

**COUDERSPORT AREA MUNICIPAL AUTHORITY**  
**SPECIAL MEETING**  
**July 12, 2017**  
**6:30 pm**

The Coudersport Area Municipal Authority held a special meeting on Wednesday, July 12, 2017 at their meeting room on Toles Hollow.

Chairman Bill Krog called the meeting to order at 6:32 pm. Chairman Krog stated that all citizens would be given two minutes to make their comment.

**ROLL CALL**

Present were members Bill Krog, Paul Herzig, Todd Brown, Ed Easton and Tim Haskins. Also present were Sol. George Stenhach, Engineer John Segursky and Borough Manager Bev Morris and Bill Carpenter.

Members of the public present were: Wayne Hathaway, Alan Hathaway, Terry Neefe, Laurie Barr, Elizabeth Martin, Mr. Martin, Kim Mitchell, James Mitchell, Lonnie Jo Hynds, Pete Ryan, Bob Volkmar, Bryan Welsh, Todd Husson, George Hults, Marion Peet, Valerie Mosch, Brandon Serkleski, Mike Broeker, Jennifer Cavanaugh and Rob Thompson.

**PUBLIC COMMENT**

Solicitor Stenhach made a brief statement that public comment would be just that, comment, that there would not be questions and answers as that had been done at the last meeting. Comments will be limited to two minutes. Solicitor Stenhach stated "This project is not a project to place anything in our water system or sewer system. The contact is broken into separate areas that will be discussed, the water filtration process run on land that will be leased to Epiphany and is not connected to the actual sewer system. They will be filtering the water and taking the impurities out. CAMA would be renting a piece of property to Epiphany. Later on after all appropriate permits are obtained from DEP and EPA and any other regulatory body then CAMA would negotiate a service contract as part of the filtration process. This is currently not an issue and is not tied to what is being discussed today. Engineering has been involved. Safety of the community, environmental issues, economic issues and what is best for the community have been taken in account. This is not using CAMA facilities, this is leasing land to allow a filtration process that will produce water of a high purity and continuously tested. This agreement has nothing to do with fracking. This is an agreement between CAMA and Epiphany. There is no relationship with JKLM or any other fracking entity."

First to speak was Laurie Barr who has three pages of requests. Solicitor Stenhach requested that these suggestions be made part of the minutes. It was motioned by CAMA member Ed Easton, seconded by CAMA member Tim Haskins to make Ms. Barr's requests part of the minutes. Motion unanimously carried.

Sol. Stenhach then answered the three questions directed specifically to him – 1. Is CAMA distinctly separate and independent of Coudersport Borough or is CAMA part of (governed by) Coudersport? Sol. Stenhach replied that Coudersport Borough is regulated by Borough Code and CAMA is regulated by the Municipal Authorities Act. CAMA is an entity that was formulated by three municipalities (Coudersport Borough, Eulalia Twp. and Sweden Twp.). CAMA board is based on representatives based on population who are appointed by the three political entities. According to the Authorities act, CAMA is set up to

act independently of any of the political entities to protect the political entities from liability and for state budget purposes. 2. Is CAMA property Coudersport Borough property? Sol. Stenhach replied no. 3. Would funds received from leasing to JKLM and Epiphany go to Coudersport Borough or CAMA? Sol. Stenhach stated that there is no relationship with JKLM and the lease is with Epiphany only and that funds would go to CAMA.

Lonnie Jo Hynds commented that she is a Sweden Valley resident for 45 years and is concerned about the number of trucks traveling on our roads and the safety of residents/children that live along her road. She feels that this project will entice more trucks to travel here and to continue to take over our homes. She feels we should stop catering and encouraging the fracking industry from taking over our community. Elizabeth Martin agrees with Mrs. Barr's requests and feels more time is needed for the community to look into this project. What is motivating this project? Valerie Mosch has lived on the corner of Rt. 6 and Toles Hollow for 30 years and cannot have coffee on her porch in peace because of the fracking truck traffic on Rt. 6. She was told by Epiphany that there would be only small trucks coming onto Toles Hollow, but all she sees are big water trucks going by her house. She is concerned about this project growing and increasing truck traffic. She and her son have health issues and can't open their door/windows because of smells in the air. Lonnie Jo Hynds stated that she likes the rural lifestyle. She does not want to be an industrial town. She would like to have people polled that intend to live here. Sol. Stenhach wanted to respond to Mrs. Martin's question about what is motivating this. CAMA obtains revenue two ways. One is new revenue streams and the other is user rates. The debt load is currently 3.5 million.

