DUNKARD CREEK-20MarY2K11

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

Revised agenda:

WV/PA MONONGAHELA AREA WATERSHEDS COMPACT

SEVENTH MEETING, MARCH 23, 2011

1 PM, MORGANTOWN AIRPORT ANNEX

1. Introduction. Barry G. Pallay, Co-Chair
2. Update on Marcellus Shale Development in Pennsylvania. Martin Niverth, UMRA

3. Effects Of Living Near Marcellus Pit Using Evaporative (Misting) Technology in Washington County. Stacey Haney, Nurse.

4. Update on Wetzel County Action Group (WCAG). Bill Hughes, WCAG

5. Report on 2011 Session of WV Legislature. Del. Barbara Fleischauer, Del.Mike Mannypenny, and Delegate Tim Manchin

6. Report on CONSOL Final Settlement for Discharges to Dunkard Creek. WV-DEP & DNR.

7. Review of Final Settlement with CONSOL on Dunkard Creek. Jessica Greathouse, US EPA.

8. "Watershed Bill of Rights" Project Proposal. Sarah Veselka, Friends of Deckers Creek.

9. Update on Issac Walton League Citizen Water Monitoring Program.

10. Concluding Remarks. Duane Nichols and Barry Pallay, Co-Chairs.

DOMINION POST Opinion page 1-D Sunday 20 March 2011:

EDITORIAL

'Shale' game calls for rules

Special session on Marcellus essential for any regulation

Politics has always been a game. But more often than not, the contests tend to resemble a chess match rather than the "shale" game that's being played in Charleston. Last weekend the regular legislative session forfeited one such game. Lawmakers adjourned without a bill to regulate natural gas drilling in the state's Marcellus shale fields. It died on the last day of the session, in a test of wills between competing Senate and House bills. In the end, the two chambers failed to reach a compromise. Never mind that this legislation was the subject of countless hearings and committee meetings, and was a critical campaign issue last fall.

Earlier this week, rather than finger-pointing, we urged acting Gov. Earl Ray Tomblin to call a special session of the Legislature devoted solely to enacting Marcellus shale drilling regulations.

Our call, since then, has been joined by many others, including top legislators, such as the speaker of the House of Delegates and the acting president of the state Senate.

A slew of environmentalists, some industry representatives, citizen groups and others also have joined this call.

Tomblin refuses to call a special session. He claims the divide in the Legislature is so great that it would be a waste of money.

Of course, that has never stopped previous governors from calling special sessions before.

We realize special sessions come at a cost to taxpayers — an estimated $35,000 a day.

However, under the circumstances, hang the costs. It's ludicrous to consider those costs exorbitant in light of regulating the Marcellus field — one of the richest natural-gas reserve discoveries in a generation.

No one needs to repeat the reasons such regulation is necessary.

However, someone needs to admit that the political jockeying going on for the upcoming May 14 gubernatorial primary is why Marcellus shale regulations may not be subject to a special session.

Consider it said. Tomblin did not call us back, either, Friday, to question our assessment. We take issue with Tomblin and any legislator — on either side of the aisle — who obstructs such legislation. We realize no bill is going to please everyone. However, we need comprehensive regulations to ensure our land and water are not poisoned. Also, just as importantly, we need to lend the industry certainty about what it can expect in the near future, which in turn reassures investment — and allows everyone to play by the same rules.

GASLAND-ALTERNET-FOX-19MarY2K11

PA Government Official Compares Oscar-nominated Film 'Gasland' to Nazi Propaganda

What we need is a real scientific review of the harmful effects of gas drilling on the state and a statewide moratorium, not race baiting remarks.

March 16, 2011

This week, Teddy Borawski, the chief oil and gas geologist for the Pennsylvania Department of Conservation and Natural Resources (DCNR) and a member of Pennsylvania Governor Tom Corbett's administration, serving in an official capacity, and on the record, compared my Sundance award-winning and Oscar-nominated documentary film GASLAND to Nazi propaganda stating "Goebbels would be proud." The slander was the latest in a series of smears and misinformation about the film and character attacks on me.

