From: **Angela McFadden/R3/USEPA/US**
Sent: 11/5/2011 7:13:47 AM

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CC:
Subject: Bromides and Dimock

Bromides issue is heating up
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From: "Donald C. Strimbeck" [dcsoinks@comcast.net]
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Subject: Fw: DAILY UPDATE 5 November 2011. News of interest to Mon river watershed denizens.

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Sent: Saturday, November 05, 2011 3:46 AM
Subject: DAILY UPDATE 5 November 2011. News of interest to Mon river watershed denizens.
DUNKARD CREEK-5NovY2K11

DOMINION POST Saturday 5 November 2011:

GUEST COMMENTARY

The Marcellus gas industry and truth

BY JIM SCONYERS

I attended a Marcellus shale gas symposium last week presented at WVU by its School of Law. It seems that there's a Marcellus forum or symposium around every corner these days. Let me share some of the statements I heard at the symposium.

Industry speakers are unusually prone to misinformation, disinformation, or what we can politely call untruths. Let's see how a few whoppers that piqued my attention rate on that scale.

From James Walls, an attorney working for "energy clients," we heard, "We've been doing this (drilling and fracking) for 50-60 years." The subtext is — don't worry, be happy, your granddad was fine with it so relax. Problem is, Walls and I both know that today's (HVHF) high volume hydrofracking, bears little or no resemblance to granddad's little ol' gas well. The amount of highly toxic frack fluid, the depth and length of drilling bores, the number of wells per pad, the repeated fracking of a given well, the noise and traffic — all make today's HVHF totally different from the gas drilling of the 1950s. Where does Walls's statement rate on the truth scale? Let's give it a "deliberate disinformation."

Jerry Richie, executive vice president of CONSOL Energy, had this to say. "Fracking is done with water, sand, and some materials you find in your kitchen." One can only think, geez sir, you must have the kitchen from hell! What are you doing with those toxic chemicals, carcinogens, acids — methanol, naphthalene, hydrochloric acid to name a few — in your kitchen? Subtext again is, hey folks, we're just using a lot of ordinary, harmless stuff, so obviously there's no danger or worry. Where does this statement rate on the truth scale? Sorry, I'm afraid we have to call this one an untruth. And Richie has to know it isn't true.

One last example of manipulating the truth. We hear again that "the chemicals used make up only one-half of 1 percent of the frack fluid, the rest is water and sand." The obvious subtext is, gosh people, one-half of 1 percent? I mean, golly, doesn't that sound like a trivial amount? How could anything that little be any cause for concern? Don't worry your little heads.

But just a second while we do the math. Let's see, the typical frack job at one well one time is roughly 5 million gallons. Onehalf of 1 percent of that is 25,000 gallons — not what I call trivial! But then we multiply that by eight wells at a single pad site, and typically five fracks per well over a period of years — yikes.

If my calculator is working right, that's 1 million gallons of chemical witches' brew at a single well pad site. That's a lot of

toxic cocktail they're pumping into the ground under your home, farm, water well or community. Where does this kind of statement rate on the truth scale? Let's put it somewhere between misinformation and disinformation.

Industry accuses critics of fear-mongering. But when the truth comes out, no mongering is needed. To paraphrase Harry Truman, "They say we give them hell. We just tell the truth and they think it's hell!"

West Virginia and all its citizens would be much better served if industry could just be honest, frank, and forthcoming — is that asking too much?

JIM SCONYERS

is a retired educator who live in his off-grid home in Preston County. This commentary should be considered another point of view and not necessarily the opinion or editorial policy of The Dominion Post.

S. Fayette sues own zoning hearing board

Suit says members' ties to gas industry mars their judgment

Saturday, November 05, 2011

By Erich Schwartzel, Pittsburgh Post-Gazette

Leasing land to a natural gas firm is enough to disqualify appointed officials in South Fayette from fairly assessing how their community regulates drilling, according to a lawsuit scheduled for a hearing Monday in Allegheny County Common Pleas Court.

The township has filed for an injunction against its own zoning hearing board, saying a majority of the board members and their families have financial ties that warrant a forced recusal in hearing a challenge by energy company Range Resources to the township's drilling regulations.

The legal appeal could shake up decision-making across the commonwealth, where the combination of small towns and a big industry make the occurrence of officials holding leases nearly inevitable. Now, in South Fayette's case, taxpayers are paying solicitor fees on both sides.

Range Resources, the region's dominant gas driller, sued the township in August over an ordinance it called an illegal, de facto ban on drilling. The matter must first go to the South Fayette zoning board, a body with three members and an alternate.

But the township claims that two of the three board members should not hear the case because they hold leases with Range and that the alternate works in the gas industry.

If the judge approves the injunction, the township commissioners will appoint alternates to hear the case.

Range Resources was quick to align itself with the sitting zoning officers.

"[The township wishes] to replace people who have long served in this capacity for their township with handpicked judges to ban drilling," said Matt Pitzarella, Range Resources spokesman. "All we're asking is for is a fair shake."

The two current zoning board members in question are Fred Cardillo and John Alan Kosky, both of whom hold several leases with Range Resources. Meanwhile, alternate David Bradley works for Downtown-based energy firm EQT Corp.

Mr. Cardillo and his wife, Anita, hold a lease with Range that is among a number in the community set to expire this year. In previous interviews with the Pittsburgh Post-Gazette, the driller said it was the expiring leases that led the firm to target South Fayette and not the other Pennsylvania ordinances it also considers illegal.

Scores of ordinances around drilling practices have been passed in communities across the state, and most establish buffer zones around schools and hospitals or mitigate side effects such as road damage and noise pollution.

