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Local Portage County Governments Have Little Say in Fracking, by T. Gallick & B. Williams, (Ravenna) Record-Courier (05-15-12)
Aqua Ohio leases land from Struthers for water station, by Robert K. Yosay, Youngstown Vindicator (05-15-12)
Sick From Fracking? Doctors, Patients Seek Answers, by Rob Stein, National Public Radio (05-15-12)
Study: Ohio rates lag even with 'fracking tax', by Darrel Rowland, Columbus Dispatch (05-16-12)
Ohio Senate approves horizontal drilling rules, Associated Press (05-16-12)
Activists unhappy with Senate approval of S.B. 315, by Bob Downing, Akron Beacon Journal (05-16-12)
Critics cry foul over Ohio frack proposals, UPI.com (05-17-12) = COLUMBUS, Ohio, May 17 (UPI)
'Fracking' oversight bill would drop public appeal process of permits, By Spencer Hunt, The Columbus Dispatch Friday (05-18-12)
John Kasich's proposed fracking law is riddled with loopholes, say environmental groups, John Funk, Plain Dealer (05-19-12)
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Ohio Passes Fracking Rules That Opponents Criticize as Lax, by Mark Niquette (05-24-12)
Ohio legislature OKs bill on energy fracking rules, by Jo Ingles (05-25-12) = COLUMBUS, Ohio (Reuters)
Energy bill sails through, By Jon Baker, Dover-New Philadelphia TimesReporter (05-25-12)
Ohio legislators approve new drilling rules, by Associated Press (05-25-12)
Ohio fracking bill of little use in finding out which chemicals are used, by Spencer Hunt, Columbus Dispatch (05-26-12)
Washington County families sue over fracking, water testing, by Don Hopey, Pittsburgh Post-Gazette (05-26-12)
Ohio fails to put the brakes on the fracking train, by Marilou Johnnek, Toledo Blade (05-26-12)
Boards and ballots: Okey fails to amend 'fracking' bill, by Robert Wang, CantonRep.com staff writer (05-28-12)
Oklahoma Becomes Sixth State To Pass Fracking Disclosure Law, by Pierre Bertrand, International Business Times (05-29-12)
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ALEC Slips Exxon Fracking Loopholes into New Ohio Law, Connor Gibson, Op-Ed (Center for Media and Democracy) (05-31-12)

ARTICLE SUMMARIES (WITH INTERNET LINKS)

New report: Expert confirms EPA finding that fracking linked to Wyoming ground water contamination, Amy Mall's Blog (Switchboard, the staff blog of the Natural Resources Defense Council), Posted May 1, 2012 = An independent scientist has confirmed that fracking has clearly contaminated a drinking water source east of the town of Pavillion, Wyoming, supporting the findings in a draft EPA report published in December. ... While oil and gas corporations enjoy exemptions from critical protective environmental provisions in the Safe Drinking Water Act and Clean Water Act, they have continued to publicly claim there has never been any proof that fracking has contaminated drinking water--despite reports of suspected cases from around the country. ... EPA's findings in December marked some of the first official evidence that fracking is a threat to drinking water (Bainbridge, Ohio is another spot), and today's expert report backs the agency up. ... Today, NRDC and our partner groups submitted a comment letter, accompanied by an expert technical review conducted by independent consulting hydrologist Tom Myers. Among Dr. Myers's findings: (1) Chemical contaminants found in Pavillion domestic water wells and EPA's monitoring wells have been linked to either the gas well production or hydraulic fracturing process. (2) The EPA's investigation is scientifically sound and demonstrates in a scientifically reliable way that chemical contaminants from the gas production zone reached the geologic formations between the gas production wells and the domestic water wells in the area. (3) There are higher than background concentration levels of potassium and chloride that support the conclusion that the source of those chemicals is hydraulic fracturing fluid emanating from the gas production zone. (4) Several synthetic organic compounds found in the EPA monitoring wells are apparently linked to hydraulic fracturing fluids, as there is no scientifically viable alternative explanation. ... We look forward to the final EPA report after continued investigation and peer review. Full article at http://switchboard.nrdc.org/blogs/asmall/pavillion_independent_experts.html

Pennsylvania Doctors, Newspapers Sue Frack Companies Over Secrecy, by Buck Quigley 05-01-12 = ... here is a press release issued yesterday: "In Fracking Secrecy Court Case, Newspapers Get Support From Doctors, Scientists, Advocates - Group files legal brief arguing public, journalists are entitled to fracking health impact info - PITTSBURGH, PA – In a court case over gas industry secrecy, doctors, scientists, researchers and advocates are lending support to newspapers fighting for access to information that could shed light on the health impacts of gas development, including the controversial process known as hydraulic fracturing or fracking. The Pittsburgh Post-Gazette and the Observer-Reporter are seeking to overturn a court order sealing the record in a case in which a Pennsylvania family sued several gas companies over health impacts related to air and water pollution from nearby natural gas development operations. The companies are fighting to keep the records out of the public eye. ... The initial case against the gas industry was brought by Stephanie and Chris Hallowich, who after moving their family to a farm in Mount Pleasant, PA found themselves surrounded by the expanding natural gas industry as companies built wells on their property and gas processing facilities nearby. The health of the parents and children quickly deteriorated and they began suffering unexplained headaches, nosebleeds, burning eyes, and sore throats. ... After unsuccessfully trying to get state regulators and nearby companies to address the problem, the family sued, eventually settling with the companies and abandoning their home. As a condition of the settlement, the companies insisted that the Hallowiches sign a non-disclosure agreement. These types of non-disclosure agreements have proven to be the norm in such lawsuits against the gas industry Full article at <http://blogs.artvoice.com/avdaily/2012/05/01/pennsylvania-doctors-newspapers-sue-frack-companies-over-secrecy/>

