livestock
17 Market and Blooms Gas sales on the north.
18 Pasture and woodlands on the east and west
19 side. And the Lehigh Valley Railroad on
20 the south side. And according to
21 Enforcement Officer Larry Roberts, it is an
22 allowed conditional use in the Ag --
23 (inaudible) zone. The highway applicancy
24 permit is being prepared and the

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1 development is not located within a
2 100-year flood plan. Sewer service for the
3 asphalt plant and Fluids Management will
4 have a constructed onsite system.

5 Ground/Water Treatment Technology
6 will use portable toilets. water will be

Hawbaker Hearing Transcript

7 supplied by onsite wells and groundwater
8 treatment technology will use bottled
9 water. Signage is to be determined. The
10 preliminary and final land development plan
11 has been reviewed by the county and their
12 comments covered many of the items
13 addressed in the application. Concerns
14 addressed by the Township Planning
15 Commission were shrubbery barriers along
16 the driveway adjoining the Bloom property.
17 No storage of stone material in the
18 100-year flood zone, which is not actually
19 part of their proposed area.

20 Additional lighting at the
21 facility be focused inward. Noise level of
22 the ordinance be met at the property line.
23 Reclamation provisions for the property if
24 the use is discontinued. with revisions

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1 for the above conditions and all proper
2 permits from governing agencies in place,
3 the Planning Commission would recommend
4 approval of the conditional use
5 application.

6 So with that being said, I am
7 going to ask representatives of the
8 Hawbaker organization to go ahead and make
9 their presentation.

10

11 CARL V. BANKERT, a representative of G.O.
Page 8

Hawbaker Hearing Transcript

12 Hawbaker, Inc., herein, having been first
13 duly sworn by the Notary Public, was
14 examined and testified as follows:

15
16 BY MS. WIZELMAN: Just state your
17 name for the record.

18 MR. BANKERT: Carl Bankert, G.O.
19 Hawbaker, Incorporated. Several months ago
20 -- I'll just give you a brief background of
21 what we are looking at. Several months ago
22 we had decided -- actually we were decided,
23 we were also kind of pushed by Penn DOT to
24 build an asphalt plant somewhere in

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1 Bradford County, preferably up in this
2 region. Where a lot of the activity is
3 occurring, we were delivering our trucks,
4 several trucks, dozens of trucks a day, and
5 still are, coming up from our Montoursville
6 office and our -- office near State
7 College. So we spent -- I spent several
8 months looking for a piece of property that
9 would serve our purposes and some of the
10 criteria I looked at was obviously access
11 to a major road. What we didn't want to do
12 is have our plant tucked away in a township
13 road where the -- most of your township
14 roads are somewhat dangerous, they're
15 somewhat hilly, they're somewhat curvy.
16 And they -- as you can see, they are being

Hawbaker Hearing Transcript

17 rebuilt, a lot of them. And especially for
18 the type of use that we would be putting on
19 it. So we've been looking at the major
20 access, the major road would be Route 6.

21 Another thing we were kind of
22 hoping for, too, was a rail access. And I
23 don't know if you've driven up and down
24 Route 6 from this area too much, but there

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1 is not a whole lot of that property around.
2 Another thing we are very sensitive to is
3 residential housing. And we came upon this
4 piece of property. It -- I think the
5 closest to any house is where the operation
6 is about 1,000 feet away. It is up in the
7 mountains -- or in the hillside by the --
8 behind the Wyalusing Market and Blooms Gas.
9 So we felt that this was a pretty good
10 location to put in what we would have used
11 to put in an asphalt facility, to pave the
12 roads around here that as you can see are
13 getting completely destroyed.

14 We are proposing a three silo
15 asphalt facility, it's capable of making
16 450 tons an hour. Not to say that that's
17 how much asphalt is coming out of there,
18 but the production rate that we're planning
19 on is somewhere around 300 tons during the
20 season, which is about a 214-day time
21 frame. And whatever the math is, it comes

Hawbaker Hearing Transcript

22 out to around 1,900 tons a day, which boils
23 down to about 85 trucks -- loads a day,
24 obviously in peak.

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1 Realizing that we, you know, we
2 have 26 acres, we don't need all of that
3 property and also there is other needs out
4 there, we have been approached by some
5 other folks. We've mentioned to them that
6 we had this parcel of property. And Water
7 Treatment Technologies and Fluids
8 Management expressed interest in becoming
9 part of the property. So other than --
10 excuse me, other than -- we've been working
11 with them, we have a site plan prepared
12 with groundwater, with Fluids Management.
13 A little bit of status on the whole project
14 is that our ENS Plant -- sedimentation
15 control plant has been approved, our
16 wetlands permit has been approved.

17 A DEP permit was submitted the
18 beginning of November along with a traffic
19 study that was submitted about two weeks
20 ago, I believe. And as far as any other
21 issues with the county, the stormwater
22 management plan was resubmitted
23 approximately two weeks ago, just
24 addressing the review comments from the

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Hawbaker Hearing Transcript

1 engineer. Ground/Water Treatment
2 Technology, we have Bob Kunzel here, that
3 if he wants to express exactly what he --
4 what they might be doing.

5 BY MR. KUNZEL: My turn?

6 BY MR. BANKERT: Yep.

7
8 ROBERT G. KUNZEL, a representative of
9 Ground/Water Treatment & Technology, Inc,
10 herein, having been firstduly sworn by
11 the Notary Public, was examined and
12 testified as follows:

13
14 BY MR. KUNZEL: First let me state
15 that Ground/Water Treatment --
16 (interrupted)

17 BY MS. WIZELMAN: Excuse me, could
18 you please state your name.

19 BY MR. KUNZEL: Yes, I'm sorry. Bob
20 Kunzel, K-U-N-Z-E-L.

21 BY MS. WIZELMAN: And could you
22 identify whom you're with and your
23 position, please.

24 BY MR. KUNZEL: Yes. I'm the

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1 executive vice president of Ground/Water
2 Treatment & Technology.

3 BY MS. WIZELMAN: Thank you.

4 BY MR. KUNZEL: I'd first like to

5 state that Ground/Water Treatment &
6 Technology is an environmental remediation
7 firm that is about 15 years old. We are a
8 wholly owned subsidiary of the Moretrench
9 American Corporation which is the nation's
10 largest construction dewatering contractor.
11 And has been in operation since the late
12 1,800s, starting up in Buffalo, moving to
13 New Jersey in 1908.

14 we have been around for a long
15 time. We are not a fly-by-night outfit
16 looking to come in here and grab some money
17 and leave, okay. We are here for the
18 long-term, we are a reputable firm. The
19 reason I state that we're an environmental
20 firm is that we have an appreciation, we go
21 around the country cleaning up hazardous
22 waste sites. So we certainly have an
23 appreciation for the environmental
24 regulation and the sensitivity that people

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1 will have to what goes on on a site. We
2 have no intention of creating an
3 environmental problem that we would one day
4 have to clean up ourselves. We like to get
5 paid for that, not pay to have it done, I
6 can tell you that.

7 So because we are associated with
8 Moretrench American, we have done a lot of
9 treatment of contaminated water emanating

10 from construction sites. Unfortunately
11 today it is true that most water pumped is
12 contaminated in one way or another.
13 Sometimes it's just with suspended solids
14 in the water, sometimes it's with volatile
15 organic chemicals and sometimes naturally
16 occurring metals and things like that. But
17 with the environmental concerns of today,
18 the water has to be drinking water quality,
19 almost drinking water quality before it can
20 be discharged at any place. So we have a
21 lot of experience in treating water.

22 Last year alone we treated over
23 16 billion gallons of water. For anybody
24 who doesn't know how much that is, it's

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1 about 42,000 gallons a minute, okay, that's
2 a lot of water. We did not have a single
3 environmental incident treating that water.
4 There was not one instance of the discharge
5 in which the contamination was above the
6 discharge standard, Okay. So it is our
7 intent to come in and offer a vital service
8 to the producers to take the water that
9 they are using for fracking and prepare it
10 for beneficial reuse. And we will do that
11 under a permit and the supervision issued
12 by the State of Pennsylvania. Specifically
13 it's a residual waste general permit for --
14 specifically for the beneficial reuse of

Hawbaker Hearing Transcript
frack water.

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The producers have told us -- and the drillers, have told us that what they need taken out of the water is the things that can precipitate during the reinjection process, okay. So what comes up out of the whole and what needs to be taken out to put back in is basically the hardness, calcium and magnesium, naturally occurring contaminants. And that's what our process

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is designed to do. Simply take frack water, take out the calcium and magnesium and prepare it so that they can reuse -- reuse it. Every drop of water that comes into our facility in a truck will be treated, put back in the truck and taken away. So we do not, at this point, plan on discharging any water to the Susquehanna River. That's it.

BY MR. METEER: Okay. What I'd like to do here is, I take it you're going to finish the -- (interrupted)

BY MR. MARKS: I guess so.

BY MR. METEER: -- with the mud?

BY MR. MARKS: Right.

BY MR. METEER: Okay. What I'd like to do is complete that and then we'll come back and we have some questions and we'd like to deal on each of these. Okay?

Hawbaker Hearing Transcript
BY MR. MARKS: Yeah.

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RUSSELL MARKS, a representative of Fluids Management, herein, having been first duly sworn by the Notary Public, was examined and testified as follows:

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BY MR. MARKS: My name is Russell Marks, I'm operations manager for Fluids Management, Pennsylvania operations.

Our basic function is to build and supply drilling fluids to the drilling fluids industry. You know, make sure we are in no way associated with frack fluids that, you know, get a bad reputation around Pennsylvania. We're mainly in the drilling part of it. So we have some things that we are working on with Bob, or we can reach -- you know, maybe be able to use some of the products, his byproducts from cleaning up that we can recycle. We are fairly environmentally conscious also. Our drilling fluid can be reused over and over and it's a synthetic oil and it only uses a small portion of water where when they drill with water-based mud it doubles, triples, sometimes quadruples in size just trying to control the solids. Where ours is pretty generic, we can use it over and over again and we just replenish it and go from that point. But I'm probably a little

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1 bit better off answering questions that
2 come up, but it's mainly just drilling
3 fluids, we mix chemicals and oil on site
4 and ship it to the drilling locations and
5 they use it and maintain it at the site,
6 rig site.

7 BY MR. METEER: Okay. With your
8 permission, I'd like to work backwards as
9 long as he was the last one to talk. We'll
10 come back through that.

11 BY MR. MARKS: Uh-hum.

12 BY MR. METEER: In talking, I'm
13 inviting the other supervisors to jump in
14 here anytime that they want to. You're
15 going to be treating, if I've understood
16 this correctly, the flowback water --
17 (interrupted)

18 BY MR. MARKS: No, sir.

19 BY MR. METEER: What are --
20 (interrupted)

21 BY MS. WIZELMAN: He's creating the
22 drill mud.

23 BY MR. METEER: I'm looking at my
24 notes and trying to think here and I'm off

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1 base. In manufacturing your drilling mud,
2 the water thing comes into play because I
3 read in one of the descriptions here that

Hawbaker Hearing Transcript

4 the stormwater from your plant would be
5 used in your proceed of the -- making the
6 -- (interrupted)

7 BY MR. MARKS: It could be because
8 it's a certain -- we use a certain portion
9 of water in making the mud. It's usually
10 50, 55 percent oil, 20 to 30 percent water
11 and the rest are solids which would be the
12 chemicals or weighting agents that we use.

13 BY MR. METEER: So in the
14 manufacturer of this drilling mud, what
15 would be stored on the property?

16 BY MR. MARKS: The synthetic oil, our
17 mixing chemicals, calcium chloride water
18 and then freshwater which some of it would
19 could be -- when we -- in our berm, we'll
20 have a sump and any rainwater, snow would
21 go in there, we'd use that in the mud,
22 recycle it in the mud. If we needed extra
23 water, we'd either buy it locally or, you
24 know, get it from the well. But generally

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1 speaking we recycle all the water that's on
2 our -- in our manufacturing plant or inside
3 of the berm area.

4 BY MR. METEER: Okay. And I guess
5 probably I need to kind of jump back and
6 forth here a little bit, too, because I
7 think that these are, you know,
8 interrelated. But if I understood the

Hawbaker Hearing Transcript

9 plans correctly from Hawbakers, that nearly
10 everything here is paved; is that correct?

11 BY MR. BANKERT: Yes.

12 BY MR. METEER: So the area around,
13 I'm trying to think of -- the drilling mud
14 plant is all paved?

15 BY MR. KUNZEL: Well, there is a
16 stone section around there, yes.

17 BY MR. MARKS: Well, we have our
18 current plant in Philipsburg, our
19 operational equipment, all the tanks mix
20 and -- everything is in a concrete berm.

21 BY MR. METEER: Okay.

22 BY MR. MARKS: So it will be a bermed
23 area. So if there is a spill, every berm
24 has to at least have the capacity to hold

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1 your largest tank plus 10 or 15 percent.
2 So if you had a 5,000 barrel tank, then
3 you've got to have enough area in your berm
4 to hold 5,000 barrels plus an extra 10 to
5 15 percent. But -- it would be enclosed
6 with the, you know, paved area around it
7 for parking or for trucks moving in or out.

8 BY MR. METEER: And whose regulation
9 was that? Is that a DEP regulation?

10 BY MR. MARKS: Well, you got -- yeah,
11 part of it is. And some of it has got --
12 they have several approved impermeable
13 materials that you can use, asphalt is one

Hawbaker Hearing Transcript

14 of them. Concrete certainly is another one
15 and then they have one or two others, but
16 we're probably going to go with concrete
17 for our working area.

18 BY SUPERVISOR: I heard you mention
19 your tanks have leak detections and you
20 have secondary containments there in the
21 yard, right? How about the trucks
22 themselves when you're hauling that? Do
23 they have a containment area from leaking
24 or?

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1 BY MR. MARKS: Well, they'll have --
2 if you have a secondary containment area,
3 and I'll have to look at the plans, see if
4 they've got that plan in there. Your berm
5 area is going to be your first containment,
6 then you'll have an outside berm around the
7 property for your secondary containment.
8 If we need a bermed area to load the
9 trucks, or a secondary containment there,
10 then we'll put that in. And we've
11 submitted those plans, I'm not 100 percent
12 sure everything is submitted. But if it's
13 a DEP regulations or a county regulation or
14 whatever, then I assure you we'll -- you
15 know, we are going to abide by it.

16 BY SUPERVISOR: All of those bermed
17 areas primarily in the secondary area, that
18 is all paved?

Hawbaker Hearing Transcript

19 BY MR. MARKS: I won't say it will be
20 concrete. Our plants will be. The other
21 areas will be DEP approved berm materials
22 whether it's asphalt or if they have
23 another secondary or a third choice. You
24 know, it'd be one of the approved

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1 materials.

