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Fight Over Fracking and Flaming Water in Parker County Hits Snag in Appeals Court, Dallas Observer (08-27-12)  
League of Women voters asks lawmakers to revise frack rules, Letter to Editor, Athens News (08-29-12)  
Letter to Editorial, Fracking gag order hurts Ohioans (08-29-12)

## ARTICLE SUMMARIES (WITH INTERNET LINKS)

**City [bans injection wells], Cincinnati.com (08-01-12)** = ... Council also: Voted 9-0 to change the city's municipal code governing waste disposal, to ban injection wells within city limits. Quinlivan said she was proud to be a member of the first city council in Ohio to enact such a ban, for which EcoWatch quickly praised the city. Injection of wastewater into the ground is related to fracking, the controversial chemical drilling for natural gas.

<http://news.cincinnati.com/article/20120801/NEWS/308010115/City-will-vote-doubling-council-terms?odyssey=tab%7Ctopnews%7Ctext%7CFRONTPAGE>

**Halcon Energy Pays Record Price for Drilling Leases, The Business Journal, Youngstown, Ohio (08-03-12)** = YOUNGSTOWN, Ohio – A Texas company has closed a \$194 million deal to lease mineral rights for a huge swath of land in Trumbull and Mahoning counties, paying what appears to be a record high price per acre. And while none of that money will go to the actual landowners, they could be in line to negotiate royalties. / Halcon Energy Properties Inc., a wholly owned subsidiary of Halcon Resources Corp. of Houston, paid \$194 million in cash, or in round numbers \$6,100 per acre, to NCL Appalachian Partners LP to purchase the mineral rights for 27,000 acres in Trumbull County and 4,000 acres in Mahoning County. ... Halcon now owns the oil, gas and/or mineral leases for the Utica Shale formation on the 31,000 acres but not any mineral royalty interests in the properties covered by the leases, the purchase agreement states. Most of the leases are for land in Lordstown, Jackson and Milton townships. ...The per acre price of \$6,100 Halcon paid is considerably higher than BP's price of \$3,100 per acre it negotiated with the Associated Landowners of the Ohio Valley to lease the mineral rights for 84,000 acres in Trumbull County. ... Full article at <http://businessjournaldaily.com/drilling-down/halcon-energy-pays-record-price-mineral-rights-2012-8-3>

**Court Rejects Key Provision of Pennsylvania Natural Gas Development Law, by Matthew Cabral, ShaleWatch, Golberg & Segalla LLP (08-03-12)** = Last week, Pennsylvania's Commonwealth Court struck down key provisions of Article 13, a recently adopted natural gas development law that prevented municipalities from utilizing zoning restrictions to limit where natural gas drilling can take place within their boundaries and granted state agencies sole authority to determine where fracturing should occur. / Act 13, which was approved in February, mandated that drilling be allowed in all zoning districts, even residential areas, although with certain buffers. The law was promoted by drilling companies, who advocated the need for some uniformity in the Marcellus Shale development process. / The seven municipalities that joined in challenging the law argued that Act 13 compelled them to permit fracking almost anywhere a drilling company requested, without taking into account surroundings such as nearby schools, homes, and waterways. Industry advocates contended that the law provided a much needed uniform statewide zoning system that would enhance Pennsylvania's fracking boom. State officials argued that state power to oversee oil and gas development took precedence over local zoning laws. / The law effectively forced municipalities to carve out a niche for the oil and gas sector as the only industry in Pennsylvania exempt from local zoning ordinances. Upon review, the court found such a requirement unconstitutional, saying it allowed incompatible uses in zoning districts, failed to protect the interests of neighboring property owners, and altered the character of neighborhoods. In the opinion of the court, local zoning provides for "rational development so "there is not a 'pig in the parlor instead of the barnyard.'" Article at

<http://shalewatchblog.com/2012/08/03/court-rejects-key-provision-of-pennsylvania-natural-gas-development-law/>

**Ohio Gov. John Kasich claim of \$1 trillion from fracking is exorbitant overestimate, by Julie Carr Smyth, Associated Press, Recordpub.com (08-03-12)** = COLUMBUS, Ohio (AP) — Ohio Gov. John Kasich's claim that a single energy company could recover \$1 trillion worth of oil and gas from the state's

shale is an exorbitant overestimate, according to experts interviewed by The Associated Press. / At current oil prices, that figure represents more than four times U.S. oil production last year. ... The revenue potential of newly accessible deposits of oil, natural gas and natural gas liquids under the state is important because Kasich is pursuing an increase in a state tax that large-volume oil and gas producers pay on what they extract. Proceeds from the tax would fund modest statewide income tax relief. ... Philip Budzik, a research analyst with the U.S. Energy Information Administration, said a new report has estimated that just over 1 trillion cubic feet of natural gas within the portion of the Marcellus Shale now reachable under Ohio with modern technology. A similar estimate has not yet been calculated for the Utica Shale, which is more extensive in Ohio. ... Full article at <http://www.recordpub.com/news/article/5207151>