Range's lawsuit against South Fayette was expected to eventually go up the legal ladder, threatening to overturn scores of Pennsylvania ordinances if successful in a higher court.

The energy company has since also sued neighboring Cecil in Washington County over procedural problems it sees with that community's ordinance.

The challenge to South Fayette's ordinance has mobilized residents who want to see their township's restrictions protected, and a slate of candidates are running for commissioner on platforms built on defending the regulations.

The injunction request claims that the financial incentives of family members and business pursuits also qualify as conflicts of interest.

Two members of Mr. Cardillo's immediate family hold leases. Mr. Kosky has business ties to two South Fayette companies that hold a total of nine leases with Range Resources.
The request for injunction also claims that the two board members and the alternate have criticized the South Fayette gas ordinance in the past, making a pro-industry ruling a foregone conclusion.
Mr. Cardillo and Mr. Kosky spoke out against the ordinance while it was being drafted, and Mr. Bradley sent emails that called concerns over the drilling operations "ridiculous," according to the motion.
The zoning hearing board had been scheduled to hear Range Resources's complaint on Wednesday, but that could change depending on the outcome of Monday's hearing.
Erich Schwartzel: eschwartzel@post-gazette.com or 412-263-1455.
First published on November 5, 2011 at 12:00 am

Charleston Gazette Saturday 5 November 2011:

Spelter update: WVDEP wants data on seepage
November 4, 2011 by Ken Ward Jr.
Rebecca Morlock, 41, of Spelter, WVa., stands in front of the fence of former DuPont zinc-smelting plant in the town of Spelter, WV on July 27, 2009. Morlock keeps watching the demolished factory. "I'll stay on top of it because people's lives could possibly be at stake," she says. (AP Photo / Lingbing Hang)
Here's the latest from Vicki Smith at The Associated Press:
MORGANTOWN, W.Va. (AP) — Environmental regulators want DuPont to submit plans for determining whether seepage and runoff from the site of a former zinc-smelting plant in north-central West Virginia are contaminating groundwater or streams.
A resident who lives near the former smelter in Spelter went to the state Department of Environmental Protection earlier this year with concerns about both new seeps she spotted at the site and surface drainage ditches that go into Simpson Creek.
DEP project manager David Hight says it's unclear whether either is causing contamination offsite, but DuPont must submit a plan to find out using either water sampling or new community wells, or both.
Monitoring wells onsite do show contamination, he said, but DEP can't tell whether that contamination is going beyond the property lines.
"It may be," he says. "We don't know."
Although there's no deadline for the plan, Hight expects it to be submitted soon.
DuPont spokesman Dan Turner said the company routinely samples groundwater and monitors the Spelter site, the West Fork River, and where the river meets Simpson Creek. It turns those results in to DEP.
"Based on WVDEP's recent request," he said in an email Thursday, "we will add more sampling points in Simpson Creek."
The smelter in Harrison County produced more than 4 billion pounds of slab zinc and 400 million pounds of zinc dust for use in rustproofing products, paint pigments and battery anodes. By 1971, a toxic waste pile filled with arsenic, cadmium and lead stood 100 feet tall and covered nearly half of the 112 acres.
The plant closed in 2001, and DuPont worked with state regulators to demolish buildings and cap the site.
Thousands of residents later sued over exposure to the toxic metals. In 2007, a jury ruled DuPont had been negligent in creating the waste pile, and that it had deliberately lied to its neighbors and downplayed possible health threats. It awarded $380 million in punitive damages — an amount the state Supreme Court later cut to $196 million.
The high court affirmed that residents were entitled to a 40-year medical monitoring program and a cleanup fund for private properties. But those verdicts were later wiped out when DuPont dropped its appeal and offered a $70 million settlement that included $4 million to be set aside for cash payments to people who are eligible for medical monitoring.
DuPont is just beginning a new medical monitoring program, consisting largely of blood and urine tests that can help determine whether a person has any detectable level of the relevant heavy metals. The program will last for 30 years because some diseases, including skin, liver, bladder and lung cancers, can take decades to manifest.

Groundwater under the site is not accessible under an agreement with Harrison County health officials, Hight said, so there's no immediate threat to public health. Nor have DEP inspectors seen surface water leaving the site. And quarterly sampling at the mouth of Simpson Creek has found no contamination for the past several years, he said.
Residents have reported orange staining of rocks, but Hight said contamination — most likely iron — is coming from an old mine portal. Several mine portals on the DuPont site were sealed during the site capping, but one was offsite and wouldn't have been included in that project.
Meadowbrook resident Rebecca Morlock, who has been party to several lawsuits against DuPont, is skeptical of both the company and the DEP. She believes contamination from the site still has pathways to humans, and she considers it "absolutely a continuing health threat."
"We plant gardens here. The roots of vegetable plants uptake metals," she said. "We eat that stuff and have our whole lives. What about the animals? We have had animals drop dead since I was a little girl."
Morlock also worries about her grandchildren, who play outside.
"Am I supposed to go buy one of those Tyvek space suits from DuPont so we can enjoy our property?" she said. "They have stripped our rights to even enjoy our natural resources that God provided."
This entry was posted on Friday, November 4, 2011 at 10:21 am
THE STATE JOURNAL:

Wetzel County Budget Booms Due to Shale Drilling

Posted: Nov 03, 2011 2:53 PM EDT Updated: Nov 04, 2011 11:01 AM EDT
Wetzel County commissioners say the county's budget is realizing the fruits of the Marcellus shale drilling activity.
"The more gas they pump out, the higher our oil and gas severance," Commissioner Don Mason said. "We've seen it increase over the past year and a half. Our last payment from the state was 50 percent higher than the year before. We're hoping as more gas is pumped and sold, gas prices will stay up and our severance tax payments will increase exponentially."
Mason said the extra money is being used to improve services to the people of Wetzel County as well as capital improvements at the courthouse, 4-H grounds and the animal shelter.
"Wetzel County has very little, if any, industrial tax base," he said. "I would say we'll realize the real potential of this in four or five years to come."
And in the meantime, he said county officials will continue efforts to bring an ethane cracker plant to the area, which officials say would bring billions of investment dollars and create hundreds of permanent, good-paying jobs.
"I think about everybody in this state, the state of Ohio and Pennsylvania (wants one), but we're trying to bring one to the Northern Panhandle where it's badly needed if you look at the unemployment rates in the northern counties."
Mason said West Liberty is developing a natural gas processing operation, "a compressor station and two separation plants," in the area.
That probably means 15 or 16 jobs, including operations people and maintenance people, he said.
"I think most commercial businesses in our county are seeing increases. Small contractors are getting a lot of work. Our motels are packed. You can't get a room in New Martinsville. People with rental properties are full. Our restaurants, food retailers are busy, hardware stores are seeing an increase in their business. And, of course, the excavating companies — the more work they get, the more people they hire. One firm in the county used to have about 15 employees, now they have over 100," he said, adding it's been a long time since the county has seen that type of activity.
The commission, meanwhile, has agreed to rent the conference room at the Mollohan Center to Caiman Energy.
If Caiman agrees to the terms, Mason said, rent would be $750 a month. The lease would expire at the end of May, when the space would be needed for the 4-H program. Mason said Caiman needs the space for morning meetings between field workers and supervisors.
"It will bring more income in; we can use the money for improvements at the center and the general area," he said
RE next two items below, listed as news on website but apparently are editorials.

Don't Cut Corners In Drilling Wells

November 4, 2011
The Intelligencer / Wheeling News-Register
There is little or no evidence hydraulic fracturing of gas and oil wells - when conducted properly - contaminates water supplies. But as the state's top official in charge of monitoring wells noted this week, that does not let the drilling industry off the hook regarding environmental concerns.
Speaking at a conference in Morgantown, West Virginia Office of Oil and Gas chief James Martin said his office has not found any situations in which "fracking" released methane gas into drinking water supplies.
But Martin added an important qualifier. Gas wells drilled into the Marcellus Shale formation are completed thousands of

feet below the water table - but pass through it. That makes it vital wells be properly encased, Martin explained.
Well casings are "getting more attention lately," he noted. "This is one area I don't think anyone wants to cut corners on," he added.
Precisely.
We have seen samples of the well casing techniques used by responsible drillers. They include several layers of metal pipe and concrete-like material intended to insulate substances going into and out of wells from the surrounding ground and rock. Frankly, they look bullet-proof, not to mention solid as a barrer against fluids and gases.
But not all drilling is being conducted by big companies with safeguards such as those used by firms such as Chesapeake Energy. We and other Northern Panhandle residents have heard various complaints about some smaller companies and sub-contractors (see editorial below).
It is imperative that Martin's agency police the industry adequately to ensure all involved behave responsibly and with concern for the environment in general, as well as residents who live near wells.
Drillers who cut corners on any aspect of their work, including well casings, should be penalized severely - perhaps even banned from doing business in West Virginia. While the industry employs a variety of safeguards, they are of no value if the rules are not followed.

Follow the Rules On Stream Damage

November 4, 2011
The Intelligencer / Wheeling News-Register
During the same gas drilling conference mentioned in the editorial above this one, an exceedingly disturbing report was made by a federal official.
Scott Hans, of the regulatory branch of the U.S. Army Corps of Engineers in Pittsburgh, discussed moving soil in or near streams. He displayed a slide of a Wetzel County stream he said had been filled in at one point to create a road for a gas drilling operation.
We first reported that situation, and carried a picture of it, many months ago.
After his presentation, Hans said his office has heard of "more than one" similar problem in West Virginia.
As Hans noted, government agencies do not have to grant permits to anyone seeking merely to drive across a streambed. But when it is to be filled in, perhaps damaging the ecology of a large area, a federal permit is required. Such permission is granted only after the Corps of Engineers has reviewed plans to ensure serious and/or lasting damage will not result from the work.
The current Marcellus Shale drilling boom has been a boon for many residents of our area. But wrecking the environment was not supposed to be part of the deal.
There are rules to be followed - by anyone planning to disturb a stream, not just gas drillers - as Hans remarked. If there is evidence those regulations are being broken intentionally and regularly, not just by error, the Corps of Engineers should not hestitate to penalize those responsible.
Binghamton NY PressConnects.com:

Letter: Promise of 'local' gas supply a joke
4:59 PM, Nov. 4, 2011

Letters to the Editor
A couple of weeks ago, headlines in the Ithaca Journal and on the radio announced that Dominion Gas had applied to the government for permission to export natural gas from the Marcellus Shale overseas. The reason given was that there was a "glut of domestic gas and domestic prices had fallen."
This shows clearly that the promises of energy independence and a local gas supply ring hollow. Our land and resources will be exploited and our towns and county ruined forever to profit gas and pipeline corporations, without benefit locally.
Residents of Tompkins County should consider very carefully whether it is in our interest to allow our neighborhoods to be ruined by industrial rampage which will not benefit us. We urge all who read this to support and vote for the zoning restrictions and bans against gas-drilling in all towns in Tompkins County.
Nariman and Virginia Mistry
Town of Dryden
Dryden defends gas ban in State Supreme Court
Anschutz Corp. says millions at stake
6:01 PM, Nov. 4, 2011
Aaron Munzer
Correspondent

ITHACA -- Facing a lawsuit from an out-of-state gas-drilling company, the Town of Dryden defended its reassertion of a prohibition against gas drilling within its borders Friday morning in State Supreme Court in Tompkins County.
In front of a rull courtroom, the town argued that state law forbidding municipalities from regulating the gas industry does not trump its home rule law or land use authority.