Drilling chemicals could move quickly to aquifers, study says, By Ken Ward Jr., The Charleston Gazette (05-02-12) = Chemicals injected into the ground by natural gas drillers could migrate toward drinking water supplies much more quickly than previously thought, according to a new study that raises questions about West Virginia's ongoing Marcellus Shale boom. Some scientists and industry officials have

argued that thick layers of impermeable rock would keep "fracking fluids" used by modern natural gas operations tucked safely away underground, far below aquifers used for residential drinking water. But using computer modeling, hydrogeologist Tom Myers found in the new study that hydraulic fracturing used by the natural gas industry could exacerbate existing cracks and faults in underground rock formations. This could allow toxic chemicals used in hydraulic fracturing fluids to migrate upward toward water wells in perhaps only "a few years," according to Myers. "The evidence for potential vertical contaminant flow is strong," Myers wrote in his study. ... The nonprofit journalism organization ProPublica, which has extensively covered the debate over the natural gas boom, was the first media outlet to report on Myers' findings. ProPublica said that "several scientists called Myers' approach unsophisticated" and that assumptions Myers used in his models didn't accurately reflect what is known about the Marcellus Shale's geology. Terry Engelder, a Penn State geologist who has been a proponent of shale drilling, told ProPublica that if fluids could flow through the Marcellus as quickly as Myers argues, fracking wouldn't be needed to free up gas deposits. ... Myers noted that there is little hard data on exactly how underground fluid flows are impacted by hydraulic fracturing, and recommended that more information be collected before and after drilling to allow for more concrete studies. ... Full article at <http://wvgazette.com/News/201205020154>

Landowner Can Sue Shell Over Fracking Hazards, by Reuben Kramer, Courthouse News Service (05-03-12) = WILLIAMSPORT, Pa. (CN) - Shell Energy cannot dismiss claims that the controversial fracking technique to extract natural gas is an "ultra hazardous activity," a federal judge ruled. The claim stems from a lawsuit Edward Kamuck filed against Shell Energy Holdings GP in August 2011. Kamuck says the energy giant's fracking operation on land neighboring his 93-acre tract in rural Pennsylvania constitutes "an abnormally dangerous and ultra hazardous activity," and that Shell should be subjected to strict liability for "the contamination and pollution caused by ... releases, spills, sprays, emissions, discharges and flowback of hazardous chemicals and combustible gases." Calling himself a "totally disabled" Vietnam war veteran, Kamuck says Shell's operation contaminated his land and water supply. In March, a magistrate judge recommended that the court green light Kamuck's claims of strict liability claim and private nuisance over the noise, fluid and dust associated with fracking. U.S. District Judge Christopher Connor adopted that finding April 27. ... While the strict-liability and nuisance claims can proceed, the court dismissed Kamuck's claim that Shell drilled the shale in breach of the lease. Full article at <http://www.courthousenews.com/2012/05/03/46218.htm>

Second lawsuit filed over Brinker Field leases, by DEANNE JOHNSON - Staff Writer, Lisbon (OH) Morning Journal News (05-04-2012) = LISBON - The owners of three additional properties leased as part of the Brinker Storage Field with Columbia Gas Transmission LLC filed a lawsuit Thursday in Columbiana County Common Pleas Court requesting the leases be terminated. This is the second lawsuit regarding the Brinker Storage Field which has been filed in the past two weeks. ... The property owners are alleging the contracts have expired, because some were for only 10 years and other five years. They further state no gas wells were drilled on their properties and the company is not currently conducting any drilling on the properties. The lawsuit also states the rental prices of \$10.50 for the May leases, \$10.25 for the first Burbick lease and \$20 for the final lease have not been recently paid. All of the property owners attempted to file leases with Chesapeake Energy, which were blocked by Columbia Gas Transmission, according to the lawsuit. ... The Brinker Storage Field covers about 30,000 acres northeast of Lisbon. Full article at <http://www.morningjournalnews.com/page/content.detail/id/539813/Second-lawsuit-filed-over-Brinker-Field-leases.html?nav=5006>

Pennsylvania Drilling Settlement: Doctors, Environmentalists Call On Gas Companies To Release Details, The Huffington Post, by Alexander Eichler (05/04/2012) = The pressure is mounting on gas companies to reveal what they know about the possible health side effects of their activities. More voices

are calling upon a group of gas companies to release a sealed court settlement that last year capped a long-running legal battle. The sealed records concern a Pennsylvania family -- Stephanie and Chris Hallowich and their children, of Mount Pleasant Township -- who say they developed health problems, including headaches, earaches and nosebleeds, after gas developers began drilling on their property. The Hallowich family reached a settlement with the gas companies, including Range Resources and MarkWest Energy Group, in 2011, according to the Pittsburgh Post-Gazette. Details of the settlement were ordered sealed by the court. But the PPG and another Pennsylvania newspaper have since been trying to get those details made public. This week, they were joined by a group of doctors, scientists and environmental advocates, according to the PPG, all of whom argue that whatever the gas companies know about the possible health side effects of drilling shouldn't be kept confidential. ... Meanwhile, in Pennsylvania, health professionals are going head-to-head with energy companies over a law that doctors say could tie their hands when interacting with patients. The law requires doctors to sign a confidentiality agreement when requesting information about drilling chemicals. Pennsylvania doctors say they're concerned the law would prevent them from talking to co-workers and even patients about industry-sensitive information. Sam Smith, the Republican speaker of the state House of Representatives, has claimed the law would have no such effect. Full article at

http://www.huffingtonpost.com/2012/05/04/pennsylvania-drilling-settlement_n_1475998.html?ref=business