2 BY MR. METEER: And these are all
3 aboveground tanks?

4 BY MR. MARKS: Yes, sir.

5 BY MR. METEER: Is there anything
6 that is stored -- any fluids that are
7 stored openly?

8 BY MR. MARKS: Oh, no, not openly.

9 BY MR. METEER: Okay.

10 BY MR. MARKS: Now, your pits where
11 you're mixing, while you're mixing your
12 product, they're open-top pits, you mix it
13 -- you either load it into your truck or
14 you push it back into your tank in your
15 tank farm. So you do have some open at one
16 time while you're mixing the product.

17 BY MR. METEER: Okay. And how big
18 are those?

19 BY MR. MARKS: They'll be either 250
20 or 500 barrel tanks.

21 BY MR. METEER: Okay.

22 BY MS. WIZELMAN: So where --

23 BY MR. METEER: I'll have to

Hawbaker Hearing Transcript

♀ 24 translate that to gallons because I'm not a

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1 -- (interrupted)

2 BY MS. WIZELMAN: Where are they
3 going to be up here?

4 BY MR. MARKS: So this is the flood
5 management up here, okay? (Indicating.)

6 BY MR. METEER: (Indicating.) So
7 these tanks that are shown on the drawing,
8 how big are those tanks? What is their
9 capacity?

10 BY MR. MARKS: Those are going to be
11 500 barrels or less, usually around 480.

12 BY MR. METEER: Okay.

13 BY MR. MARKS: It takes -- other
14 regulations are we can't go over 500
15 barrels, so we try to stay below that.

16 BY MR. METEER: And within this
17 containment area, these tanks sit in the
18 containment area. Where does the mixing
19 take place? Is that in the containment
20 area also?

21 BY MR. MARKS: Yes, it's contained
22 inside the bermed area, yes.

23 BY MR. METEER: Okay. Okay. And so
24 I get kind of a handle on this, what is the

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1 hours of operation when you would be doing

Hawbaker Hearing Transcript
that?

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BY MR. MARKS: Well, the oil fill is a 24-hour a day operation. Generally speaking we try not to do that. Currently at our facility in Philipsburg, we'll go from about 7 in the morning 'til about 8 at night. Occasionally you have to get up and ship out a load or receive some material in. After those hours, we try not to, but a lot of times we can't. So we run two shifts there, usually from about 7 until 8 at night.

BY MR. METEER: So there would be someone there 24 hours a day?

BY MR. MARKS: No, not necessarily for us. Our area will be fenced and locked when we leave. And I'm not sure if Hawbaker will have a guard on site or not.

BY MR. METEER: Is -- with this process, can you tell me something about as far as the mixing and so forth goes, about any noise that is generated?

BY MR. MARKS: Yeah, I mean we are

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going to have diesel pumps. So there is some noise generated, we use high -- (inaudible) caliber mufflers on them. All of our pumps pass within the regulations of the DEP of their testing in our Philipsburg plant and we expect to have the same -- be

7 able to pass the same regulations here. I
8 can't tell you the exact decibel number,
9 but I can find that out for you.

10 BY MR. METEER: Well, that is what --
11 my next question is that our ordinance
12 requires the decibel level at the property
13 line of 65.

14 BY MR. MARKS: Uh-huh.

15 BY MR. METEER: And so my question
16 would be, are you satisfied that you can
17 meet that noise limitation?

18 BY MR. MARKS: I am. And we'll do
19 whatever it takes to get there.

20 BY MR. METEER: Okay.

21 BY MR. MARKS: I mean, we passed it
22 at Philipsburg, we've never been cited and
23 we've had -- you know, and some people you
24 get some calls just people driving by and

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1 they're going to call about something. So
2 we've been inspected at our previous
3 facility and there have been cited for
4 noise violation. But, you know, if it
5 takes more than the high -- caliber
6 mufflers, these are -- (interrupted)

7 BY MR. METEER: Uh-hum.

8 BY MR. MARKS: Some of these mufflers
9 are as large as this table. And we do use
10 a dabe on the engine which has, you know,
11 generally a lot less noise than your

12 Detroit diesels and those type of engines.
13 But yeah, we can -- if we have to end up
14 going to electric, you know, we'll do that.

15 BY MR. METEER: Uh-huh.

16 BY MR. MARKS: But generally speaking
17 we use the diesel engines.

18 BY MR. METEER: Okay. And for the
19 diesel engines, then that's -- naturally
20 makes me wonder about fuel storage.

21 BY MR. MARKS: Right. Most of the
22 tanks for the diesel are inside the berm
23 also where the pumps are.

24 BY MR. METEER: Okay.

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1 BY MR. MARKS: So you'll have 500
2 gallon tanks inside the bermed area for
3 your pumps.

4 BY MR. METEER: And is there lighting
5 for your facility if you need to work at
6 night?

7 BY MR. MARKS: Yes, sir.

8 BY MR. METEER: What kind of lighting
9 would you be using?

10 BY MR. MARKS: Just regular outdoor
11 lighting, I don't know what you're looking
12 for there. But enough lumens or
13 illumination to be able to work safely.

14 BY MR. METEER: Uh-hum. Well, what
15 we we're looking for is that lighting would
16 be directed towards the center of the

17 Hawbaker Hearing Transcript
property and not shining out --

18 (interrupted)

19 BY MR. MARKS: Right.

20 BY MR. METEER: -- to the outside
21 edge of the entire property. You know, we
22 are not saying that your light can't spill
23 over into the other side where Hawbakers
24 have an asphalt plant, but we don't want

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1 that light spilling into -- (interrupted)

2 BY MR. MARKS: Right. Where this
3 facility is, it's back off the road and
4 down the hill a little bit. So I don't
5 think you're going to have anything
6 effecting cars going by or somebody else at
7 that time, but...

8 BY MR. METEER: Okay.

9 BY SUPERVISOR: Maybe I missed it,
10 Mr. Marks, how many years has your company
11 been in business?

12 BY MR. MARKS: About 14 years.

13 BY SUPERVISOR: And how many
14 facilities do you have?

15 BY MR. MARKS: Seven to eight.

16 BY SUPERVISOR: In Pennsylvania?

17 BY MR. MARKS: No, no. In
18 Pennsylvania just one.

19 BY SUPERVISOR: One?

20 BY MR. MARKS: Yeah.

21 BY SUPERVISOR: Okay.

22 BY MR. MARKS: We have this one and
23 one other plan for 2011. So that would
24 give us three in Pennsylvania, hopefully by

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1 the of end of 2011.

2 BY MR. METEER: Okay. So when you
3 come into an area like this, are you
4 working with one drilling company or are
5 you working with whoever might enter into a
6 contract with you?

7 BY MR. MARKS: Well, Chesapeake is
8 our biggest customer up here, but we have
9 other customers, Anadarko, Seneca,
10 different areas. DOTs in Bradford County
11 now, so we work with a variety of customers
12 and operators we call them, so...

13 BY MR. METEER: Okay. Like how big
14 an area are you intending to serve then
15 with this?

16 BY MR. MARKS: Well, currently our
17 Philipsburg facility we cover the whole
18 state from Washington County, below
19 Pittsburgh, all the way up to the
20 Susquehanna and Bradford County areas. So
21 what we're hoping to do is we get this and
22 it's going to cut down a lot on the truck
23 traffic on the roads and we'll be able to
24 service the customer quicker. So this part

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Hawbaker Hearing Transcript

1 of the state, you know, we are going to
2 kind of divide it up. Philipsburg we'll
3 take the central part and then we'll have
4 our eastern operations up here.

5 BY MR. METEER: Uh-huh.

6 BY MR. MARKS: And it'll take those
7 counties and it's logical for the
8 deliveries to be made out of there which
9 makes sense for the operator, too, for the
10 logistics fit. And then later on in the
11 year, hope to have the Washington County
12 area done below Pittsburgh to handle those
13 customers.

14 BY SUPERVISOR: How many employees
15 are you talking about down there?

16 BY MR. MARKS: In Philipsburg, right
17 now we have 20 to 21. About 16 of those
18 are local hires. We expect about the same
19 up here, once we get in full swing, it will
20 be 15 to 20 employees. And the majority of
21 them would be Pennsylvania employees. And
22 in fact I've been running -- I've got
23 interviews tomorrow and I've been running
24 ads the last couple of weeks in Troy,

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1 Towanda and Canton newspapers looking for
2 people to fill spots up here, so...

3 BY MR. METEER: What kind of trucks
4 -- you know, a couple of years ago we
5 weren't that familiar with water trucks,

Hawbaker Hearing Transcript

6 but we are pretty familiar with those now.
7 And we've come to recognize those that are
8 hauling freshwater, those that are hauling
9 water from the well site. What kind of
10 trucks haul to the drilling rig?

11 BY MR. MARKS: The water trucks, the
12 same type. We call them vacuum trucks, but
13 they're the same -- (interrupted)

14 BY MR. METEER: Okay. Right.

15 BY MR. MARKS: -- kind of truck. But
16 we don't own those trucks, we just provide
17 a service.

18 BY MR. METEER: Okay.

19 BY MR. MARKS: You know, a lot of
20 times we'll call them for the operators and
21 we'll load them up, they'll take them to
22 the location and unload them.

23 BY MR. METEER: Okay. So I know one
24 of the questions that's going to come up

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1 and would be in the minds of the people
2 that are here is that are these going to be
3 the same trucks that are going to be
4 hauling residual wastewater, I guess? Or
5 are these will be dedicated trucks?

6 BY MR. MARKS: Well, they're the same
7 type, but a lot of times they'll be
8 dedicated trucks. They'll be hauling
9 water, whether it's frack water or
10 whatever, they're a lot easier to clean

Hawbaker Hearing Transcript

11 out. So they'll usually dedicate the
12 truck --

13 BY MR. METEER: Okay.

14 BY MR. MARKS: -- for hauling the
15 mud, 'cause it's not clear water, so
16 they'll use that truck over and over.
17 Generally speaking, that's what happens,
18 so...

19 BY MR. METEER: Are there DEP
20 regulations on hauling of this, the
21 drilling mud or?

22 BY MR. MARKS: That would be similar
23 to anything else, I mean ours is a
24 nonhazardous type fluid so they don't have

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1 to be placarded. But yeah, they've got to
2 follow all regulations. But it's nothing
3 to my knowledge that's stopped --

4 BY MR. METEER: But they don't
5 require any special permits for those
6 trucks?

7 BY MR. MARKS: No, sir.

8 BY MR. METEER: Okay. How many
9 truckloads would be going out per day?

10 BY MR. MARKS: well, based on what we
11 do now, I'm going to say between 15 to 25,
12 depending on the operations.

13 BY SUPERVISOR: Per day or per --

14 BY MR. MARKS: Per day.

15 BY SUPERVISOR: Okay.

Hawbaker Hearing Transcript

16 BY MR. MARKS: But it -- I mean,
17 you've got to understand it goes in cycles.
18 Because like the ridge movement that may
19 need a lot of mud, and then they keep it on
20 site. So you may go two or three days with
21 only four or five trucks. And then all of
22 the sudden they're moving, they need 1,000,
23 1,500 barrels so now you need, you know, 15
24 to 25 trucks to get it all out of there.

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1 So it's not -- I'm not saying it's going to
2 be every day, but it could average that.

3 BY MR. METEER: Okay. You know, some
4 of us have been at a number of drilling
5 sites and it seems like what they do on
6 that site and in processing the drilling
7 mud as it comes back -- (interrupted)

8 BY MR. MARKS: Uh-hum.

9 BY MR. METEER: -- how is this going
10 to effect what we've seen on the drill pads
11 right now?

12 BY MR. MARKS: Well, you'd have to
13 give me a little better example. Were you
14 on a water-based job or a synthetic oil job
15 or --

16 BY MR. METEER: On both.

17 BY MR. MARKS: Okay. Well, we do it
18 with the synthetic oil, so they have to
19 process it and, you know, you still have
20 the cuttings that come out with this water

Hawbaker Hearing Transcript

21 base or this oil base -- (interrupted)

22 BY MR. METEER: Uh-hum, right.

23 BY MR. MARKS: -- and those have to be
24 disposed of in a landfill, certified

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1 landfill. Some operators will bury them
2 onsite, I believe, but that's up to if they
3 get approval to do that. Your solids
4 control, you got that waste, that would go
5 into a dump container and then it's all
6 hauled off. So either way, whether it's
7 water based or ours, they'll generally haul
8 off all of the cuttings and dispose of
9 them. One of the advantages like I
10 mentioned earlier about our mud is ship out
11 1,500 barrels and usually you'll end up
12 with say 1,200 to 1,800, about a 300-barrel
13 swing depending on what they do. But
14 water-based mud to control the solids, and
15 you have to do that so your properties stay
16 the same. And it doesn't get digging --
17 all the cuttings out. You only have solid
18 control, you have water for dilution. And
19 that usually generates into a two or three
20 fold increase in the volume of your fluids.
21 So when they get through, if you start out
22 with 1,500 barrels, you're going to be
23 3,000, 4,500 normally speaking. So they
24 have a lot more liquid to dispose of where

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1 -- and a lot of times you can't reuse it.
2 So they have to dispose of all of it and
3 start again on the mixture. Well, with our
4 mud you use it on that one, put it back in
5 the frack tanks, they move the rig, the mud
6 goes over with them, they start using it
7 over again. So you use a lot less fresh,
8 you know, our local water with our system.

9 BY MR. METEER: Okay. So they are
10 still going to be doing what they've been
11 --

12 BY MR. MARKS: Yeah, you've still got
13 to clean it up. You've still got cuttings
14 that come out that we dispose of. Those --
15 it doesn't matter what system we use.

16 BY MR. METEER: So when do they load
17 them up and bring them to you?

18 BY MR. MARKS: Pardon me?

19 BY MR. METEER: When do they load up
20 their drilling mud and bring it back to
21 you?

22 BY MR. MARKS: Say they are through
23 drilling or on a pad or something they may
24 -- or they may release the rig and they'll

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1 bring it back to us. Then we'll store it
2 in our upright tanks. Mix it or blend it
3 with more chemical or product and ship it

Hawbaker Hearing Transcript
out to another guy.

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BY MR. METEER: Okay. So --

BY MR. MARKS: But the cuttings don't
come to us -- (interrupted)

BY MR. METEER: Right, right.

BY MR. MARKS: -- we have nothing to
do with that.

BY MR. METEER: Do you have something
out of this process that you do that goes
to a landfill?

BY MR. MARKS: No.

BY MR. METEER: Or everything here is
going back into the drilling process?

BY MR. MARKS: Very -- occasionally
like maybe once in a couple years they may
send us some mud back that's in bad shape
we may have to send it to -- like they do
out there. But that doesn't happen very
often, so. So we mix it, and we ship it
out and we sell it, so...

BY SUPERVISOR: You just keep

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recycling it?