"This (lawsuit) would have the effect of severely curtailing the zoning authority of towns in New York state," Dryden Town Attorney Mahlon Perkins said.
The town was sued by Denver-based Anschutz Exploration Corporation in September after passing an amendment to its zoning ordinance in August that clarified that the town's zoning prohibits extractive industries. The town passed the ordinance after urging from a majority of residents at public hearings. Residents also collected more than 1,500 signatures in favor of a ban.
Anschutz's complaint states that it has more than $5 million invested in thousands of acres of leased land in Dryden that it intends to drill on, action that was stymied by the ban.
The case will set an important precedent in the state, noted both parties, complicating drillers' efforts to locate well pads in certain towns if the court rules in favor of Dryden, or imperiling the gas-drilling bans of at least 22 other municipalities across the state if Anschutz prevails.
Anschutz's argument, laid out by attorney Tom West, rests largely on the state's 1981 Oil, Gas and Solution Mining Law, which states in part that the law will "supersede all local ordinances related to natural gas drilling" with only two exceptions: control of local roads and property taxes.
West said the state Legislature made it clear that local governments could not regulate the industry, and said that prohibition was a form of regulation.
"In this case, they said 'all local laws and ordinances.' To me that's an indication that this is a broad pre-emption," West said. "It was clear they were limiting towns' ability to regulate oil and gas in this state."
Dryden's attorney Perkins responded that the state has not given the Department of Environmental Conservation the authority to regulate land use; it has left it for towns to decide.
"This would render municipal home rule law useless," Perkins said. "The legislature must have intended for local municipalities to have land use authority. There is no mention of the intention to pre-empt local zoning."
West also said the ban would create conflict with other existing laws, namely the DEC's permitting process for drilling sites, as the town's zoning ordinance states that permits for drilling would be declared invalid within the town.
"If the Town of Dryden can ban this, any town can, and there will be no drilling in the state," West said "This will decide the energy policy of the state. It's clear we have a policy so we can recover indigenous resources."
After each side had laid out its case, Supreme Court Judge Hon. Phillip R. Rumsey thanked the parties for their arguments, saying they had "made my job hard for me." He chose to reserve decision, and it was unknown when he would make a decision on the case.
The nonprofit environmental law firm Earthjustice was also present in court, as it had filed a friend-of-the-court brief, and attorney Alan Knauf said in his remarks that Dryden's ordinance regulates property use, not the oil and gas industry.
"The DEC doesn't even have jurisdiction over land use," he said. "The state's concern is to regulate, not to override local land use."

DEC exploring hydrofracking fee scenarios

7:01 PM, Nov. 4, 2011

Written by

Jon Campbell

ALBANY -- The state Department of Environmental Conservation has quietly begun rolling out potential scenarios for a new gas drilling fee structure in New York as an advisory panel wrestles with how to pay for new regulators.
Last month, seven members of a state DEC task force were given three charts detailing the amount of revenue certain taxes and fees could bring in if high-volume hydraulic fracturing is given the go-ahead in New York.
The most lucrative scenario appears to be a severance tax on any gas produced. For a 3 percent tax on natural gas sold at $4 per thousand cubic feet, the DEC estimates it would bring in at least $7.2 million during the first year hydrofracking permits are issued. The revenue would peak at $175.7 million in the fifth year, according to the estimates.
Gannett's Albany Bureau obtained the documents through a Freedom of Information Law request.
DEC spokeswoman Emily DeSantis said the estimates were "developed for discussion purposes" and that "no decisions have been made on potential funding sources by the panel or DEC."
Natural gas currently sells at a wellhead price of around $3.62 per thousand cubic feet, with the price steadily dropping since July, according to the U.S. Energy Information Administration.
The charts were distributed to a subcommittee of the agency's high-volume hydrofracking advisory panel, which is charged with coming up with a new fee structure to pay for additional staffers and resources the DEC and other agencies would need to regulate an anticipated boom in gas drilling.
Companies are eager to tap into the state's vast gas reserves, but the DEC estimates it would need an average of $20 million in each of the next five years for new staff and equipment. The high-volume fracking technique is on hold in New York as the department develops regulations.
Other agencies, like the Department of Health and the Public Service Commission, have yet to make their specific resource needs known, but have indicated they would need more staff too.
Aside from a severance tax, a second DEC chart looks at an annual "operating fee" for drillers. The proposed fee would be charged each year to gas companies depending on how many wells they are operating at the time.
In the estimate, the DEC assumed a $750 fee for companies that had between two and four wells, increasing incrementally to $10,000 for drillers with 750 or more.
Based on the number of oil and gas wells currently in New York, the fee would generate $1 million annually, according to