**Opposition to MCWD water sales continuing, by Bob Downing, Akron Beacon Journal (08-05-12) =**

This is a statement from Lea Harper who had led the Ohio grass-roots fight against water sales to drillers by the Muskingum Conservancy Watershed District: OPPOSITION TO MWCD WATER SALES CONTINUES ... The permanent pollution and loss of tens of millions of gallons of water from the Muskingum Watershed Conservancy District are likely from a plan to sell reservoir water to the Village of Cadiz, opponents warned (Thursday). Mass volumes of water are at stake in MWCD's proposed agreement with Cadiz to improve the village's waste treatment financed by re-sale of water for unconventional shale drilling. Opponents expect the contract will be on the agenda of the MWCD board at its August 24 meeting in New Philadelphia and fear there will be Board approval. ... "The whole scheme makes no sense to us," states Lea Harper of the Southeast Ohio Alliance to Save Our Water (SOASOW). ... On June 7, 2012, the MWCD announced the halt of water sales to the fracking industry pending the results of a USGS study due to be completed by the end of the year. Prior to the announcement, the MWCD had been leasing for fracking and planning large-scale water sales. The conservancy district has already realized \$30 million in lease payments and approximately \$99,000 in additional revenue by selling 11 million gallons from Clendening Reservoir to complete the Gulfport well on Boy Scout camp property next to the reservoir. Many more millions of gallons in sales are contemplated, along with the installation of pipelines to facilitate the water removal from the watershed by the MWCD. / The US Army Corps of Engineers predicted in 2011 that the water sales planned by MWCD would cause nearly a nearly eight foot drop in water levels at some reservoirs. ... Many were also surprised by The Nature Conservancy's endorsement of the MWCD's plans to sell water. "The Nature Conservancy either doesn't understand that there is far more to the water sales story, or they're selling their brand to greenwash fracking, which is creating a monumental economic and environmental disaster," said Terry Lodge, attorney for the Southeast Ohio Alliance to Save Our Water (SOASOW). ...

Full article at

<http://www.ohio.com/blogs/drilling/ohio-utica-shale-1.291290/opposition-to-mcwd-water-sales-continuing-1.324455>

**SBU Study: Fracking Presents High Water Pollution Risk, by Christine Sampson, ThreeVillagePatch (08-07-12) =**

Scientists at Stony Brook University have published a study that found a significant risk of water pollution could result from hydraulic fracturing, commonly called "fracking" or "hydrofracking," a process used to extract natural gas from the earth. / According to the authors of the study, Daniel Rozell, a Stony Brook doctoral student, and Sheldon Reaven, a professor in the Department of Technology and Society, more regulation should be enacted to prevent fracking wastewater from presenting the risk of contaminating drinking water. / Current wastewater treatment facilities "are not designed to handle hydraulic fracturing wastewater containing high concentrations of salts or radioactivity two or three orders of magnitude in excess of federal drinking water standards," Rozell and Reaven wrote in their study, which was published in the August edition of the journal Risk Analysis. / The process of hydrofracking entails the pumping of fluids into underground shale formations, which releases pockets of natural gas that are then pumped up to the surface. / Already along those lines, two Suffolk County legislators in February began pushing for a bill that would

prevent county wastewater treatment facilities from accepting hydrofracking wastewater. / The study focused on the approximately 124,000 square kilometers from New York to West Virginia known as the Marcellus Shale Region. ... Full article at <http://threevillage.patch.com/articles/sbu-study-fracking-presents-high-water-pollution-risk>

**University of Texas Two Year Study Indicates Minor Seismic Activity Near Injection Wells, by Andrew Scholz, Shale Watch (08-07-12)** = A new study from the University of Texas at Austin reports of increased seismic activity near hydraulic fracturing injection sites in or around Northwester Texas, in the Barnett Shale. The researchers reviewed two years worth of data provided by seismometers. The study indicates that there were 67 quakes during the time-period, although all had a magnitude of less than 3.0. .../ In another interview with Reuters, Dr. Frohlich cautioned that his study was not meant not examine any causal link between fracking and earthquakes. / “Drilling never causes earthquakes,” Frohlich said in a telephone interview. “Fracking almost never causes earthquakes ... While there are probably millions of hydrofracking jobs, only a few have caused earthquakes and they’ve all been little tiny earthquakes.” Full article at <http://shalewatchblog.com/2012/08/07/university-of-texas-two-year-study-indicates-minor-seismic-activity-near-injection-wells/>

**Summit Petroleum (6th Cir. Aug. 7, 2012): EPA’s Aggregation of Oil and Gas Emissions Based on “Mere Functional Relatedness” is Unreasonable, Hydraulic Fracking, Fulbright & Jaworski (08-08-12)** = A three-judge panel of the U.S. Court of Appeals for the Sixth Circuit in *Summit Petroleum Corporation v. U.S. Environmental Protection Agency* (Nos. 09-4348; 10-4572) vacated EPA's order aggregating Summit's sour gas wells and sweetening plant into a single major source. / The Court agreed with American Petroleum Institute and American Exploration and Production Counsel that EPA’s determination that the physical requirement of “adjacency” in an aggregation determination can be established through mere functional relatedness is unreasonable and contrary to the plain meaning of the term “adjacent.” ... Full article at <http://fulbrightfrackingblog.blogspot.com/>