BY MR. MARKS: Yes, sir. And you can
take some of it and you can make your
slurry which is your base oil plus the
water and very little chemicals and that
replenishes it out on location. And when
they start drilling again, it cleans it up
so you can go quite a while before you have

Hawbaker Hearing Transcript
to do anything with it, so.

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BY MR. METEER: What's the synthetic oil that you use?

BY MR. MARKS: That's a proprietary product, but basically it's a paraffin, isoparaffin. And this is the oil right here (indicating.) And you can see, and I'll show this to everybody that it is crystal-clear oil. And some of my compatriots, they'll take a swallow of this to prove it's a good grade oil, but I told them I wouldn't swallow it. And I don't care, I just don't. So, but it's a third-grade oil. This particular oil we used in the Gulf of Mexico in the late 80s, early 90s that you could discharge cutting

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into the Gulf. And it was approved by the MMS for the Gulf of Mexico drilling. Now, later on in the 90s they tightened up the regulation so we had to go to a cleaner oil to be able to discard cuttings, you know, without killing the shrimp and your LC50 or your Mysid shrimp test. So this was all previous to that, so it's a real clean oil -- onshore and use it. We started out with it in South Texas. A lot of the landowners you had your choice of diesel or you could be environmentally friendly oil. A lot of the landowners prefer this because of the

14 problems you can have with diesel based
15 mud, so -- and as far as I know, this is
16 only -- this type of oil, it's the only one
17 that Pennsylvania used for drilling in the
18 Marcellus Shale. You can't use diesel or
19 another hazardous fluid.

20 BY MR. METEER : And that's a DEP
21 regulation, I would assume then?

22 BY MR. MARKS: I don't know that it's
23 actually a regulation, but when we came up
24 and did our first original presentation,

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1 you know, and showed it to them, and showed
2 the benefits of that over the diesel, I
3 don't think they banned diesel 100 percent,
4 but I don't know of any well that's been
5 drilled with diesel mud in Pennsylvania, to
6 my knowledge.

7 BY MR. METEER: Okay. In layman's
8 terms then, what do you mix with that?

9 BY MR. MARKS: I've got other samples
10 of that.

11 BY MR. METEER: Okay. Go ahead.

12 BY MR. MARKS: But basically you
13 mentioned clay, and you have water. It's
14 age invert emulsion fluid, so your invert
15 emulsion is water encapsulated by oil.
16 where a normal emulsion everybody knows is
17 Mayonnaise (sic.) Mayonnaise is a normal
18 emulsion. So you have calcium fluoride

19 water, it's emulsified into oil. You add a
20 clay to make it thicker. You add the
21 Barite to weight it up and that's just to,
22 you know, hold the gas formation in place,
23 things like that. And you have a fluid
24 loss agent which is Gilsonite, which is a

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1 natural mine material. So you add those
2 products to it to make your mud, you bury
3 the properties of it as you drill because
4 as you build your curve and you start
5 drilling that angle from 30 to 60 degrees,
6 it's very hard to clean. And then once you
7 get horizontal, if anybody has seen the 4
8 inch, 4 and a half inch drill pipe, it's
9 real heavy metal. We've gone out as far as
10 a mile horizontal. And that's pipe just
11 laying on the ground. You have gravity
12 working against you, so the cuttings tend
13 to want to fall to the bottom. So with
14 just the properties in the mud along with
15 physical things they do with the drill
16 pipes, the rotation and everything, to kick
17 the cuttings back up and carry them back up
18 and carry them out to the surface. If you
19 don't do that then you're going to get
20 stuck. And you drill a hole and you don't
21 have anything to show for it, you just lose
22 your money, so...

23 BY MS. WIZELMAN: Can you just -- can

1 BY MR. METEER: Sure.

2 BY MS. WIZELMAN: And I want to make
3 sure we're clear, what does drill mud do in
4 the process? So as opposed to frack fluid.
5 So if you could explain that.

6 BY MR. MARKS: Well, that's what I'm
7 telling you.

8 BY MS. WIZELMAN: All right.

9 BY MR. MARKS: It mainly takes the
10 cuttings out, holding it by the use of the
11 drill bits. If you don't get your
12 cuttings, whether it's wood cuttings and
13 you've got a real long bit, if you don't
14 get it up out of there you're going to get
15 stuck. So you've got to get the cutting
16 out of the hole. It controls the formation
17 pressure and it cools the bit where you're
18 going to be drilling. So it just
19 circulates everything, gets it out of there
20 so they can drill and complete the hole.
21 One of the main functions controlling
22 formation pressure, everybody has read
23 about the spill they had with BP out in the
24 Gulf of Mexico, that is directly related to

1 the mud weight. They displace the mud out
2 of the hole with a lighter-weight fluid

Hawbaker Hearing Transcript

3 before the cement setup and then the
4 pressure forced the cement back up through
5 the casing. And if they -- so, you know,
6 then you had a blowout, it's
7 uncontrollable. So that's what you do here
8 and that's one of the things, and I'll show
9 everybody here. And, by the way, I was
10 told I wasn't going to be speaking very
11 much here, so I'm not a very good speaker.

12 BY MR. WIZELMAN: They lied.

13 BY MR. MARKS: This is a weighting
14 agent. So that's what the weighting --

15 BY PUBLIC SPEAKER: Could you turn
16 sideways? People back here are having a
17 little bit of trouble hearing you.

18 BY MR. MARKS: I'm sorry, it's not my
19 accent is it? But anyway, Barite weights
20 the fluid up, water weight is 8.33 pounds
21 per gallon. So that's your starting area,
22 you know, the oil weighs 6.5 pounds per
23 gallon. So you adjust your properties with
24 the Barite. This is a fluid loss control

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1 agent so you don't have a lot of fluid
2 going into the formation. This is the --
3 the emulsifier that we use and that keeps
4 the water tied up in the oil.

5 BY MS. WIZELMAN: And what is that?

6 BY MR. MARKS: This? This
7 emulsifier?

Hawbaker Hearing Transcript

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BY MS. WIZELMAN: Uh-hum.

BY MR. MARKS: This is called our ABS
mul, but it's just a common food grade --
majority of it is Lecithin, which you see
Lecithin in a lot of food products and a
couple of other things kind of like the
secret ingredients I'd just assume not tell
you. But I've got an MSD if anybody wants
it. It's not like we're trying to hide
anything from the frack fluids. I know
there's a lot of that in the newspaper.
There's some things, you know, you've got
some products that people -- we make our
living selling this. And they get this and
that kind of cuts into it. But, you know,
our MSD, it's our product added sheet, all
of those things are available to anybody.

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If you're really interested, you know, we
can get the product development guy that
makes it up here and explain it further.
But, all of our stuff -- and like I said,
none of the mud has to be placarded.
Anybody that is a truck driver knows that
you have to placard any hazardous
materials. This is -- calcifer that makes
it thick, (indicating) and this is a
welding agent which is similar to the
emulsifier, that just helps everything mix
together --

Hawbaker Hearing Transcript

13 BY MS. WIZELMAN: And just for the
14 record, could you tell us what that is? I
15 mean, the last two things, could you put
16 the names -- could we have it --

17 BY MR. MARKS: This (indicating?)

18 BY MS. WIZELMAN: Yeah.

19 BY MR. MARKS: Our product name is
20 FMWA2 for our welding agent.

21 BY MS. WIZELMAN: Okay.

22 BY MR. MARKS: It's just organic
23 welding agent. And this is Trubus, it's
24 organic -- clay. And then we mix it with a

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1 little lime, the lime reacts with the
2 emulsifiers and forms the calcium soap
3 which keeps the water tied up. It's part
4 of the emulsion process. This is everyday
5 ordinary lime you'll see on your football
6 fields as everywhere else. And this is
7 calcium chloride water that makes -- the
8 calcium chloride water is part of the water
9 that's tied up as part of the
10 emulsification process. And it exerts an
11 osmotic effect on the formation. You don't
12 need a whole lot of that here because the
13 Marcellus shale is so tight and it's pretty
14 dense and it takes a lot -- when they go to
15 frack it takes a lot of pressure. In South
16 Texas, East Texas where you have younger
17 formations, a lot softer and it has a lot

Hawbaker Hearing Transcript

18 of moisture in it, it'll pull the moisture
19 you know, just like salt we have to pull it
20 from the formation, it stabilizes the
21 formation if you have a successful whole.

22 BY MR. METEER: So after you have
23 this all mixed up.

24 BY MR. MARKS: Then you've got some

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1 mud.

2 BY MR. METEER: Then you've got
3 drilling mud. And then you've got to frack
4 it. And you walk out of here and you trip
5 and you spill it --

6 BY MR. MARKS: I'd fire ya.

7 BY MR. METEER: You what?

8 BY MR. MARKS: I'd fire 'ya.

9 BY MR. METEER: I'm saying you do
10 that --

11 BY MR. MARKS: It's hard to do this
12 business and a lot of times out there on
13 the rigs when we first started up here they
14 didn't align everything. Now they've got
15 pretty much everything aligned. But say
16 you do spill it, it is an oil, it's a food
17 grade oil. It's probably cleaner than
18 Crisco. But it's going to kill your grass
19 until it gets washed off but it'll come
20 back.

21 BY MR. METEER: Uh-huh.

22 BY MR. MARKS: Now, if you have a bad
Page 42

Hawbaker Hearing Transcript

23 spill, then you clean it up as best you
24 can. You have oil-aiding microbes that you

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51

1 put on it. And when we started our plant
2 in Philipsburg, we started with a temporary
3 plant earth and berms and stuff like that,
4 and so we had a few spills there, but you
5 spread the microbes out there, it eats it
6 -- it helps clean it up. And then when we
7 finished our permanent plant there Lakeland
8 Environmental from New York came up and
9 took samples of it and there were no hits,
10 as they call it, you know, in that area.
11 So you have to have a pretty bad spill to,
12 you know, for it to be a big problem.

13 BY MR. METEER: And you don't
14 anticipate any spills; is that correct?

15 BY MR. MARKS: Well, we try not to --
16 nobody expects blowouts or anything else.

17 BY MR. METEER: Right.

18 BY MR. MARKS: But we have spill
19 prevention plans, we've got spill kits
20 around everywhere. Everybody that works
21 with us knows to contain it as quickly as
22 they can. You know, that's one reason our
23 plants have got to be fenced and locked
24 when you leave at night. Do what you can

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52

1 Hawbaker Hearing Transcript
2 to keep people out and those type of
3 things, but...

4 BY MR. METEER: Are you required to
5 report any spills -- (interrupted)

6 BY MR. MARKS: Oh, yeah.

7 BY MR. METEER: Any spills of what
8 magnitude?

9 BY MR. MARKS: Oh, God, you're going
10 to get me on that one, but it's 500
11 gallons, 100 gallons, I don't really know
12 exactly. Buy, yeah, you've got a minimum.
13 It may be 15 gallons that you have to
14 report. So, I kind of just don't remember
15 off the top of my head what it is.

16 BY SUPERVISOR: If we were to look
17 back at your history of incidents, what
18 kind of records would we find?

19 BY MR. MARKS: You would find a
20 pretty good one. We've had several out of
21 one of our Texas's facilities. We've had
22 none out of -- no reportables, that I can
23 remember, out of Philipsburg. Now I wasn't
24 there last year, I'd have to check on that.
25 So I just came back a couple of months ago.

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1 So it may be one or two, but they wouldn't
2 be of a very significant nature to the best
3 of my knowledge.

4 BY SUPERVISOR: You haven't had any
5 truck accidents, I'll say, that were maybe

Hawbaker Hearing Transcript
spills?

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BY MR. MARKS: In our facility?

BY SUPERVISOR: Yeah.

BY MR. MARKS: Not that I know of,
sir.

BY SUPERVISOR: In any one of your
facilities that you know of?

BY MR. MARKS: None that I know of.

BY SUPERVISOR: In the description of
your business it states that, "none of our
products are severe health or
environmentally hazardous." The word
"severe" kind of stands out there. What
level of health and environmental hazards
would you consider severe?

BY MR. MARKS: I guess that's a
relevant term, but you know, where you
inhaled it or touched it and, you know,
caused severe respiratory problems or burns

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if you touched it. That'd be severe, I
would think so.

BY MS. WIZELMAN: Is Fluids
Management a corporation?

BY MR. MARKS: Yes, ma'am.

BY MS. WIZELMAN: And where is it
incorporated?

BY MR. MARKS: We were just bought
out recently by Canadian Energy Services
out of Calgary, Alberta in June of this

Hawbaker Hearing Transcript
year.

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BY MS. WIZELMAN: So are you
considered a subsidiary of -- (interrupted)

BY MR. MARKS: Yes.

BY MS. WIZELMAN: And are you going
to lease this portion from -- of the
property from Hawbaker, is that --
(interrupted)

BY MR. MARKS: Basic lease or rent,
yes, ma'am.

BY MS. WIZELMAN: And the term of
that lease will be for?

BY MR. MARKS: To be determined, I
believe.

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BY MS. WIZELMAN: Yeah, because that
hasn't been resolved yet. And to your
knowledge this project has nothing to do
with frack fluids though?

BY MR. MARKS: No.

BY MS. WIZELMAN: You're not -- I
just want to make that absolutely clear
because it's got a very bad reputation.

BY MR. MARKS: No. We are gone by
the time the frack fluid comes up there.
So all we're there is to get the hole
drilled.

BY MS. WIZELMAN: Okay. And you
anticipate being here, operating this
business, for how many years?

Hawbaker Hearing Transcript

16 BY MR. MARKS: That's another hard to
17 say, but you know, we are expecting a
18 minimum of ten.

19 BY MS. WIZELMAN: Okay. And do you
20 have -- are you bonded?

21 BY MR. MARKS: In what way? I mean
22 -- (interrupted)

23 BY MS. WIZELMAN: well, if there were
24 an environmental accident here, would you

56

1 -- do you have a bond to pay -- I mean, how
2 would the cost of the cleanup be done?

3 BY MR. MARKS: well, we have all
4 required insurance that is needed. And we
5 bond roads that we -- our trucks travel on,
6 you know, around Philipsburg. We may have
7 a bond and I may not be aware of it. So I
8 haven't been told that we have one.