the estimates, but would likely increase when high-volume hydrofracking begins.
The hydrofracking technique involves the use of millions of gallons of water blasted deep underground to break up shale formations -- like the Marcellus and Utica formations in New York -- and unlock natural gas.
The third chart combines the current permit fees for oil and gas wells, which are based on the depth of the well, with a new charge for gas wells that use more than 300,000 gallons of water for hydrofracking.
The DEC estimates that fee, if enacted, could range from $5,000 to $50,000.
A $5,000 fee combined with current permit fees would generate $688,576 the first year permits are issued, and $11.9 million the fifth year, according to the estimates. A $50,000 fee with a longer average well depth would generate $4 million in year one and $70.4 million in year five.
Brad Gill, executive director of the Independent Oil & Gas Association of New York and a member of the DEC's panel, stressed that the agency's scenarios were just discussion points and examples.
He declined to say exactly what type of taxes or fees his group would endorse until he presented them to the DEC. He said the gas industry is focused on keeping New York competitive with other gas-producing states and making sure there isn't any redundancy in the fee structure.
Ohio, for example, charges a severance tax of 2.5 percent per thousand cubic feet of gas, which equates to about .6 percent. Pennsylvania doesn't have a severance tax, though its General Assembly is currently considering a $40,000-per-well "impact fee" spread over a 10-year period, with about three-quarters of that money going to local governments.
"We have to be very, very careful," Gill said. "We agree with providing DEC with adequate staff, but that being said we are very concerned about putting New York in an uncompetitive position with Pennsylvania and Ohio."
Another member of the DEC panel, Environmental Advocates Executive Director Rob Moore, said it's difficult to say what kind of fees and taxes the committee would ultimately endorse because it doesn't know how much revenue will ultimately need to be raised for effective regulation.
The panel, which was originally supposed to unveil recommendations for a state fee structure by Nov. 1 before that deadline was eased, still needs to know what type of resources other state agencies will need, Moore said.
"It's a little bit of putting the cart before the horse by developing a fee structure before the state finalizes its regulatory program," Moore said.
Jon Campbell is a staff writer for the Gannett Albany Bureau.

Four treatment plants accused of raising bromide levels in Allegheny

By Bob Bauder and Timothy Puko

PITTSBURGH TRIBUNE-REVIEW

Saturday, November 5, 2011

The Pittsburgh Water and Sewer Authority on Friday accused four industrial wastewater treatment plants on the Allegheny River and its tributaries of increasing bromide levels in the river that supplies drinking water to nearly 500,000 people.
Stanley States, PWSA's water quality director, said he suspects the privately owned plants are processing wastewater from Marcellus shale gas drilling operations, which contains bromide, a naturally occurring salty compound that can form cancer-causing agents when it combines with the chlorine in drinking water.
He would not identify the plants, citing liability concerns.
"We can pretty much tell where the bromide is coming from and these (wastewater) plants are primary contributors," States said. "We've called them and given them our data. They have as much as told us that unless there's a real mandate, a legal requirement that they no longer dispose of this stuff, that they're going to do it. There's a lot of money involved."
The state Department of Environmental Protection this year requested Marcellus shale drillers to stop sending wastewater to treatment plants. The Marcellus Shale Coalition and Pennsylvania Independent Oil and Gas Association, trade organizations that represent drillers and related industry, said their members complied with the request.
"I am reasonably sure that nobody is getting the Marcellus water anymore," said POIGA President Lou D'Amico. "There's no way that we can continue to do that after that."
Not all drilling companies belong to the associations.
Paul Hart, president of Hart Resource Technologies and Pennsylvania Brine, two companies that operate three treatment plants in the Allegheny River basin, questioned the findings. He said the plants experienced a 90 percent drop in the volume of Marcellus shale water since May once drillers began abiding by the DEP request. In September, his companies decided to stop accepting Marcellus shale wastewater.
"My opinion is people have no business drawing any conclusion from (the PWSA report)," Hart said. "There is nothing in that report that says between two points there is a change in the bromide levels."
States said water testing downstream of the four plants clearly indicates that bromide levels were up to 34

times higher than that of water tested from upstream sides.
"What DEP did is they asked the industry not to do it anymore, but clearly our data indicates they've continued," he said. "There's no question that they're still discharging."
PWSA, which serves about 83,000 households and businesses in the Pittsburgh area, has not exceeded EPA standards for safe drinking water, but States said he is concerned about the future. Water companies that exceed the standards are subject to fines and must take expensive steps to resolve the situation, States said, and elevated bromide levels make it harder to meet the standards.
"This is the beginning of Marcellus shale drilling," he said. "There's going to be a lot more drilling in Pennsylvania, and if this is an indication, we can have problems."
Myron Arnowitt, Pennsylvania director of Clean Water Action, said PWSA's testing confirms the environmental group's belief that DEP must prohibit plants from processing Marcellus wastewater.
"That's something we've been pressing for for some time," he said. "EPA and DEP really know that's where they need to get to, but they don't want to force anyone. That's the problem."
DEP spokesman Jamie Legenos said PWSA provided the agency with its findings and the data are being reviewed. He said DEP is not aware of any facility in the Monongahela or Allegheny basins that treats Marcellus wastewater.
Legenos said DEP identified other sources of bromide in the rivers, including discharges from mining, power plants and conventional oil and gas wells. However, States said the testing ruled out those sources in the Allegheny River.
Bob Bauder and Timothy Puko can be reached at bbauder@tribweb.com or 412-765-2312.