**Company reports shed more light on Utica shale drilling in Ohio - Three of four energy companies enthusiastic about results, while one is not so encouraged, by Bob Downing, Akron Beacon Journal (08-09-12)** = Three energy companies are reporting encouraging results from Ohio’s Utica shale. / A fourth company, however, is not sharing the enthusiasm expressed by Gulfport Energy Corp., Chesapeake Energy Corp. and Antero Resources Corp., who are drilling in eastern Ohio. / In an earnings call last week, Devon Energy Corp. spokesman David A. Hager told analysts the results from two wells — in Medina County’s Harrisville Township and Ashland County’s Clear Creek Township — “were not encouraging.” / ...The disappointing results Devon experienced should not be surprising, said Tom Stewart, executive vice president of the Ohio Oil and Gas Association. / “This is a difficult play,” he said, “and not everyone is going to succeed.” / Gulfport Energy – ...Gulfport Energy, in its second-quarter earning report released Tuesday, outlined a very successful well in Ohio’s Harrison County. / At its peak, the Wagner well is producing 17.1 million cubic feet of natural gas per day, plus 432 barrels of oil and 1,881 barrels of natural gas liquids, the Oklahoma-based company said. That daily production makes the well one of the strongest the company has ever drilled, Gulfport CEO James Palm said in a conference call. / The typical non-horizontal well in Ohio produces about 50,000 cubic feet of gas per day and less than 1 barrel of oil. Such a well produces between 100 and 150 barrels of oil equivalents per day. / Palm also offered preliminary data from three wells in Harrison, Belmont and Guernsey counties, and his company is “very pleased and encouraged” by that data. ... Gulfport intends to drill 200 wells in Ohio in the next four years, he said. Fifty sites have been identified. ... / Chesapeake Energy – The No. 1 player in Ohio’s Utica shale, Chesapeake Energy, also reported successful wells in eastern Ohio in its quarterly filings. / Chesapeake has drilled 87 wells in eastern Ohio, but not all are operational. Its 28 completed wells are averaging about 1,000 42-gallon barrels of oil equivalents per day.

Each well is daily averaging about 205 barrels of oil, 150 barrels of natural gas liquids and 3.8 million cubic feet of natural gas, the company said. / “We remain very pleased with our results to date in the Utica,” company spokesman Steve Dixon said. / Added CEO Aubrey McClendon: “But right now we love what we see on the wet gas side.” / “The Utica is clearly an area of intense interest for the industry,” McClendon said. / His company released data on three wells: two in Carroll County and one in Jefferson County. / The Bailey well in Carroll County is producing 205 barrels of oil per day, along with 270 barrels of natural gas liquids and 5.7 million cubic feet of natural gas, the company said. That’s about 1,420 barrels of oil equivalents. / It said the Snoddy well in Carroll County is daily producing 320 barrels of oil, 250 barrels of gas liquids and 4.2 million cubic feet of natural gas. (About 1,260 barrels of oil equivalents per day.) / The Brown well in Jefferson County is producing 8.7 million cubic feet of natural gas per day, about 1,445 barrels of oil equivalents. No liquids are produced at that well. / The company called those three wells and their initial production “notable.” The totals, however, are only about one-third of Chesapeake’s much-publicized Buell well in Harrison County, the state’s most productive horizontal well. / Chesapeake, in response to an analyst’s question, also offered a bit of information about a Tuscarawas County well. The Gribi well is producing 1.3 million cubic feet of natural gas plus 227 barrels of oil per day, company officials said. / Previously, production numbers from only a dozen Ohio wells had been released. / Chesapeake has leased 1.3 million acres in Ohio. It is eyeing additional joint ventures, but does not expect any new deals until 2013, company officials said. / It also expects to sell off fringe Utica acreage in the next few months, McClendon said. His company wants to sell about 337,481 acres in Ohio outside of its main core area as part of a debt-reduction strategy. / Colorado-based Antero Resources has one well in Noble County and one well in Monroe County. / In a report this month, the company called the liquid-rich results from the first two wells “encouraging.” Full article at <http://www.ohio.com/business/company-reports-shed-more-light-on-utica-shale-drilling-in-ohio-1.325896#>

**Council considers drilling ordinance— Ban would be first in Ohio, by Megan Bachman, Yellow Springs News (08-09-12)** = Yellow Springs, though far from the epicenter of natural gas fracking in Ohio, could nevertheless become the first town in the state to ban all oil and gas drilling and waste wells within its municipal limits through passage of what is described as rights-based legislation. / Organizers with the local group Gas and Oil Drilling Awareness and Education, or GODAE, will propose the pioneering legislation at Village Council’s meeting on Monday, Aug. 6. The proposed ordinance would ban the siting of oil and gas extraction wells or the placement of injection wells within the Village on the claim that such wells would violate the civil rights of local residents and threaten their health and safety. / “If [the Village] doesn’t have this, and drilling does occur, the cost and the loss of our water supply would be a disaster,” said Vickie Hennessy of GODAE. / However, such a local ordinance may not be enforceable and could face a court challenge since the local legislation would be preempted by state law, according to Village Solicitor John Chambers. / ... Yellow Springs would be the first town in Ohio to pass a rights-based ordinance banning drilling, and would join 12 other communities in Pennsylvania and New York in approving such legislation, according to Eric Belcastro of Community Environmental Legal Defense Fund, a Pennsylvania-based public interest law firm that helped GODAE draft the ordinance. None of the legislation has yet been enforced, nor has it been challenged in court, Belcastro said. / Until recently, Ohio municipalities had the right to control where — and whether — oil and gas wells could be drilled in their communities through zoning measures and outright bans. But with the passing of Ohio House Bill 278 in 2004, the Ohio Department of Natural Resources’ Division of Oil and Gas Resources Management became the sole authority over oil and gas wells, and municipalities and townships can do little to keep out drilling. / ... When a town in northeast Ohio tried to keep oil and gas drilling out of its community with local legislation, ODNR granted a drilling permit nonetheless and eventually the well was drilled. / But GODAE’s efforts were given a boost last week when a similar Pennsylvania law taking away zoning control over oil and gas drilling from local communities was struck down by an appellate court after seven municipalities sued. Earlier this year the New York Supreme