9 BY MS. WIZELMAN: If the Township
10 were to require a bond, would you be
11 willing to comply with that condition?

12 BY MR. MARKS: Oh, it would be a part
13 of doing business, yes, ma'am.

14 BY MS. WIZELMAN: In the past when
15 you've had cleanups -- (interrupted)

16 BY MR. MARKS: Uh-hum.

17 BY MS. WIZELMAN: -- how much of it
18 -- what has the cost been for those
19 cleanups?

20 BY MR. MARKS: It varies. We figured

21 some, a couple of small ones will be in the
22 15 to 20,000 range. If you had a serious
23 one you could go over 100,000 real quickly.
24 And that's mainly equipment, you know, and

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57

1 disposal cost and -- (interrupted)

2 BY MS. WIZELMAN: Uh-hum.

3 BY MR. MARKS: -- you know, and
4 things like that, so...

5 BY MR. METEER: Do you guys have
6 anything else on this right now?

7 BY SUPERVISOR: Not right now, no.

8 BY MR. METEER: Okay. We may want to
9 come back to that.

10 BY MR. MARKS: Oh, come on, give me a
11 break.

12 BY MR. METEER: I want to come back
13 right now to Bob and talk about your
14 process a little bit with your company as
15 Ground/Water Treatment & Technology, I
16 believe. So if I start the questioning
17 with you that I missed over here, was --
18 you're dealing with flowback water?

19 BY MR. KUNZEL: Yes, that's correct.
20 First let me say I'm going to switch to a
21 New Jersey accent though.

22 BY MR. METEER: Okay. And speak
23 loudly, please, so that everybody here can
24 hear. I was going to have to tell them

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1 after the meeting what you said. And
2 besides the flowback water, as these wells
3 will come online and so forth, there is
4 some produced water that comes back with
5 the gas, you'll be dealing with that also?

6 BY MR. KUNZEL: Possibly, yes.

7 BY MR. METEER: Okay. So let's talk
8 about your facility. It's on the bottom
9 end of this lot. Is that correct?

10 BY MR. KUNZEL: No, I think his is on
11 the bottom and ours is on the top. And I
12 think they might have rearranged each
13 other.

14 BY MR. BANKERT: No. No, it might
15 be, from what the drawing -- I think maybe
16 recent drawings have shown them switched
17 around for whatever reasons.

18 BY MS. WIZELMAN: Well, we would be
19 basing this application on the site plan
20 that we have. So we need to have the
21 current site plan in order to have an
22 application here -- (interrupted)

23 BY MR. METEER: If it's changed --

24 BY MS. WIZELMAN: -- if it's changed

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1 at all.

2 BY MR. BANKERT: Yeah, what we
3 resubmitted --

4 BY MS. WIZELMAN: So is this is
Page 49

Hawbaker Hearing Transcript

5 different than this (indicating.)

6 BY MR. METEER: And what we want to
7 do is -- (interrupted)

8
9 (OFF-THE-RECORD)

10
11 BY MR. METEER: But basically what
12 we're talking about here is Route 6 is up
13 here, okay. This is the road accessing the
14 entire property that comes down. Blooms
15 Gas service is on this side, the livestock
16 -- is on this side, it comes down between
17 them. And this is the beginning of their
18 property which is, I don't know how far
19 down in there that is, but it's a good
20 distance. And then this proceeds down to
21 an area where the road is and then it drops
22 off rather steeply from that point. And in
23 this site plan, as it is here, the Hawbaker
24 facility is over here (indicating.) This

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60

1 is the --

2 BY MR. BANKERT: Groundwater --

3 BY MR. KUNZEL: Uh-hum.

4 BY MS. WIZELMAN: Uh-hum.

5 BY MR. METEER: The water treatment
6 here on this side and the Fluids Management
7 down here at the bottom. So this basically
8 is the layout that we are talking about
9 right now. Okay?

Hawbaker Hearing Transcript

10 BY PUBLIC SPEAKER: They changed it.

11 BY MR. METEER: So since there was a
12 change in these two locations, can you tell
13 me what the reason was for that?

14 BY MR. BANKERT: I'm going --
15 (indicating.)

16 BY MR. MARKS: So we wanted to be
17 closer to the rail spur.

18 BY MR. METEER: Oh, okay.

19 BY MR. MARKS: Was the main reason.

20 BY MR. METEER: Okay.

21 BY SUPERVISOR: So you're going to be
22 using the spur then, too, then on occasion?

23 BY MR. MARKS: Yes.

24 BY SUPERVISOR: How about you?

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61

1 BY MR. KUNZEL: We might, if somebody
2 choses to send us water via the rail spur.

3 BY SUPERVISOR: But you guys have a
4 strong need -- Fluid Management has a
5 strong need for it?

6 BY MR. MARKS: Yeah.

7 BY MR. METEER: Okay. Getting back
8 to the water treatment, I think you had
9 indicated here that last year you gave a
10 figure of 42,000 gallons a minute, and that
11 was for all of your operations.

12 BY MR. KUNZEL: Uh-hum, that's
13 correct.

14 BY MR. METEER: At those particular
Page 51

Hawbaker Hearing Transcript

15 sites, what are you expecting?

16 BY MR. KUNZEL: 250 gallons a minute.

17 BY MR. METEER: 250 gallons a minute,
18 which translates to us for how many
19 truckloads?

20 BY MR. KUNZEL: At a 5,000 gallon
21 truckload, if we assume the plant operates
22 20 hours a day, 50 to 60 truckloads a day
23 in a 24-hour day.

24 BY MR. METEER: And the --

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1 BY SUPERVISOR: About how many trucks
2 did you say a day?

3 BY MR. KUNZEL: About 80.

4 BY SUPERVISOR: How many?

5 BY MR. KUNZEL: 80, 85.

6 BY MS. WIZELMAN: He's doing 15 to 20
7 a day (indicating)

8 BY MR. METEER: So all of your water
9 -- I want to make sure that I understand
10 this. So all of your water is being
11 treated and going back out the same way it
12 came back in.

13 BY MR. KUNZEL: But minus the
14 contaminants that we removed.

15 BY MR. METEER: Right. Right,
16 exactly.

17 BY MR. KUNZEL: Yes.

18 BY MR. METEER: There is no discharge
19 to the river?

Hawbaker Hearing Transcript

20 BY MR. KUNZEL: No, no discharge.

21 BY MR. METEER: Okay. Your treatment
22 facility is self contained I think I read
23 in your description here, where these tanks
24 that you use are inside buildings. Is that

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1 correct?

2 BY MR. KUNZEL: Yes. Everything will
3 be inside the building with the exception
4 of some storage tanks.

5 BY MR. METEER: Okay. And the
6 storage tanks are for?

7 BY MR. KUNZEL: For the water coming
8 in.

9 BY MR. METEER: For the water coming
10 in.

11 BY MR. KUNZEL: Would it be helpful
12 if I explained the process from the start?

13 BY SUPERVISOR: Yeah.

14 BY MR. KUNZEL: All right. So --

15 BY SUPERVISOR: How many gallons are
16 they going to be?

17 BY MR. KUNZEL: Those are the 21,000
18 gallon frack tanks that you see, quite
19 often, okay. So our process will be, we'll
20 get a call from the producer or driller
21 that has some frack water that they want
22 treated. We will go to the site and
23 collect some samples and determine whether
24 that water can be treated within our

1 facility. If it can't, we don't accept it,
2 okay. So we will have a very good idea of
3 what's coming into the facility right from
4 the start. The truck will enter, it will
5 go to a containing tank in which it will be
6 unloaded. And we will put it into a
7 variety of different frack tanks depending
8 upon the contaminant concentrations. Some
9 of the water is more contaminated. So the
10 truck on the containment pad itself, if
11 there are any leaks it will go -- in the
12 tank, it will go into a sump and that sump
13 will be pumped into our treatment plant
14 facility. That containment pad is under a
15 roof, so we don't have to deal with any
16 rainwater. The treatment plant itself is
17 entirely contained within the building and
18 that's where the treatment will occur.

19 BY MR. METEER: And the treatment is
20 through a filtration process or what kind
21 of --

22 BY MR. KUNZEL: Basically we are
23 going to use -- to get the calcium and
24 magnesium out, we're going to use a lime

1 softening process whereby we add maybe
2 sometimes lime, maybe sometimes something

3 Hawbaker Hearing Transcript
as simple a Sodium, as Borax to the water.
4 And when you do that you'll remove the
5 calcium and magnesium.
6 BY MR. METEER: Okay. And where are
7 those products stored?
8 BY MR. KUNZEL: They will be inside
9 the building.
10 BY MR. METEER: Inside the building,
11 okay. And you mentioned when you were
12 talking about -- when I asked you about how
13 many truckloads you mentioned this figure
14 of 50, 60 truckloads per 20-hour day.
15 BY MR. KUNZEL: Well, they may come
16 over a 24-hour day, but we would only be
17 treating probably in the 20-hour day.
18 BY MR. METEER: So you would be in
19 operation at least 20 hours a day?
20 BY MR. KUNZEL: We'll be treating for
21 20 hours a day. We will probably be on
22 site for 24-hours a day. The other four
23 hours being for maintenance and things like
24 that.

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1 BY MR. METEER: Okay. In the
2 treating process, what might we see or
3 hear?
4 BY MR. KUNZEL: Well, it's entirely
5 contained within a building, right. So we
6 have some screw conveyors that are adding
7 in the soda ash to the water.

Hawbaker Hearing Transcript

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BY MR. METEER: Okay.

BY MR. KUNZEL: We have some mixers that are mixing it up and we have some pumps that are moving the water around from vessel to vessel. Most of it's going to flow by gravity. So there will only be a very few pumps. Then what happens is --

BY MR. METEER: Are these electric pumps?

BY MR. KUNZEL: Yeah, yeah.

BY MR. METEER: Okay.

BY MR. KUNZEL: So we're going to operate on commercial power.

BY MR. METEER: Okay.

BY MR. KUNZEL: Okay. So there will be no generators or diesel fuel tanks for that. So what happens is that the soda ash

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that we add in takes the calcium and magnesium out of the water and falls to the bottom of what's called the clarifier which is simply a device which allows us to collect those solvents.

BY MR. METEER: Uh-huh.

BY MR. KUNZEL: The solvents get pumped out of the bottom and into a filter press in which we basically squeeze all the water out of the -- what now becomes, it's called sludge. Okay. And that sludge gets disposed of.

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BY MS. WIZELMAN: Where?

BY MR. KUNZEL: At a landfill.

BY MR. METEER: And if I read that correctly, that's loaded -- that goes into a dumpster kind of -- (interrupted)

BY MR. KUNZEL: Yes, that's correct.

BY MR. METEER: And these are kept in the building?

BY MR. KUNZEL: They are in the building until they're full and then the truck will come and take them away.

BY MR. METEER: And the truck comes

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and takes the entire dumpster -- (interrupted)

BY MR. KUNZEL: Uh-hum.

BY MR. METEER: -- like we see them come and pick up a dumpster at construction sites.

BY MR. KUNZEL: Right.

BY MR. METEER: Okay.

BY MR. KUNZEL: Same thing.

BY MR. METEER: That material that's in that dumpster is what you've taken out of it then?

BY MR. KUNZEL: Uh-hum.

BY MR. METEER: Is there any reason why anybody should be concerned about the hazards of that material?

BY MR. KUNZEL: The waste is

Hawbaker Hearing Transcript
18 considered nonhazardous.

19 BY MR. METEER: Okay.

20 BY MR. KUNZEL: It will be primarily
21 soda ash with calcium, magnesium, some
22 barium and stump come out of all the --

23 BY MR. METEER: So that can be taken
24 to any landfill?

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1 BY MR. KUNZEL: Yes, it can.

2 BY MR. METEER: Okay. Okay. Well,
3 you know, and I think probably as far as
4 the elements that you're talking about,
5 most of us aren't probably familiar with
6 those. But you know, we've come to the
7 point where, you know, we understand that
8 there are some things that need to be
9 permitted. There are some things that are
10 being transferred to landfills because
11 they're certified to take those materials
12 and so forth. And this just, you know,
13 gives us a little better sense of what we
14 are dealing with here, you know, that's it.

15 BY MR. KUNZEL: It's all -- I mean,
16 it's all regulated. We are required to
17 tell the State how much water has come in,
18 how much water has gone out.

19 BY MR. METEER: Right.

20 BY MR. KUNZEL: How much residual
21 waste did we produce and where it went.

22 BY MR. METEER: So -- and when you

Hawbaker Hearing Transcript
23 say you're accountable for, you know,
24 recording the water that comes in and goes

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1 out, is that to the SRBC?

2 BY MR. KUNZEL: It's to the state. I
3 don't know which agency at the moment.

4 BY MR. METEER: Okay. I think that's
5 probably SRBC. So the material that is
6 going out to the landfill, what kind of
7 quantities are we talking about here?

8 BY MR. KUNZEL: It depends entirely
9 upon the concentration of calcium and
10 magnesium in the water. Based on -- that
11 determines how much soda ash you have to
12 add to the water.

13 BY MR. METEER: Okay.

14 BY MR. KUNZEL: So the water
15 throughout the state is different depending
16 upon where you are. Up here in Bradford
17 County there is significantly more calcium
18 and magnesium in the water than down, let's
19 say in the Pittsburgh area.

20 BY MR. METEER: Okay.

21 BY MR. KUNZEL: Yeah. So we could
22 have as much as two 20-yard dumpsters a day
23 going out.

24 BY MR. METEER: Or it might be half

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1 that, is that what you're saying?

Hawbaker Hearing Transcript

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BY MR. KUNZEL: Right.

BY MR. METEER: All right. I'm going to come back to this storage of the water that comes in and the frack tanks. And when you say frack tanks, are these the same frack tanks that we see out on the well pad or is this some other?

BY MR. KUNZEL: Yeah, they are everywhere. The red ones, the green ones.

BY MR. METEER: How many of those might you have on site?

BY MR. KUNZEL: We might have as many as 20. Well, ten. Ten for water coming in and ten for water going out.

BY MR. METEER: Okay. Fair enough. Well, sometimes we are used to saying hundreds. 20 doesn't seem like all that many. And how many of these -- how big is this building and it's on your plan here, I believe, but...

BY MR. KUNZEL: Yeah, I believe we have it in the -- what, 50 x 100 range.

BY MR. METEER: Okay.

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BY MR. KUNZEL: I believe is what it was. Yeah, about 50 x 100 at the most.

BY MR. METEER: Okay. And do you -- I know I asked the question before, are you contracted through one particular company or are you working with several companies

Hawbaker Hearing Transcript

7 or...

8 BY MR. KUNZEL: well, the amount of

9 water produced far exceeds our capacity as

10 you can imagine.

11 BY MR. METEER: Okay.

12 BY MR. KUNZEL: So we plan to be

13 selective about who we accept water from.

14 BY MR. METEER: You don't have to

15 tell me who, but is there any company in

16 particular in which you're -- (interrupted)

17 BY MR. KUNZEL: we've been talking to

18 companies like Anadarko and Range

19 Chesapeake and --

20 BY MR. METEER: Okay.

21 BY MR. KUNZEL: Most of the

22 producers.

23 BY SUPERVISOR: You stated that you

24 go out and test the water on the site to

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73

1 determine if it was something that you

2 could work with. Who sets those standards,

3 is there a certain standard that can only

4 be -- only certain water can come into your

5 facility, the DEP says only a certain water

6 can come into your facility?

