

ADDENDUM VI

EOG RESOURCES INTERVIEW

GARY SMITH

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

* * * * *

IN THE MATTER OF: * VIOLATIONS OF THE OIL
C.C. FORBES, LLC, * AND GAS ACT, CLEAN
LAWRENCE TOWNSHIP, * STREAMS LAW, AIR
CLEARFIELD COUNTY * POLLUTION CONTROL ACT,
 * AND SOLID WASTE
 * MANAGEMENT ACT

* * * * *

STATEMENT UNDER OATH

OF

GARY SMITH

taken pursuant to Notice by Sarah Wendorf, a
Court Reporter and Notary Public in and for the
Commonwealth of Pennsylvania, at the offices of
DEP, 186 Enterprise Drive, Philipsburg,
Pennsylvania, on Monday, June 14, 2010,
beginning at 12:57 a.m.

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I N D E X

WITNESS: GARY SMITH

EXAMINATION

By Mr. Vittitow

6 - 29

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OBJECTION PAGE

ATTORNEY

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P R O C E E D I N G S

ATTORNEY AYERS:

Just by introductory remarks, Mr. Smith, we're here just to --- in furtherance of the Department's investigation as to what happened at the Punxsutawney #36H well and the Department's -- the Commonwealth --- the Department's expert, John, is going to ask you some questions about that.

GARY SMITH, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

EXAMINATION

BY MR. VITTITOW:

Q. Mr. Smith, I told you before we started and I told everybody this morning, I'm not an attorney. I'm an engineer. So what I'm going to do today is we're going to talk about things and then we're going to talk about some other stuff because you're the high ranking of the EOG contingents here today about policies and procedures, so we'll talk about that in a minute. When did you first learn about an incident out on the PHC #36H?

A. It was Thursday night, which was the 3d, I

1 believe, June 3rd about 9:00.

2 Q. And you got a call from who?

3 A. Jeff Leitzell.

4 Q. What did he say there, there was something going
5 on?

6 A. He said that they had a well control incident and
7 they shut the welling the best they could, but it was
8 very defiantly blowing gas and water.

9 Q. Okay. Did you give him any instructions to do
10 anything or just say, okay, keep me informed? How did
11 you handle that?

12 A. No, I told him just I wanted to double check
13 everybody was safe and that the site was as secure as
14 they could make it, and then I asked a little bit.
15 I'm pretty certain it was dark thirty up there, but I
16 had to double checked to make sure it was. It was
17 dark where I was. And I told him just keep everybody
18 away from the site and we'd get folks mobilized. But
19 by that time, they'd actually all ready made quite a
20 few phone calls.

21 Q. Did you take any action at that point? Did you
22 tell anybody to do, other than ---?

23 A. Oh, yeah, I went home immediately and threw a
24 couple things in the car and left and called Gary
25 Thomas. He's my immediate supervisor. And Gary was

1 unfortunately in Carlisle. Apparently, they had a big
2 thunderstorm and the cell towers were out, so I was
3 unable to get Gary.

4 Q. Okay.

5 A. And then I had talked to Nick Groves, but I quite
6 frankly don't remember if he called me or if I called
7 him. He's our director of environment and safety.

8 Q. And you headed for the location; is that correct?

9 A. That's correct.

10 Q. What time did you arrive on location?

11 A. Well, it was after Leitzell, so I think help him
12 with a bunch of phone calls and I pulled over on the
13 interstate on some exit to keep from driving and
14 talking and texting and stuff. So it had to be
15 midnight, 12:30, 12:45, somewhere in that range I'm
16 thinking, maybe even a little later. I really don't
17 remember. But Leitzell was about ten minutes ahead of
18 me when we left Pittsburgh, but he got there quite a
19 bit before I did.

20 Q. Was there any communication to the people in
21 Houston? I mean is that where your supervisor is, in
22 Houston?

23 A. Yes. Except as I said, he was in Carlisle at a
24 car show. But I talked off and on to Nick Groves. I
25 talked off and on to Bobby Smith who is our VP of

1 drilling. And Bobby and I were meeting the well
2 control guys.