US releases new fracking rules on government lands, by Helen Thompson (05-05-12) = The US Department of the Interior's Bureau of Land Management (BLM) has released a draft of new rules requiring oil and gas development companies to disclose the chemicals they use in hydraulic fracturing or "fracking." ... Under the BLM's rule updates, companies must disclose the chemicals they use in fracking fluid, provide evidence that their underground well casings won't leak chemicals into water bearing geological sources, and present plans to dispose of wastewater -- a mix of fracking fluid and groundwater containing radioactive elements -- safely. The rules will only affect wells on federal and tribal lands. The BLM also plans to make the chemical contents of fracking fluid available on a public website. ... Several states -- including Wyoming, Texas, Pennsylvania, Colorado, and Arkansas -- have already adopted disclosure requirements. Nevertheless, disclosure remains a point of controversy. While companies must disclose all ingredients to the BLM, they can argue that certain components are propriety and protected by federal law, but they must substantiate the claim. ... "This is a critical first step, but so much more needs to be done," said Amy Mall, a senior policy analyst at the National Resources Defense Council, in a statement. Mall cites the fact that the rules mandate disclosure after, not before, drilling has occurred. ... For the next 60 days, individuals on both sides of the issue can comment on the BLM draft before a final version goes into effect. Full article at <http://blogs.nature.com/news/2012/05/us-releases-new-fracking-rules-on-government-lands.html>

Ohio legislative panel OKs new rules for gas wells, by JULIE CARR SMYTH, Bloomberg Businessweek, Associated Press (05-08-12) = An Ohio legislative panel approved new rules Monday for the construction of oil and gas drilling wells, amid an underground shale exploration boom in the state. The state's rule-setting committee also cleared new guidelines for drilling permits and set certain industry standards, primarily affecting wells in the Utica and Marcellus shale formations. ... The new rules are expected to take effect Aug. 1. ... In the rush to release new deposits as a result of advances in horizontal drilling, Ohio has issued 207 new permits for wells in the Utica Shale in eastern Ohio over a year's period that ended in March. Monthly permits rose tenfold over that time. ... Jack Shaner, a spokesman for the Ohio Environmental Council, said Monday the organization was generally supportive of the new well construction rules. "We are satisfied that DNR has done a good job on these rules," he said. "However, Ohio needs to put many more protections in place and that's the center of the debate right now in the Legislature. Well construction is a critical part of this, but it's not the only part." Shaner said environmentalists are still fighting

for strong public notice requirements, full disclosure of the chemicals used in the drilling process, and tough fines, among other things. In a letter Friday to nearly 1,400 oil and gas producers, state natural resources director James Zehringer said the new rules would be both environmentally safe and business-friendly. ... Full article at

<http://www.businessweek.com/ap/2012-05/D9UKIKU80.htm>

40 Acres and a Rule: Draft Federal Fracking Regs Cover Only A Sliver of Land, by Lena Groeger, ProPublica (05-08-12) = Last week's media coverage of the Obama administration's newly-proposed fracking rules focused so heavily on how drilling companies would have to disclose the chemicals they use that it largely overlooked the toughest provisions: Drillers would be required to test the physical integrity of their wells, and more water would be protected from drilling. Since many wells fail because the cement and casings crack, the new tests could prevent dangerous leakages. One major limitation: Although widely understood as "national" guidelines, the draft rules would in fact only apply to a sliver of the nation's natural gas supply. That's because they would apply to mineral rights managed by the Bureau of Land Management, which means areas beneath most BLM and tribal land, but scarcely any U.S. Forest Service, private or state-owned lands – where most drilling occurs. ... The draft rules would require companies to conduct "mechanical integrity tests." These include pressure tests to make sure that the well can withstand the highly pressurized fluid used for fracking. Ensuring that wells are properly sealed is considered critical for preventing water and ground contamination. The proposed rules also expand the scope of water protected from drilling to include not just fresh water but all "usable water" – meaning lower quality water used for agriculture and construction, as well as water that can be treated to make potable. Currently, only water with up to 5,000 parts per million of total dissolved solids is protected by the BLM. The new rules would expand that definition to include water with up to 10,000 parts per million, which matches the EPA's definition for an underground source of drinking water. ... The lands covered by the proposed rules are the source of "11 percent of the Nation's natural gas supply and five percent of its oil," according to the BLM. ... Environmental activists wonder how likely the rules are to be enforced. In New Mexico, for example, the BLM oversees more than 30,000 active wells — with only 69 inspectors. ... Environmentalists also lambasted a provision that would require companies to disclose the chemicals they use to frack on some public lands. At issue was timing: The draft rule would allow companies to complete drilling before they make public the chemicals they had injected into the ground. ... The timing of disclosure matters. Landowners who want to see if a nearby well is polluting their land or water need a baseline assessment of chemicals that are present before drilling. If they don't know the chemicals the company will inject, the only way to get a baseline reading is to test for a vast number of chemicals, an expensive and impractical undertaking. "Knowing after the fact is nice, but does not allow for any steps to be taken if the chemicals being used are of concern to the public. ... Once the draft rule is published in the Federal Register, the BLM will take comments for 60 days before it finalizes the rule. Full article at

<http://www.propublica.org/article/40-acres-and-a-rule-draft-federal-fracking-regs-cover-only-a-sliver-of-land>