Court ruled that local governments are empowered to regulate fracking under their zoning and land use authority despite a state law preempting local control. Full article at <http://ysnews.com/news/2012/08/council-considers-drilling-ordinance---ban-would-be-first-in-ohio>

**State defends safety of ‘fracking’ waste disposal, by Spencer Hunt, Columbus Dispatch (08-13-12)** = Environmental advocates say the state’s refusal to conduct regular, comprehensive tests for toxic chemicals in the millions of gallons of “fracking” wastes sent down Ohio disposal wells puts the public in jeopardy. / “Folks have a right to know what’s being injected into the ground, both during the fracking process and during disposal,” said Cheryl Johncox, the director of the Buckeye Forest Council. / State and federal officials say that the 171 privately operated disposal wells are safe, but environmental advocates call fracking waste a threat to public health. /... Regular tests aren’t necessary, said Rick Simmers, chief of the agency’s oil and gas division, because the wells permanently trap wastes deep underground. ... Last year, Ohio disposal wells injected about 12.2 million barrels of fracking wastes and brine into disposal wells. ...Ohio requires disposal-well operators to send analyses of brine from new wells before they are injected, Simmers said. As in other states, the tests measure how much salt, dissolved solids and metals are present in the water. / None of the tests looks for commonly used fracking compounds, including ethylene glycol, which can damage the kidneys, nervous system, lungs and heart. / ...Though oil and gas companies disclose most of the fracking compounds they use, several are kept confidential. They are listed as trade secrets in state and federal reports. ... Full article at <http://www.dispatch.com/content/stories/local/2012/08/13/state-defends-safety-of-fracking-waste-disposal.html>

**New Ohio Fracking Waste Underground Injection Rules Still Second Class, Switchboard, Natural Resources Defense Council Staff Blog, Thom Cmar (08-15-12)** = This afternoon I filed a technical comment letter with the Ohio Department of Natural Resources (ODNR) on behalf of NRDC and ten other organizations and individuals regarding the changes that ODNR is making to its rules governing the disposal of wastewater from fracking into underground injection wells. In the comments we filed today we point out a number of specific, technical ways in which these new rules don’t go nearly far enough to address both seismic and groundwater contamination risks. ...When it comes to underground injection, that means that oil and gas waste is subject, literally, to second-class rules (they are known as “Class II Underground Injection Control” rules) that are significantly weaker than the “Class I” rules governing disposal of other hazardous waste. In particular, the Class II rules are less stringent in ensuring that injection wells are not sited in areas where there are existing fault lines, abandoned wells, or other subsurface geological features that would increase the risk of earthquakes or groundwater contamination. The Class II rules also require less rigorous monitoring and testing to ensure that injection wells continue to function properly once underground disposal begins. / ... Yet even though ODNR issued a press release in March saying that it was going to require stronger standards in its new Class II rules, the rules are written in terms of what ODNR may require for injection wells, not what it shall require. ... Without requirements that are applied across the board, there will be no reliable way to be sure that the same environmental protections are applied to every injection well permit. ... There is no excuse for allowing this toxic waste to be disposed of less carefully than other hazardous materials. Full article at [http://switchboard.nrdc.org/blogs/tcmar/new\\_ohio\\_fracking\\_waste\\_rules.html](http://switchboard.nrdc.org/blogs/tcmar/new_ohio_fracking_waste_rules.html)

**Residents of northeastern Pa. town near settlement over gas drilling contamination claims, By Associated Press (08-15-12)** = Residents of a northeastern Pennsylvania town who say their well water was poisoned by a gas driller are nearing a settlement of their long-running and highly contentious federal lawsuit. / Court documents filed this week indicate that residents in the tiny community of Dimock Township have agreed to a confidential settlement with Houston-based Cabot Oil & Gas Corp. / ... Federal environmental regulators tested the aquifer this year and found the water in Dimock is safe to drink, a conclusion disputed

by residents who refuse to use their wells. / State environmental regulators previously determined that Cabot contaminated the aquifer underneath homes along Carter Road in Dimock with explosive levels of methane, although they later determined the company had met its obligations under a consent agreement and allowed Cabot to stop delivering bulk and bottled water last fall. / ... Cabot's lawyers approached the plaintiffs in May and June with offers to settle, according to a document filed Monday in federal court. The plaintiffs' attorneys said in the document they expect the settlement money to be distributed within 60 days. / The names of the settling plaintiffs were blacked out, and the overall amount of the settlement was not disclosed. ... Full article at

[http://www.washingtonpost.com/business/residents-of-northeastern-pa-town-near-settlement-over-gas-drilling-contamination-claims/2012/08/15/c34b91e4-e73c-11e1-9739-ee99c5fb285\\_story.html](http://www.washingtonpost.com/business/residents-of-northeastern-pa-town-near-settlement-over-gas-drilling-contamination-claims/2012/08/15/c34b91e4-e73c-11e1-9739-ee99c5fb285_story.html)