This kind of hateful speech shows a contempt for history, for truth, for science and sets a dangerous precedent in our state's government. Such slanderous mudslinging has no place in any rational or adult debate on *any* topic, let alone the most important issue facing the state in decades -- natural gas drilling in the Marcellus Shale.

When one speaks violence, he degrades himself and his fellow man. When that person represents the Commonwealth of Pennsylvania, he violates the fabric of our civic trust, delegitimizes the government he represents and opens the door to madness. The Corbett administration has thrown the dialogue on Marcellus drilling into the gutter and it is it up to the Corbett administration to get it out.

I made the film GASLAND out of a geniune care and love for the state of Pennsylvania. The film was designed to bring to light something that we were by and large overlooking -- the extreme harm and danger of Fracking for Natural Gas, as it was taking place across the nation. To make the film, myself and a dedicated team of five people were working for no pay, day and night, without a major media company behind the film and without any assurances that anyone would see the film outside of the Delaware River basin.

The film GASLAND has been thoroughly vetted, fact checked, verified and backed up by true journalistic review and science and we stand behind it and the incredibly brave Americans in it 100%.

GASLAND has helped forge a movement in Pennsylvania, New York, and increasingly worldwide. Millions of people saw the film when it aired on HBO. In addition, I have toured to over 100 cities in the United States. Everywhere I go, I hear the complaints, concerns, outrage and dismay of the citizens facing the driller's invasion.

But instead of engaging in a real dialogue on the issues, the Pennsylvania government and the gas industry have mounted successive attacks against the honest journalism of the film. I and my team have been branded terrorists, extremists, communists, traitors, liars and now, Nazis. NAZIS!!!!!!

The state deserves better.

If the Corbett administration fails to fire Borawski and fails to begin a real assessment of the effects of gas drilling on the state, then certainly the Corbett administration has lost all credibility and legitimacy.

Does slandering a documentary filmmaker as a Nazi constitute the level of dialogue that the Corbett administration believes is good governance? Do you call someone a Nazi just because they don't agree with you?

Apparently, the whole world knows there is something terribly wrong with Hydraulic Fracturing for Natural Gas, everywhere except the dark cave of the Corbett administration. New York state has moved into a bi-partisan moratorium on fracking, Quebec has imposed a de-facto moratorium on shale drilling, the Maryland state house is on the verge of passing a similar moratorium, 20,000 protesters marched in France last week against shale drilling, Austrailian farmers are revolting and locking their gates against gas exploration, the New York Times reported that radioactive gas drilling waste was being dumped directly into Pennsylvania's drinking water sources, the Pulitzer Prize-winning Pro-Publica news organization reported thousands of cases of contamination across the country, CNN and 60 minutes has reported numerous case studies on families whose health have been harmed and whose water has become undrinkable due to drilling and yet there is one dark corner of the world that refuses to acknowledge the threat posed by gas drilling, the ruling party of the Commonwealth of Pennsylvania.

Is there any excuse for employing this kind of hate speech?

More disturbingly perhaps is Borawski's (and this the Corbett administration's) apparent enthusiasm for industry's projection of 130,000 to 180,000 gas wells in Pennsylvania.

By the Pennsylvania DEP's own account, one well out of 32 wells in Dimock caused an area of contamination that was nine square miles wide. From my experience and from the detailed reports of thousands of contamination cases across the country, and the industry's own track record of failure, Dimock is no exception. What does it mean for Pennsylvania if you replicate Dimock across the state? Do the math--If you multiply this contamination rate in Dimock by 130,000 gas wells, you have contaminated 35,000 square miles, more than three quarters of the state. In other words, you have contaminated the entire area covered by the Marcellus shale. Permanently.