Complaint about Norwood's fracking sand sent to EPA - Some residents concerned about health, by SAM SHAWVER, The Marietta Times (05-09-12) = MARIETTA - The fine, powdery "fracking" sand being stored at the former Remington Rand industrial site on Greene Street in Marietta is being investigated again after a city councilman recently filed a complaint about the substance with the Marietta Health Department. "I was driving down Vine Street one day (in April) and at the intersection with Greene Street I could see a small pile of the sand near the facility being pulled up into the air by the wind," said 1st Ward Councilman Roger Kalter. Mounds of the sand, used in the hydraulic fracturing of shale beds to release underground oil and gas deposits, are being stored inside the building. Kalter said residents in the area have expressed some concern that they're breathing in the dust-like airborne silica sand particles. "So, on April

10 I filled out a nuisance complaint with the health department on behalf of people who live in that neighborhood," he said. Kelly Miller, sanitarian with the city health department, said because Kalter's concern was an air quality issue the complaint was forwarded to the Ohio Environmental Protection Agency's Division of Air Quality. ... In June 2011, the Ohio EPA sent Iddings Trucking a warning letter that the company could face a \$25,000 per day fine for dragging the sand onto city streets and not cleaning it up and the company complied. Full article at

<http://www.newsandsentinel.com/page/content.detail/id/560845/Complaint-about-Norwood-s-fracking-sand-sent-to-EPA.html?nav=5061>

New York Fracking: Landowners Assert Right To Shale Gas Development , AP, by Mary Esch, HuffingtonPost (05/09/2012) = ALBANY, N.Y. (AP) — A coalition of upstate New York landowners seeking to lease land for natural gas drilling pressed state officials Wednesday to consider the rights of property owners as they make decisions on shale gas development. The Joint Landowners Coalition of New York was at the Capitol to present a "Declaration of Rights." "Landowners' rights are being trampled by those with extreme political agendas," said Dan Fitzsimmons of Binghamton, president of the 70,000-member coalition. He referred to groups seeking a ban on high-volume hydraulic fracturing, or fracking, which injects chemically treated water into drilled wells to release gas from shale. ... The industry and environmental groups have stepped up lobbying in Albany as the Legislature considers bills including one to ban fracking. The Department of Environmental Conservation may decide in coming months whether to allow the technology after four years of studying the environmental impacts and developing new guidelines and regulations to ensure it's done safely. "We have the opportunity to create a vibrant new economy in New York. Unfortunately, we are currently being denied that opportunity by those who base their opposition on information that is not backed by science," said Jennifer Huntington, a Cooperstown dairy farmer. Huntington is suing the Otsego County town of Middlefield over its municipal ban on fracking. The case is being appealed after a trial-level state supreme court judge ruled in favor of the town in February. Another local ban by the town of Dryden in Tompkins County was challenged by gas-driller Anschutz Exploration Corporation and upheld by a state supreme court judge. That ruling is also being appealed. ... Full article at http://www.huffingtonpost.com/2012/05/09/new-york-fracking-landowner-rights_n_1503705.html

City Council acts to ban 'fracking' in water supply area - Despite 'ban,' state says it reserves regulatory power, by David DeWitt, The Athens (OH) News (05-09-12) = Athens City Council made several moves on Monday to further expressing its opposition to oil and gas drilling in sensitive areas, specifically the city's wellhead protection zone and the Wayne National Forest. In a unanimous vote, City Council passed a resolution making certain amendments to the city's wellhead protection plan, including provisions banning the controversial horizontal hydraulic fracturing drilling technique in that area. The likelihood of any company starting a "fracking" operation in the city are relatively small, but City Council members decided to include to take a stand anyway. In any event, Ohio Revised Code relegates all oil and gas drilling and wastewater disposal regulatory authority to the Ohio Department of Natural Resources' Division of Mineral Resources Management. The ODNR has said that it does not take municipal law into consideration when deciding whether to grant drilling permits, though it can exercise stricter regulations to protect water and other resources in urban areas. In council's revisions, the first provision bans "drilling, mining, exploration and extraction operations, including but not limited to, petroleum gas and minerals," while the second bans "the storage and/or disposal of wastewater and other byproducts associated with drilling, mining, exploration and extraction operations." Athens Law Director Pat Lang has said that as an adviser to the body, he has let members know that the language has the potential to be problematic. Meanwhile, the body also moved forward with a resolution requesting Wayne National Forest to conduct an environmental impact statement prior to the release of any forest lands to the Bureau of Land Management for oil and gas leasing. ... "The city of Athens calls upon the Wayne National Forest to complete an environmental impact statement process prior to the release of any surface or subsurface rights for oil and

gas leasing under its jurisdiction," the resolution states. Full article at <http://www.athensnews.com/ohio/article-36853-city-council-acts-to-ban-lsfrackings-in-water-supply-area.html>

Couple denied mortgage because of gas drilling, No Frack Ohio (05-10-12) = Washington County, PA - Brian and Amy Smith seem to be the first example in western Pennsylvania of a homeowner being denied a mortgage because of gas drilling on a next-door neighbor's property. The drilling goes on day and night at a new Marcellus Shale well in Daisytown, Washington County The Smiths live across the street from the new gas well. They applied for a new mortgage on their \$230,000 home and hobby farm In an email, Quicken Loans told the Smiths, "Unfortunately, we are unable to move forward with this loan. It is located across the street from a gas drilling site." ... Quicken Loans emailed the following statement to Channel 4 Action News: "While Quicken Loans makes every effort to help its clients reach their homeownership goals, like every lender, we are ultimately bound by very specific underwriting guidelines. In some cases conditions exist, such as gas wells and other structures in nearby lots, that can significantly degrade a property's value. In these cases, we are unable to extend financing due to the unknown future marketability of the property." ... "The banks aren't stupid," said Myron Arnowitt, director of Clean Water Action in Pennsylvania. "They're going to look at that and be more cautious in terms of what they are willing to mortgage." ... Homeowners who are denied by national lenders because of gas drilling could try local banks. First Federal in Washington, Pa., said it does not deny mortgage applications based solely on nearby drilling. Full article at <http://www.nofrackohio.com/news/>