**More Ohio Utica shale tidbits, By Bob Downing, Akron Beacon Journal (08-16-12)** = Here some additional facts on Ohio's Utica shale offered this week at the Northeast Ohio Logistics Conference in Akron by Cleveland attorneys Chip Collier and Rich Plewacki of Benesch Attorneys at Law. / 1. The Ohio Oil & Gas Association estimates that the Utica shale will generate \$23 billion in total output and sales and 204,000 new jobs by 2015. / 2. Assuming 5 percent recovery, the Utica shale could produce 8.2 billion barrels of oil or equivalent and 15.7 trillion cubic feet of natural gas. / The remaining 95 percent will stay in the ground. / 3. As you move west from the Ohio-Pennsylvania line, there is more potential for wet gas (ethane, butane, propane) because the Utica shale is less mature and shallower. / 4. The Ohio Department of Natural Resources is estimating 2,250 horizontal wells in Ohio by 2015. / Estimates are 160 horizontal wells this year, another 650 in 2013 and 1,075 in 2014. / That would mean 1,918 wells by the end of 2014. / 5. Nearly 4 million acres have been leased for drilling in eastern Ohio by the 16 biggest companies. / The actual total is 3,946,000 acres. / The biggest players are Chesapeake Energy, 1.3 million acres; EnevVest-EV Energy Partners, 780,000 acres; Chevron, 600,000 acres, Anadarko, 300,000 acres; Hess Corp., 185,000 acres; SA, 154,750 acres; Devon Energy, 110,000 acres; and CONSOL/CNX Gas, 100,000 acres. / As of April, Chesapeake Energy had drilled 58 wells in Ohio. It was No. 1. / 6. Each well requires 1,200 truckloads of materials: water, sand, chemicals, steel and other commodities. / 7. Extended natural gas gathering lines cost about \$4.48 million per drilling pad. / Pads may have one or more wells. / Interesting Utica facts!!!!

<http://www.ohio.com/blogs/drilling/ohio-utica-shale-1.291290/more-ohio-utica-shale-tidbits-1.327508>

**Gas drilling lowers carbon emissions - Release hits 20-year low across nation, by Kevin Begos, Associated Press (08-16-12)** = In a surprising turnaround, the amount of carbon dioxide being released into the atmosphere in the U.S. has fallen dramatically to its lowest level in 20 years, and government officials say the biggest reason is that cheap and plentiful natural gas has led many power plant operators to switch from dirtier-burning coal. ... In a little-noticed technical report, the U.S. Energy Information Agency, a part of the Energy Department, said this month that total U.S. CO2 emissions for the first four months of this year fell to about 1992 levels. ... Both government and industry experts said the biggest surprise is how quickly the electric industry turned away from coal. In 2005, coal was used to produce about half of all the electricity generated in the U.S. The Energy Information Agency said that fell to 34 percent in March, the lowest level since it began keeping records nearly 40 years ago. / The question is whether the shift is just one bright spot in a gloomy picture, or a larger trend. / Coal and energy use are still growing rapidly in other countries, particularly China, and CO2 levels globally are rising, not falling. Moreover, changes in the marketplace — a boom in the economy, a fall in coal prices, a rise in natural gas — could stall or even reverse the shift. ... Last year the Environmental Protection Agency issued its first rules to limit CO2 emissions from power plants, but the standards don't take effect until 2014 and 2015. Experts had predicted that the rules might reduce emissions over the long term, but they didn't expect so many utilities to shift to gas so early. ... Full article at <http://www.gosanangelo.com/news/2012/aug/16/gas-drilling-lowers-carbon-emissions/>

**New York State to allow fracking, by Jeff Glor, CBS News (08-19-12)** = ... CBS News has learned that New York is close to making a decision about fracking and is expected to roll out guidelines after Labor Day / ...In Albany, New York's Department of Environmental Conservation -- responsible for writing the regulations - says if high-volume hydraulic fracturing moves forward in New York, it will do so with the strictest standards in the nation. / ... Full article at [http://www.cbsnews.com/8301-18563\\_162-57496098/new-york-state-to-allow-fracking/](http://www.cbsnews.com/8301-18563_162-57496098/new-york-state-to-allow-fracking/)

**High Profile Alleged Water Contamination Lawsuit Settled, ShaleWatch (08-22-12)** = In recent years, the small town of Dimock, Pennsylvania, has been the focus of media attention as certain residents filed a lawsuit claiming that their groundwater became contaminated by hydraulic fracking. In fact, the controversial "documentary", Gasland, was filmed there. Notwithstanding the plaintiff's allegations and media attention, the EPA recently announced that its testing of approximately 60 wells demonstrated that the drinking water was safe. According to the EPA's press release: "Our goal was to provide the Dimock community with complete and reliable information about the presence of contaminants in their drinking water and to determine whether further action was warranted to protect public health," said EPA Regional Administrator Shawn M. Garvin. "The sampling and an evaluation of the particular circumstances at each home did not indicate levels of contaminants that would give EPA reason to take further action. Throughout EPA's work in Dimock, the Agency has used the best available scientific data to provide clarity to Dimock residents and address their concerns about the safety of their drinking water." / Following the EPA's findings, the parties to the Dimock lawsuit have reportedly settled their claims, the terms of which remain confidential. One of the residents that is party to the settlement suggests that, going forward, residents near fracking wells should try to work with the gas industry to resolve their disputes: "I would advise anyone living in a gas field with concerns or disputes involving a gas company to try to work with them," she said. <http://shalewatchblog.com/2012/08/22/high-profile-alleged-water-contamination-lawsuit-settled/>