3 Q. So you were on the location --- approximately what
4 time did you arrive there, at the staging area?

5 A. Again, I don't know. It was 12:30, 12:45, 1:00.
6 I really don't know that for sure.

7 Q. At that point basically, it was just waiting game
8 at this point just for everybody to show up that you
9 needed, the well control people; is that correct?

10 A. Right, because by that time everybody was
11 mobilized and pretty much on their way.

12 Q. Okay. My understanding is the next morning you
13 all went to Dubois to try to pick up the Wild Well
14 Control people. Of course, they got diverted. When
15 you got back and everybody got --- all the well
16 control people got on location, did you have a sense
17 that things were starting to come together or that
18 they were under control or ---?

19 A. Yeah, instantly, you bet.

20 Q. I don't want to spend a lot of time going in to
21 the --- what happened at the well because we got that
22 from other people. Does EOG --- do they have a
23 specific operational --- I'm trying to think of the
24 right word. Do they have standard operations
25 procedures for like fixing BOPs ---?

1 A. You know, whether it's written, I couldn't tell
2 you or not, but one of the things that's kind of
3 unique about EOG, which you probably remember, is that
4 the team that is in Pittsburgh is part of a lot bigger
5 team and we work best practices throughout the
6 company. And so while they may not be written,
7 everything especially along safety lines is very well
8 disseminated between like the Barnett guys, the Bakken
9 guys, the Haynesville guys, but we meet a lot to talk
10 about things like that.

11 Q. Should we assume that because of the similarities
12 between Barnett Shale, clay and the --- this Marcellus
13 clay, because they're similar, that a lot of the
14 practices were imported to Pennsylvania ---?

15 A. Yes.

16 Q. Do you know if you have any policies concerning
17 testing of BOPs on completions?

18 A. Not that I know of. We routinely test the BOPs in
19 the mornings. I mean, that's just sort of standard.

20 Q. We visited you alls drilling rigs and we --- so
21 that's kind of a different ---?

22 A. Yeah.

23 Q. And I know completions run a little different from
24 drilling, so I was just asking.

25 A. Yeah.

1 Q. Do you know if EOG has any policies about working
2 service companies extended hours?

3 A. I don't get what you're going at, John.

4 Q. Okay. The first crew that was on for the work
5 would have been there 5:00 one morning until noon the
6 next day. I just wondered if EOG has any policy
7 written or otherwise that says we shouldn't have guys
8 working ---?

9 A. Not that I'm aware of. I mean, that begins to be
10 an issue that I would hope the contractor would come
11 to us and say we need to do something different, yeah.

12 Q. That's exactly what I told him. But I was
13 wondering if you knew if EOG had any policies?

14 A. Not that I'm aware of, not really.

15 Q. Because obviously to me that's an unsafe situation
16 or could be, you know. Even though I've done it, I
17 know you've done it, it's just not something you want
18 to do all the time, but regardless, did you know if
19 EOG has a policy with barriers, like you have to have
20 two barriers, three barriers? Do you know if that's
21 written down anywhere or is that written policy?

22 A. You know, John, if it is written down anywhere,
23 but we always strive for a minimum of two barriers.

24 Q. Right.

25 A. I mean, that's again one of these common practice

1 deals that we talk about. Is it written down
2 somewhere? It probably is, John, but it would be in,
3 you know, the presentations from the completion
4 conferences or the drilling conferences, but not in a
5 manual like you get.

6 Q. Right. Yeah.

7 A. Yeah.

8 Q. Obviously one the issues that's come up is the use
9 of a stripper rubber or some barrier and blind ram,
10 that's an another --- as an experienced guy, how do
11 you feel about that?

12 A. Two weeks ago I probably felt different than I do
13 today. I think today I'd have to say that I wouldn't
14 rely on a --- on the stripper rubber as a very strong
15 second barrier.