7 BY MR. KUNZEL: No, it's really --

8 it's me that sets the standards because I

9 have the knowledge of what our treatment

10 plant will be able to treat for it. So if

11 there is something in that water that I

Hawbaker Hearing Transcript

12 can't deal with, we can't accept it.

13 BY MR. METEER: And where might that
14 go then?

15 BY MR. KUNZEL: Not my problem.

16 BY MR. METEER: Okay. I understand
17 that. I understand that.

18 BY MR. KUNZEL: Yeah.

19 BY SUPERVISOR: So if I understand
20 this, this is kind of all a one-stop
21 treatment process, comes in from the site,
22 you do the complete treatment, send it back
23 out again?

24 BY MR. KUNZEL: That is correct.

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74

1 BY SUPERVISOR: You know, back out to
2 another well -- the well site or a dual
3 well site?

4 BY MR. KUNZEL: That's correct. We
5 also may do some very simple treatment
6 where they'll bring us clean water or
7 freshwater I should say, and they have to
8 take the suspended solids out.

9 BY SUPERVISOR: Right.

10 BY MR. KUNZEL: So it's a very simple
11 process of filtration that would do that.

12 BY MR. METEER: So the water that is
13 going back out to the well site will be
14 hauled in in trucks that are going to be
15 labeled residual waste? It's not going to
16 be freshwater?

Hawbaker Hearing Transcript

17 BY MR. KUNZEL: Yeah, no, it won't be
18 freshwater. It would be frack water and
19 I'm sure that they haul it in accordance
20 with the state requirements.

21 BY MR. METEER: Right, okay.

22 BY MR. KUNZEL: But again, we don't
23 really worry about what's happening outside
24 of our facility.

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1 BY MR. METEER: Right.

2 BY MR. KUNZEL: We only worry about
3 what comes into our facility.

4 BY MR. METEER: Your facility is
5 permitted by DEP; is that correct?

6 BY MR. KUNZEL: Yes.

7 BY MR. METEER: Okay. Do they do
8 onsite inspecting?

9 BY MR. KUNZEL: Yes, they do.

10 BY MR. METEER: Frequently?

11 BY MR. KUNZEL: I guess it depends on
12 how many personnel they have available to
13 do that at the moment in time. But the
14 facilities that we operate, and there may
15 be at any one moment in time hundreds of
16 them throughout the east coast, we will get
17 a visit, you know, once a month by an
18 inspector.

19 BY MR. METEER: Okay.

20 BY MR. KUNZEL: Right. Now we are
21 required from those where we are

Hawbaker Hearing Transcript

22 discharging to a service body, we are
23 required to collect samples on a regular
24 basis and we have to submit those results

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76

1 to the state. And the state monitors all
2 of that and if there is a problem, we would
3 receive a fine for that. You know,
4 fortunately in the 14 years that I've been
5 doing this, specifically in the
6 Ground/Water Treatment & Technology we
7 haven't had that instance come up, so...

8 BY SUPERVISOR: You reported last
9 year you treated over 16 billion gallons
10 without a -- (inaudible) if we went back
11 farther, would we find a similar record
12 with a history -- (inaudible)

13 BY MR. KUNZEL: Yeah, I've worked at
14 Moretrench for 32 years. And 14 years ago
15 founded Ground/Water Treatment &
16 Technology. And that's really when we
17 began treating water on construction sites.
18 So there isn't much history beyond that.

19 BY MS. WIZELMAN: Can you spell the
20 name of Moretrench?

21 BY MR. KUNZEL: M-O-R-E-T-R-E-N-C-H.

22 BY MS. WIZELMAN: Moretrench. And is
23 that a United States corporation? Where
24 are you incorporated here?

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77

Hawbaker Hearing Transcript

1 BY MR. KUNZEL: It's incorporated in
2 the State of New Jersey.

3 BY MS. WIZELMAN: And Ground/Water
4 Technology is a subsidiary of that
5 corporation?

6 BY MR. KUNZEL: Uh-hum, a
7 wholly-owned subsidiary.

8 BY MS. WIZELMAN: Can I ask another
9 question while we are at it? When you
10 first spoke, you said that there -- at this
11 point you didn't anticipate a discharge
12 into the river. Is there insight that
13 there will be discharge to the river?

14 BY MR. KUNZEL: Well, the problem
15 with discharging the water into the river
16 is the regulations require it to be very
17 clean. And it's extremely costly to treat
18 the water to that level. And it's unlikely
19 that anybody would be willing to pay for
20 that.

21 BY MS. WIZELMAN: So you're not
22 anticipating -- (interrupted)

23 BY MR. KUNZEL: No.

24 BY MS. WIZELMAN: -- that happening?

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1 BY MR. KUNZEL: No, we are not.

2 BY MS. WIZELMAN: And how many
3 employees would you have at this site?

4 BY MR. KUNZEL: It would probably be

Hawbaker Hearing Transcript
5 somewhere between 15 to 20. We already
6 have a fellow that's worked for me for over
7 ten years who lives in Bradford County and
8 he's anxious to get back home and that's
9 where we will assign him.

10 BY SUPERVISOR: So some of them will
11 be onsite 24 hours a day?

12 BY MR. KUNZEL: As long as we have
13 water to treat, yes. There could be the
14 possibility where we don't have any water.

15 BY SUPERVISOR: So if there is a
16 problem, some kind of leakage or spill, it
17 would be contained immediately?

18 BY MR. KUNZEL: Yes. We are required
19 to prepare a spill response plan, a spill
20 preparedness plan, all of those things,
21 yeah.

22 BY MS. WIZELMAN: And again, would
23 you be willing to post a bond if --

24 BY MR. KUNZEL: The state requires a

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1 bond that we get in case we pack up our
2 card tables and go home, they will have
3 enough money to clean the site up, get rid
4 of everything that we've left behind.

5 BY MS. WIZELMAN: How much is that
6 bond?

7 BY MR. KUNZEL: It's yet to be
8 determined. But I had a grade sheet I had
9 to fill out, it told them how much water

10 was there, how much it cost to get rid of
11 that water. How many pipes are going to be
12 there. How many tanks are going to be
13 there and a calculation is made as to the
14 value of that.

15 BY MS. WIZELMAN: And the
16 Commonwealth -- is that bond made payable
17 to the Commonwealth of Pennsylvania then?

18 BY MR. KUNZEL: That's correct, yeah.

19 BY MS. WIZELMAN: And so you don't
20 have your license yet or permit?

21 BY MR. KUNZEL: We do not have the
22 permit yet.

23 BY MS. WIZELMAN: Okay.

24 BY SUPERVISOR: Carl, looking at the

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1 footprints of everything here, it looks
2 like there really isn't any room for either
3 of these companies or yourself to expand.

4 BY MR. BANKERT: Correct. I can't
5 answer for them, but we -- that's pretty
6 much where we want to be.

7 BY SUPERVISOR: Yep, that's why I'm
8 asking you.

9 BY MR. BANKERT: Our expansion might
10 be another plant.

11 BY SUPERVISOR: Will all of the, you
12 know, things that are going on in here,
13 Carl, are you going to fence this whole
14 area in?

Hawbaker Hearing Transcript

15 BY MR. BANKERT: We hadn't planned on
16 it, but it's something we can do.

17 BY SUPERVISOR: I guess, you know, it
18 just seems to me like something that you
19 would want to do with everything going on
20 in there.

21 BY MR. BANKERT: Each -- each
22 individual will have their own security
23 around their areas, so... Ours is going to
24 simply be aggregates, sand, you know, fuel

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1 oil -- you know, water in a drum -- scales,
2 you know, and things like that.

3 BY SUPERVISOR: So these two
4 businesses will be fenced in, but yours --

5 BY MR. BANKERT: I'm not sure what
6 their security --

7 BY MR. KUNZEL: Ours will be.

8 BY MS. WIZELMAN: (Indicating) yours
9 will be fenced in?

10 BY MR. KUNZEL: Yeah.

11 BY MR. BANKERT: We don't plan on
12 fencing ours in.

13 BY SUPERVISOR: Would it be a problem
14 if we required that?

15 BY MR. KUNZEL: No, it wouldn't be a
16 problem.

17 BY MR. METEER: So if I crossover a
18 little bit and add onto the Hawbaker plan,
19 one of the other questions was that, you

20 know, I want to come to is that you said
21 maybe 85 trucks -- (interrupted)

22 BY MR. BANKERT: Right.

23 BY MR. METEER: -- a day? Is this
24 accounting for bringing materials in or is

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1 that materials that is coming in by rail
2 or?

3 BY MR. BANKERT: That would be loaded
4 trucks, asphalt trucks leaving the site to
5 deliver it.

6 BY MR. METEER: Okay.

7 BY MR. BANKERT: You're right.

8 BY MR. METEER: At how many hours per
9 day?

10 BY MR. BANKERT: Pretty much the
11 daylight hours.

12 BY MR. METEER: Okay.

13 BY MR. BANKERT: We don't like to lay
14 asphalt at night. We will if we are forced
15 to, but we don't like to, your efficiency
16 goes down pretty drastically.

17 BY MR. METEER: Okay. The only other
18 question that comes to mind is, you know,
19 that once we get beyond that magic time in
20 the evening, the backup alarms, every
21 company is dealing with trucks and all of
22 these trucks require they have backup
23 alarms.

24 BY MR. BANKERT: Uh-hum.

‡

1 BY MR. METEER: And to try to keep
2 that to a minimum -- (interrupted)

3 BY MR. BANKERT: Right.

4 BY MR. METEER: -- so it's not, you
5 know, annoying.

6 BY MR. BANKERT: Right. Right.

7 BY MR. METEER: That's something that
8 we need to be conscientious about.

9 BY MR. BANKERT: Absolutely. And I
10 think where we are located, where our
11 aggregate piles are, we're pretty much in
12 the middle of the site, we're down over --

13 BY MR. METEER: Uh-huh.

14 BY MR. BANKERT: -- pretty much down
15 over in the lower part of it.

16 BY SUPERVISOR: So I looked at the
17 160 trucks a day, approximately that is 160
18 trucks in, 160 truck out. Is that right
19 looking at it that way?

20 BY MR. BANKERT: Yeah. That's trucks
21 and that's trips.

22 BY SUPERVISOR: Times two.

23 BY MR. BANKERT: Exactly, yeah. The
24 Penn DOT entrance indication is for the

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1 volume which allows 750, which is 1,500
2 trips a day. But the issue with that, I
3 mean, you know, with Penn DOT you either go

Hawbaker Hearing Transcript

4 for minimum use, which I think is -- I
5 don't know, something like 35 or 50 trucks
6 a day, and you go right from minimum to low
7 volume which is 750, there's no in between
8 which is -- we would be the in between
9 probably, it'd be halfway. But the
10 standards are the same for, you know --

11 BY SUPERVISOR: well, knows this, I
12 guess, here, but are we looking at another
13 red light?

14 BY MR. BANKERT: We are not, no, we
15 don't justify -- we did the traffic study
16 and we don't justify a turning lane in
17 either direction for the amount of oncoming
18 projected and vehicles that are coming into
19 the site.

20 BY SUPERVISOR: And that will be
21 paved right up to Route 6?

22 BY MR. BANKERT: Yeah, we are looking
23 to have a 20-foot paved courtway, you know,
24 turning radar required. And will probably

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85

1 take it down into the Wyalusing market
2 facility --

3 BY SUPERVISOR: Right.

4 BY MR. BANKERT: -- as soon as that
5 -- (interrupted)

6 BY SUPERVISOR: So the sale barn will
7 be using that, too, then?

8 BY MR. BANKERT: Yes. Yes, they

Hawbaker Hearing Transcript

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will.

BY MR. METEER: Okay. In the manufacture of your product, I think some people are concerned about odors and noise and...

BY MR. BANKERT: Yeah, there is -- when you make it, of course, you got the equipment that is going to be in the hoppers in the drum. In the drum we've got your burners and -- along with a fan. You know, to keep the mix --

BY MR. METEER: Uh-hum.

BY MR. BANKERT: -- keep the mix going. There is going to be a noise from that, from the blower, and probably just initially the burners you're going to hear

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the noise. Now, onsite obviously the equipment everybody has heard a loader. But other than, that's pretty much all you're going to hear. And it's pretty much done in daylight hours.

BY SUPERVISOR: Is that a continuous sound or -- or is it going to be continuous and what are you going to be --
(interrupted)

BY MR. BANKERT: The continuous would probably be a blower and the burner, I don't know that you can hear the burners that loudly, but you'll continuously hear

Hawbaker Hearing Transcript

14 the blower probably because we're not going
15 to -- it makes 450 ton an hour but we
16 pretty much make it on an as-needed basis.
17 We regulate it so that we are not making
18 450 tons of storage -- we'll make it as we
19 need it to try to keep up with fresh
20 asphalt --

21 BY MR. METEER: Uh-hum.

22 BY MR. BANKERT: -- you know, as the
23 trucks are coming and going.

24 BY SUPERVISOR: The decibel

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87

1 requirements, of course they -- that's a
2 tough thing to describe intermittent noise.
3 You don't have any problem meeting it
4 either way?

5 BY MR. BANKERT: No, I don't. Ut-uh.
6 Not at all.

7 BY MR. METEER: Sitting here, you're
8 loading this into your trucks and taking it
9 out at that point. The other thing that
10 goes on with trucks, which is a big thing,
11 are the banging of their tailgates. Are we
12 going to hear that?

13 BY MR. BANKERT: No, you're not going
14 to hear that.

15 BY MR. METEER: No tailgates?

16 BY MR. BANKERT: No, I don't believe
17 so. I'm not going to speak for what goes
18 on at the job site, but for the most part I

Hawbaker Hearing Transcript

19 don't think you're going to hear all of
20 that. A lot of it -- don't forget it's
21 coming out real hot, it comes out at 200 --
22 350 degrees or something like that,
23 ridiculous.

24 BY SUPERVISOR: Are you going to have

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1 generators onsite?

2 BY MR. BANKERT: We may have an
3 emergency generator.

4 BY SUPERVISOR: What about fuel
5 tanks?

6 BY MR. BANKERT: We will have fuel
7 oil for -- we are not quite sure how we're
8 going to burn yet, but the burn is more
9 than likely unless we can find a decent
10 natural gas service nearby, so those will
11 be above-ground tanks and the contained
12 pursuant to DEP standards. And then diesel
13 fuel for vehicles.

14 BY SUPERVISOR: No gasoline down
15 there then?

16 BY MR. BANKERT: There may be
17 gasoline but we are not looking at any
18 underground tanks.

19 BY MR. METEER: Any dust?

20 BY MR. BANKERT: Well, the new -- the
21 new treatment facilities that you have to
22 have, I think it was like back in 2002 the
23 asphalt plants were removed from the EPA

Hawbaker Hearing Transcript

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hazardous material's list as far as

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1 generating of hazardous materials --

2 BY MR. METEER: Uh-huh.

3 BY MR. BANKERT: But in new plants
4 the dust is actually recirculated back into
5 the plant and reused, the bulk of it. And
6 along with that -- a lot of the smell goes
7 back into the plant, too. So the new
8 standards at the newer plants, they don't
9 have near the pollution problems we used
10 to.