Terry Neefe resident of Route Six West, commented that trucks go by his house 24 hours a day, seven days a week and are loud. He is concerned about amount of additional truck traffic this will create. Mike Broeker stated that this plant will take five (5) trucks per day, with a maximum of ten (10) trucks per day as per their DEP permit. Sol. Stenhach stated that CAMA has no authority over fracking and the number of trucks used in that industry.

Laurie Barr stated that this is the first step in this process. Sol. Stenhach stated that there have been no negotiations or discussions regarding if there is going to be a next step because DEP position is not yet known. Meetings will be advertised if CAMA takes on Epiphany as a customer to our system. An independent decision will be made if they will become a CAMA customer.

Todd Husson, Coudersport Borough Councilman, is asking how this system will work. Mike Broeker described the two step metal separation process to drop out all of the metals and then a distillation process is used. Todd is concerned that Epiphany is a young company. Laurie Barr stated that she has done a web search and is confused as to when company was formed. Mr. Broeker gave dates of company formations. Mr. Husson asked about how many systems have been set up, working capital, liability insurance and employee safety.

Pete Ryan stated that fracking is not going to be stopped and encourages everyone to learn about it. This project is a solution to all of the trucking of filthy water into injection wells. He wanted to say thank you to Epiphany for finding a solution to all of this dirty water. Epiphany is taking all of the metals and salt out of the water. The salt can be put up for sale. Kim Mitchell questioned how many trucks will be put through this system. Elizabeth Martin stated she lives on East Second Street and is concerned about the number of water trucks and safety issues. She is concerned that distillation process is new and experimental. More needs to be learned about Epiphany and this process. Mr. Broeker stated that distillation has been around for centuries and this process has been used on well sites since 2012. Todd Husson is asking how much money will be collected. Sol. Stenhach stated that if the lease and addendum are approved they will be available at the Borough office, and if it is not approved then it does not matter.

## **EXECUTIVE SESSION**

CAMA recessed into executive session to discuss a real estate matter at 7:13 pm. This session ended at 7:36 pm with Sol. Stenhach certifying that no decisions were reached.

CAMA recessed at 7:36 for a 5 minute break. Meeting called back to order at 7:43 pm. Sol. Stenhach again certified that no decisions were reached in the executive session.

## **LEASE AND ADDENDUM WITH EPIPHANY**

It was motioned by Tim Haskins, seconded by Ed Easton to approve the lease with Epiphany as presented. Roll call vote taken: Todd Brown Yes, Ed Easton Yes, Paul Herzig Yes, Tim Haskins Yes and Bill Krog Yes. Motion passed 5 Yes 0 No.

It was motioned by Tim Haskins, seconded by Todd Brown to approve the addendum to the lease as presented. Roll call vote taken: Todd Brown Yes, Ed Easton Yes, Paul Herzig Yes, Tim Haskins Yes and Bill Krog Yes. Motion passed 5 Yes 0 No.

It was motioned by Paul Herzig, seconded by Tim Haskins to authorize the chairman to sign all documents. Motion unanimously carried.

Michael Broeker, as President and COO of Epiphany stated that he will provide the board resolution stating that Epiphany board approves the lease for the CAMA property and that he has authorization to sign the agreements on behalf of Epiphany.

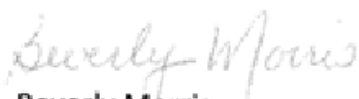
It was motioned by Tim Haskins, seconded by Ed Easton that if the starting date for the lease (Sept 1, 2017) can be extended for a reasonable amount of time if construction is not completed. Motion unanimously carried. Mike Broeker affirms this motion.

It was motioned by Paul Herzig, seconded by Todd Brown to authorize engineering to assist in the execution the addendum. Roll call vote taken: Todd Brown Yes, Ed Easton Yes, Paul Herzig Yes, Tim Haskins Yes and Bill Krog Yes. Motion passed 5 Yes 0 No.

## **ADJOURNMENT**

The meeting was adjourned at 7:48 pm.

Respectfully submitted,



Beverly Morris

Coudersport Borough Manager

Hello, my name is Laurie Barr and I'm a resident of Coudersport.

I am requesting the vote to lease to JKLM and Epiphany be delayed until the public has an opportunity to review the facility plans, lease details and also has the opportunity to offer public comments, and the board has an opportunity to respond to the comments.