16 Q. You wouldn't?

17 A. Yeah.

18 Q. To be honest one of the problems that I had is ---
19 and if you want to prove this, is that stripper
20 rubber, the minute you start to use it, it's
21 downgraded. The first time you turn to it, the first
22 time you work with it it's evaporating from water, and
23 even though the manufacturers do not rate them at all
24 because a misuse --- whatever it was, it's no longer
25 --- that is a barrier at all, and if --- once that

1 barrier is gone, in other words, once the stripper
2 rubber is no longer working, then you're down to one
3 barrier; correct?

4 A. With pipe in the hole you're down to one barrier.

5 Q. Right. With pipe in the hole.

6 A. That's correct.

7 Q. And then to continue to work with any pipe through
8 that one barrier, which is your only thing between you
9 and the --- does that bother you? And I just try to
10 --- I just want to get your comment. When you get
11 down to one barrier and that's all you got, do you
12 continue working through it? Is that something you do
13 or you recommend doing? I'm just trying to get a feel
14 for kind of what you feel about it. Do you see what
15 I'm saying?

16 A. Well, I mean, I don't know. I guess I don't
17 really work there. You know, when it started leaking,
18 we shut it down to try and change the ---.

19 Q. Well, we've had different testimony from people we
20 talked to in the last few days. We've had two people
21 tell us that on two occasions on this job that someone
22 opened the pipe rams to help flow the --- unseat the
23 stripper rubber. Would you feel that's something that
24 would be acceptable?

25 A. Oh, hell, no.

1 Q. Okay. We've also had testimony that the BOPs were
2 installed, but no accounted testing was ever done of -
3 any sort, not even testing of the flanges. I mean, I
4 understand it's hard to test the pipe rams, but would
5 that surprise you?

6 A. Yes, it would.

7 Q. So you know, as I said, we're trying to find out
8 just what really happened so that this can be avoided.
9 Probably no one wants to know this more than you guys.

10 A. I just want to know the truth.

11 Q. You wan to know that.

12 A. Yeah, that's true.

13 Q. And I just want to get a sense of how --- because
14 I'm going to ask it's safe to say that, you know,
15 because EOG looked at this --- I mean not the
16 incident, but how are they looking at the practices
17 daily and I'm trying to --- you know, I don't know how
18 to ask the question, but you know where I'm going?

19 A. Well, yeah. And I think the way I would respond
20 to that because I know where you're going, John, is
21 that, yeah, we're going to look at the incident in
22 great detail, excruciating detail and EOG is a
23 learning --- the guy that I work for is all about ---
24 you know, he's one of these guys that's keeps sharp
25 all the time and he's constantly putting in training.

1 So we will very defiantly learn from the incident and
2 we will make procedural standards. I mean, obviously
3 these two barriers counting on strippers, probably not
4 where you want to be, right. So the question is how
5 do you bring any third or potentially fourth barrier
6 in. That's part of the reason I've got Rich Carden
7 (phonetic) up here with GSM looking at the deal too to
8 give me his opinion, you know, step back a little
9 farther.

10 Q. Has the thought of using a snub ---?

11 A. Snub end.

12 Q. I'm sorry. I'm kind of slow today. Does that
13 come up or in instances where you cannot get down with
14 the coil tube?

15 A. Well, we occasionally will use snubbers. I'm sure
16 they told you that.

17 Q. No, I haven't heard this yet.

18 A. Yeah, we occasionally --- the fact is I think
19 there was a snubbing unit set up for the next morning,
20 but, you know, that was not necessarily for ---.

21 Q. The clean out?

22 A. Yeah --- well, no, it was --- yeah, it was for ---
23 it was not necessarily for well control as it was the
24 tubing gets light. If you got some pressure in the
25 well, you certainly don't want to put tubing up very

1 far. And the snubbings was not more about failure as
2 it was ---.

3 Q. They did said that basically they pulled the
4 tubing back out and run the tube in?

5 A. Right.

6 Q. okay. Are you familiar with practices of other
7 operators here?

8 A. Not a lot.

9 Q. Do you know if the standard operating is to use a
10 rig with the BOPs and the stripper rubber, or do use
11 stubbing units to get in and out or ---?