South Fayette commissioners want three barred from driller's case

By Debra Erdley
PITTSBURGH TRIBUNE-REVIEW
Saturday, November 5, 2011

South Fayette commissioners want a judge to bar two members of the three-person township Zoning Hearing Board and an alternate member from hearing an appeal from a drilling company seeking to overturn the township's oil and gas drilling ordinance.
In a petition filed in Allegheny County Common Pleas Court on Thursday, commissioners maintained Frederick Cardillo and John Alan Kosky, two members of the zoning board, have conflicts of interest because they hold gas leases with driller Range Resources. The petition claims alternate board member David Bradley would face a conflict because he is a vice president at EQT Corp., another energy company.
Cardillo, Kosky and Bradley could not be reached for comment.
A judge is scheduled to hear the petition on Monday.
The board members declined to remove themselves in advance of Wednesday's scheduled hearing on Range Resources' appeal.
"We're just looking for a fair hearing," township solicitor Jonathan Kamin said of the decision to go to court.
The zoning board's solicitor, Thomas Ayoob, did not return calls seeking comment.
Texas-based Range Resources, which has offices in Cecil, holds gas leases on thousands of acres in South Fayette. It wants the board to overturn the oil and gas ordinance, claiming its setback restrictions and requirements for drilling pads effectively bar the company from drilling.
The 2010 ordinance caused a bitter split among the township's 14,000 residents and was among the reasons that township Manager Mike Hoy cited for his departure last month. Voters on Tuesday will replace three commissioners who opted against seeking re-election to the five-member board.
Citing the Pennsylvania Ethics Act in their petition, commissioners said the two zoning board members and alternate member must recuse themselves from the Range Resources appeal because they have direct interest in its outcome.
Kamin said commissioners are prepared to appoint temporary members to the zoning board for the Range Resources appeal.
"We have 14,000 residents. We could choose among them to fill this board. ... We're not asking them to permanently step down, but just on this case," Kamin said. "They've served the township well in other matters."
Debra Erdley can be reached at derdley@tribweb.com or 412-320-7996.

Lawyers demand water for tainted Pa. town

By Michael Rubinkam

ASSOCIATED PRESS

Friday, November 4, 2011

SCRANTON, Pa. — A law firm has demanded that Pennsylvania environmental regulators force a natural-gas driller to continue delivering replacement water to residents of a town whose drinking water wells were tainted with methane and possibly hazardous chemicals.

Cabot Oil & Gas Corp. has been delivering water to homes in the northeastern Pennsylvania village of Dimock since January 2009. The Houston-based energy company asserts Dimock's water is safe to drink and won regulatory permission last month to stop the water deliveries by the end of November.

Attorneys for 11 Dimock families who are suing Cabot in federal court said that test results show their well water is still contaminated. The law firm sent a letter to the state Department of Environmental Protection on Thursday, accusing regulators of colluding with the gas company and demanding they order Cabot to continue paying for bulk and bottled water. The Associated Press obtained the letter Friday.

"PADEP's arbitrary decision will deprive these deserving people and future generations, of their constitutional right to pure, clean, potable water," wrote Tate Kunkle of the New York City law firm of Napoli Bern Ripka Shkolnik & Associates.

Regulators previously found that Cabot drilled faulty gas wells that allowed methane to escape into Dimock's aquifer. The company denied responsibility, but has been banned from drilling in a 9-square-mile area of Dimock since April 2010.

Along with its request to stop paying for water deliveries, Cabot asked the department for permission to resume drilling in Dimock, a rural community about 20 miles south of the New York state line where 18 residential water wells were found to be polluted with methane. The state agency has yet to rule on that request.

"By coddling the oil and gas company, PADEP has made clear where its priorities lie," Kunkle wrote.

A Cabot spokesman did not immediately respond to a request for comment.

DEP spokeswoman Katy Gresh had no immediate comment. She referred to a letter to the editor by Environmental Secretary Michael Krancer in which Krancer defended his agency's handling of the Dimock situation.

A December 2010 agreement between DEP and Cabot required the company to offer residential treatment systems that remove methane from the residents' water, and to pay them twice the assessed tax value of their homes. A half-dozen treatment systems have been installed, and Cabot said they are effective at removing the gas. The agreement does not make the company liable for any chemicals or metals that have turned up in the residents' water, nor does it require the company to treat the water for anything other than methane.

Residents who are suing Cabot have appealed the settlement. They favor an earlier, scuttled DEP plan that would have forced Cabot to pay nearly $12 million to connect their homes to a municipal water line.

In his letter, written this week in response to an editorial in the (Chambersburg) Public Opinion, Krancer said that Cabot had satisfied the requirements of the settlement agreement.

"The real issue here is not safety; it's about a very vocal minority of Dimock residents who continue to demand that taxpayers should foot the bill for a nearly $12 million public water line along Route 29 to serve about a dozen homes," Krancer wrote. "This issue has, and continues to, pit neighbor against neighbor in Dimock."

Krancer, who serves under pro-drilling Republican Gov. Tom Corbett, has made no secret of his enthusiasm for Pennsylvania's burgeoning natural-gas drilling industry. Speaking before the Rotary Club of Erie on Wednesday, he called the Marcellus Shale "a blessing under our feet if do it right" and vouched for the safety of hydraulic fracturing, the drilling technique that's allowed energy companies to exploit deep shale formations like the Marcellus. The U.S. Environmental Protection Agency is studying whether the technique is contaminating drinking-water supplies.

Krancer's comments in Erie were reported by the Erie Times-News.

Kunkle, the residents' attorney, contended that state officials have concluded Cabot's profits "are more important than the constitutional right to pure water of the Commonwealth's residents." He said the Cabot treatment systems are ineffective and that his clients should not be forced to choose between drinking

questionable "treated water" and paying $100 per day for delivery of potable water.
"Cabot and its representatives behave as if they are doing these undeserving people a favor with offers of a whole-house treatment system and nominal monetary payments," Kunkle wrote to the agency. "Cabot has not provided a `permanent solution' to the problem they created and the only losers here are the residents of the Dimock/Carter Road Area and the community."
He said that tests have detected elevated levels of aluminum, iron, manganese and toluene in some of his clients' wells. The first three can affect the taste, smell and color of water but do not generally pose a health hazard. Toluene is a chemical found in drilling fluids, but Cabot has said it does not use it.
Several other worrisome substances were found at lower levels, the attorney said, including two chemicals associated with natural gas drilling: Bis (2-Ethylhexyl) adipate and Bis (2-Ehylhexyl) phthalate.
Dimock's aquifer is also still laced with methane, he wrote.
Methane is an odorless, colorless, tasteless gas commonly found in Pennsylvania groundwater. Sources include swamps, landfills, coal mines and gas wells. Methane is not known to be harmful to ingest, but at high concentrations it's flammable and can lead to asphyxiation.
Cabot has said many of the substances detected in the residents' water are naturally occurring. Kunkle said that is misleading because those substances were safely ensconced thousands of feet below Dimock's aquifer before they were brought to the surface by Cabot's drilling activities.
It's not clear whether the attorneys will take formal legal action if DEP refuses to reverse its decision. Kunkle declined Friday to comment on the letter, which was sent to Scott Perry, chief of DEP's oil and gas program. EPA Administrator Lisa Jackson and Shawn Garvin, chief of EPA's regional office in Philadelphia, also received copies.