Calling people Nazis has no place in our civic dialogue whatsoever. What we need is a real scientific review of the harmful effects of gas drilling on the state and a statewide moratorium on new drilling, leasing, permitting and fracking until all of the problems can be addressed, not race baiting remarks.

Is it impossible to imagine that the Corbett administration could engage in a serious rational debate on the issue? Corbett could call for a substantive independent cost-benefit analysis of what this much drilling would mean to our state. Corbett could pay

attention to the fact that both the U.S. Congress AND the U.S. EPA are now investigating Hydraulic Fracturing due to the massive public outcry across the nation. Could the state legislature investigate the possible collusion between the state DEP and DCNR and the gas industry?

When Pennsylvania's homeland security director James Powers was found to be responsible for the characterization of people protesting gas drilling in the state as "terrorists" he resigned under great pressure. Borawski should resign. But more importantly, Corbett should fire him. Immediately. Otherwise it is clear that Corbett condones this kind of slander, bigotry and hate.

I was born into a mixed religious family. My father is Jewish and my Italian mother was raised Roman Catholic. My father and his parents were survivors of the holocaust. Everyone in his extended family was killed by the Nazis except for his two brothers and his mother and father and a few distant cousins. He grew up with the shadow of the Nazi genocide hanging over his head for his whole life. The first place the family went after fleeing Europe just after the war, was Pittsburgh. In my family, we know what this kind of rhetoric can do, if left unchecked and unpunished.

My father, Michael Fox, was so upset at Borawski's comments that he wrote the following statement:

"When I was young I spent so many years trying to overcome the devastation of the holocaust that engulfed my mother and our home. My grandparents, my aunts and uncles and so many of my cousins perished. I was robbed of my heritage as they were robbed more cruelly of their lives. My seven year-old brother was shot and lost sight in his eye in front of me when I was two by a youth who wanted to get himself a Jew. Living with the weight of hatred that hung suspended above and through my life, I needed to know that there were indeed good people left in the world, that there was hope for kindness and justice in the future of the world. Otherwise, how could I go on? It took me such a long time and so much struggle to believe my constant mantra that the world could be good. To have my son called a Nazi after what happened to our family, and when what he did was to raise the alarm to the poisoning of our water and our people, is heart-rending and it highlights how quickly and callously some forget man's inhumanity towards man and how some resort to cruel name calling and hatred when they have no other resources to justify their untenable and greedy positions."

Since the release of GASLAND, we have been subject to many kinds of attacks, not only in writing, but in action. Our family home in Pennsylvania has been vandalized several times since the premiere of the film. Windows have been broken while I have been away touring the state, property has been looted and articles on the property have been set on fire. This kind of hateful despicable, demonizing speech can encourage the most vile impulses within people. To call my work "Nazi propaganda" is to dehumanize me and those working on the issue with great care and love for our community. I can only think that this kind of dehumanization makes us that more susceptible to attacks of every kind. No apology can make that alright.

It is up to the Corbett administration to try to put this genie back in the bottle, fire Borawski and begin to entertain a rational dialogue on the issue. If Corbett fails to dismiss Borawski and put and end to the nose dive his administration seems hell bent on, we must conclude that he condones and indeed promotes this kind of behavior. If he fails to address this, we will be forced to acknowledge that this act of thuggery, bullying and despicable insensitivity is a hallmark of his approach to those who challenge his positions.

Josh Fox
GASLAND
Milanville, Pennsylvania
3/16/11

New DEP pick says he will 'apply the law'
Sunday, March 20, 2011
By Laura Olson, Post-Gazette Harrisburg Bureau

HARRISBURG -- When Michael Krancer found himself the deciding vote on a mine-safety case in 2001, he went to the bottom of a Washington County mine to make sure he understood the issues at hand.

The United Mine Workers were appealing an exemption approved by the Department of Environmental Protection regarding methane testing at 84 Mining Co.'s mine in South Strabane. The union said the exemption was unsafe, despite DEP's consent.