12 A. I don't know. I mean, I know the Range uses snub
13 in some, but they're down there --- they're right
14 close to me and I've seen them, so ---.

15 Q. Okay. We've heard this morning that all three of
16 your people feel very comfortable --- if there's
17 something unsafe that they felt very comfortable
18 moving up the chain of command and saying, you know,
19 we don't need to do this. Is that something you want
20 to encourage?

21 A. Oh, absolutely, yeah. And we actually kind of
22 demand it if you really want to know. It's not
23 discouraged.

24 Q. One question I asked that --- when the operating
25 end of the people move to --- maybe you get new

1 employees. Do you go and give them an orientation
2 about this is our --- I understand you give a safety
3 orientation. Do you give any operational orientations
4 of any sort?

5 A. Is it structured? Not really. One of the young
6 men that was on location is a guy we're trying to get
7 to be a consultant for us. We just basically let him
8 follow us around, and usually John --- the guys we
9 have have been in EOG culture through one way or
10 another before. That's --- quite frankly, we rarely
11 pick a cold guy. We've been able to pick guys that
12 even worked in the Rockies or in Barnett or in some
13 --- well, our drilling guys, if you talk to any of
14 them, they're nearly all Rocky Mountain guys. A lot
15 of them are EOG Rocky Mountains.

16 Q. One thing I notice is --- I'm being a little more
17 blunt with you than I was with the other three guys
18 because this is what you get. You're the last one,
19 so ---.

20 A. That's fine.

21 Q. I noticed that a lot of instances as far as
22 background, a lot of instances of their previous
23 training including the frac side, a whole lot of
24 fracing. Is that by design because of the frac's a
25 little more difficult? That's really the primary

1 focus? For instance, when we talked to Jeff, we were
2 asking about his procedures, and he indicated that a
3 lot of emphasis was put on the fracing part of it and
4 very little --- for him very little on the post frac,
5 you know, plenty of ---. Could you see that maybe
6 more in the future is going to detail procedural
7 stuff?

8 A. Well, let me --- yeah, let me answer that. And
9 the answer to that is probably yes. And it's more
10 related in my mind, John, to as you do just what
11 you're asking us. We bring new consultants in, how do
12 they learn. Charley had done a lot of stuff for EOG
13 in Barnett before he had come up here too, so he was
14 pretty well versed. And he's probably more of a frac
15 guy, but he's drilled out a lot of wells too and a
16 good pressure control guy, good coil guy.

17 Q. Okay.

18 A. Yeah, I could see a case that as time goes on, as
19 EOG grows to disseminate the appropriate information
20 whether it be, you know, through the conferences I'm
21 talking about how you do things or whether it's even a
22 little more detailed. As you certainly grow, you may
23 have to get there. But I kind of danced around that,
24 but I mean, that's kind of the way I feel.

25 Q. I don't know how to structure this in my mind.

1 A. This frac job, these drill outs are all pretty
2 dynamic, as you know, and they change. And if you
3 said kill well, you may or may not be able to at a
4 certain time. You're just cutting gas more if you
5 don't, so what's your next step. Well, I think part
6 of what you saw was when they realized you can pump a
7 ton of water in this well and you know if it's cutting
8 gas and stuff, you can stand there and do that a long
9 time, you might kill it, you might not. So the result
10 was to do a kill plug, the composites so we could pick
11 a pipe without pressure. Those are the kind of
12 dynamic things that go on that our guys are really
13 well versed in, and I don't need to tell them that
14 that's what's going on. Now I talked to these guys,
15 Jeff in particular, more or less daily, and so they
16 kind of keep me up real time of what's going on. So
17 if they're having an issue, I may say ---.