11 BY SUPERVISOR: What does this mean
12 where it says control burning? Is that
13 what that says, Art? Control burning?

14 BY SUPERVISOR: Control burning,
15 yeah, that's control burning.

16 BY MR. BANKERT: Yeah, that's control
17 burning, regulating the type of mix that's
18 going in. And there'll be scales, too.
19 That's about the only burning that going to
20 be in the site, too.

21 BY MR. METEER: Do you use water in
22 your process?

23 BY MR. BANKERT: No.

24 BY MR. METEER: And so for the

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1 materials that you do use, are you

Hawbaker Hearing Transcript
anticipating bringing that in by rail?

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BY MR. BANKERT: Some of it, yes.
And it depends -- a lot of it depends where
our -- you know, aggregates -- you know,
the wrap, the recycled asphalt definitely
will be coming in by rail. Sands, that
depends, that depends. We have to be --
watch out because the amount of materials
we bring in might not justify rail
activity, not as much as you might think it
is with the asphalt.

BY MR. METEER: How does DEP regulate
your business?

BY MR. BANKERT: We have to have it
permitted. I believe we have the air
quality permit right now.

BY MR. METEER: And how do they
monitor that?

BY MR. BANKERT: They come out and
they test you, I forget how often it is,
but you are tested, yeah.

BY MS. WIZELMAN: Is that one permit,
the air quality permit is from DEP? Is

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that the only permit you need from DEP?

BY MR. BANKERT: As far as I know,
yes. Other than your normal --

BY SUPERVISOR: Stormwater?

BY MR. BANKERT: Stormwater, ENS,
things like that. And then we also have

Hawbaker Hearing Transcript
Penn DOT inspectors at our plant
continuously.

BY MR. METEER: Relatively speaking,
the size of the plant that you have
proposed here is, how does that compare to
some of your other plants?

BY MR. BANKERT: It's about the same.
It's a little -- I don't know, I'm trying
to give you an idea, it's a little smaller
than the Montoursville plant, that's four
burners or four barrels, where this is
three. And the one in the Pleasant Gap is,
I think, two threes, so that's a six
barrel. Yeah. That's 900 tons per hour in
Pleasant Gap, this is 450.

BY MR. METEER: Okay.

BY MR. BANKERT: Which is -- this is
the same size as the one in -- we have one

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92

up in Barkeyville, I don't know if anybody
is familiar with that area?

BY MR. METEER: Uh-huh.

BY MR. BANKERT: That's one of our
new plants.

BY SUPERVISOR: You have a
three-style plant here --

BY MR. BANKERT: Uh-huh.

BY SUPERVISOR: Does that put you at
full capacity or could you bring in three
more and make it work that way?

Hawbaker Hearing Transcript

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BY MR. BANKERT: We are not anticipating that.

BY SUPERVISOR: But you could, I mean but you could -- (inaudible)

BY MR. BANKERT: Room --

BY SUPERVISOR: You would need a lot more room --

BY MR. BANKERT: We picked this site because we are at, pretty much triangle with three counties. So we are looking at Bradford, Wyoming and Susquehanna Counties. There may be a day comes when we have to put one over west of Towanda because

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getting hot mix from Wyalusing on the western side of Towanda right now is going to be kind of a trick. It's a little slow going right now.

BY SUPERVISOR: Did I understand you to say in the beginning then that you were storing asphalt in them?

BY MR. BANKERT: That's what they are for, yes. And we may put it in there. There's enough storage and they're also heated.

BY SUPERVISOR: That's what I thought -- and how do you heat them?

BY MR. BANKERT: Same with gas, natural gas or the fuel oil.

BY SUPERVISOR: Okay. All right.

17 BY MR. BANKERT: And we use about 150
18 million BTUs per hour for this. That's why
19 we need to get the fuel oil over natural
20 gas. We looked at LP, but LP is a little
21 -- (interrupted)

22 BY SUPERVISOR: How many gallons of
23 fuel do you have stored in there at what
24 time? What size are your tanks?

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1 BY MR. BANKERT: I had that figure in
2 my head, I can't think of how much we're
3 going to need per day. But it's probably
4 around a 10,000 gallon tank or something
5 like that.

6 BY SUPERVISOR: It's a pretty large
7 tank.

8 BY MR. BANKERT: Fuel oil does burn
9 the more efficient we get. If we get
10 140,000 BTUs per gallon compared to LP is
11 95,000 or something like that.

12 BY MS. WIZELMAN: How many employees
13 will you have?

14 BY MR. BANKERT: Well, right there at
15 that site we'll probably be looking
16 somewhere around 12. But because of that
17 site we are looking at probably adding 100
18 people in the area.

19 BY SUPERVISOR: 100 people?

20 BY MR. BANKERT: Roughly, yeah.

21 BY MR. METEER: Will you maintain the

Hawbaker Hearing Transcript
office up in the plaza?

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BY MR. BANKERT: Right now, yeah. We
kind of like it there. It's a -- we're

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going to be looking around maybe for a
larger space for a larger, you know, yard.
I mean, we can't store equipment and
things. We can't store equipment over here
at this site, I mean the office we are at
now, a little bit on that site, but for the
most part we're going to have to look for a
construction -- (interrupted)

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BY MR. METEER: That was one of those
things I was going to -- you use your own
trucks, where --

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BY MR. BANKERT: Uh-hum. Right now
we are using a lot of people's trucks.

13

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BY MR. METEER: So where do those
trucks go at nighttime?

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BY MR. BANKERT: On the job or some
will be parked at our site right there.

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BY MR. METEER: Okay. On your plan
you show two water wells.

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BY MR. BANKERT: Right. Right.

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BY MR. METEER: Is that just for
domestic use?

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BY MR. BANKERT: Yes, yes.

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BY MR. METEER: Okay. So --

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Hawbaker Hearing Transcript

1 BY MR. BANKERT: We used to have one
2 as a backup. We're not drilling obviously
3 -- (interrupted)
4 BY MR. METEER: Right.
5 BY MR. BANKERT: -- because we
6 haven't done anything.
7 BY MR. METEER: But you're not going
8 to be drawing any large quantity of water
9 from those?
10 BY MR. BANKERT: No, no.
11 BY MR. METEER: And you would be
12 putting in an approved septic?
13 BY MR. BANKERT: Yeah, that's in
14 design right now by Bradford County.
15 BY MR. METEER: Okay.
16 BY SUPERVISOR: Is there going to be
17 a sand mound?
18 BY MR. BANKERT: Yes.
19 BY MS. WIZELMAN: Do you have a -- do
20 you have to have a contamination plan, too,
21 for your -- these people do (indicating)
22 but do you also for your business?
23 BY MR. BANKERT: Yeah, I believe we
24 may have to.

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1 BY MS. WIZELMAN: So would all three
2 of you agree to supply the Township with
3 your spill response plans, contamination
4 plans if we could have copies of those,
5 please.

Hawbaker Hearing Transcript

6 BY MR. BANKER: Sure.
7 BY MR. KUNZEL: Absolutely.
8 BY MR. MARKS: Uh-hum.
9 BY MS. WIZELMAN: Thank you.
10 BY MR. METEER: I think one of the
11 things that the Township would be
12 interested in if this is all approved is,
13 you know, one of the things that we really
14 like is staying in the loop. We like to
15 know what's going on. If somebody asks us
16 a question, one of these people, you know,
17 they hear something here and they come back
18 and they ask us a question, we would prefer
19 to know the answer to that instead of
20 having to say, you know, beats me, you
21 know, we'll see if we can find out. So,
22 you know, if there is a way that we can do
23 that. If we can, you know, keep the lines
24 of communication open. If we could, you

♀

98

1 know, to be able to visit your sites, all
2 three of them, you know, at various times
3 and kind of stay on top of things. I think
4 that would be something that we would
5 definitely be interested in. We have so
6 many things going on in the Township right
7 now that, you know, I don't want to say we
8 are overwhelmed, but boy, you know we are
9 just about pretty close to that.
10 BY MR. BANKERT: Sure.

Hawbaker Hearing Transcript

11 BY MR. METEER: We are trying our
12 best to stay on top of these things and,
13 you know, handle them the best we really
14 can. I want to move to some of the people
15 that indicated they had --

16 BY SUPERVISOR: No ponds down in
17 there at all, right?

18 BY MR. BANKERT: Detention.

19 BY SUPERVISOR: I mean, you know as
20 far as storm --

21 BY MR. BANKERT: Stormwater.

22 BY SUPERVISOR: Yeah, the stormwater.
23 But other than that, there is nothing
24 there, right?

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1 BY MR. BANKERT: Right.

2 BY SUPERVISOR: Just to make sure.

3 BY MR. METEER: And that's for all
4 three --

5 BY MR. BANKERT: We probably -- two
6 or three stormwater management ponds on the
7 site.

8 BY MS. WIZELMAN: And just to be
9 consistent, your company is incorporated
10 where?

11 BY MR. BANKERT: Pennsylvania.

12 BY MR. MARKS: Excuse me, who should
13 we send the response plan, to who's
14 attention?

15 BY MS. WIZELMAN: I'll give you my
Page 83

Hawbaker Hearing Transcript

16 card and you can send it to me or --
17 Maxine, really, she should have it --
18 (inaudible) they need an address to send
19 the plan to.

20 BY SECRETARY: We will incorporate
21 all of those in our emergency management
22 plan with our emergency management person
23 also.

24 BY MS. WIZELMAN: And just so I can

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1 -- the way this works, is should we grant a
2 permit, it's a conditional use permit based
3 on the conditions that we -- that the
4 supervisors decide, based on site plans.
5 So if things change, you have -- there is a
6 retirement that you come back, okay, so
7 that the Township can -- so that changes
8 the permit.

9 BY MR. KUNZEL: Uh-huh.

10 BY MR. BANKERT: Okay.

11 BY MR. METEER: Do you have any
12 questions? Okay. So we can go down the
13 list, and you wrote down the names of the
14 people?

15 BY MS. WIZELMAN: I tried.

16 BY MR. METEER: Huh?

17 BY MS. WIZELMAN: I tried.

18 BY MR. METEER: well, I think Trudy
19 is first up.

20 BY MS. WIZELMAN: would you like to
Page 84

Hawbaker Hearing Transcript

21 state your name and...

22 BY PUBLIC SPEAKER: Yes, my name is
23 Trudy Gerlach. Do you need an address?

24 BY MS. WIZELMAN: No.

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101

1 BY PUBLIC SPEAKER: One of my
2 questions is actually, is the 2003
3 Wyalusing Township Zoning Ordinance the
4 latest ordinance?

5 BY MR. METEER: Yes.

6 BY PUBLIC SPEAKER: Okay. I'm going
7 to read my statement.

8 I do not believe -- Hawbaker should
9 be issued a permit for frack water
10 treatment, asphalt plant, mud production
11 treatment or -- treatment facility at the
12 proposed Brown Town site. These proposed
13 uses are not ones permitted in the most
14 recent Wyalusing Township Zoning Board --
15 in fact, the proposed uses violate the
16 stated purposes of the zoning ordinances
17 such as promoting and protecting public
18 health, safety and general welfare and
19 presenting traffic congestion and hazard
20 and loss of health. The proposed uses also
21 contradict the communities development of
22 justice to provide the opportunity for
23 safe, decent sanitary housing and living
24 conditions. Frack water and drilling mud

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1 produced in the natural gas drilling
2 operations will contain a great number of
3 toxic chemicals and substances. Residents
4 will be exposed to these by -- to the
5 trucks and trains transporting the
6 materials into the plant, holding and
7 processing tanks in the facility. Toxic
8 substances escaping into the air and the
9 possibility that the water, if released
10 into the Susquehanna River, might not be
11 fully treated and still contain
12 contaminants. The technology to treat
13 drilling-related water and mud is not
14 proven. There is potential for
15 contamination of ground, air and water in
16 the normal operation of such a facility.
17 Further there is a great and probably
18 inevitable possibility for damage to
19 residents and people traveling on Route 6
20 from accidents and spills. We have been
21 assured over and over that natural gas
22 drilling would be safe, yet there have been
23 large numbers of water wells contaminated
24 from drilling and immense numbers of spills

♀

1 and traffic accidents in our area. So
2 imagining that a water and mud treatment
3 here -- treatment plant here would be

4 immune from releases and toxic substances
5 is a fantasy. Another clearly stated -- is
6 to retain the overall rule character of the
7 township. A huge toxic water and mud
8 treatment plant along with the massive
9 traffic it will cause on Route 6 will erase
10 Brown Town's rural character. There are a
11 number of other ways in which the treatment
12 plants violate the zoning ordinance. The
13 Brown Town area is zoned agricultural
14 residential, the purpose of which is
15 clearly defined as providing for health
16 safety and general welfare and promoting
17 and encouraging family living and
18 conserving such areas for farming and
19 agriculture. Also, according to the
20 standard governing conditional uses, the
21 proposed use shouldn't have adverse effects
22 on adjacent property, the character of the
23 neighborhood, traffic conditions or
24 adjacent property values. It's obvious

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104

1 that conditions are going to be miserable
2 at the houses next to this, traffic
3 conditions will be dreadful and residential
4 properties will be valueless. If these
5 permits are applied for under conditional
6 use industrial natural resources processes,
7 treatment plants do not meet the zoning
8 board's definition of natural resources

9 Hawbaker Hearing Transcript
10 processes. The refining of mineral
11 specifications would fail. Other
12 communities have rejected applications for
13 frack water treatment plants and it's not
14 impossible for a zoning board to legally do
15 this. Brown Town is a living, breathing
16 and loved home for a number of wonderful
17 people. I ask you to allow this place of
18 home to continue to exist by rejecting
19 these permit applications.

20 BY MR. METEER: Would you like to
21 call the next person?

22 BY MS. WIZELMAN: Patricia --

23 BY MR. METEER: Keiber.

24 BY MS. WIZELMAN: -- Keiber.

BY PUBLIC SPEAKER: I also object --

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105

1 BY MS. WIZELMAN: Do you want to
2 state your full name. And maybe we should
3 have addresses in case we need it. Where
4 are you from?