Behind New Generation Mineral Leases: More Money, Less Hazards, by Keith Schneider, Modeshift (05-11-12) = CALDWELL, Ohio — ... Until very recently most oil and gas leases in Ohio were a few pages long, spelling out standard royalty rates, modest bonus payments per acre of leased minerals, and no protections for water and land. ... Over the last year, though, eastern and southeastern Ohio have emerged as a new stage in the shale gas and shale oil production boom that has engulfed at least a dozen other states across the country. ... And it's prompting a fresh reckoning with the potential hazards of hydrocarbon development, especially water supply and contamination. ... The mineral leases that [attorney Jennifer] Garrison negotiates with energy companies reflect the high public expectations about financial returns from Ohio's new energy fields. Her clients are receiving up to \$5,250 an acre in bonus payments for a five-year lease. They also receive 20 percent royalties on gas and oil production. The lease signed by [Arthur and Sharon Stottsberry] is one of two that Garrison has negotiated on behalf of nearly 300 clients who own 13,000 acres of mineral rights in two southeastern Ohio counties. ... Garrison's clients, among them the Stottsberrys, heard about the contamination incidents and expressed considerable resolve to prevent such damage on their land. The result is that her leases contain provisions for testing water before and after drilling occurs to make sure none of the chemicals used in the production process have contaminated drinking water. The leases also bar energy companies from drawing water for fracking from any water source on the leaseholders land. If there is a problem with the water, moreover, energy companies are required to address it immediately and provide a fresh water supply to the landowner. These provisions go well beyond existing Ohio regulations. "My job is to represent landowners," Garrison told me. "The mineral lease is the law of the land. We try to help landowners get what they want in their leases. And they wanted to make sure their water was safe." Full article at <http://modeshift.org/419/behind-new-generation-mineral-leases-more-money-less-hazards/>

Well water in Pa. gas drilling town is safe, Associated Press (05-11-12) = ALLENTOWN, Pa. – Federal environmental regulators say testing of scores of drinking-water wells in a northeastern Pennsylvania village has failed to turn up unsafe levels of contamination, providing ammunition to a gas driller that denies it polluted the aquifer with hazardous chemicals while prompting accusations the government is distorting the

data. The U.S. Environmental Protection Agency released test results for an additional 12 homes on Friday and said they "did not show levels of contaminants that would give EPA reason to take further action." It was the fourth and final release of data for homes in Dimock, a rural Susquehanna County community that's found itself in the middle of a passionate debate over the safety of drilling and hydraulic fracturing, or fracking, in deep rock formations like the Marcellus Shale. ... Amid the squabble over test results, the Dimock plaintiffs, who sued Cabot in 2009, appear to have quietly entered into settlement talks with the company. One of their lawyers, Tate Kunkle, mentioned "progressing settlement negotiations" in a court filing late last month. Full article at <http://www.foxnews.com/us/2012/05/11/well-water-in-pa-gas-drilling-town-is-safe/>

Issues surrounding fracking, by David Holthaus, Cincinnati.com (05-12-12) = Fracking is an unconventional method for extracting oil and gas from deep within the earth. It involves the use of chemical-laden water under extreme pressure at maximum depths to fracture-dense shale, releasing trapped oil and gas. **Is it dangerous?** Like many drilling operations, fracking increases truck traffic, damage to roads, dust and noise. This is usually limited to a month or two while the well is being drilled and fracked. Once it starts producing, the effects are lessened. Air quality may be affected from diesel engines and gas flaring once the well is drilled. The process also fractures layers of rock deep below the surface, and it's unclear what the long-term impact of that is. **Will it harm the water?** Fracking demands a lot of water – 5 million to 7 million gallons for each well. The water can come from rivers, lakes, ground water or municipal sources. Ohio water supplies are thought to be adequate. However, the water is needed quickly and rapidly, potentially causing a draw-down in rivers, lakes and streams. In other parts of the country, energy companies have built storage basins to avoid draw-downs. After a well is fracked, a significant amount of water mixed with chemicals and debris from underground flows back up, sometimes for weeks. Storing and disposing that dirty water is a major concern. In Ohio, it is often stored deep underground in injection wells below the water table. In other states, it is stored in uncovered lagoons. **Does it cause earthquakes?** Eleven minor earthquakes occurred in the Youngstown area in December. Geologists believe the quakes were related to injecting wastewater from fracking back underground to be stored. State geologists believe fluid from the deep storage well aggravated a geologic fault that was close to failing. State regulators shut down the well. The Ohio Department of Natural Resources says six injection wells, out of 144,000 in the U.S., have been linked to earthquakes. **Who oversees fracking?** Fracking was exempted from the federal Safe Drinking Water Act under the Bush Administration, so it now falls under state jurisdiction. In Ohio, the Department of Natural Resources issues permits for all oil and gas wells, including fracking wells. The department also inspects the drilling of all wells in the state. **Are the oil companies taxed?** Ohio levies a severance tax on oil and gas extracted from the ground. Ohio's tax is 10 cents per barrel of oil and two-and-a-half cents per 1,000 cubic feet of gas. The severance tax became effective in 1972, and the rates have not changed since 1983. **Will the drilling create new jobs?** Five researchers from Cleveland State University, Ohio State University and Marietta College released a study in February of the potential economic impact of fracking for the Ohio Chamber of Commerce. They forecast that by the end of 2014, fracking will create 65,680 new jobs in Ohio. Most of these jobs are expected to come in the construction trades, as drill pads, roads and pipelines are built. Also expected to increase: oil and gas field service workers, truck drivers, engineers, architects and environmental technicians. Article at <http://communitypress.cincinnati.com/article/AB/20120512/BIZ01/305130032/Issues-surrounding-fracking?odysey=nav%7Chead>