18 Q. As you know, there's an age old battle between
19 boss control and oil site control that's been going on
20 since I've been in the oil field and probably before
21 that, and probably when I'm dead and gone, they're
22 going to be deciding on that. And having done both
23 was ---. As a rule --- or maybe not as a rule, in
24 general, does EOG in Pennsylvania do you all give more
25 know more freedom to your oil site supervisors or do

1 you try to keep a collar on them?

2 A. No. I'm a firm believer that in almost all
3 aspects of the business the closer the wellhead you
4 are the better. Our guys are good, I think. I think
5 they understand what they need to do. I think they
6 make the correct decisions, but I also know when
7 they're uncomfortable they'll call.

8 Q. I think that's one problem that a lot of people
9 don't have in our business is that most of our
10 supervisors aren't comfortable calling in if there's a
11 problem or they don't feel comfortable. I'm glad to
12 hear that you encourage your guys if they're not
13 comfortable to call in because I have seen other
14 instances where that has cost people a lot of because
15 the guy in the rig ---.

16 A. Oh, sure. Didn't want bad news.

17 Q. Yeah.

18 A. Bad news doesn't get any better with age, I
19 promise you. Bad news ---.

20 Q. And also I really don't --- I'm not comfortable
21 doing this.

22 A. Yeah.

23 Q. As far as procedure --- I know you mentioned that
24 you will internally look at this also, but based on
25 what you saw, what would you say --- how would you

1 operate this --- if you do it over again, in other
2 words if you can go back to June 3rd today, what would
3 you do different?

4 A. Again, I actually had that conversation. I was
5 standing out there the 3rd and 4th with myself, and
6 the obvious answer is another barrier. And so the
7 obvious answer is either you put another block of
8 inner stacking there or you put a single in there and
9 have two sets of pipes or something like that. That's
10 the obvious first thing. Beyond that, what else ---
11 you may want to have contingencies around. I haven't
12 really come up with a conclusion. I really hope that
13 we all kind of come to a collective answer with GSM
14 and us and Charley and Mike.

15 Q. Okay. Another avenue I want to go down is, do you
16 have a --- in Canonsburg, you have a corporate safety
17 and environmental person; correct?

18 A. Well, no. It's not in Canonsburg, and we have a
19 safety and environmental representative out of
20 Indiana, Pennsylvania.

21 Q. Out of where?

22 A. Indiana.

23 Q. Oh, okay. He's from Indiana, Pennsylvania.

24 Notification purposes, do you have --- does the EOG
25 have an emergency response plan?

1 A. Yes.

2 Q. Who has access to it?

3 A. Well, pretty much everybody does, but how it's
4 sort of started is that that when there's an issue ---
5 let me back up a little bit. Let me back up. We're a
6 really small group in Pittsburgh, and we know each
7 other really, really well. So no matter what is
8 written down in the emergency response plan, and I'll
9 get in to that, the fact of the matter is it's like
10 gossip, news travels really, really fast. And so when
11 Charley started having trouble, he talked to Jeff, he
12 talked to Lynn, he talked to Nathan, he talked to the
13 construction guys. I mean, they knew probably before
14 I did on what was going on, mobilizing and stuff. So
15 I know Lynn has a copy, I have a copy. I got one in
16 my car. I carry all the time, although I cleaned my
17 car out, and that's the reason I had to go home and
18 get it along with my insurance. But then again, I can
19 tell you the crisis plan is almost a memory for me. I
20 mean, it's not real hard. It's not real hard. A lot
21 of verbiage in there about what incidents --- and keep
22 in mind our crisis plan covers everything from
23 terrorism, to well control, to environmental things,
24 anything that has to deal with emergencies.

25 Q. Right.

1 A. Again, I think I've answered that question.

2 Q. No, no. You can talk about it when we're done.

3 We heard just a little while ago that Jeff had not
4 seen --- I believe he testified or commented that he
5 had not seen an emergency response plan, which I've
6 worked at a lot of companies and I'm not sure I knew
7 all their emergency response plans. Who's responsible
8 at EOG for starting the plan? Was that you? In other
9 words, if there's an incident like this, who's the one
10 that says, okay, we go to the emergency response plan
11 and we start here?

