DUNKARD CREEK-17MarY2K11

You should check these sites daily re Marcellus:

http://www.marcellus-shale.us/Gas-Drilling_NEWS.htm

http://www.frackcheckwv.net Sign up for their email.

URL for Pittsburgh Post Gazette PIPELINE site re Marcellus:

http://shale.sites.post-gazette.com/

http://www.marcellus-wv.com

Mon River Summit VI is on for Wednesday 18 May. See what Wally Venable has posted on UpperMon.org, and, MonRiverSummit.org . Program and registration info forthcoming in near or reasonable soon!!

Front page DOMINION POST Thursday 17 March 2011:

Tomblin nixes session

Seeks $2M for gas well inspectors

BY DAVID BEARD
The Dominion Post

CHARLESTON — Putting the kibosh on a special session for a Marcellus bill, acting Gov. Earl Ray Tomblin said he wants the Legislature to come up with $2 million to hire more inspectors, and rely on the Department of Environmental Protection (DEP) to draft emergency regulations.

Legislators, surface owners, environmentalists and industry representatives all panned his announcement.

"It was extremely disappointing to me that the Legislature was unable to pass a piece of reasonable legislation," Tomblin said at a Wednesday press conference. "Given the divide that exists, I do not believe that a special session is warranted at this time. Until an agreement is reached, I will not waste the taxpayers' money to call a session."

The Sierra Club, the West Virginia Surface Owners' Rights Organization, the West Virginia Environmental Council, and Tomblin gubernatorial rivals House Speaker Rick Thompson, acting Senate President Jeff Kessler and Secretary of State Natalie Tennant, all Democrats, have said they would like to see a special session on Marcellus.

Tomblin said the DEP has adequate authority to draft rules to govern the industry in a manner to protect the environment and promote commerce. There are a few things it can't do, he said, such as come up with money for inspectors. That's the reason for the $2 million.

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He sent a letter to the budget conferees just before the 1 p.m. announcement asking them to find $2 million in the General Fund for the DEP's Office of Oil and Gas, on top of the $505,780 it already receives.

DEP Secretary Randy Huffman said the money would pay for eight to 10 more inspectors, on top of the 12 already working (the DEP is funded for 17, but doesn't have all the positions filled). They will be immediately sent to "hightraffic Marcellus areas."

Huffman appeared to reverse his previous position on the need for inspectors. In late February, he told the Senate Energy Committee, "We're not providing nearly the adequate coverage we need." Asked then if the DEP would continue permitting Marcellus wells if a bill doesn't pass, he said it would be expedient, but not right away.

On Wednesday, he said, "That's not actually what I said. We need to make sure we are not overloading inspectors with more permits than they can handle." There's no need to cut back on permitting. "We're still not at that point. That's just not the case yet. ... It's a very dynamic situation."

Legislators react

Senate Finance Committee Chairman Roman Prezioso, D-Marion, said he wasn't pleased by Tomblin's announcement. He received the letter just before the press conference.

"I think this is a little unorthodox. We've already settled the DEP account [Tuesday]. ... I've got a lot of questions to ask about the validity of the $2 million."

He wants to talk to the House Finance Chair Harry Keith White, D-Mingo, and the other conferees about the money and how they're going to find it, since neither budget bill accounts for it.

He noted it's not a onetime thing, either. Putting that line in the General Fund makes it permanent.

"If he feels that strongly about it, at the end of the budget [week], he could call a special session and do a supplemental and get the money right now."

The budget won't take effect until July 1.

"I've still got a lot of questions to ask," Prezioso said. But, "if it's needed, we'll find a way to do it."

Delegate Rick Snuffer, R-Raleigh, said calling on the DEP to create regulations is no different than the unelected U.S. Environmental Protection Agency (EPA) trying to dismantle the coal industry — notably the EPA's retroactive revocation of the Spruce Mine permit.

Stakeholders react

Corky DeMarco, representing the West Virginia Oil and Natural Gas Association, said, "We were all looking for a bill that would allow for certainty in the industry, allow for investment. We were a little bit disappointed that what came out was nothing."

Gary Zuckett and Julie Archer, both with the West Virginia Citizen Action Group, spoke for surface owners.

Zuckett said he is pleased Tomblin wants to pay for more inspectors, but criticizes his method. "The industry should be paying for its own regulation. The taxpayers should not be paying to regulate this multibillion dollar industry."

Archer said Tomblin's view of the DEP's powers contradicts that of the Manchin administration, which recognized the DEP is understaffed and doesn't have the proper regulatory structure in place.

Denise Poole, with the West Virginia Environmental Council, said Tomblin is putting a lot of faith in the overburdened DEP. "In some ways, it can't be overregulated and

overinspected. We wanted a good bill."

Several people commented on one possible obstacle to progress: The gubernatorial election, featuring all the legislative leaders.

"That makes a little sticky wicket," Zuckett said. "Action may have to wait until after primary season."

Local page 1-B:

UPDATE

CONSOL given 30 days to pay

Penalty due after court issues consent decree

BY ALEX LANG
The Dominion Post

CONSOL Energy has 30 days after the court agrees to a consent decree to pay its civil penalty that is part of a settlement for numerous violations of the Clean Water Act.