Mystery company buys interest in oil and gas leases

By Russ Zimmer

The (Newark, Ohio) Advocate

Friday, November 4, 2011

NEWARK, Ohio — The biggest player in a promising oil and gas field underneath Ohio has announced a deal involving billions of dollars and hundreds of thousands of acres in the eastern end of the state.
Chesapeake Energy, now the largest leaseholder in the mostly untapped Utica shale in Ohio, will enter into a joint venture with an undisclosed overseas partner for 25 percent interest in about 570,000 acres that Chesapeake has leased in the Utica. The deal could net Chesapeake as much as $2.14 billion.
The Oklahoma-based company described the geography of the sale as a 10-county block in "the wet natural gas area" which is thought to be mostly underneath Ohio counties bordering Pennsylvania. An email asking for more specific geographic details has not yet been answered.
Enervest, an energy company out of Houston, is a minor partner in the deal, selling interests in 80,000 acres for $300 million, the release states.
Utica shale is a rock formation several thousand feet below another rock formation, Marcellus shale, that is being developed into one of the world's largest natural gas fields. The Utica shale is thought to be a larger area, extending into seven states -- Kentucky, Maryland, New York, Ohio, Pennsylvania, Tennessee, West Virginia and Virginia -- and Ontario. Drillers are hoping it has a larger store of natural gas.
To release natural gas in the Marcellus shale, companies use a controversial drilling technique called hydraulic fracturing, also known as hydro-fracking. This drilling injects water and other chemicals below ground into the shale to break it apart and release the natural gas. Activists contend the drilling technique can pollute groundwater.
Chesapeake has declined to share many details on the transaction, which is still pending.
"Our international partner is very large, very well respected and very well known and we'll be delighted to reveal the companies name when the transaction is completed," Chesapeake Chief Exective Aubrey McClendon told analysts and reporters during a conference call Friday morning.
Chesapeake plans to use the proceeds from the deal to finance accelerate drilling operations throughout their holdings in the Utica shale, McClendon said.
He also indicated the company's direction likely would shift toward liquids such as oil, which is believed to be contained in the shale under the remaining eastern half of Ohio not included in the wet natural gas area.

Russ Zimmer can be reached at or .
----- Original Message -----
From: "Duane" <duane330@aol.com>
To: "Donald Strimbeck" <dcsoinks@comcast.net>
Sent: Saturday, November 05, 2011 12:02 AM
Subject: Artist's Mugs Make Fracking Debate Easier to Grasp | StateImpact Pennsylvania

http://stateimpact.npr.org/pennsylvania/2011/11/04/artists-mugs-make-fracking-debate-easier-to-grasp/
NEW YORK TIMES Saturday 5 November 2011:
November 4, 2011

Taming Unruly Wind Power

By MATTHEW L. WALD

For decades, electric companies have swung into emergency mode when demand soars on blistering hot days, appealing to households to use less power. But with the rise of wind energy, utilities in the Pacific Northwest are sometimes dealing with the opposite: moments when there is too much electricity for the grid to soak up.

So in a novel pilot project, they have recruited consumers to draw in excess electricity when that happens, storing it in a basement water heater or a space heater outfitted by the utility. The effort is rooted in some brushes with danger.

In June 2010, for example, a violent storm in the Northwest caused a simultaneous surge in wind power and in traditional hydropower, creating an oversupply that threatened to overwhelm the grid and cause a blackout.

As a result, the Bonneville Power Administration, the wholesale supplier to a broad swath of the region, turned this year to a strategy common to regions with hot summers: adjusting volunteers' home appliances by remote control to balance supply and demand.

When excess supply threatens Bonneville's grid, an operator in a control room hundreds of miles away will now dial up a volunteer's water heater, raising the thermostat by 60 more degrees. Ceramic bricks in a nearby electric space heater can be warmed to hundreds of degrees.

The devices then function as thermal batteries, capable of giving back the energy when it is needed. Microchips run both systems, ensuring that tap-water and room temperatures in the home hardly vary.

"It's a little bit of that Big Brother control, almost," said Theresa Rothweiler, a teacher's aide in the Port Angeles, Wash., school system who nonetheless signed up for the program with her husband, Bruce, a teacher.

She said she had been intrigued by an ad that Bonneville placed in the local paper that asked consumers to help enable the grid to absorb more renewable energy, especially wind.

"We're always looking at ways to save energy, or be more efficient or green, however you want to put it," said Ms. Rothweiler, who worries about leaving the planet a livable place for her 21-year-old daughter, Gretchen. Bonneville paid for the special technology, which runs around $1,000 per home.

The initial goal of Bonneville's pilot program is to gain experience in charging and "discharging" the water heaters and space heaters to see how much response operators can count on as the use of these thermal batteries expands.

Mark K. Lauby, director of reliability assessment at the North American Electric Reliability Corporation, which enforces standards on the grid, said that such storage innovations would be "the holy grail" as the nation shifts to greater reliance on renewable energy.