Pipeline survey to proceed, by Mark Law, Steubenville Herald-Star (05-12-12) = STEUBENVILLE - A common pleas court judge ruled a pipeline company will be allowed to do survey work on farmland off county Road 39, Bloomingdale, following a brief hearing Friday. Enterprise Liquids Pipeline of Houston filed for an injunction on May 4 seeking a court order to enter the property. Nancy M. Hyde of 3876 county Road 39, Bloomingdale, the owner of the property, and David Hyde of 2426 county Road 39, Bloomingdale,

a relative who is authorized to make decisions for her, were named as defendants. Enterprises Liquids Pipeline is conducting survey work for the location and construction of a liquid ethane pipeline that would run from Appalachia to Texas. The proposed pipeline will transport liquid ethane produced from the Marcellus and Utica shale formations in Pennsylvania and Ohio westward across Ohio to ethylene manufacturing plants in Texas and Louisiana. Liquid ethane is a key component in the manufacturing of plastics. The company claims in its lawsuit that, as a pipeline company, it has eminent domain powers under Ohio law. ELP has to obtain rights of way on about 1,200 tracts of land in Ohio, and is under a tight schedule so construction of the pipeline can start early next years, the lawsuit stated. The company has already obtained permission from nearly all landowners for the survey work. David Hyde told Jefferson County Common Pleas Judge Joseph J. Bruzzese Jr. that he has an agriculture district that he believed protected his farmland from eminent domain. But the judge told Hyde the section of state law on agriculture districts doesn't apply to the installation of utility pipelines. ... Bruzzese told Hyde, who didn't have an attorney representing him at the hearing, that he could challenge the amount the company is willing to pay for the easement for the pipeline across the field. The judge said the cost of the easement could be set by a jury after an appropriation trial. Full article at <http://www.hsconnect.com/page/content.detail/id/573599/Pipeline-survey-to-proceed.html?nav=5010>

Binghamton Faces Threat of Lawsuit over Fracking Ban, FOX 40 WICZ TV (Vestal, NY) (05-14-12) = An attorney representing pro-drilling stakeholders is getting ready to sue the city of Binghamton over its fracking ban. Two weeks ago, Ken Kamlet from Hinman, Howard, and Kattel demanded the city refer its ban to the county's department of planning for approval. A legally necessary step, he argued, because the ban will have an economic impact in and out of the city. Kamlet said he received the city's response Friday. That response is that Binghamton feels it is within its rights to impose the ban without approval from the county. Kamlet, who represents the Vestal Gas Coalition and others, says he will file suit against the city in State Supreme Court within the next week or two. <http://www.wicz.com/news2005/viewarticle.asp?a=23227>

LOCAL PORTAGE COUNTY GOVERNMENTS HAVE LITTLE SAY IN FRACKING, by Thomas Gallick and Britni Williams, The (Ravenna, OH) The Record-Courier (05-15-12) = As groups of Portage County residents push their communities to challenge the state's authority by banning fracking, State Rep. Kathleen Clyde said she does not believe local governments will regain the power to regulate oil and gas drilling any time soon. "I just don't see that in the cards in the near future," the Kent Democrat said. She added that legislation to return regulatory power to local governments was introduced recently in the Ohio Statehouse, but garnered little support. ... A bill passed in 2004 stripped the right to regulate oil and gas drilling from local governments, reserving that right for the Ohio Department of Natural Resources. Residents of Kent and Shalersville, both located within Clyde's 68th Ohio House District, have asked their local governments to ban fracking within their borders and assert control over the issue. Kent City Council asked city administrators to research what other local governments are doing to prepare for fracking while asking the state to look into tougher regulations, after a group of residents asked council in March to ban fracking. The countywide group Concerned Citizens Ohio will lead the effort to convince Shalersville Township Trustees to vote for a fracking ban at 8 p.m. tonight at Shalersville Town Hall. "Our goal is, as always, educational," Concerned Citizens Ohio's Gwen Fischer said in an e-mail. "We hope that the Shalersville Trustees will learn about the risks of this massive industrialization to declare that, as human beings, we have the right to decide, as a community, whether or not we want our community turned into an industrial zone." ... Clyde said she would continue working with her colleagues in the Statehouse to try to strengthen regulations that would protect the environment in areas where fracking is taking place. Clyde also asked her constituents with concerns about fracking to contact her office in Columbus. Full article at <http://www.recordpub.com/news/article/5188929>