The settlement between CONSOL and various government agencies, including the U.S. Department of Justice, was announced Monday at Mason-Dixon Park near Dunkard Creek.

The energy company also reached a separate $500,000 settlement with the West Virginia Department of Environmental Protection and the West Virginia Division of Natural Resources.

After a 30-day public review period, the government agencies will file a motion to enter a consent decree, said Wyn Hornbuckle, spokesman for the U.S. Department of Justice. Once that motion is accepted by the court, the company will have 30 days to pay the fine.

The settlement should first become available for public input in the coming days, Hornbuckle said.

According to the settlement filed in U.S. District Court for the Northern District of West Virginia, "Within 30 Days after the Effective Date of this Consent Decree, Defendants shall pay a total of $5,500,000 as a civil penalty to the United States and the State."

CONSOL agreed to a settlement of $5.5 million in a civil penalty and $200 million in pollution control programs after it was alleged the company violated the Clean Water Act hundreds of times during the past four years.

The complaint alleged that the company exceeded discharge limits with water from six mines that discharge into the Monongahela and Ohio rivers watersheds.

In addition to the civil penalty, CONSOL agreed to construct a water treatment facility for its future discharge water. The plant would use reverse osmosis technology to treat the water.

Discharge from CONSOL mines helped cause elevated levels of total dissolved solids that allowed an algae to bloom, killing most of the marine life in Dunkard Creek in 2009.

The Monongahela Area Watershed Compact, a collective of local water and environmental organizations, plans to discuss the settlement at its meeting at 1 p.m. March 23 at the Morgantown Municipal Airport.

Compact member Barry Pallay said the group is pleased there was a settlement, adding that he is happy the violations were addressed.

But Pallay said the $500,000 settlement for damage to Dunkard Creek "isn't sufficient." It

will take more money to fully restock fish and mussels destroyed in the kill, he said.
"We would like to see more set aside for Dunkard and the restoration," Pallay said.

----- Original Message -----
From: Duane330@aol.com
To: dcsoinks@comcast.net
Sent: Wednesday, March 16, 2011 9:31 PM
Subject: <COMPACT> Governor Tomblin sees disagreement

Governor Tomblin sees disagreement in Legislature over Marcellus regulation

http://www.wvmetronews.com/news.cfm?func=displayfullstory&storyid=43977

On Wednesday, Acting Governor Tomblin asked the budget conferees in the WV Legislature to include $2 million in the budget so the state Department of Environmental Protection can hire eight to ten additional inspectors to help monitor gas drilling in the Marcellus shale throughout the state.

"It's my hope that, during this week of budgetary reviews, that the Legislature will approve this request. This emerging industry holds much promise for our citizens," Tomblin said.

However, at this point, the Acting Governor says there is too much disagreement to call a Special Session so lawmakers can have more time to look at the bill that would set up a regulatory framework for that drilling.

>>>

CHARLESTON, W.Va. -- Senate President Earl Ray Tomblin, acting as governor, Wednesday asked the Legislature to add $2 million to the Department of Environmental Protection's budget to enhance the department's ability to inspect gas well sites, in light of the failure to pass legislation to regulate Marcellus Shale drilling this session.

Tomblin reiterated Wednesday that differences between House and Senate versions of the bill are too broad to attempt to resolve them in an immediate special session.

"Because of the divide that exists, I do not believe a special session is warranted at this time," Tomblin said during an afternoon news conference.

Environmental and citizens groups have called for a special session on Marcellus drilling.

In the short term, Tomblin said he believes the DEP can effectively regulate the burgeoning Marcellus Shale industry with the new inspectors and with new in-house regulations.

DEP Secretary Randy Huffman said the additional funds, which will need to be added to the 2011-12 budget bill, would allow the department to hire eight or nine additional inspectors, who would be assigned to parts of the state where Marcellus Shale drilling is most active.

"We believe that is something that is necessary, and would be done immediately," he said.

Huffman said the DEP has some authority to enact emergency rules on regulation of Marcellus Shale drilling, within a limited scope of issues, such as matters involving water management.

Agencies that have rulemaking authority can immediately enforce emergency rules, while all other rule changes must be approved by the Legislature, though its Rulemaking Review process, before they go into effect.

Tomblin asked legislators to take the additional $2 million for DEP out of the overall $4 billion 2011-12 general revenue budget, but did not specify what accounts should have funding reduced to raise that amount.

House-Senate budget conferees met briefly in public Wednesday afternoon, but did not take up the DEP budget.

It was the second meeting of the committee during the extended session, which began Sunday. At the current pace, the full Legislature is not likely to vote on passage of the budget bill until Saturday or Sunday.

Also Wednesday, Tomblin reiterated that he does not intend to call a special session following passage of the budget bill to act on a funding plan to pay down an $8 billion unfunded liability for future health care benefits for retired state and public school employees, known as the OPEB liability.

However, he said resolution of the liability could be close to reality.

"We may have something that will work in the near future out there," said Tomblin, who opposed the House's proposal to use $250 million of state Rainy Day emergency reserve funds to start to pay down the long-term debt.

However, Tomblin said he does expect legislators to take up veto messages during the weeklong extended session for the budget bill, to make corrections to bills that had to be vetoed for technical errors.