While the threat of excess supply is most severe in the Pacific Northwest, other regions may land in the same situation in coming years because a surplus would threaten to destabilize the electric system as much as a shortage.

California, for example, is committed to getting a third of its electricity from renewable sources by 2020.

That would be harder if it had to turn off the wind machines on their best generating days to prevent the grid from being overwhelmed.

For decades, the Bonneville Power Administration rarely had a problem with excess supply. Its backbone is hydroelectric dams on the Columbia River, and while the operators must often run all of the falling water through its power-producing turbines for environmental reasons, the grid could adjust the supply by turning off fossil fuel plants.

That balance began to shift over the last few years as entrepreneurs built hundreds of wind machines nearby in the Columbia River Gorge, an area that utility executives now call a "wind ghetto." While the wind turbines produce electricity far below their capacity most hours of the year, they get busy when a storm rolls through, which is when river flows are highest, too.

The agency can simply shut down the wind machines, and it did so intermittently this summer when excess power threatened the grid. But that angered the wind operators, who earn money from the electricity they sell and from tax and other credits based on their production.

This June, several wind companies appealed Bonneville's policy to the Federal Energy Regulatory Commission, calling it discriminatory, and in August they filed a federal court challenge that is still pending.

For Bonneville, the full dangers of excess supply first hit home during the June 2010 emergency, when a severe storm whipped through the region. The transmission network had so much power that the agency turned off all its fossil fuel generation, gave electricity away to neighboring networks and even told the system's only nuclear plant to slash its

production by 78 percent, a highly unusual step.
The region squeaked through, but the agency was stretching its resources "to their limits," said Doug Johnson, a spokesman for Bonneville. At one point the system was running almost entirely on renewable energy.
"This is probably about the only place in the country where that could happen," said Michael Milstein, another spokesman with the agency.
The problem was complicated by environmental rules involving the hydroelectric dams.
The dams were built with spillways, or paths where operators can divert water without passing it through the power-producing turbines. But when the water goes through the spillways, it picks up nitrogen bubbles that can kill juvenile fish, so there are strict limits on their use.
Operators can usually keep the system in balance without excessive use of spillways, but in the June 2010 case, they were coping with as many as 2,000 megawatts of wind power, roughly double Seattle's power use or what two nuclear plants can deliver.
Wind installations have grown since then. So Bonneville began advertising for volunteers to accept extra electricity, mainly homeowners with electric heat and with water heaters of recent vintage.
Plumbers install a mixing valve on the water heaters to keep the faucet temperature safe, and new wiring and a small computer keep track of energy flows.
The agency says that some 200 homes will soon have the adapted water heaters, space heaters or both. In hundreds more, it is installing more traditional controls that will allow it to turn water heaters off. Another utility in the region, Portland General Electric, is about to begin a similar program paid for by the federal Energy Department.
For the time being, the storage devices collectively can absorb the output of only a handful of wind turbines.
A 100-gallon home water heater can store about 26 kilowatt-hours, or about a day's worth of electricity for a typical house, or less if the house relies on electricity for heat.
The ceramic bricks in the space heater can store 40 kilowatt-hours, or more in some larger configurations. The heat can be drawn off by passing air and delivered to living spaces by a fan, with the bricks also functioning as a thermal battery.
Some of this equipment dates from the late 1980s and was originally designed for offering "time of use" rates, so that a homeowner could buy electricity during hours when it was cheaper and store it. But coordination over a broad area by a utility to manage regional flows is new.
One nagging question is who will pay for the installations if they are carried out on a larger scale.
While Bonneville pays for them now, Philip D. Lusk, the power resources manager for the utility department of the city of Port Angeles — the Rothweilers' retail supplier — said the agency might have to find additional ways of compensating consumers to get the thousands of volunteers it will eventually need to make the system effective.
If the installations are judged to benefit everyone because they improve stability, the cost might be spread among all ratepayers. But if Bonneville decides that they mainly benefit the wind generators because they never have to unplug their turbines, the agency could try to charge that industry.
Either way, said Mr. Johnson, the Bonneville spokesman, the agency will have to come up with a solution to "the cranky nature of wind."

S. Fayette files injunction over ordinance appeal

11/5/2011 3:34 AM

By Christie Campbell, Staff writer
chriscam@observer-reporter.com

Claiming the majority of the zoning hearing board has a conflict of interest with the natural gas industry, South Fayette Township filed a court injunction Friday to keep certain board members from hearing an appeal.
Last November, the township adopted several zoning amendments to its oil and gas drilling ordinance. At the time, two members of the zoning hearing board, John Alan Kosky and Fred Cardillo, spoke against its adoption at a public hearing.
In August, Range Resources filed a validity challenge to the ordinance, claiming several of the provisions in the local ordinance are pre-empted by state and federal law.
In the injunction filed in the Court of Common Pleas in Allegheny County, the township alleges Cardillo and members of his immediate family have a lease with Range, as does Kosky, both personally and with his business. Further, the injunction states that David Bradley, an alternate to the zoning hearing board, is employed by EQT Corp., a natural gas drilling company.
Noting they believe the board members may have received royalty payments from Range and have publicly expressed their opinions on the oil and gas ordinance, the township asked the men Oct. 12 to recuse themselves from proceedings, but they declined to do so. The township argues that under state law, recusal is warranted where a public official has a financial or fiduciary relationship with the party of interest.
According to Matt Pitzarella, Range's spokesman, a significant portion of municipal officials have leases with Range.

"They're attempting to replace people who have long served their township with handpicked judges to ban drilling. All we're asking for is a fair shake. These tactics unfortunately only add costs to not only Range and their residents with leases, but for all of their taxpayers," he said of township supervisors.
Pitzarella did not comment on any specific royalty payments to the men.
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