**Wayne won't rewrite forest plan to cover fracking; local critics boo decision, by Jim Phillips, Athens News (08-27-12)** = An announcement Monday by the supervisor of the Wayne National Forest, that the U.S. Forest Service will not rewrite the Wayne's forest management plan to take into account the potential impact of the horizontal hydraulic fracturing method of oil-and-gas drilling, prompted dismay from local anti-fracking activists. / One outspoken critic of the practice predicted that the decision by Wayne Supervisor Anne Carey will result in a lawsuit against the federal agency. / "We will have to litigate," declared Heather Cantino of the Athens County Fracking Action Network. "Her decision is criminal, and the only way we can fight it is through litigation." ... Carey announced Monday that she has signed a finding for a supplemental information report (SIR) that relates to horizontal deep-shale drilling on the Wayne. This report concluded that "there is no need to correct or amend" the six-year-old Wayne forest management plan, to take into account the impact of the relatively new horizontal fracking drilling technique, or to supplement the plan's environmental impact. ...In a telephonic news conference, Carey and Wayne spokesman Gary Chancey explained that the decision to not amend the forest plan relied heavily on information provided by the U.S. Bureau of Land Management, in the form of a "Reasonably Foreseeable Development Scenario" (RFDS). ... One of the main reasons for the Forest Service's review of the forest plan, though, was the fact that horizontal deep-shale drilling, using fracking, is a very different process from vertical drilling with fracking. For one thing, it takes from 40 to 90 times as much water; according to a table included in the SIRS, a vertically fracked well uses 44,000 to 85,000 gallons of water, while a horizontally fracked well requires from 3.5 million to 4 million. (A typical horizontal well employs one main vertical well shaft, with several pipes extending horizontally for thousands of feet in different directions.) ... Carey did acknowledge that horizontal fracking uses a great deal more water than vertical drilling, but said this water will not come from the Wayne itself, but will be brought in by drillers. ... Based on Carey's decision, the Forest Service officials said, they expect the BLM to resubmit its request to auction off leases to five parcels in the Wayne for oil-and-gas drilling, a request the Wayne is likely to grant.

/Fracking critic Roxanne Groff, a former Athens County commissioner, called Carey's announcement "a grave disappointment." She alleged that the Wayne supervisor "purposefully and willfully disregarded all of the public concerns, and just took the company line (of the oil-and-gas industry)... Anne Carey has no idea if fracking is safe." ... Full article at <http://www.athensnews.com/ohio/article-37653-wayne-wont-rewrite-forest-plan-to-cover-fracking-local-critics-boo-decision.html>

**How Citizen Action members are working to stop the dangerous practice of hydraulic fracturing (fracking) in Ohio, Ohio Citizen Blog (08-27-12)** = Fracking is the high-pressure injection of toxic chemicals underground, straight down and then horizontally, to get oil and gas out of shale rock. It can contaminate our communities during the complicated process. ...Earlier this summer, Sandy Buchanan, Executive Director of Ohio Citizen Action, asked Ohio Attorney General to begin an investigation of Chesapeake Energy's operations in Ohio. Ohio Citizen Action members also wrote to DeWine, and sent letters-to-the-editor of local newspapers around the state. DeWine announced his investigation shortly thereafter, making news nationwide. ... The medical right to know and the gag order – Doctors, nurses, and emergency medical technicians need to know what chemicals are used in oil and gas drilling, and they need to know it in a hurry. If a well explodes and fracking fluids erupt onto workers, firefighters and EMTs need to know how to deal with the chemicals before they arrive. / A new state law makes it almost impossible to get this information. If that weren't bad enough, if a doctor does find out what chemicals are in the fracking fluid, they are subject to a gag order. They can't warn other people in the same family, let alone the community. They can't tell researchers. And they can't warn local or state regulators or legislators. / Throughout the summer, Ohio Citizen Action members and friends who are doctors, nurses, and emergency medical technicians have been signing a petition urging Ohio legislators to fix the problems in the new law. ... The fall election – This fall, Ohio legislators, most of whom voted for the new state fracking law including the doctor gag order, will be asking voters to return them to office for another term. / Ohio Citizen Action is strictly nonpartisan, and we do not endorse candidates. Instead, Ohio Citizen Action members will be spreading the word about who voted how on that bill, and about the challengers' views on fracking. Voters can make up their own minds. ... Full article at <http://ohiocitizen.org/>