I am also asking CAMA to invite representatives of the Department of Environmental Protection (DEP) air & water quality "permitting" staff, *with knowledge and authority over the facility permitting process* to Coudersport, to meet with members of the community and local watershed organizations to address the associated environmental, public health & safety risks and to answer technical questions related to the chemical, distillation and evaporation process, waste storage, permitting concerns and concerns over effluent discharge into the Allegheny River before CAMA decides to lease to JKLM & Epiphany.  
Phone: 570-327-3636

I and others from the community have been releasing balloons near the sewage treatment facility many times over the past two weeks.

We watched, videoed and photographed the balloons as they drifted over homes.

Balloons released near the sewage authority drifted over Katy's Restaurant, the Tabernacle Church, Fox's Pizza, Emperion and Coudersport Borough.

The wind took 4 balloons directly over the Coudersport Elementary school.

I am requesting a provision be added to the lease that will allow CAMA to terminate the lease if there is measurable air quality degradation at the school that cannot be remedied within a reasonable amount of time. I think this is reasonable.

Student's health should not be put at risk. I am requesting CAMA take the time and inform the Parent Teachers Association before voting on the decision to lease.

I'm a grandmother of a child who lives directly downwind and my granddaughter will be sitting at a desk at the Coudersport Elementary School.

I would like to know how much the lease to JKLM and Epiphany would be for and how CAMA plans on spending the money.

I have a couple suggestions.

I am requesting CAMA place real time, remote access, air monitors, capable of data logging, downwind (east) of the lease and upwind (west) of the elementary school.

I am requesting CAMA provide real time, remote access air monitors, capable of data logging for the homes nearest the sewage authority before allowing wastewater to be stored or boiled on CAMA property.

I am requesting CAMA include a provision in their lease to require all residual waste to be stored in closed containment to reduce the release of volatile organic compounds (VOCs) from open storage or containment ponds.

Marcellus Shale wastewater contains Radium 226 which is water soluble and has a half-life of 1600 years.

If CAMA chooses to accept the facilities discharge into the POTW, I am requesting a provision in the agreement to require JKLM and Epiphany to provide POTW with a radiation detector, (placed where their waste enters the sewage treatment plant ) that will sound an alarm when it detects radiation over background levels.

Because the leased land is in close proximity to the floodplain & the Allegheny River, I am also asking CAMA add a provision in the lease that would require JKLM and Epiphany to construct a secondary containment with a liner designed to contain low level radioactive wastes under all infrastructure including areas where fluid would be offloaded from tanker trucks to storage tanks.

I am requesting a provision be added to the lease requiring a "PROPERTY ASSESSMENT REVISION" (to adjust the tax rate) on the leased portion of land, if the lease doesn't already require this.

I am requesting comprehensive soil testing be performed (if it hasn't been done already) in order to establish baseline soil conditions.

I am requesting a provision be added to the lease requiring JKLM and Epiphany to remediate the soil and return it to pre-lease conditions in the event of a spill, equipment failure or flood event that results in soil contamination.

Just before the last meeting I did a Google search and found a Kickstarter project of Thomas Joseph's asking people to invest in a cell phone charger that could charge a phone with the heat from a cup of coffee. 1,175 backers sent \$132,739 to Thomas Joseph between Feb 5 2013 - Apr 6 2013. Joseph offered a cell phone charger to those who contributed \$99 or more.

There are 457 comments on the kickstarter page, most if not all are from people asking for a refund because they never received their cell phone chargers.

( <https://www.kickstarter.com/projects/epiphanylabs/epiphany-one-puck/comments> )

I did an entity search on the "Department of State" website and learned "Epiphany Water Solutions" was created on 12/04/2015, less than a year before CAMA began negotiations with JKLM and Thomas Joseph.

<https://www.corporations.pa.gov/search/corpsearch>

The December 2016 Shale Gas Roundup reads "Epiphany was founded in 2006 by New Castle engineer Tom Joseph."

Thomas Joseph said Epiphany began in 2009. 2006, 2009 or 2015 which is it? Do these inconsistencies raise any red flags? Does he have the experience, ability and expertise he asserts?

I am requesting CAMA add a provision in the lease to set a non-adjustable limit of 5 short truckloads a day. (Thomas Joseph said they will be 5 "short trucks" should we trust him?)

Finally ...

These questions are for Mr. Stenhach.

Is CAMA distinctly separate and independent of Coudersport Borough or is CAMA part of (governed by) Coudersport?

Is CAMA property Coudersport Borough property?

Would funds received from leasing to JKLM and Epiphany go to Coudersport Borough or CAMA?

I ask because if CAMA and Coudersport Borough are not distinctly separate, then it seems to me, there may be the potential for conflict of interest.