As of Wednesday, the governor's office had identified two bills that will need to be vetoed because of errors: A bill to toughen the state Ethics Act (HB2464), and a bill to require at least one member of the Public Service Commission attend any public hearings on rate increases (HB2663).

Both bills passed Saturday, after being in House-Senate conference committees. Omissions reportedly occurred in transferring the conferees' reports into bill form.

Tomblin said that, as of Wednesday afternoon, he has not seen any bills he intends to veto for substantive issues. However, he noted that a number of bills passed in the waning hours of the session have yet to reach the governor's office.

Reach Phil Kabler at ph...@wvgazette.com or 304-348-1220.

URL for Ken Ward's column re above news item:

http://blogs.wvgazette.com/watchdog/2011/03/16/will-tomblins-marcellus-shale-plan-help/

THE STATE JOURNAL:

CONSOL Settlement Likely to Help Rehabilitate Dunkard Creek

Posted Wednesday, March 16, 2011 ; 04:28 PM |

The settlement will go to the state Division of Natural Resources Aquatic Life Fund.

By Pam Kasey

Dunkard Creek in Monongalia County likely will see some benefit from a $500,000 settlement announced March 14 between the state and CONSOL Energy Inc.

How and when the creek will benefit are not yet clear.

The settlement over damages to the natural environment related to the September 2009 kill of fish and mussels on 30 miles of Dunkard Creek will go to the state Division of Natural Resources Aquatic Life Fund, according to DNR Fisheries Biologist Frank Jernejcic.

"It is not necessarily earmarked for Dunkard Creek," Jernejcic said in the hours following the announcement, before the DNR had made plans. "I would assume much of it would have to go to Dunkard Creek, but we want to produce hopefully a measurable benefit."

Before the kill, Dunkard Creek was an active muskie and smallmouth bass fishery and supported the most diverse population of mussels in the Monongahela River drainage.

Over the period of a month in September 2009, salty discharges from CONSOL mining operations at the time of a drought led to a toxic bloom of non-native golden algae that killed fish, mussels and amphibians on the West Virginia Fork and mainstem of the creek.

Populations have begun to return, Jernejcic said.

"We were impressed with our sampling that we did in July (2010) of the number of species that we found," he said. "We essentially found the same number of species that we found before the kill."

They likely are returning from tributaries, he said.

Numbers of species is an important beginning to recovery, but not the only factor.

"We're not recovered because we're not there in the numbers (of individuals) and the biomass (total weight)," Jernejcic said.

"Now conditions have to be maintained to allow them to reproduce more successfully, and that's what

we'll be monitoring over the years, so it's not just remnant populations."

CONSOL is required by another settlement to bring treatment for its discharges on line by May 2013. Until that time, the company has to time its discharges with higher flows to keep in-stream salt levels low.

A positive sign is that, according to Patrick Campbell of the state Department of Environmental Protection, weekly monitoring at multiple locations on Dunkard Creek has turned up no golden algae since January 2010.

Restoring fish populations will not be expensive, Jernejcic said. DNR stocked muskies and bass previously and will resume stocking as the forage minnows continue to return. The smallmouth population will build quickly, he said, and muskies within a decade.

Restoration of mussel populations is more a matter of multiple decades, he said, and this may be where some of the money is spent.

"The mussels, we can make an estimate of a million or two on that," in terms of the cost of full rehabilitation, he said, "but it depends on the procurement of the mussels. If we've got to raise mussels in a hatchery environment - and the time involved -- it can be really labor intensive."

An alternative approach would be to work, rather, on improving long-impaired habitat in the creek, he said.

The DNR will plan its approach in the coming days and weeks.

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Reach Phil Kabler at ph...@wvgazette.com or 304-348-1220.

Tomblin Rules Out Special Session for Marcellus Shale

Posted Wednesday, March 16, 2011 ; 04:24 PM |

Acting Gov. Earl Ray Tomblin said unless lawmakers can reach some kind of consensus on drilling there is no point to call a special session.

By Walt Williams

CHARLESTON -- State lawmakers ended the 2011 legislation session March 12 without passing legislation regulating drilling in the Marcellus shale, prompting some state leaders to suggest having a special session later this year to get one passed.

Acting Gov. Earl Ray Tomblin said in an interview he didn't oppose the idea. However, he noted there wasn't agreement among lawmakers as far as what kind of regulation was needed, so he didn't see himself calling them into special session until a consensus could be found.

"Until we get some sort of agreement, there is no sense of bringing them back in," he said.

House Speaker Rick Thompson, D-Wayne, and acting Senate President Jeff Kessler, D-Marshall, both suggested in comments following the conclusion of the session that a special session addressing the Marcellus shale was needed.

Lawmakers took up a number of bills concerning drilling in the Marcellus shale, but only two survived until the final days of the session.

One bill would have created new regulations for horizontal drilling and hydraulic fracturing, or "fracking." The legislation evolved considerably throughout the course of the session, although in its final form it contained regulations sought by drilling critics concerning stream and building setbacks and notification requirements for landowners.

That bill ultimately failed in the House. It cleared the House Judiciary Committee but was then referred to the House Finance Committee, where it died after the chairman didn't bring it up for debate. At the same time, lawmakers passed a bill offering tax breaks to drilling companies that are either based in West Virginia or hire West Virginia workers.

