# Pa. Legislators Urge Fracking with Dirty Coal Mine Water

MICHAEL RUBINKAM,Associated Press

Each day, 300 million gallons of polluted mine water enters Pennsylvania streams and rivers, turning many of them into dead zones unable to support aquatic life. At the same time, drilling companies use up to 5 million gallons of fresh water for every natural-gas well they frack.

State environmental officials and coal region lawmakers are hoping that the state's newest extractive industry can help clean up a giant mess left by the last one. They are encouraging drillers to use tainted coal mine water to hydraulically fracture gas wells in the Marcellus Shale formation, with the twin goals of diverting pollution from streams and rivers that now run orange with mine drainage and reducing the drillers' reliance on fresh sources of water.

Drainage from abandoned mines is one of the state's worst environmental headaches, impairing 5,500 miles of waterways.

"It's a problem (the drillers) didn't create, but hopefully a problem they can help solve," said Sen. Richard Kasunic, a southwestern Pennsylvania Democrat who's co-sponsoring legislation to spur the use of mine water in fracking.

While not all mine water is chemically suitable for fracking — and a mine discharge has to be close enough to a well pad to make transport via truck or pipeline economical — experts believe Pennsylvania has more than enough polluted mine water to meet the needs of the drilling industry.

More than 10 drillers have already received Department of Environmental Protection permission to use mine discharges for fracking, a technique in which millions of gallons of water, along with chemical additives and sand, are pumped down a well to break apart gas-bearing shale deposits.

"There's a lot of potential here," said Doug Kepler, vice president of environmental engineering at Seneca Resources Corp. "People are looking for the right place to do it, the right commitment to do it, and it has to make sense for your operation."

Seneca has been withdrawing polluted water from the Arnot No. 5 coal mine in Tioga County since late 2010 and piping it some 6 miles to the well pad. DEP considers the mine, which discharges water at an average rate of 2,000 gallons a minute, one of the top contributors of pollution to the upper Tioga River watershed. Seneca's permit allows it to take up to 500,000 gallons per day from the Arnot discharge.

"We're not doing this to save money, and it's not really costing us any more

money," said Kepler, a former environmental consultant. "It's just an alternative that we choose to do to try to minimize our impact."

The idea enjoys broad bipartisan support in Harrisburg. A bill that would encourage drillers to frack their wells with polluted water from abandoned mines cleared the state Senate by a unanimous vote last year, but passage came late in the legislative session, and the measure died in the House.

Kasunic's revised bill had been making its way through the Senate when it was tabled abruptly last week after environmental groups complained it would give drillers too much protection from liability.

The legislation would remove what had been seen as a barrier for drillers wanting to use coal mine water: the state's Clean Streams Law. The law's strict liability provisions could be interpreted as requiring drillers to treat a mine discharge in perpetuity once they begin withdrawing water from it, even though they had no role in creating it. The Senate bill would shield gas companies from that liability.

But PennEnvironment and other environmental activists claimed the bill also would give drillers immunity from responsibility for spills and other accidents at a well pad, too.

Republican Gov. Tom Corbett's administration supports the bill and contends it was fine as written.

It "does not provide blanket immunity for the act of hydraulic fracturing, and any assertion to the contrary would be false," John Stefanko, deputy DEP secretary, wrote to Kasunic and another of the legislation's co-sponsors, Republican Sen. Gene Yaw.

He said it does not "provide any protection to the transporter or user of the treated water when it is used for fracking or other well development purposes."

Lawmakers say they're willing to make adjustments and are hopeful it will win passage.

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