Mr. Krancer was two years into his initial term as a judge on the state's Environmental Hearing Board, which considers appeals on certain DEP decisions. And he had never been in a coal mine, recounted Don Carmelite, his first law clerk at the board.

"The guy suited up in all the gear and got the training, and he walked around in a mine a mile below the surface, in thigh-high water," Mr Carmelite said in a recent interview. "It was consistent with what he did to get it right."

The judge later sided with the miners' position, on a 3-2 decision.

But now instead of adjudicating whether the state Department of Environmental Protection made the right decisions, it's Mr. Krancer who is managing the agency's closely watched choices. He is Gov. Tom Corbett's pick to lead the oversight agency.

The 53-year-old Bryn Mawr lawyer comes to the agency at a pivotal time: Natural gas drilling in the Marcellus Shale has grown so quickly that the topic overshadows much of the department's other responsibilities. Discussions on how government should regulate the industry and manage its risks often can become heated and hyperbolic.

He also is working for a governor who has drawn skepticism from environmental advocates regarding his commitment to protection, in light of significant campaign contributions from gas drillers and his opposition to a severance tax. Mr. Krancer himself was at times harshly critical of the agency in his hearing board opinions.

Colleagues and friends say he's the right man for the job: intellectually curious, hard-working, and someone constantly in search of facts and science to back up his decisions.

They and others also note that he is not afraid to voice disagreement, and some of his hearing board dissents show fiery language when he believed that a decision was made in error.

Mr. Krancer has said he will approach his role as secretary much as he did his nine years as an administrative judge .

"We apply the law -- that's our job," he said during his Senate confirmation hearing, adding that it is "also my job to listen to all sides of an issue and consider all of the facts and have an open mind."

Chief Judge Tom Renwand, who has served on the board since 1995, echoed that sentiment in describing his colleague: "He's fair and likes to hear all sides in an argument. I think he will really be guided by science."

Mr. Renwand said the Environmental Hearing Board functions with a lot of "back and forth" on cases that are under consideration. He talked to Mr. Krancer almost daily from the time Mr. Krancer joined the board in 1999, often to bounce around ideas about a case.

"His opinions contained great detail and always delved into the nuts and bolts of testimony and were greatly supported by facts, which is the key to not getting reversed," Mr. Renwand said.

Attorneys who try cases before him see that attention to detail in his questions.

"The kind of things you think are questionable in your case, he'll go right for them," said Joe Manko, an environmental lawyer with the Philadelphia firm Manko Gold Katcher & Fox.

The Environmental Hearing Board is the first stop for appeals on DEP decisions, explained former DEP secretary John Hanger. He said it functions as a check on the agency, which "can make mistakes, misread the facts."

Those cases give the judges insights on the agency's legal decision-making, Hanger said, though "hardly a full view of what the department does."

Some of Mr. Krancer's opinions also show insights into his own decision-making. A review of those decisions shows a mix that both supports strong regulations and criticizes agency actions.

In a 2001 case involving penalties imposed against a construction company, his concurring opinion voiced concern that the company may still have profited from its illegal action, despite a $258,500 fine.

He wrote that the approach in cases that "involve such a flagrant and volitional course of chronic violative conduct should be at a minimum, to make sure that any and all profit that the violator may have made on the job on which it engaged in its pattern of illegal conduct is totally disgorged."

Mr. Carmelite said the opinion is an example of his "strong position on enforcement on people who are bad actors."

That same year, in a dispute over air regulations between DEP and the North American Refractories Co., Mr. Krancer broke from the other judges to write a dissent that the Commonwealth Court later validated.

That decision states that when the department and the defendant both have reasonable positions, the department's position should be given deference.

Under state law, he wrote, "the Department is the 'king of the hill' going into the proceeding because NARCO has the burden of proving that its position is correct and the Department's is incorrect. Under the circumstances here, I do not think that NARCO has knocked the Department off the top of the hill."