Aqua Ohio leases land from Struthers for water station, by Robert K. Yosay, Youngstown Vindicator (05-15-12) = Struthers is leasing land to Aqua Ohio so Aqua can sell water to companies that haul it to fracking sites. The city has leased 2 acres it owns at the corner of State and Walton streets at the border of Youngstown. Trucks that have a 3,000-gallon capacity will fill up with untreated water from Aqua's Hamilton Lake at the station and take it to sites in Ohio, where gas companies plan to drill for natural gas in a deep rock formation called the Utica Shale. ... "With fracking coming in, there will be a demand for water," said Al Sauline, area manager for Aqua. "We have the resources." Struthers Mayor Terry Stocker said Aqua approached the city about available land. ... Sauline isn't sure how many trucks a day the station will serve, but Stocker said it could generate \$84,000 a year. ... Sauline said that Aqua is in the business of selling drinking water, and it did an Ohio Environmental Protection Agency-ordered "safe yield" study to make sure it has enough water in Lake Hamilton to serve customers that use the lake — the cities of Campbell and Struthers. Campbell uses 1.2 million gallons a day, and Struthers uses 400,000 gallons a day from the lake. The study showed the lake has a safe yield of 5 million gallons a day, Sauline said. ... Full article at <http://www.vindy.com/news/2012/may/15/aqua-ohio-leases-land-from-struthers-for/?print>

Sick From Fracking? Doctors, Patients Seek Answers, by Rob Stein, National Public Radio (05-15-12) = Kay Allen had just started work, and everything seemed quiet at the Cornerstone Care community health clinic in Burgettstown, Pa. But things didn't stay quiet for long. "All the girls, they were yelling at me in the back, 'You gotta come out here quick. You gotta come out here quick,'" said Allen, 59, a nurse from Weirton, W.Va. Allen rushed out front and knew right away what all the yelling was about. The whole place reeked — like someone had spilled a giant bottle of nail polish remover. "I told everybody to get outside and get fresh air. So we went outside. And Aggie said, 'Kay, I'm going to be sick.' But before I get in, to get something for her to throw up in, she had to go over the railing," she said. Nothing like this had ever happened in the 20 years that Allen has been at the clinic. After about 45 minutes, she thought the coast was clear and took everyone back inside. "It was fine. But the next thing you know, they're calling me again. There was another gust. Well, the one girl, Miranda, she was sitting at the registration place, and you could tell she'd had too much of it. And Miranda got overcome by that and she passed out," she said. ... Richard Rinehart, who runs the rural clinic, can't help but wonder whether the natural gas drilling going on all around the area may have something to do with what's been happening. "I lay in bed at night thinking all kinds of theories. Is something coming through the air from some process that they're using? I know they use a lot of chemicals and so forth. Certainly that could be a culprit. We're wondering, Is something coming through the ground?" Rinehart said, noting that he'd just noticed a new drill on a hill overlooking the back of the clinic. Now, no one knows whether the gas drilling has anything to do with the problems at the clinic. It could easily turn out to be something completely unrelated. There's a smelting plant down the road and old coal mines everywhere. "Anything could be possible, and we just are trying to get to the root of it," he said. ... To try to figure out what's going on, the clinic called the Pennsylvania Department of Environmental Protection, which is investigating. It also started testing the air for chemicals, monitoring wind direction around the clinic and keeping diaries of everyone's symptoms. ... Dr. Sean Porbin ... is skeptical that many people are getting sick from the drilling, which is commonly called "fracking." There are about 5,000 new wells in Pennsylvania. "If it's true, you'd expect people dropping all over the place based on the amount of fracking that's going on here. You would look around and see people dropping like flies. It's not the case. I don't see anybody affected. And it's not for a lack of looking," he said. ... The natural gas industry says there's no evidence the drilling is causing health problems. Public health experts say the only way anyone is going to really know whether the drilling is making people sick is to do some big studies. "There's a lot of anecdotal evidence out there. And so a well-conducted study looking at a number of communities could help us better understand if there's an impact, what its magnitude [is], how we should avoid having that impact if there is one," said Christopher J. Portier, director of the National Center for Environmental Health and the Agency

for Toxic Substances and Disease Registry. ... Full Article at
<http://www.npr.org/2012/05/15/152268475/sick-from-fracking-doctors-patients-seek-answers>

Study: Ohio rates lag even with ‘fracking tax’, by Darrel Rowland, Columbus Dispatch (05-16-12) = Even if Gov. John Kasich gets his “fracking tax,” Ohio would still have the lowest rates of any major shale state, a new analysis by the accounting firm Ernst & Young shows. ... The study released yesterday, requested by the Ohio Business Roundtable, shows that the state’s current overall effective tax rate (measured as total taxes divided by sales) is 80 percent below the average for the other top seven states for a well producing dry natural gas and natural gas liquids. For a well producing dry natural gas and oil, Ohio’s effective tax rate is 65 percent below the average, the study said. Even with the increase pushed by the governor, Ohio’s effective severance tax rate would still be 16 percent lower than the other states’ average for the well producing dry natural gas and natural gas liquids. It would be 40 percent lower for the well producing dry natural gas and oil. Including all major state and local taxes for both types of wells, Ohio’s overall effective tax rate would be 40 percent or 48 percent lower than the other states’. ... Full article at
<http://www.dispatch.com/content/stories/local/2012/05/16/study-ohio-rates-lag-even-with-fracking-tax.html>