It was a frustrating conclusion for lawmakers seeking stricter rules for drilling.

"So we are just giving them tax breaks before we even regulate the industry," Delegate Bonnie Brown, D-Kanawha, said.

Representatives from the oil and gas industry argued throughout the session that making regulations too strict would severely limit the amount of shale development, depriving the state of a huge economic benefit. They agreed some new regulation was necessary, just not to the amount sought by critics.

"It is unfortunate," Corky DeMarco, executive director of the West Virginia Oil and Natural Gas Association, said. "Everybody put a lot of time and effort into it. With a few tweaks, we thought it was a good bill the (West Virginia Department of Environmental Protection) could advance."

The bill lawmakers did pass made drillers eligible for tax credits if they hired at least 75 percent of their workers from West Virginia. It also allowed West Virginia-based companies to estimate their horizontal drilling equipment at salvage value for tax purposes for up to five years.

As far as more regulation, Tomblin said he has directed DEP Secretary Randy Huffman to further explore the issue.

"Let's work with all the stakeholders out there and see what we can come up with," Tomblin said.

Wheeling WV THE INTELLIGENCER:

Frack Water Safety Debated

Bill to require drillers to disclose chemicals goes before Congress

March 17, 2011 - By CASEY JUNKINS

WHEELING - Federal legislators Robert Casey and Diana DeGette believe hydraulic fracturing may contaminate drinking water during the natural gas drilling process.

But Marcellus Shale Coalition President Kathryn Klaber said Congress has no business regulating drilling via the Fracturing Responsibility and Awareness of Chemicals Act.

The bill, commonly known as the FRAC Act, was introduced by U.S. Sen. Casey, D-Pa., and Congresswoman DeGette, D-Colo., in each chamber this week. The legislation is similar to a bill of the same name that died last year.

"Pennsylvanians have a right to know the chemicals used in fracking that could make their way into drinking water and other water sources," said Casey.

"The FRAC Act takes necessary but reasonable steps to ensure our nation's drinking water is protected, and that as fracking operations continue to expand, communities can be assured that the economic benefits of natural gas are not coming at the expense of the health of their families," added DeGette.

The bill's sponsors say the FRAC Act would:

- **Require disclosure of the chemicals used in fracking, but not the proprietary chemical formula. This would be similar to how a soft drink producer must reveal the ingredients of their product, but not the specific formula;**

- **Repeal a provision added to the Energy Policy Act of 2005 exempting the industry from complying with the Safe Drinking Water Act. Some anti-fracking advocates have commonly referred to this 2005 provision as the "Halliburton Loophole."**

The act would also provide power to the Occupational Safety and Health Administration to require drillers to have an employee, knowledgeable in responding to emergency situations, present at the well at all times during the exploration or drilling phase.

Klaber, though, said state officials are best equipped to regulate fracking and drilling. However, the West Virginia Legislature did not adopt proposed regulations for natural gas drilling - including chemical disclosures for fracking - in the recently concluded regular session.

"Because of tight regulations and laws in place, coupled with the commitment from industry to protect the environment, there's never been a single case of groundwater contamination associated with fracturing ...," Klaber said.

Lee Fuller, executive director of Energy In Depth, went further than Klaber, saying the FRAC Act is "based on fundamentally incorrect information," noting the Safe Drinking Water Act was never used to regulate fracking.

"Its backers say it's about forcing companies to disclose the composition of the ... solution that's not water and sand, even though just about every state regulatory agency in the country will attest that such information is already available," Fuller added.

Officials with Chesapeake Energy said about 99.5 percent of the 5.6 million gallons of fluid used to frack a typical well consists of water and sand.

However, if 0.5 percent of the 5.6 million gallons used for a normal well consists of materials other than water and sand, that means 28,000 gallons of chemicals found in products such as antifreeze, laundry detergent and deodorant are pumped deep into the ground at high pressure for each fracking job the company performs.

According to Chesapeake, the company's most common fracking solution contains 0.5 percent worth of chemicals. These include:

- **hydrochloric acid - found in swimming pool cleaner, and used to help crack the rock;**
- **ethylene glycol - found in antifreeze, and used to prevent scale deposits in the pipe;**
- **isopropanol - found in deodorant, and used to reduce surface tension;**
- **glutaraldehyde - found in disinfectant, and used to eliminate bacteria;**
- **petroleum distillate - found in cosmetics, and used to minimize friction;**
- **guar gum - found in common household products, and used to suspend the sand;**
- **ammonium persulfate - found in hair coloring, and used to delay the breakdown of guar gum;**
- **formamide - found in pharmaceuticals, and used to prevent corrosion of the well casing;**
- **borate salts - found in laundry detergent, and used to maintain fluid viscosity under high temperatures;**
- **citric acid - found in soft drinks, and used to prevent precipitation of metal;**
- **potassium chloride - found in medicine and salt substitutes, and used to prevent fluid from interacting with soil;**
- **sodium or potassium carbonate - found in laundry detergent, and used to balance acidic substances.**

Consol Must Pay $200M

Company violated Clean Water Act at six coal mines

March 17, 2011 - By CASEY JUNKINS

Consol Energy Inc. will pay more than $200 million in fines and pollution control costs for allegedly violating the federal Clean Water Act at six West Virginia coal mines, including Shoemaker in Benwood.