However, Mr. Manko said he is "not somebody who would always toe the line of the department. I'm sure there are cases where they were disappointed."

One such case involved how DEP was overseeing mine safety, and whether it or the Board of Coal Mine Safety was empowered to expand mine regulations.

In that 2009 case, the majority, including Mr. Krancer, ruled that the agency had overstepped its bounds. But in a concurring opinion, he went beyond his fellow judges' tone to call DEP's attempt to expand regulations "a naked power grab" that was "inappropriate and offensive to the rule of law and the democratic process."

That language upset some in the department as improper and unprofessional.

He never shied away from making the decision he felt was right, even under pressure for unified 5-0 decisions, Mr. Carmelite said

"The fact that he wrote a couple of dissents early on challenged his compatriots and bred an atmosphere of discussion and dialogue," Mr. Carmelite said. He added that the other judges initially viewed Mr. Krancer's approach as "grandstanding," though later became more accepting.

His legal background goes beyond the Environmental Hearing Board: He started his career at the Philadelphia firms Dilworth Paxson and Blank Rome. In 2007, he left the hearing board to run for the state Supreme Court on the Republican ticket.

He lost that bid, which was largely financed by his father, GOP philanthropist Ronald Krancer. His father also has been a major donor to both Mr. Corbett and Gov. Ed Rendell, and is the nephew of the late Walter Annenberg.

After his Supreme Court bid, Mr. Krancer spent a year as assistant general counsel for the energy company Exelon. Mr. Rendell reappointed him to the Environmental Hearing Board in 2009.

He has a strong interest in history, particularly U.S. naval history and spends off-work hours as a civil war re-enactor.

As acting secretary, Mr. Krancer already has made and defended several regulatory changes from the previous administration. He revoked a coordination policy with the Department of Conservation and Natural Resources that he said was redundant, and erased guidance on air pollution policy that he said "did not instruct anybody to do anything."

He also has echoed his boss on viewing Marcellus gas drilling as an opportunity for jobs that will last decades, and something that government needs to manage in a way that does not scare away investment.

"We're at the beginning of what I hope will be a very, very successful industry that has geopolitical impacts," he told House lawmakers during a recent hearing.

Much of his message on how he will manage the department has been a promise for openness between DEP staff, other arms of state government and the public. He's greeted DEP employees on their way into work at the Harrisburg headquarters, visited regional offices and is soliciting ideas from lawmakers.

Mr. Renwand said he thinks Mr. Krancer will be a "strong leader" at DEP.

"Will he take a different tack [than Hanger]? I don't know," Mr. Renwand said. A lot of people try to politicize things but I'm not sure, if you look back over the last 15 years, that people in charge handle things much differently except maybe around the edges. I think he'll uphold the law. He always did on the board."

Laura Olson: 717-787-4254 or lolson@post-gazette.com. Don Hopey contributed to this report.
First published on March 20, 2011 at 12:00 am

Wheeling WV THE INTELLIGENCER:

Drillers Soaking It All Up: Water Sale Leaves Moundsville Dry

March 20, 2011 - By J.W. JOHNSON JR. Staff Writer

MOUNDSVILLE-When Moundsville's reservoir dropped more than 10 feet in the course of a few days last month, officials began searching for what they believed would be a major water line leak.

What they didn't expect to find is that the water level drop would be from natural gas drilling companies using 9 million gallons of water as part of their hydraulic fracking operations.

City officials determined that two of the county's public service districts, PSD 3 and PSD 4, had sold the 9 million gallons of water to the drilling companies, which they are allowed to do. It appears the only mistake made is that the PSDs did not inform city officials of the water purchase, leaving Moundsville officials unaware that such a large volume of water would be drawn from the reservoir.

The PSDs purchase water from Moundsville and then sell that water to their customers - in this case, residents and businesses in the Forks Ridge and Roberts Ridge areas as well as portions of U.S. 250 in Marshall County. Moundsville City Manager Allen Hendershot said once a PSD purchases water from the city, the district is free to sell it to whomever it chooses.