(The following is a copy of an email to me from the ATSDR/CDC )

To 'L Barr'

CC Werner, Lora Markiewicz, Karl

09/01/16 at 3:57 PM

Ms. Barr,

Thank you for expressing your concerns about ATSDR gathering a more comprehensive understanding of the environmental impacts caused by the JKLM gas well activities in Coudersport, PA. As noted in the August 15, 2016 response letter to you from the petitions coordinator, Sven Rodenbeck, ATSDR has committed to conducting a more in-depth review of the available information to determine whether people ingested contaminated water at levels of health concern related to chemicals released at the JKLM Reese Hollow 188 pad. We attempt to acquire all available environmental analytical information for this site to complete a comprehensive evaluation.

We appreciate your efforts to gather additional information from the residents, and, if you are able to provide additional quality assured/ quality controlled (QA/QC) analytical data, we will include it in our assessment. Because you are the petitioner, I hope to work with you and continue regular discussion with you and hope to be of assistance during these efforts to gather additional/relevant information. Our goal is to complete a public health assessment/consultation of the actual environmental

concentrations and estimated exposures to the chemicals released by JKLM. I have discussed the proposed "listening" or public availability session in the Coudersport area with my supervisor.

You mentioned that the residents may want to have an opportunity to comment on our DRAFT document in order to provide relevant information for our investigation. ATSDR might be able to release a "draft report for public comment," prior to a final document release, but I cannot tell you at this time that this will happen. I will propose this "DRAFT public comment" approach to my management based on your request and will let you know the decision. Please keep in mind that any resident that wishes to share information with ATSDR can do so at any time by calling my office number (215-814-3139) or by sending an email ([gfu6@cdc.gov](mailto:gfu6@cdc.gov)). I am also available to discuss specific environmental health concerns if residents wish to call or email me. Please feel free to share my contact information with Coudersport area residents.

Our current understanding of this contaminated groundwater plume is that public and private wells were impacted by a number of chemicals used at the JKLM site, including rock oil, F-485, and at least one of its primary constituents, isopropanol. Some of the chemical formulations are considered "trade secret" or proprietary information. ATSDR is a public health agency— not a regulatory agency. We do not have the authority to require the responsible party, JKLM, to disclose this proprietary information.

Given that isopropanol, the primary ingredient in F-485, has been detected in private and public wells, exposures to other chemicals within the F-485 product are also likely to have occurred. The PADEP may have the ability to require full disclosure of confidential business information (i.e., the proprietary chemical information) for public health purposes. I will discuss this issue with the PADEP to determine whether they would be willing (or able) to share this information with ATSDR, if they have it or can get it.

Your email suggests that ATSDR will be reviewing Cole Memorial Records along with JKLM and PADEP records. I wanted to be sure that you understand the scope of this health assessment/consultation. ATSDR has committed to conducting a public health assessment/consultation of exposure to chemicals in the environment caused by the JKLM spill. This includes an evaluation of the available information regarding chemicals in groundwater followed by a discussion of the public health implications posed by estimated human exposures to these chemicals. ATSDR will not be completing a medical records review or gathering specific medical information from the public at this time. The document will also include specific sections to address (1) the special considerations for children's exposures and (2) a community concerns section, which will include your specific concern about proprietary chemical and environmental sampling information that may not have been provided by JKLM or the PADEP to the public or ATSDR.

Finally, you ask that "accurate information be provided to the Coudersport Borough and Sweden Township residents about risks and potential health effects." ATSDR is committed to using the best available science and partnering with communities to protect people from harmful chemical exposures. ATSDR's core values (accountability, collaboration, innovation, equity, integrity and respect) guide us in all of the work we do. We are committed at this site, and at all sites, to provide accurate information to



the public, including government agencies, the public, and all stakeholders. Our final document for this site will be a public document and it will be shared directly with the Coudersport community and will be made available on our Agency website.

I will follow up with you regarding discussions with PADEP about proprietary chemical information. I will also discuss with my management whether we can hold a listening session and/or include a public comment period for our public health assessment document. I will let you know the outcome of these discussions as soon I have an answer.

Please feel free to call or email if you have additional concerns or questions, or additional information relevant to this assessment.

Best regards,

Bob

Robert H. Helverson, MS

Region 3 Representative

Division of Community Health Investigations (DCHI)

Agency for Toxic Substances and Disease Registry (ATSDR)

Centers for Disease Control and Prevention (CDC)

1650 Arch Street (3HS00)

Philadelphia, PA 19103

(215) 814-3139 (Office)

(215) 814-3003 (Fax)

email: [gfu6@cdc.gov](mailto:gfu6@cdc.gov)