**Methane Making An Appearance In Pa. Water Supplies, by Scott Detrow, National Public Radio (08-28-12)** = Mike and Nancy Leighton's problems began on May 19, just as Mike was settling in to watch the Preakness Stakes. A neighbor in Leroy Township, Pa., called Mike and told him to check the water well located just outside his front door. ... Typically, there's between 80 to 100 feet of head space between the top of the well and its water supply. But when Leighton went outside, the water was bubbling over the top. / Down the road, Ted and Gale Franklin's water well had gone dry. When water started coming out later that week, the liquid was "black as coal," according to Gale. / Since then, both families have been dealing with methane-contaminated water supplies, as well as dozens of mysterious, flammable gas puddles bubbling up on their properties. / Pennsylvania's Department of Environmental Protection blames a nearby hydraulic fracturing, or fracking, operation. It says methane gas has leaked out of the well, which is operated by Chesapeake Energy, and into the Leightons' and Franklins' water supplies. / The danger goes beyond contaminated water. In a letter to both families detailing test results and preliminary findings, state regulators wrote that "there is a physical danger of fire or explosion due to the migration of natural gas water wells." Chesapeake has installed ventilation systems at the two water wells, but the letter warns, "it is not possible to completely eliminate the hazards of having natural gas in your water supply by simply venting your well." ... It's not the technique of fracking — it's the pipe the gas uses to go from point A to point B that can be a problem. / Penn State University geologist David Yoxtheimer has been studying this issue, which is called methane migration. He explained that when a well is leaky, it becomes a methane gas express elevator. "Gas wants to migrate up," he said. "It's lighter. It's less dense. It finds itself trapped in these shallower, more porous

formations. And during the drilling process, you can go down through these shallow formations, and as you're drilling through, suddenly you've created a conduit for those gases to escape." / A shoddy cement job is usually what's to blame. Gas wells are lined by a series of steel pipes surrounded by cement. And if the cement pour is rushed or poorly done, methane is going to get out of the well and into the ground. ...Pennsylvania's Department of Environmental Protection fined Chesapeake Energy \$900,000 for contaminating 16 families' water supplies. The company disputed the state's conclusion, but agreed to the fine — the largest environmental penalty in Pennsylvania history. Full article at <http://www.npr.org/2012/08/28/160128351/methane-making-an-appearance-in-pa-water-supplies?sc=17&f=1001>

**Communities Across Ohio Take Action for Local Control Over Fracking Industry, EcoWatch 08-28-12** = Communities across Ohio are launching an effort to work with their local officials to pass resolutions that affirms citizens' rights to clean water and air, acknowledges the dangers of hydraulic fracturing of shale gas and demand return of local community control. / The resolutions will be non-binding but the citizens' resolve to let local communities decide is steadfast. .. As a result of legislation passed in Ohio in 2004, residents and local municipalities lost their ability to protect their communities from fracking gas wells, toxic injection wells, and other oil and gas operations. Sole authority over oil and gas operations in all Ohio communities was given to the Ohio Department of Natural Resources. ... In an effort to ensure that their residents health, safety and property rights are protected municipalities are passing resolutions that highlight the importance of local control and community protection. / Over the next several months, community groups will be working to get these local resolutions passed. Concerned residents are taking action in every corner of the state and are striving to highlight the injustice of gas development and the need for self-determination. ... Full article at <http://ecowatch.org/2012/communities-across-ohio-take-action-for-local-control-over-fracking-industry/>

**Battle over 'fracking' goes local, by Joseph De Avila, Wall Street Journal, summarized in Ohio Citizen Action (08-29-12)** = NEW YORK, NY — "The battle over high-volume hydraulic fracturing is being waged town-by-town across upstate New York. / From Buffalo to Albany, Syracuse to the Catskills, about 100 municipalities have enacted temporary moratoriums on the natural-gas extraction process known as fracking, while about 35 have banned the practice altogether. Meanwhile, nearly 60 towns and villages have passed resolutions in support of fracking or against the idea of a ban. Dozens of other communities are debating the issue now. / The race to sway towns comes as Gov. Andrew Cuomo considers allowing fracking in upstate communities that express support for it. A four-year-old state Department of Environmental Conservation review of fracking is continuing, and the Cuomo administration is expected to announce a decision before the end of the year." <http://ohiocitizen.org/>

**Fight Over Fracking and Flaming Water in Parker County Hits Snag in Appeals Court, by Brantley Hargrove, Dallas Observer (08-27-12)** = A Parker County man who can ignite a 2-foot flame with gas siphoned from his well water won't get relief in a state appeals court under a law intended to stifle abusive litigation. Steve Lipsky says natural-gas producer Range Resources contaminated his water well with its nearby fracking operations. Range is suing Lipsky for defamation, claiming he falsely pilloried the company with a YouTube video of flaming hose connected to his water wellhead. / Bloomberg reported Friday that "Range Wins Appeal in Suit Against Texas Landowner," but the text of the state appeals court's ruling isn't quite so unequivocal. Lipsky asked the court to overturn district Judge Trey Loftin's ruling, which denied his motion to dismiss under state anti-SLAPP law (Strategic Lawsuits Against Public Participation). The state appeals court ruled Thursday that it simply didn't have jurisdiction to intervene and overturn a judge's "timely" ruling in a case still under way. That doesn't make a heck of a lot of sense given the purpose of the anti-SLAPP law -- to save folks like Lipsky from the expense and aggravation of defending themselves against frivolous

lawsuits filed by powerful parties, whose sole intent is to bury someone exercising their rights to free speech and to petition the government for redress of grievances. / Instead, the appeals court will consider the briefs filed by Lipsky and Range and decide whether to issue a writ of mandamus, which would strike Loftin's decision to let Range's suit against Lipsky go forward. / What at first looked like a rural tort case has undergone a political transmogrification into something far larger over the last year or so. For the industry and Republicans, the Lipsky case became an exemplar of Obama's out-of-control EPA after the agency hit the company with the first endangerment order in the history of Texas oil and gas. For advocates and the aggrieved, Lipsky is yet another landowner steamrolled by a deep-pocketed company, and the state regulators and politicians who serve its interests (Read Fire in the Hole for an analysis of the case). / In the process, district Judge Loftin stepped down from the case after bragging about his rulings against Lipsky in a failed bid for re-election. And EPA regional administrator Al Armendariz resigned after Republicans began circulating a video in which he compared his enforcement strategy to the spectacle of a Roman crucifixion. The crucified, industry advocates and GOP legislators said, was none other than Range Resources in Parker County.