"It is my sincere hope that this settlement will send a strong message that the federal government is serious about protecting the health of its citizens and ensuring that its laws are followed during the process of energy extraction," said William J. Ihlenfeld II, U.S. attorney for the Northern District of West Virginia.

The company will pay $5.5 million in civil penalties for the violations and will spend an estimated $200 million in pollution controls that will reduce discharges of harmful mining wastewater into Appalachian streams and rivers.

The complaint filed concurrently with the settlement agreement alleges six Consol mines violated pollution discharge limits in their Clean Water Act permits hundreds of times during the last four

years. The document cites "chronic exceedances of chloride discharge limits" at the Shoemaker mine, as well as Blacksville No. 2, Loveridge, Robinson Run and Four States mines in the Monongahela watershed and Windsor mines discharging into tributaries of the Ohio River.

According to MedicineNet.com, chloride is "the major anion in the blood and extracellular fluid. Blood and other body fluids have almost the same concentration of chloride ion as sea water."

"Significant increases or decreases in chloride can have deleterious and even fatal consequences," the website adds.

Consol spokeswoman Laural Ziemba declined to comment about the specific chloride violations at Shoemaker. However, Consol President Nick DeIuliis said the corporation takes "seriously our role as stewards of the land and are proud of our track record on environmental excellence. This agreement represents a concrete, proactive demonstration of that commitment."

"We currently employ more than 3,500 people and produce more than 30 million tons of coal per year from our reserves in West Virginia," DeIuliis added, noting the company is outlining "an efficient, flexible path forward to implement additional clean technologies and best practices at its operations."

"In this settlement, Consol takes responsibility for its past failures to abide by the terms of its Clean Water Act permits," said Ignacia S. Moreno, assistant attorney general for the Environment and Natural Resources Division of the U.S. Department of Justice. "As a result of this enforcement action, Consol will install a state-of-the-art system to treat wastewater from multiple mines that will set the standard for the responsible management of discharges from underground mining operations in Appalachia."

The agreement follows a fall 2009 algae bloom that was fatal to a large quantity of fish and other aquatic life in Dunkard Creek, a tributary of the Monongahela River.

Consol officials said the company took voluntary action to temporarily stop permitted discharges of water from its mines to the creek. Working with biologists, corporation officials determined the operations were not the cause of the algae bloom, but because of its commitment to community and environment, initiated a plan to manage stream water quality.

"We are committed to cleaning up the waters of Dunkard Creek and the Monongahela watershed and holding those who pollute it accountable," said U.S. Environmental Protection Agency Regional Administrator Shawn M. Garvin. "The centerpiece of this settlement - a new advanced wastewater treatment plant - will substantially reduce pollution by keeping nearly 100 million pounds of total dissolved solids, including chloride, from reaching these waterways each year."

"Complying with the Clean Water Act is a critical responsibility of those who operate mines near our nation's treasured rivers, lakes and streams," said Cynthia Giles, assistant administrator for EPA's Office of Enforcement and Compliance Assurance.

West Virginia Department of Environmental Protection Secretary Randy Huffman said, "In the days immediately following the fish kill in Dunkard Creek, Consol voluntarily worked with the DEP and the EPA to proactively manage their mining operations to minimize the risk of another algae outbreak while at the same time keeping their miners working."

The consent decree is subject to a 30-day public comment period and approval by the federal court.

BINGHAMTON NY PressConnects.com:

DMAView"D. McKinley Allen is a free lance writer living in upstate New York. I write commentary, analysis and opinion on political-economic-social issues in America and the world, from an independent point of view."

Environmental Regulation & the Political Environment

3/16/2011 8:46 AM EDT Tags: environment, regulation, fracking

When an environmental problem is created during the Fracking for natural gas process, the responses are virtually automatic. The Pro-Fracking Gassers and the Antis who are against Fracking appear to be in two parallel universes. In one universe the Gassers automatically respond with denial of the existence of any problem. In the other, the Antis respond with reference to the precautionary principal, which says; because the risk to the public is so great, responsibility lies with the Gassers to prove it safe, not just say they have never been convicted in court. The Gasser always settle with victims before it goes to court.

In the first universe; the Gassers respond by saying: It isn't a problem and if it is, we aren't responsible. This was the case with Methane in waters wells in Dimock, PA until the PA DEC said: It was a problem and it was the Gasser Company's fault. The Gassers settled for millions of dollars; quite a lot for a non problem that wasn't their fault.

In that same first universe; the politicians who favor Fracking (either publically or privately) respond by saying: Only if it is safe. And then they say: We will rely on the regulations to make sure it is. They are asserting that regulations can make sure Fracking is safe. From the second universe the Antis say: The Gassers word can't be accepted at face value, as when the Federal EPA had an agreement with the Gassers out West to keep diesel fuel out of Fracking fluid; the Gassers ignored the agreement for twenty years and lied to the EPA about it. So much for environmental regulations and the Oil & Gas Multinational Conglomerates adhering to them.

The two universes seem to be not really parallel but converging. In New York it has come down to a Governor who says: He'll see what the NYS DEC says, and a DEC Commissioner who has already said: We will go ahead carefully. He apparently has made up his mind even before the required new DEC report is out and the comment period has begun or the release of a current EPA study's preliminary reports, which will be out next year.