12 A. That's me. The field guys all know that when
13 things get a little upside down or whatever is going
14 on, they call me. I will asses if it's time to invoke
15 the emergency response plan, yes.

16 Q. Okay.

17 A. Yes, it took me about that long to do it.

18 Q. There was concern about that, with the people in
19 Harrisburg about length of time the incident occurred
20 and the length of time the state was notified. And
21 looking at the prepared timeline that --- this you all
22 put together.

23 A. Right.

24 Q. It was about 40 hours or so between the time that
25 incident started and the time that anybody was called

1 at the state. Now, I'm not asking this --- I'm asking
2 this question for two reasons, one, I'm just
3 interested in why it took so long. The other one is I
4 want --- the state has asked me what should be --- or
5 who should be called. And we'll get into that later,
6 but can you give us an idea of why it was three hours
7 between the time that anybody at the state was
8 notified and the time the incident occurred?

9 Q. Well, I think before that --- you know, our
10 relationship with the DEP all along has been good.
11 We've been here a long time, and we know the guys ---
12 the inspectors pretty well. We know who they are.
13 And when this incident first started, I think Lynn
14 Ferguson tried to call the guys he knew. It turned
15 out that the guy that was closest, even though it
16 wasn't his jurisdiction, we were trying to get word to
17 somebody. And the second, guy we left a message
18 because interestingly enough his card didn't have
19 another number on it other than his office number.
20 I'll tell you, it's a little bit of source of
21 frustration of ours, yeah.

22 Q. Well, that's one of the things I'm asking.

23 A. We did call 911, and 911 was supposed to have been
24 the holy grail of all things.

25 Q. Do you know about what time in this that you

1 called 911?

2 A. It's in there. Is it 10:00 something? I guess we
3 couldn't find it.

4 Q. According to you all's timeline, you all left a
5 message with Rick Hoover, who is the DEP inspector
6 that was closest to that location at about 9:33, and
7 you left a second message at 9:48, and then you called
8 Travis Walker, who is another DEP gas inspector at
9 10:18. So if you called Rick Hoover at 9:33, that was
10 first --- according to your timeline, that was the
11 first call, so it's three hours plus or minus. I'm
12 just curious if that was by the design or just didn't
13 know who I mean --- what I'm asking is, has the state
14 made it clear who's supposed to be called, or did he
15 find out from that ---?

16 A. Well, I mean, you know, looking back we probably
17 didn't do it right. I mean, let's just be frank here,
18 right. We probably tried to call the guys we knew
19 because they were close and we thought we needed
20 somebody there. There's apparently an emergency
21 number on the drilling rig, but we didn't think about
22 it, but quite frankly --- quite frankly --- and I
23 don't mean this with any disrespect at all. We
24 probably had 17 DEP people's cards, business cards,
25 and not one of them had an emergency number or almost

1 none of them had cell phone numbers either, and so you
2 know, we --- should we have known better, yeah. Were
3 we frustrated, yeah. In the beginning when we finally
4 made the 911 call, we hoped that was the holy grail of
5 all calls. And that's ---.

6 Q. That's one of the things I was asked to find out,
7 and I think you answered it just like they suspected
8 it. There needs to be a revamp --- maybe not revamp.
9 but a more clear, precise response number, whatever
10 number that is, if it's 911, if it's --- whatever that
11 number is, I think they need to --- the state needs to
12 make sure that all operators have that. So you know
13 this is who you call, boom, no question about it.

14 A. Quite frankly, it's a little obscure even on the
15 DEP website. It took me a little while to find it.
16 After the incident was over, I went back and said,
17 okay, let's see how we can recreate this and it's not
18 --- it's something that took me two or three windows
19 into the DEP website to get to.

20 Q. This is something that needs to go on our report.

21 A. They're going to want to make sure that you guys
22 understand because there was never any intent not to
23 notify the DEP. That was never --- we've always
24 talked to the guys right up front.