"We were not prepared to handle that much (water) usage," Hendershot said, adding that the winter months are typically considered low usage months. "Had this happened in the summer, when we are prepared for high usage, it would have been (the PSDs) normal usage."

Hendershot did not know which gas drilling company purchased the water, or how much that company paid for the purchase. He said he believed the water was put into holding ponds and used for well fracking.

He added the city sells water to the PSDs at a reduced bulk rate and resale prices are set by the individual PSDs, though he was unsure of those prices. Messages left at the PSD 3 and PSD 4 offices were not immediately returned last week.

To make up for the reservoir's 9-million-gallon water loss, Hendershot said crews at the Moundsville Water Department opened additional wells and streamlined the process at the plant.

"We had fallen so far behind before we realized the issue and had to increase the production and take steps to get the reservoir back to normal," he said.

That included reducing the amount of water softening at the plant. The nano-flirtation system used for softening water is time consuming and produces a large amount of waste water in the process. Hendershot said as a result, citizens were not getting the type of water they were used to - meaning their water was harder than normal.

"We had to cut back on softening to make sure there was no excess water being wasted," he said. "The water was up to health standards and was perfectly fine, it just wasn't what we normally produce."

Hendershot said he has addressed the issue with officials from the PSDs, who have been told to inform the city when they intend to use a significant amount of water in a similar sale. He added he recently spoke to officials from gas drilling companies at a task force meeting and informed them of the city's concerns.

"They completely understood our concerns, but the oversight was not with them," he said. "Ultimately, it is the PSDs who are responsible, and they need to take steps to address a sale of this magnitude in advance the next time."

And a next time likely will happen, as drilling companies extracting natural gas from the Marcellus Shale formation use up to 5 million gallons of water per well as part of the hydraulic fracking process. Fracking takes place after gas drillers bore horizontal shafts deep into the earth. Millions of gallons of water, sand and chemicals are then forced down the hole at high pressure, which breaks apart the Marcellus Shale and releases some of the the trillions of cubic feet of natural gas trapped in the formation.

Editorial:

Moratorium Plan Is Absurd, Unfair

March 20, 2011 - News-Register

A few West Virginia legislators apparently want to snuff out the natural gas drilling boom in our state - because of their own failures. It is a classic "Catch-22."

About 20 legislators have signed a request for the state Department of Environmental Protection to establish a moratorium on issuing new gas well permits.

One of the lawmakers' concerns, as expressed by Delegate Barbara Evans Fleischauer, D-Monongalia, is the state's force of 15 gas and oil well inspectors is "clearly inadequate."

It certainly is, as we and Gov. Earl Ray Tomblin have pointed out. But why hasn't the DEP added more inspectors?

Because legislators refused to provide the $2 million sought by Tomblin to pay additional inspectors, that's why. The problem pointed out by Fleischauer and other legislators is of their own making.

Forcing the gas industry - and the many West Virginians who do and could benefit from it - to pay for the Legislature's failing is absurd.

Tomblin and Huffman should not even consider the lawmakers' request. If those requesting the moratorium want more inspectors, they should provide funding for them.

----- Original Message -----
From: Betty Wiley
To: Sent: Saturday, March 19, 2011 11:20 AM
Subject: White Day Creek, Creek Day 2011 March 26 9 am

The White Day Creek Watershed Association will be hosting Creek Day 2011 on Saturday March 26 at 9AM. We will meet at the Pride Cemetary near the intersection of Tom Moran Lane and Cherry Run Road. We will be picking up road side litter from 9AM till lunch time. Lunch will be provided by Oliverio's restaurante. Gloves and bags are provided. The Boy Scouts will be camping out afterwards on the Moran farm. Please come and bring a friend or two. Keep White Day clean, get some fresh air, and meet the neighbors! E-mail WHITEDAYCREEK@DISHMAIL.NET for more info, or directions.