And now as the two universes cross; the realities of Fracking from the Antis universe meet the false promises of politicians corrupted by Big Oil & Gas from the Gasser universe. The waste water flow back from Fracking not only has carcinogens, endocrine

disrupters and various other toxic substances in it, but it is radioactive. Some of the Fracking waste water is recycled; partially cleaned on site and more new Fracking fluid added, but that creates radioactive solid toxic waste that must be dealt with. Usually it is disposed of in solid waste areas (garbage dumps) which can sustain lining punctures, floods and other accidents that allow runoff to contaminate drinking water supplies. But 30 to 60% or more (industry provided numbers are incomplete and inconsistent) is disposed of through water treatment plants. They take out enough of the Fracking fluids toxic chemicals to allow the rest to dumped into rivers; counting on dilution to make the water safe for the drinking water plant intake down the river. Unfortunately radioactivity from the radioactive salts in the Fracking waste water cannot be adequately removed at waste water treatment plants; and so flows out virtually as concentrated as it was when put in. The river, at some times of year may dilute it to some degree; but we don't really know because since they don't remove radioactive compounds, waste water treatment plants don't test their outflow for it. Even if they did, at certain times of year the rivers in the Chesapeake River Basin are so low that they cannot dilute the outflow very much; but none the less, the intake at the drinking water plant down river has to use what flows past every day. At other times of year upstate rivers flood and overflow; depositing whatever is in them, including radioactive deposits, on the ground that is flooded. The radioactive deposits stay in the soil, where they do not decay for tens of thousands of years, and sooner or later get carried by runoff into both private and public water supplies. Radioactive toxicity is cumulative; so continual, repetitive exposure in the water supply eventually may cause several different kinds of cancers.

The radioactive nature of the waste water from Fracking makes safe disposal of it virtually impossible. Fracking in New York will produce hundreds of billions of gallons of radioactive waste water, which will inevitably wind up in the water supplies of the Chesapeake and Delaware Watersheds. The problem is compounded by the fact that fresh water of the Watersheds will be depleted from withdrawals which will be then be contaminated for use in Fracking. There is no current or even proposed technology in place that can eliminate the radioactive contamination in Fracking waste water.

Any mention of dilution as a potential fix is blatantly impossible based on the proposed volume of fresh water use and waste water discharged by the tens of thousands of wells the O & G Industry proposes for the Marcellus Shale Play. Even the most intense regulation requiring 24/7/365 monitoring of each and every withdrawal, disposal, waste water treatment discharge, drinking water plant intake between Cooperstown and the Chesapeake would only tell us where and when the radioactive waste got into the system. Since the contamination won't be removed, that could mean the loss of drinking water for millions of people. And that's just the Susquehanna River; the same problems apply to every other river and tributary feeding the Watersheds. The outflow from garbage dumps holding radioactive solid waste flowing into and contaminating single

source NYS aquifers could add millions more to the number of people who can't drink their water. Without drinkable water the value of all the homes, schools, businesses, agricultural and recreational land, etc. of the Southern Tier of New York affected is reduced to zero. An area greater than the size of Connecticut can be made uninhabitable by Fracking contamination.

That is a worst case scenario, but anything from a few hundred poisoned wells to just a million people without drinking water is way too much risk to even be considered. A problem that has no solution, like safely disposing of radioactive waste water and solid waste; makes drilling Fracking wells in as dense a population area as the Marcellus Shale Play an unthinkable, unconscionable and unacceptable non-starter. No amount of regulation, since the necessary tested and proven technology isn't available and not in place, will prevent the environment from becoming contaminated. Radioactive waste water is an inevitable part of the Fracking process. No amount of regulation can prevent radioactive contamination if Fracking is allowed in NYS; it's only a matter of discovering how much and when and by then it's too late. There is no safe level of radioactive contamination.

A complete and absolute ban on Fracking is the only thing that can save the irreplaceable water supply that is present in the Southern Tier of New York. Neither Gassers, (the few O & G Companies and gas lease holders who benefit), nor politicians have the right to force New York residents, the majority of which don't want Fracking, in any one's backyard, to accept an economically influenced business decision about our homes, property and way of life. It is each and every resident's right to chose whether or not to risk everything we own and value, to allow some foreign and domestic energy interests to get richer at our expense. The vast majority of area residents say an emphatic - No. If our elected officials won't represent the will and best interest of the majority; they can and will be quickly and easily replace by those who will stand by, with and for the people.

Hydrofracking: Most N.Y. treatment plants not equipped to handle wastewater

Written by
Jon Campbell

When New York's guidelines for hydraulic fracturing in the Marcellus Shale are set in stone, officials say they will likely be stronger than those in Pennsylvania and other states that have long permitted the process.

But a major question remains: What will be done with the millions of gallons of chemical-laced wastewater and salty production brine that comes along with the process?

The wastewater, which flows back to the surface after being injected into shale formations to fracture the rock, can be cared for at treatment facilities, as long as those plants are properly equipped to remove the chemicals and the total dissolved solids in the fluid and radioactivity levels are within reason.

In New York, however, very few plants are equipped with that type of technology.