25 Q. We're just trying --- again, there's a lot of

1 facets of what we're doing and one of those is, is
2 there something the state out of done different about
3 notification and at the same time why ---?

4 A. Believe me, we have printed the webpage. It has
5 all the emergency numbers. Everybody has it now.
6 Yeah.

7 Q. Okay. After the incident was over, obviously
8 there was fluid, all kind of fluid on location. Has
9 the cleanup gone fairly well?

10 A. Yes, it has.

11 Q. You think it was pretty much cleaned up at this
12 point?

13 A. We're going to monitor for a long time, John. We
14 have a history of monitoring anything like this for a
15 long time because there is, you know, some high value
16 streams in the area. The cleanup's gone well, but
17 it's very different --- not through. It's not
18 finished at all.

19 Q. You still going to look at it, for grass, trees?

20 A. Yeah, I mean, we also take water samples, all the
21 way down. We have water sample points down from the
22 location which we're constantly monitoring, I mean not
23 just chlorides, but virtually everything we're looking
24 for. I think you guys have seen what we did on the
25 other one.

1 Q. The things that I like from my viewpoint for ---
2 we out to look at is things that concern me, so I
3 guess this is something ---. I think it's something
4 that is --- the thing that concerned me was --- that's
5 something that just came to everybody down here, thank
6 goodness the incident didn't occur on our 35 really
7 complicated lot lands. You know, for the potential of
8 someone being tired, you know, not at his best, I'm
9 sure you understand.

10 A. Absolutely.

11 Q. The other thing is you've already heard us that
12 the barrier cause. That's something that needs to be
13 where --- a stripping rubber is not considered a
14 barrier. That's just --- I just think there are
15 problems with that. And again, this is not to say
16 problem to you, this is just me. The state will come
17 up with their appropriate response. The other thing
18 is I think there needs to be a little bit more --- we
19 need to look at how --- what equipment you can use to
20 clean out wells post frac if you can't use coiling. I
21 just think that's something that a lot of --- this
22 incident brings it to the forefront. Maybe you can
23 consider that. That's just me.

24 A. Actually, we're sitting here not responding
25 because we'd love to --- actually, we were hoping

1 maybe after you were done asking your questions maybe
2 we could talk.

3 Q. Sure.

4 OFF RECORD DISCUSSION

5 ATTORNEY AYERS:

6 Let's do this. Let's formally end the
7 interview and then she can go.

8 OFF RECORD DISCUSSION

9 MR. VITTITOW:

10 Well, obviously thanks for the questions
11 and I know sitting there isn't comfortable to do, but
12 what it is ---.

13 A. You don't get the grey hairs by being comfortable.

14 MR. VITTITOW:

15 That's all I have.

16 ATTORNEY AYERS:

17 I don't have anything else either. Thank
18 you very much, Gary. We appreciate it.

19

20 * * * * *

21 STATEMENT UNDER OATH CONCLUDED AT 1:35 P.M.

22 * * * * *

23

24

25

1 COMMONWEALTH OF PENNSYLVANIA)

2 COUNTY OF CAMBRIA)

3

4

CERTIFICATE

5

I, Sarah Wendorf, a Notary Public in and for
6 the Commonwealth of Pennsylvania, do hereby certify:

7

That the foregoing proceedings, statement
8 under oath of Gary Smith, was reported by me on
9 06/14/2010 and that I Sarah Wendorf read this
10 transcript and that I attest that this transcript is a
11 true and accurate record of the proceeding.

12

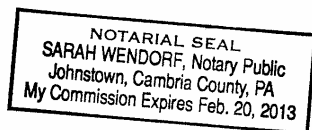
That the witness was first duly sworn to
13 testify to the truth, the whole truth, and nothing but
14 the truth and that the foregoing deposition was taken
15 at the time and place stated herein.

16

I further certify that I am not a relative,
17 employee or attorney of any of the parties, nor a
18 relative or employee of counsel, and that I am in no
19 way interested directly or indirectly in this action.

20

21



22

A handwritten signature in cursive script that reads "Sarah Wendorf".

23

24

25