5 BY PUBLIC SPEAKER: 44249 Route 6
6 Wyalusing, PA 18893.

7 BY MS. WIZELMAN: Thank you.

8 BY PUBLIC SPEAKER: I also object to
9 giving permits to the three different
10 plants proposed today. I live across the
11 road from this and I also own 25 acres
12 adjoining this land. I came to a
13 supervisor meeting several years ago where

14 we maintained the agricultural zoning of
15 this area. This farm has been in my family
16 for over 100 years. I have a hayfield and
17 a pasture which adjoin this -- these
18 plants. I'm afraid the pollution from
19 these plants will ruin anything I could try
20 to grow there including my horses. I have
21 asthma. What will the air pollution do for
22 that? How about the noise pollution? The
23 jake brakes there are already beyond a
24 nuisance, we are woken up throughout the

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106

1 night from them. If we have how many more
2 trucks coming through, we won't be able to
3 sleep at all. The fracking water is full
4 of carcinogens and radioactive materials.
5 As far as I'm concerned, it would be a
6 radioactive dump across the road from my
7 home. Also the depreciation of land
8 values. I was already told that no one
9 would be interested in my land if these
10 plants are in there. These recycling
11 plants were refused in -- (inaudible)
12 Township, Tuscarora Township and Wysox
13 Township by the supervisors. And I hope
14 our supervisors will take their job
15 seriously and protect the individuals who
16 elected them to office. Thank you.

17 BY MS. WIZELMAN: Carolyn French?

18 BY PUBLIC SPEAKER: Hi, I'm Carol

Hawbaker Hearing Transcript
French, Ulster Township.

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BY PUBLIC SPEAKER: (Inaudible)

21

Township -- and Carolyn. Did you get

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Carolyn?

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BY PUBLIC SPEAKER: Carolyn Knapp.

24

BY PUBLIC SPEAKER: We are submitting

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written questions and we are requesting

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from the committee and from the supervisors

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a written statement back, if you wouldn't

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mind, please. We would like to know or to

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ask the zoning committee, have you done any

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ecological or human health risk assessments

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of natural resource treatment plants, as it

8

is referred to in the legal notice in the

9

Rocket Courier or Ground/Water Treatment

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Technology, Fluid Management site as

11

referred to in the site plan for proposed

12

project scene attached, which is the map.

13

Okay. If so, what were your findings and

14

what were your sources? Anybody done that

15

risk management plan?

16

BY MS. WIZELMAN: Well, we are not

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here to answer questions.

18

BY PUBLIC SPEAKER: Okay.

19

BY MS. WIZELMAN: So if you want to

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ask -- pose your questions for the record.

21

BY PUBLIC SPEAKER: All right, thank

22

you. What type of materials are going to

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be treated or processed at the plant and

1 hazardous by federal or state law? where
2 do these materials come from? One
3 stated -- oh, I was wondering is it only
4 Bradford County or what other counties in
5 Pennsylvania or other states? what will be
6 the capacity? How much material will be
7 treated or processed during a day, monthly
8 or annually? what is the life expectancy
9 of these plants? what category, a facility
10 or plant will this be? what will be the
11 outcome products of treatment or
12 processing? will sludge be produced by the
13 plant? we already know that answer. If
14 so, how is the sludge going to be disposed
15 of and where will it be disposed? what EPA
16 standards or equivalent will be followed in
17 the plant construction and operation? Do
18 you want to go from there or me go on?
19 (Directed to Ms. Knapp)

20 BY PUBLIC SPEAKER: In case of an
21 emergency spill, who will be the
22 responsible party in cleaning it up
23 technically and who will pay for the
24 clean-up cost? who will be financially

1 responsible at the end of the plant's
2 operation for environmental closure and

Hawbaker Hearing Transcript

3 post closure by either monitoring for a
4 certain number of years after closure?
5 Post closure must ensure that the site is
6 clean it's parents and neighboring usage
7 and who will make sure this happens? what
8 effluences, releases, emissions will come
9 from the plant? what are the permitted
10 standards for all of these according to the
11 EPA's National Pollution Discharge
12 Elimination System, which should be NPDES,
13 and Toxic Release Inventory, TRI permits
14 and reports? what types of devices will be
15 installed at the plant for controlling
16 water effluence, air emissions and odors in
17 order to use the permitted standards and
18 stay in compliance? who is going to
19 monitor the plants to ensure that EPA and
20 DEP compliance standards for air and water
21 quality are being met?

22 BY PUBLIC SPEAKER: And then I --
23 after you guys were talking, I have some
24 personal questions I would like to know. I

♀

110

1 would like to know how do you measure the
2 consistency of the drilling mud? My
3 understanding is there wasn't a consistency
4 of how to measure it. And then, to you,
5 the supervisors, I would like to say I
6 think it may be a little premature to
7 consider any issuance of such a conditional

Hawbaker Hearing Transcript

8 use permit, since some of the land that is
9 on the site and being proposed for this
10 project is private land still. I was just
11 -- I just kind of wanted to make that
12 statement.

13 BY PUBLIC SPEAKER: I just have -- I
14 have a couple of follow-up questions, too.
15 The public hearing notice that I read
16 states that it was just for the Brown's
17 property. But in looking at the site plan,
18 does it encompass more properties than just
19 the Brown?

20 BY MR. METEER: No, I don't think so.

21 BY PUBLIC SPEAKER: It's just the
22 Brown?

23 BY MR. METEER: It's the one on site.

24 BY PUBLIC SPEAKER: That's the only

♀

111

1 one it encompasses? And I guess the --
2 some of the questions that I wanted to ask
3 you -- these guys that were here to
4 represent the different companies. You had
5 stated something about making -- when you
6 tie -- it goes to the site and you test the
7 water, what would make the water
8 untreatable? What would you find in it
9 that would make the water untreatable?

10 BY MR. MARKS: Do you mind?

11 BY MR. KUNZEL: It depends on what
12 they want to take out. For example, if

Hawbaker Hearing Transcript

13 they want to take out the chlorides in the
14 water --

15 BY PUBLIC SPEAKER: Uh-hum.

16 BY MR. KUNZEL: -- I don't have the
17 ability to do that.

18 BY PUBLIC SPEAKER: Okay. So it's
19 specific things?

20 BY MR. KUNZEL: Uh-hum.

21 BY PUBLIC SPEAKER: And I wondered,
22 where do the contaminants from the frack
23 fluids go? In other words, the stuff that
24 you take out from the fluid that isn't

♀

112

1 going back to the site, what do you do with
2 those?

3 BY MR. KUNZEL: Well, that comes out
4 in the form of a sludge.

5 BY PUBLIC SPEAKER: Uh-hum.

6 BY MR. KUNZEL: And it's regulated by
7 the State of Pennsylvania and the testing
8 that we've done shows that it can go into a
9 landfill, and it's the White Pine Landfill
10 that -- (interrupted)

11 BY PUBLIC SPEAKER: Okay.

12 BY MR. KUNZEL: And I know that they
13 have taken similar sludge from similar
14 plants and they have not had any upset
15 conditions.

16 BY PUBLIC SPEAKER: White Pine
17 landfill?

Hawbaker Hearing Transcript

18 BY MR. KUNZEL: Yep.

19 BY PUBLIC SPEAKER: Okay. And you
20 talked about the drilling mud?

21 BY MR. MARKS: Uh-hum.

22 BY PUBLIC SPEAKER: How much of that
23 synthetic oil goes into -- you know, what
24 is the percentage of that synthetic oil

♀
†

113

1 that goes into a drilling mud?

2 BY MR. MARKS: About 55 percent.

3 BY PUBLIC SPEAKER: Okay. I think
4 you said that. And then I think the follow
5 up was the air quality permit. And you had
6 said that -- is there accumulative -- you
7 talked about a permit that you have an air
8 emissions?

9 BY MR. MARKS: Uh-hum.

10 BY PUBLIC SPEAKER: All right. Is
11 there a consideration for accumulative
12 effect of all of these three together?
13 Everybody has different air quality
14 permits, but it's generally in relation to
15 that operation being separate and apart.
16 So my concern is accumulative of all these
17 of these operations and whether that was
18 taken into consideration? And those are my
19 questions.

20 BY MS. WIZELMAN: Thank you.

21 BY MR. METEER: Okay. I don't want
22 people to think that we are just being

Hawbaker Hearing Transcript

23 really passive on this. You know, we have
24 a record of what you said and everything

♀

114

1 that you've said will be taken into
2 consideration before we make a decision on
3 this.

4 BY MS. WIZELMAN: I think she had a
5 concern? Diane?

6 BY PUBLIC SPEAKER: Yes. My biggest
7 concern when I hear these things over and
8 over again is that the accumulative -- and
9 DEP does not have a stack of the money or
10 the presence to really be the watch dogs
11 for this. If you're relying on the
12 individual operating the companies and so
13 on and so forth in terms of our safety.
14 All flowback, all produced water is most
15 likely radioactive. The State of
16 Pennsylvania does not regulate for
17 naturally occurring radioactive materials.
18 So we've got a major loophole here.
19 Innocent communities time and time again
20 aren't really given to full disclosure in
21 terms of potential exposure to its people,
22 to the motorist on the road, as far as the
23 truck traffic. I've many, many times
24 driven to Towanda, Wysox, Wyalusing and see

♀

115

1 trucks seeping. And I back off because I
2 think, I don't want that stuff on my car,
3 it's an unbelievable oversight. The --
4 Pennsylvania is not recognizing the -- it's
5 down there where they are drilling. When
6 it's down there, it's fine. When it's up
7 here where we live, it's not fine anymore.
8 So we've got, you know, the drillers or the
9 people that -- to treat this produced water
10 are simply calling it a heavy metal, with
11 Barium and Solium are radioactive
12 materials. And I think we owe it to
13 ourselves to be really careful.

14 BY MS. WIZELMAN: Thank you. Diane
15 ward? Is that your -- (pauses)

16 BY PUBLIC SPEAKER: I'm Diane Ward.
17 I have just a general statement to make and
18 then a few questions I would like to ask of
19 the individuals you spoke. First of all,
20 in general, I oppose this particular set of
21 applications, the three because of the
22 residential and agricultural nature of the
23 vicinity that it's in. I don't know if
24 we've counted like how many houses are in

♀

116

1 the vicinity or in the square mile area.
2 And I certainly wasn't able to do it just
3 in my car driving around, but just looking
4 around in the vicinity, I counted at least
5 35 distinct individual residential homes

6 that I considered to be in the neighborhood
7 of this area. And I felt that to expose
8 these residents to the air emissions, the
9 fumes, we didn't really spend a lot of time
10 talking odors where there's ash, but I
11 think I said with the area, the residents
12 would be very interested in exploring
13 exactly what they would be exposed to
14 relative to the odor which would permeate
15 their homes and fields as they conduct
16 their normal daily lifestyles. One of the
17 things that wasn't really called out in the
18 questioning and that I'd like to maybe
19 pursue a little further is the firefighting
20 onsite or fire suppression. None of the
21 three individuals talked about the quant
22 ability or conductivity of any of their
23 individual material components or their
24 products. And this is certainly a major

♀

117

1 issue for the Township and the community
2 relative to safety, not only because of any
3 incident that might occur and the need to
4 do firefighting or disasters, handling, but
5 also because we as a community rely on
6 volunteer fire companies unpaid. And this
7 is a service which is becoming more and
8 more difficult to come by because in order
9 to fire fight in any kind of a hazardous or
10 difficult arenas. The amount of training

11 that is being required of our firefighters
12 to keep up with is very expensive, time
13 consuming for people to have outside work
14 responsibilities. The entire -- of our
15 rural -- and I really suspect some of the
16 comments that were made here about our
17 rural and agricultural life is being torn
18 apart by the need to provide the type of
19 services that we really cannot afford in
20 these communities of 500, 1,500, however
21 many Wyalusing Township currently has, I
22 don't see -- must be around 1,500, 2,000
23 people. We cannot afford to pay fire
24 companies in any of these communities, but

♀

118

1 yet these facilities are tearing apart
2 standards of our lives and of our
3 economics, our general rules of economics.
4 The monies which's caught into these
5 projects, although some of it may seep down
6 through a few jobs, is not really touching
7 the major part of the populus, and as a
8 result our lives are being -- our
9 lifestyles are being diminished. One of
10 the concerns that I have, specifically,
11 about the site that has been selected is
12 relative to the previous uses of that site
13 for dumping. Now, I understand that most
14 people do realize that there's been dumping
15 going on there. That dumping has been

16 going on for a length and -- of time that I
17 don't know if anybody really knows exactly
18 what where and how much of what has been
19 put there. So for some reason, although
20 I've heard -- casually say things like oh,
21 well, they are avoiding the spots where the
22 dumping have occurred, I don't know how,
23 what studies have been done to determine
24 what -- you're going to get into the soil

♀

119

1 there relative to drill wells, and you
2 know, drilling them. But also just into
3 what I call stirring the spot. You know,
4 you have substances within there. What
5 damages they are or have done in the past,
6 we don't know. But to open up that can of
7 worms for further development could be a
8 potential problem for all of our drinking
9 water supplies in the area. The question
10 -- another question I had relative to the
11 work that was called out about removing the
12 calcium and the magnesium, and we went very
13 quickly past that -- (inaudible) part of
14 it, you know, we understand the Barium
15 strontium and you know, we understand about
16 radioactivity. And we don't know what sort
17 of testing is going to be going on relative
18 to the types of material that you're taking
19 in or putting out relative to radioactive
20 and that was not clearly called out in the

21 presentation. And I think that should be
22 further explored, not only on the Township
23 level, but on a county level where I
24 believe in the kinds of work that has been

♀

120

1 going on relative to accepting materials at
2 landfills may not be sufficient, which of
3 course is outside the scope of this Board
4 to review. One specific aspect of the plan
5 that I have a concern with is the driveway
6 that comes down into the site between the
7 Bloom area and the mailboxes of Blooms Gas
8 service, the vehicle facility there with
9 nice little propane tanks, have only a
10 couple fences guarding his propane tanks
11 from his driveway. We talked about a nice
12 little row of trees there. I'm more
13 concerned about concrete barriers or walls
14 to keep these huge trucks and all of this
15 traffic out on a slippery-slidy day on this
16 nice paved road from heading into that
17 facility and making a disaster happen as it
18 hits some propane tanks. So I think there
19 is some safety measures required over there
20 for these huge trucks passing by on a
21 slippery roadway on their way down of 160,
22 I think we decided times per day? And
23 lastly, and this is not a question on your
24 wording, I think some of the information

♀

1 you gave us was -- all three of you, but
2 especially to the third guy, although I did
3 struggle a little bit, you really tried to
4 give us some information about your
5 process. But when you tell us as
6 residents, neighbors and community members,
7 in general, that when we have these little
8 spills, we're you know, spreading these
9 microbes around to clean them up, that
10 doesn't make them feel real good to live in
11 Wyalusing Township or this vicinity. So I
12 realize that is the way that you clean it
13 up, but just realizes the fears that the
14 spreading of microbes puts into our daily
15 residential lives is not a good feeling.
16 And thank you very much for your time.