"There may be certain industrial facilities that may be qualified to handle these materials, but we don't know of many," said James Tierney, assistant commissioner for water resources at the state Department of Environmental Conservation. "We don't know of anybody that is coming in right now and saying they want to be able to treat a million gallons of horizontal hydrofracking waste containing these chemical constituents."

Accepting flow-back water from the natural gas industry could be a major revenue generator for local treatment plants, but upgrading plants to treat it would cost millions of dollars. Even with the upgrades, the composition of the fluid could be problematic.

"This stuff has a lot of iron and other things in it," said Phillip Grayson, sewer pre-treatment administrator for the Village of Endicott's treatment plant. "Even with some kind of pre-treating, I think it's almost prohibitive for us because of our sewer-use ordinance. They would have to do a lot of work just to get it in the door for us."

Gas companies reached out to a number of Southern Tier treatment plants in 2008, when the Marcellus gas rush had just begun in Pennsylvania and New York was weighing its options. In December of that year, the DEC sent out a memo reminding publically owned plants they could not accept the waste if it contained chemicals they weren't permitted to treat, and that those plants would be required to complete an engineer-led analysis to determine whether it is feasible to fully treat the water before it is discharged. The plants would have to have a proper "pre-treatment" process, where the water is treated before it even gets to the main treatment facility.

Whether a plant could accept the water or brine would largely have to do with what kind of treatment technology it uses. In Endicott, for example, the plant uses a biological treatment process, where living, freshwater microbes clean the water. The amount of salt and total dissolved solids in the waste could harm that process.

"If all of a sudden the water taken in is salty, it could kill the microbes, and pretty significant technology is involved in desalination," Tierney said. "That technology exists and it's used for turning saltwater into freshwater in different technologies in places around the world, but it certainly isn't standard and it can be costly."

The biological treatment process could work if the salty fluid were bled in at low levels over time, allowing the microbes to become acclimated, Tierney said.

Radiation levels in the wastewater also are a concern. When the water is returned from below the ground, it collects a number of naturally occurring radioactive materials, or NORM. An analysis of wastewater samples by the Department of Health found levels of radium-226, and related alpha and beta radiation that are up to 10,000 times higher than drinking water standards.

A series of articles in The New York Times also brought to light concerns about the materials in frack water, analyzing samples from more than 300 gas wells in Pennsylvania that showed various levels of radioactivity.

In a memo sent to the DEC in 2009, state health officials said the radioactivity levels in the sample it tested "are not trivial but not insurmountable." Health spokesman Tom Allocco said the department hasn't tested any samples since then.

"The Department of Health is working with the (DEC) to address potential worker issues from the buildup of NORM in natural gas piping and equipment," Allocco said. "This will be addressed in an upcoming Supplemental Generic Environmental Impact Study."

The SGEIS, an 800-page document that will guide the state's permitting process for high-volume hydrofracking, is set to be released in June. As it stands now, gas companies would be required to set a plan for the disposal and transportation of the waste fluids before they would be able to obtain a drilling permit.

John Holko, president of Genesee County-based Lenape Resources and a board member of the Independent Oil & Gas Association of New York, said the industry is reusing the wastewater through closed-loop systems, and said the rate of reuse will continue to rise.

"The focus is on 100 percent reuse. I think some of the companies are there now," Holko said. "Were they there at the beginning of 2010 or the end of 2009? I don't think so, but by the time it happens in New York, I think the fluid handling will be easy."

Pittsburgh Tribune Review:

Ohio to explore tapping into parks for natural-gas drilling

By Associated Press

Thursday, March 17, 2011

TOLEDO, Ohio -- Ohio has moved closer to joining neighboring states in the debate over natural gas drilling, a shift that could bring jobs and more money along with worries over the impact on drinking water and the environment.

Gov. John Kasich's budget plan released this week includes a proposal to open up state parks to drilling for natural gas and oil, along with expanding timber sales.

Much of eastern Ohio sits on top of a lucrative shale deposit that also stretches beneath most of West Virginia and Pennsylvania, but Ohio has yet to cash-in on the natural-gas reserve like other states.

It's not known how much of Ohio's park land would be suitable for drilling or how much money leasing the land would bring, said David Mustine, head of the state's Department of Natural Resources.

A state committee that looked at the idea two years ago put Ohio's estimated take as much as $5 million a year.

The state will spend the next three to six months determining where natural-gas exploration might take place, he said Wednesday, ruling out any drilling in Ohio's nature preserves, where there are rare and endangered species.

To tap into the underground rock formation, drillers inject millions of gallons of water, sand and toxic chemicals into each well to break apart the shale and release trapped gas. Opponents say the method called fracking could poison water supplies and harm the parks.

"Opening our parks to drilling and logging is like robbing Peter to pay Paul," Jen Miller of the Sierra Club Ohio Chapter said. "It will likely reduce visitors and result in less money spent at convenience stores, sporting goods stores, campgrounds and restaurants. It just doesn't make economic sense."

The natural-gas industry contends the method has been used safely for decades.

Among large gas-producing states, Pennsylvania is the only one that allows large amounts of wastewater produced by gas drilling to be discharged into rivers. Other states don't allow the practice because of environmental concerns, and most require the water to be injected into rock formations far underground.

