

# Morgan County Marcellus Shale Advisory Committee

15 Sept 2011

## Areas of Investigation into Marcellus Shale Gas Drilling

- I. Economic: We must consider both worldwide and local impact of extraction and both direct and indirect impacts on Morgan County.
  - a. How much drilling will occur here? And where? Will the company drilling in Hampshire County tell us what their plans are for us?
  - b. Employment & other monetary impact
    - i. What is the potential job situation for locals?
      1. Type, duration, pay, cyclical behavior, residence of employees.
      2. Are economic multipliers and other factors well known?
    - ii. Impact on tourism.
- II. Environmental: In all cases quantification is required: duration, # of trips, quantities consumed, comparisons with innocuous activities, etc.
  - a. Trucks, pipelines, & traffic. (Keeping trucks off roads during school bus hours)
  - b. Water - If a well or stream is contaminated, how will it be rectified?
    - i. Fracking chemicals
      1. When we get a list what will it mean?
      2. Managing Wastewater storage pits, pools of toxins, removal, disposal and need to track wastewater. GPS tracking of trucks.
      3. Have wells tested before drilling. Baseline water testing of nearby wells required in WV?
      4. Special protections for drilling on public lands and near high-quality streams.
    - ii. Casing -
      1. How is the casing/grouting managed?
      2. Probability of failure. Plan B. Consequences of failure to all parties. Is the pollution forever?
      3. Value and costs of inspections. What exactly would the inspector do?
      4. Proper plugging process.
    - iii. Consumption (draw from streams). How close to sucking the stream dry. What is the voluntary program?
    - iv. Location: will it affect the east side of the county?
  - c. Air/visual quality, noise, or other pollution?
    - i. Environmental setbacks/restricted sites
    - ii. Radioactivity: How intense and how volatile?
    - iii. Removal and proper disposal of drilling bits and waste.

- iv. Light pollution, visual impact of pipelines and wells.
- v. Unusual site sedimentation risks
- vi. Emergency risks of spills.
- vii. Horizontal well risk to water sources, why different?
- d. Carbon footprint. Our constituents will want to know this.
- e. Impact on wildlife habitat, biodiversity, and recreational activities.

### III. Political/Judicial remedies. How can impacts be mitigated or avoided?

- a. Jurisprudence issues
  - i. Common law alternatives to regulation: practical limits and limits to liability
  - ii. Discriminatory fees and taxes. Impact fee logic.
  - iii. Prior proof of safety.
  - iv. Regional catastrophe, whose concern?
  - v. Public risk tolerance.
  - vi. Proactive direct government actions, e.g., testing wells ourselves.
  - vii. Incentives vs. regulation.
- b. Pre-emptive ordinances : What authority do counties have to regulate any of this under the WV Code?
  - i. Can we ask for a temporary moratorium until safeguards are in place?
  - ii. What is affect of the Governor's proclamation/bill and temporary emergency regulations?
  - iii. Can the Warm Springs recharge area be put off limits?
- c. Educational campaigns in other jurisdictions
- d. State Permitting Process: Is the county notified when the State receives an application from a driller? What are the criteria for approvals and the restrictions on drillers taking water from streams? Waste water discharge? Bonding? Public notice and comment period prior to issuing drilling permits?
- e. What are the extraction (severance) fees and who gets them?
- f. Property rights
  - i. Whom will they protect? Can property owners protect us? How to prevent panic selling.
  - ii. How to inform landowners.
  - iii. Rule of Capture vs. Pooling? Which applies in WV? What does the law allow if you refuse drilling, e.g., in PA they might drill under you anyway.
  - iv. What contracts are on the books now? What's the status of mineral rights? Can mineral rights be repurchased?
  - v. Contract guidelines as to how to protect against over-drilling, under-payment, etc.
    - 1. Information and resources available so people get a fair contract
    - 2. How many wells per acre?

### Meeting Topics

- a. Viewing of Gas Land documentary
- b. WV DEP presentation
- c. Meet with Hampshire County group
- d. Bradford County PA, what is their experience?
- e. Contact our WV state reps about legislation.
- f. Discussion with industry association reps

### Resources

- a. Establish (or find) a website with articles and links to articles pro and con [county government website?]
- b. Email lists for committee and public [?]
- c. Any resources/materials we should study.