17 BY MS. WIZELMAN: Thank you. Dave
18 Buck?

19 BY AUDIENCE MEMBER: David Buck, I
20 live in -- Route 187 in Sugar Run and I
21 live directly across from the Susquehanna
22 River from the proposed site. I do want to
23 thank the supervisors for the questions
24 that they've asked. I thought that they

♀

1 did a thorough job of looking through and
2 answering the proper questions that need to
3 be done. I know that if there is a
4 different Township, you may not have half

Hawbaker Hearing Transcript

5 the questions that these folks have, so
6 maybe you might want to look around a
7 little further. Some of the comments that
8 you did make is that the lights and noise,
9 that sort of thing, is on the back side of
10 the property, that's where I live is on the
11 back side of the property across the river.
12 So I'm not too excited about saying --
13 well, towards the -- down the hill and on
14 the back that the local residents will hear
15 it. We'll hear it. Just a few residents
16 from Sugar Run that are here tonight and
17 are very concerned about that and the
18 lights that we'll be able to see from the
19 hillside across the river. I've been
20 familiar with developers coming into what I
21 call royal townships and putting up smoke
22 screens, saying what a great job we're
23 going to do. How we are going to be able
24 to benefit the area, we are not going to --

♀

123

1 we're not going to hurt or destroy things.
2 And I think the talent screens are going to
3 be looked through with the supervisors
4 here. And again, I applaud them for what
5 they are doing and how they are approaching
6 this. There is an industrial zone, I would
7 imagine, in the Township. And this seems
8 more like industrial where in that work,
9 this type of activities should be in an

Hawbaker Hearing Transcript

10 industrial zone, not an agricultural zone.
11 The concern I have is that there is a
12 four-lane road of Route 6 right in front of
13 where you turn in, the number of trucks is
14 very sufficient. And I think the number of
15 left turns on a four-lane road where there
16 is passing zones could be very dangerous
17 and should be -- as I just said, it's very
18 dangerous and maybe there should be concern
19 to rectify that. The wastewater solution,
20 I believe the fellow that said -- they said
21 that 15 to 20 people will be working at
22 that facility and they are going to be
23 using bottled water and portalets supply
24 for those folks that are working there for

‡

124

1 facilities. I think that they should look
2 a little further than that. And I also
3 looked at -- when I looked at the map, I
4 saw that there are three to four wetlands
5 on the site plus the dump that was
6 mentioned earlier. And I don't know how
7 you can put a septic system where -- even
8 aboveground or wherever where there has
9 been a wetland or a dump. And I'm not sure
10 whether that subject is going to be a --
11 you know, a stumbling block all the way
12 around and should be addressed sooner than
13 later. I have a concern for the
14 Susquehanna River. I work a little on the

Hawbaker Hearing Transcript

15 Susquehanna River and that's the main
16 reason why I'm here. And I think that I'm
17 very concerned in not knowing what you
18 folks are going to be doing about -- if
19 there is going to be discharge into the
20 water. I'm very concerned about stormwater
21 runoffs from the facility. Just the fact
22 is that you have trucks coming in and off
23 the highways, there's oils, there's
24 drippings. Any of that can enter into the

♀

125

1 river if it's not treated properly at the
2 edge of the driveways, your paved areas. I
3 think that that should be a consideration
4 to look into. I was very surprised tonight
5 that the supervisors did not have the most
6 up-to-date plans. I think that, again, the
7 smoke screen, you know, well, that is not
8 the most up-to-date plan, here's a new one.
9 I think that's hog wash to bring up
10 something like that at a public hearing. I
11 don't think any construction should begin
12 on the property, no dirt moved until all
13 the questions are answered. I assume
14 developers come in and get halfway done to
15 the site before things are actually done.
16 That's the end of my comments.

17 BY MS. WIZELMAN: Thank you. Dan --
18 Daniel Nadd?

19 BY PUBLIC SPEAKER: Daniel Nadd,
 Page 105

Hawbaker Hearing Transcript

20 Wysox. And one of the things right off the
21 batt with that, full resource processing,
22 they can make it sound like new, you can be
23 really comfortable with it. They make it
24 sound like explaining a natural resource

♀

126

1 process is a calcium, magnesium, it sounds
2 like a vitamin I'm taking. But to get the
3 calcium and magnesium, you've got to be
4 using in his clarifier, he's got to be
5 using some kind of -- or carcinogens. And
6 these gentleman out here were telling you
7 about that he has to have a chemical to get
8 around the particles to drop them out. And
9 also in that process as the ladies and
10 gentleman, they're going to explain to you
11 -- you've got arsonic Barium, you've got
12 radiation, you have all of this grade up or
13 grade on 226. And you have all of these
14 trucks coming through your town and
15 somebody mentioned about placard cards.
16 There is no placard cards. And why is it?
17 DOT says you have to have a placard card
18 within this area where you have the trucks.
19 If there was an accident and this truck had
20 radiation in it, you're sending your
21 first-responders in there unprotected.
22 This is a disgrace right here. This is --
23 this is what -- you want first-responders
24 and you can't find them, and they are going

♀

1 to run in there to help somebody and they
2 do it through the goodness of their heart
3 and they don't get paid, but they are not
4 properly protected. If you have radiation
5 in that truck, and you do -- do you have
6 any radiation detectors at your facility?

7 BY MR. BANKERT: We have radiation
8 detectors there, also. But, I would like
9 to mention that we will have our own
10 employees there. And to think that we
11 wouldn't protect our own employees is --

12 BY PUBLIC SPEAKER: I didn't ask --
13 I'm worried about the first responders.
14 Maybe you brought up the radiation. Is
15 there stuff that you're hiding here?

16 BY MR. BANKERT: No, nothing is being
17 hidden, I can assure you of that. The
18 State states that the level of radiation is
19 the most accommodated one, is so minor that
20 radiation -- the codes are not required for
21 it to be.

22 BY PUBLIC SPEAKER: Nobody monitored
23 it. How do you know that one site -- it
24 could be the other site?

♀

1 BY MR. BANKERT: I'm afraid to tell
2 you that it is monitored.

Hawbaker Hearing Transcript

3 BY MR. METEER: Well, why don't we
4 deal with --
5 BY PUBLIC SPEAKER: Okay. I'm sorry.
6 BY MR. METEER: It's okay.
7 BY PUBLIC SPEAKER: With these
8 gentleman, you did real good in bringing a
9 lot of things out.
10 BY MR. METEER: Okay.
11 BY PUBLIC SPEAKER: But I say, I ran
12 a clarifier for over a year or two and I've
13 been around it for 20 years. This
14 gentleman here will tell you that, too,
15 because he knows what I do. And he --
16 there is certain -- certain things, like I
17 said, because materially if all of the
18 materials, the Barium, arsonic, and
19 anything else, what happens to that the
20 hazardous waste facility. That's going to
21 be another hazardous one. So maybe our
22 landfill can take it, maybe they're not.
23 BY MR. KUNZEL: Okay --
24 BY PUBLIC SPEAKER: Maybe they don't,

♀

129

1 know what is being sent to them.
2 BY MR. KUNZEL: This is just nothing
3 -- that is not possible.
4 BY PUBLIC SPEAKER: You know, it's
5 just like -- I don't know, it's
6 unbelievable that this went so far, now all
7 of the sudden we're all trying to catch

8 back up. We are all behind it where it
9 should have been brought out a long period
10 of time ago to say here it comes and this
11 is what's going to happen. Now you're
12 trying to play catchup and everybody else.
13 And as for the mud, like I say, he'll show
14 us the MSDS. I had them where I worked.
15 Will you show me all the MSDS, these
16 gentlemen, and everybody else?

17 BY MR. BANKERT: It's actually
18 required to do, the community rights and
19 all of that.

20 BY PUBLIC SPEAKER: Okay. That's
21 right. So will Chesapeake show us what
22 they are putting down in that drill hole
23 with the right to no that? Because they
24 get putting chemicals in that well and

♀

130

1 they're going down through the groundwater.
2 And your chemicals and everybody else's
3 chemicals -- going through the water, to
4 cool the bed and make everything work right
5 is going into the water table. Where else
6 would it go? It's going right into the
7 water table. You drill right into the
8 water table. You drill through the water
9 table. You're putting this mud in with all
10 of these chemicals into the water table.
11 Am I wrong? No, I'm not. They've got a
12 compounding effect of all of these

13 chemicals, all going into the water table.
14 And like I say, get all of these MSDS
15 sheets, but get them from Chesapeake, get
16 everything. But get it to this committee
17 right here now. They are going to see
18 exactly what kind of concoctions you're
19 drilling up here. And then they can make a
20 decision on good facts. And then it was
21 just brought up a few times about papers.
22 That's another study that probably has to
23 be done by DEP or EPA, because if you have
24 your neighbors, his neighbors compounding,

♀

131

1 what will they do? So I think we get
2 another study on this. And I think that
3 everything has to be slowed down a little
4 bit, looked at, and really -- it might be
5 like a federal law, you write a law -- and
6 here it is on this side and you flip it
7 over and they've got a pay raise on that
8 side because they're hiding certain things
9 here and certain things there and certain
10 things there. They seem to more clear and
11 cleared up and then they may be so busy but
12 if we did just one at a time instead of
13 three, we'd be able to figure it out a lot
14 better. Thank you.

15 BY MR. METEER: I think we covered
16 everybody that had indicated. Have we
17 missed -- did you?

Hawbaker Hearing Transcript

18 BY PUBLIC SPEAKER: I arrived after
19 you had the signup sheet.

20 BY MR. METEER: Okay.

21 BY PUBLIC SPEAKER: I'd still like to
22 speak. I'm Shelly Northrup from Sayre, PA.
23 And I try to make it a point to educate
24 myself on matters. I was going to ask a

♀

132

1 question, but you just answered it. And my
2 question -- it is based on, I attended a
3 hearing in Athens Township where another
4 operator had proposed a waste treatment
5 plant for the fluids. I just wanted to
6 state that he did in his presentation to
7 present to the Board to say that in some
8 cases the solids that would come out of the
9 treatment process would indeed be
10 radioactive enough to require them going
11 into a special facility rather than just to
12 a regular landfill. So it's good to hear
13 that you do have some aviation monitors,
14 but I wish that had been disclosed upfront
15 in the beginning. And also -- it has also
16 been touched on by others, and that is
17 about air quality. You know, maybe each of
18 these in separate is fine, but you're in a
19 concentrated location, so I think it does
20 have to be -- accumulative type impact has
21 to be considered. And I was just curious
22 if there were any plans to do like a

Hawbaker Hearing Transcript
23 baseline air quality setting. Because
24 you're also -- I tried to add up how many

133

1 trucks you're going to have each day.
2 There were different numbers thrown out
3 there. And I understand that's hard to
4 nail down. But it looks like between the
5 three of you is going to be over 200 trucks
6 a day --

7 BY MR. BANKERT: Yeah.

8 BY PUBLIC SPEAKER: Does that sound
9 about right? So are they -- are these
10 trucks going to be idling because besides
11 they were concerned about noise, you know
12 idling trucks. You're going to be giving
13 off a lot of fumes and things contributed
14 to the fumes or emissions that may be given
15 off in your processes, I was just curious
16 if there is -- is there going to be any
17 type of air quality studies done
18 beforehand?

19 BY MR. BANKERT: It's possible.

20 BY MR. KUNZEL: Speaking strictly for
21 the work, we don't have any -- emissions.

22 BY PUBLIC SPEAKER: But with the
23 trucks, are there any fumes -- with that
24 many trucks in one concentrated area? I

134

1 know it's been brought up in other
Page 112

Hawbaker Hearing Transcript

2 communities that's a concern.

3 BY MR. KUNZEL: I know, I --

4 BY PUBLIC SPEAKER: When I get caught
5 behind that string of trucks and that'll
6 irritate my respiratory track. Well, now I
7 found out, you know, there is a neighbor
8 that has asthma. So it's probably not a
9 good situation. So if had a baseline study
10 you could, you know -- you could
11 demonstrate one way or the other whether
12 it's a problem. And that's all I wanted to
13 say.

14 BY MR. METEER: Okay. Trudy?

15 BY PUBLIC SPEAKER: I know I already
16 said what I had to say, but I don't know if
17 there is opportunity for me to ask one more
18 question or is that -- since I've already
19 my prior recitation, or can I not?

20 BY MS. WIZELMAN: It's up to you.

21 BY MR. METEER: Well, I guess. I
22 guess we'll let you do that. I don't want
23 to get into an ongoing discussion of this.
24 This is a hearing to find out, you know,

♀

135

1 the facts of these companies and what they
2 are doing. But go ahead, Trudy.

3 BY PUBLIC SPEAKER: It's a fairly
4 significant question, it's about the water
5 treatment plant. The frack water that
6 comes into your plant, you've only

Hawbaker Hearing Transcript

7 mentioned calcium and magnesium and -- that
8 vary. When water is fracked, aren't there
9 a number of other chemicals that are used
10 to frack something? And how would they not
11 get into the water that you will be having
12 in your place?

13 BY MR. KUNZEL: I'm sure they are,
14 but we are just not required to take them
15 out. The driller doesn't -- the driller
16 does not require us to take them out.

17 BY PUBLIC SPEAKER: Oh, so they stay
18 in the water and then they go back.

19 BY MR. KUNZEL: Yeah, they stay in
20 the water and then they go back.

21 BY PUBLIC SPEAKER: Oh, I see.

22 BY MR. METEER: Okay. I think we
23 gave everybody an opportunity that had
24 indicated they wanted to say something. At

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136

1 this point then, the hearing has come to a
2 conclusion. We will take that information,
3 the supervisors, as I indicated earlier,
4 have 45 days to issue a decision on this.
5 That decision will be given at a public
6 meeting. And I think that's pretty much
7 it.

8 I do want to say that I think --
9 I think I need to commend, you know, this
10 group that is here tonight, too. Because
11 you know I've been in some of these

Hawbaker Hearing Transcript

12 meetings where, you know, that there is not
13 much sense of order. People are talking
14 and it's difficult to hear what's going on.
15 I think everybody here has handled
16 themselves in a very high fashion. And
17 certainly we appreciate that. And you
18 know, we have come together to gather some
19 information. I think we've done that and I
20 just wanted to tell you that I appreciate
21 that. It makes things work much more
22 smoothly than if not.

23 So I want to thank you, I want to
24 thank you, the gentleman, that have come in

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137

1 here tonight to make their presentation.
2 Not everything has been always very
3 comfortable for everybody, but we've done
4 what we've needed to do. So I thank you.
5 And we -- if the other supervisors have
6 nothing more, then I will declare this
7 hearing closed.

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(CONCLUDED AT 7:13 P.M.)

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C E R T I F I C A T I O N

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I hereby certify that the proceedings and
evidence are contained fully and accurately in the
notes taken by me on the above cause and that this
is a correct transcript of the same to the best of
Page 115

Hawbaker Hearing Transcript

17 my ability.

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MYRA J. LUDDEN

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