Kasich made it clear even before taking office in January that opening Ohio up to drilling would be a priority. He thinks drilling would create jobs and attract businesses looking for energy sources.

Money from leasing the state land will go toward maintaining and improving the state's parks, which have a backlog of repairs totaling $500 million, Mustine said. "It's one of the reasons why we're so positive about exploring park lands," he said.

----- Original Message -----
From: "Andrew Liebhold" <aliebhold@gmail.com>

To: "Betty Wiley" <betty.w304@gmail.com>
Cc: Sent: Wednesday, March 16, 2011 9:47 PM
Subject: Re: Consol's Press Release

Yes, we noticed the statement,

"CONSOL Energy challenges other operators along the Monongahela tributary to follow its lead to protect the watershed and believes that today's announcement sets an example for everyone in the energy industry."

This is very true. What excuse does Dana Mining (= GenPower) now have now for dumping millions of gallons of TDS-laden water into Dunkard Creek? If Consol can remove the TDS, why can't they?

-Sandy Liebhold

On Wed, Mar 16, 2011 at 9:31 PM, Betty Wiley <betty.w304@gmail.com> wrote:
>
> The press release from Consol is very interesting, I might say, laden with
> hubris.
>
> http://phx.corporate-ir.net/phoenix.zhtml?c=66439&p=irol-newsArticle&ID=1538988&highlight=
>

Published on *Truthout* (http://www.truth-out.org)

Fracking Debate Heats Up as New Jersey Seeks Ban

Mike Ludwig | Wednesday 16 March 2011

New Jersey lawmakers advanced legislation last week that would make their state the first to ban the controversial and largely unregulated practice of hydraulic fracturing, aka "fracking," used to drill for natural gas. The New Jersey Senate Environment Committee approved the legislation amid a public debate over proposed regulations for an estimated 10,000 fracking wells that could soon be established in the Delaware River Basin.

The bill to permanently ban fracking in New Jersey is the first of its kind, but a growing grassroots movement against fracking has already won victories in city halls across the country as the public responds to mounting evidence that fracking operations are contaminating water supplies.

Fracking is the process of injecting millions of gallons of water and chemicals - some of them toxic - into underground formations to split up rock and release natural gas. The language in the New Jersey bill echoes the fears of fracking's hardcore critics, including the industry's unwillingness to reveal the chemicals included in fracking liquids and the now infamous June 3 blowout of a fracking well that spewed potentially explosive gas and 35,000 gallons of contaminated water in Clearfield County, Pennsylvania.

The natural gas-rich Marcellus Shale, an underground geological formation stretching across most of Pennsylvania and New York, has become a central battleground in the fracking debate as the industry rushes to exploit vast reserves of cheap domestic fuel. At least 1,500 fracking wells are currently producing gas in Pennsylvania, but last year, protests and a grassroots campaign in New York pressured lawmakers to put a moratorium on fracking to give state regulators time to assess potential environmental impacts. The moratorium expires on May 15.

Now, the fracking industry is targeting a portion of the Marcellus Shale that underlies 36 percent of the Delaware River Basin, a vast watershed that provides water to 15 million people in New York, Delaware, Pennsylvania and New Jersey. The Delaware River Basin Commission (DRBC), an agency with representatives from all four states, has proposed a set of regulations for the 10,000 wells the DRBC estimates could be developed in the basin. That many wells would require 15 to 19 million gallons of water a day to operate, and much of the water would be sucked up from local sources.

The commission could approve the regulations - and declare open season for fracking the Delaware River Basin - as early as April.

Hundreds of people attended public meetings on the proposed regulations. Critics argue that the regulations are not strong enough to control wastewater from fracking and the practice itself should be banned in the region, while supporters say fracking will create jobs and stimulate economic growth.

With the approval of regulations for fracking operations in sight, citizens in small towns in the Delaware River Basin and beyond are pushing local councils to join a growing list of municipalities that have banned fracking.

Local bans are considered mostly symbolic gestures, but they send a strong message when coupled with well-publicized bans recently passed in Pittsburgh, Pennsylvania and Buffalo, New York, where city councils banned fracking after protests and local campaigns pushed city leaders to take action.

Jim Walsh, a fracking critic with the watchdog group Food and Water Watch, said he is impressed by the number of local citizens who have come together to oppose fracking in the Delaware River Basin and beyond without prodding from national environmental groups.

"I've worked on campaigns like this for years, and I've never seen anything come together like this," Walsh said. "It's a lot of different people coming together to keep [fracking] out of their communities."

Walsh said that people get really "excited" when it comes to protecting their environment and drinking water. State leaders are listening, at least in New Jersey, where 39 state legislators foreshadowed the proposed ban last month with a letter to the DRBC asking the commission to wait on approving regulations until the Environmental Protection Agency (EPA) completes a comprehensive review of the environmental impacts of fracking. The letter contends that the proposed regulations are too premature to be based on sound science.

The EPA began a comprehensive review of fracking last year after public outcry prompted the agency to reconsider a 2004 report that showed fracking did not pose a threat to the water supply. The 2004 report prompted Congress to exempt fracking from regulation under the Clean Water Act and gave the green light for thousands of fracking wells to be established with little federal oversight. The results of the current EPA study are expected next year.

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