[http://blogs.dallasobserver.com/unfairpark/2012/08/fight\\_over\\_fracking\\_and\\_flamin.php](http://blogs.dallasobserver.com/unfairpark/2012/08/fight_over_fracking_and_flamin.php)

**League of Women voters asks lawmakers to revise frack rules, Letter to Editor, Athens News (08-29-12)**

= To the Editor: The mission of the League of Women Voters (LWV) is to provide non-partisan citizen education as well as voter services. The League seeks to increase citizen awareness and understanding of major public policy issues and has a decades-long history of work to enact environmental legislation for water, air, land use, waste management and reduction, and energy. / In 2010, the LWV of the United States called for significant strengthening of appropriate regulation, oversight, inspection and penalties with regard to fossil-fuel development and natural gas hydraulic-fracturing (fracking). In 2011, the LWV of Ohio strongly urged the Ohio Department of Natural Resources (ODNR) to put a one-year moratorium on new leases for fracking so that serious environmental and public-health risks could be assessed and strong regulatory action could be undertaken. / Unfortunately, Ohio has continued to issue horizontal deep shale drilling permits, over 300 as of this month, with more than 2,000 anticipated by 2015 according to the ODNR. Recently, Gov. Kasich signed S.B. 315, which governs the fracking process. Before sending the bill, the legislature had removed proposed fees and taxes that would have increased the Ohio Geological Survey's ability to monitor drilling and earthquakes, as well as fees on out-of-state brine dumping. In addition, the new rules allow no appeal of drilling sites, pipelines or compressor stations by the public, and have no requirement that drillers reach agreement with local governments to repair road and infrastructure damage due to drilling traffic. State inspectors are not required to be on site when the well casings are being cemented, even though almost 50 percent of incidents of water contamination from drilling are related to inadequate cementing of casing into well bores. / Of most concern, the law allows gas drillers to avoid disclosing the chemicals they are using until 60 days after a well is completed. Drillers can claim any number of those chemicals as "trade secrets," which do not have to be revealed – even to the regulating agency. According to S.B. 315, medical personnel treating patients injured by fracking chemicals would have to track down and request the trade secret ingredients from the responsible company. How long might that take in an emergency situation? Medical personnel are also prohibited from revealing the names of the chemicals publicly or to other doctors or public health personnel. / An analysis, "Natural Gas Operations From a Public Health Perspective," shows that of the 56 percent of chemical products for which the authors were able to get accurate Chemical Abstract Service (CAS) numbers, more than 25 percent are carcinogens, 37 percent are hormone disruptors, 40 percent impair the immune system, 52 percent affect the nervous system and 46 percent affect the cardiovascular system and blood. No study has been done on the health effects of combining toxic substances together. / The LWV of Athens County urges the Ohio Legislature to revise and greatly strengthen the laws governing all aspects of vertical and horizontal gas drilling to safeguard the environment and the health of every citizen of Ohio. / Dana Carlson, Athens

<http://www.athensnews.com/ohio/article-37662-league-of-women-voters-asks-lawmakers-to-revise-frack-rules.html>

**Letter to Editorial, Fracking gag order hurts Ohioans (08-29-12)** = I protest the Ohio Senate Bill 315 initiated by Gov. John Kasich, which would place a gag order those who might be effected by chemicals from high pressure shale gas fracturing, specifically medical workers trying to help patients. / First, when HIPAA was initiated patient's could sign a release to allow medical personnel the right to share information to give better quality patient care and establish community support systems for emotional needs to be met. / Second, the American Nurses Association acknowledge the need for good communication to give excellent patient care, as stated in the ANA principle "Clear, accurate documentation is an essential element of safe, quality, evidence – based nursing practice" Ohio SB 315 does more than gag medical personnel it ties medical staff's hands. / Third, Ohio SB 315 goes totally counter to the American Bill of Rights as well as the Ohio State Constitution Bill of Rights. Freedom of Speech is protected under Section 11 of the Ohio Bill of Rights "Stating" Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of the right; and no law shall be passed to restrain or abridge the liberty of speech, or of the press. In all criminal prosecution for libel, the truth may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives, and for justifiable end, the party shall be acquitted. / This right has been protected since 1851 in Ohio and as well as before that in the Federal Bill of rights. Ohio SB 315 takes away our rights as citizens, kills democracy and limits medical personnel to mediocre medical care for our patients. / If you also agree check this site: <http://www.change.org/petitions/stop-physicians-gag-order-protect-the-public-health> / Christine Bruce RN/ Elyria, Ohio  
<http://cincinnati.com/blogs/letters/2012/08/29/fracking-gag-order-hurts-ohioans/>