Ohio Senate approves horizontal drilling rules, Associated Press (05-16-12) = COLUMBUS, Ohio (AP) — Ohio senators approved new regulations for horizontal shale drilling on Tuesday in a bipartisan vote punctuated by a spoken rendition of "The Beverly Hillbillies" theme song. State Sen. Bill Seitz, a Cincinnati Republican, used the 1960s sitcom's protagonist — who became an instant millionaire when he discovered oil — to urge fellow lawmakers to dispense with critics of hydraulic fracturing and get drilling moving in the state. ... The detailed energy bill cleared the chamber, 27-6, with backing from both Republicans and Democrats. It also adjusts Ohio's renewable energy standard, which set a timetable for utilities to meet usage thresholds, to include waste heat such as that generated from factory smokestacks. Supporters said the bill balances environment, public health and safety, and commerce by expanding chemical disclosure and water testing requirements. It goes next to the Ohio House. ... The bill requires well operators to disclose the location they'll draw water from for blasting into the well to release oil, natural gas and natural gas liquids, as well as the rate and volume at which they'll withdraw it. The legislation also requires well operators to disclose all chemicals that will come into contact with human water supplies during the drilling operation, though not the specific recipe. Water samples must also be taken at all wells within 1,500 feet of any proposed horizontal well. No Frack Ohio, a coalition of anti-drilling groups, said such provisions won't help the public because reports won't be timely or specific enough. ... "The chemical disclosure requirements in this bill are meaningless, as the industry is only required to give a yearly report," Cheryl Johncox of Buckeye Forest Council said in a statement. "How can a citizen establish baseline water testing when they don't know what chemicals to test for?" Johncox also criticized a provision that prevents doctors from sharing concerns about patients' exposure to chemicals with local health departments or first responders. Republican Senate President Tom Niehaus ... said it protects the environment, public safety and health while encouraging a growing industry — going further even than Colorado's "gold standard" drilling rules. ... Critics said the bill ignores disposal of wastewater from hydraulic fracturing, or fracking, that has become an environmental issue in eastern Ohio. ... Sen. Shannon Jones, the bill's sponsor, said wastewater regulations would be addressed in separate legislation. Full article at
<http://www.reviewonline.com/page/content.detail/id/208310/Ohio-Senate-approves-horizontal-drilling-rules-.html?isap=1&nav=5038>

Activists unhappy with Senate approval of S.B. 315, by Bob Downing, Akron Beacon Journal Online (05-16-12) = Ohio activists were unhappy on Tuesday when the Ohio Senate approved Senate Bill 315, Gov. John Kasich's energy bill. ... "Instead of protecting Ohioans by banning fracking, the governor and legislature are swiftly moving legislation that would do nothing to protect the public from the water contamination or earthquakes we've seen associated with fracking. It's clear that our state leaders are caving to oil and gas

industry lobbyists as Kasich's bill went from bad to worse when the Ohio Oil and Gas Association intervened," said Alison Auciello, organizer for Food & Water Watch. Cheryl Johncox of Buckeye Forest Council said, "The chemical disclosure requirements in this bill are meaningless, as the industry is only required to give a yearly report. How can a citizen establish baseline water testing when they don't know what chemicals to test for? The worst part is that the bill would even gag physicians from sharing concerns about patients' exposure to chemicals with their local Health Departments or first responders." "Kasich's energy bill would give oversight of the fracking process solely to the Kasich administration, cutting out local communities and streamlining permitting that doesn't allow for public comment. It's a shame that this administration isn't taking the dangers associated with fracking more seriously," asserted Teresa Mills of the Center for Health, Environment, and Justice. "I had high hopes when Attorney General (Mike) Dewine agreed that better enforcement should come about in this bill, however one of the newest amendments goes so far as to no longer require the Ohio Dept. of Natural Resources to issue violations when companies break the law. In its current state, this bill will encourage the worst companies to flock to Ohio to do business because they can do here what they would never get away with in others states. Our well construction rules do not even require companies to abide by industry standards put in place by the American Petroleum Institute," said Kari Matsko, Director of the People's Oil & Gas Collaborative- Ohio (POGCO). Full article at <http://www.ohio.com/blogs/drilling/ohio-utica-shale-1.291290/activists-unhappy-with-senate-approval-of-s-b-315-1.307436>

Critics cry foul over Ohio frack proposals, UPI.com (05-17-12) = COLUMBUS, Ohio, May 17 (UPI) --

A measure passed by the Ohio Senate on hydraulic fracturing falls short of what's needed for responsible environmental oversight, an advocacy group said. Ohio lawmakers, in bipartisan fashion, passed new regulations on shale drilling. They call on the oil and natural gas industry to disclose the origin, rate and volume of water used for drilling in the state's rich shale deposits. It mandates the disclosure of chemicals that could come in contact with drinking water sources. It doesn't require a specific ingredient mix, however. ... The bill now heads to the House of Representatives. Matt Watson, senior energy policy manager for the Environmental Defense Fund, said the measure falls short of what's needed for responsible oil and natural gas production. "There's a lot of nasty stuff that goes down a well during drilling and production," he said in a statement. ... Full article at

http://www.upi.com/Business_News/Energy-Resources/2012/05/17/Critics-cry-foul-over-Ohio-frack-proposals/UPI-46001337257173/

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'Fracking' oversight bill would drop public appeal process of permits, By Spencer Hunt, The Columbus Dispatch Friday (05-18-12) =

A bill that's intended to strengthen Ohio's oversight of "fracking" and the oil and gas industry also would remove the public's ability to challenge state-issued drilling permits. Energy companies eager to tap oil and gas in Ohio's Utica shale must obtain permits before they can start drilling. However, a provision in the bill, which the Ohio Senate passed this week, would eliminate the public's ability to appeal those permits to a state panel. Richard Sahli, an attorney with the Natural Resources Defense Council advocacy group, said the proposal is nothing more than an industry attempt to eliminate public review of state drilling decisions. ... Tom Stewart, vice president of the Ohio Oil and Gas Association, said there is no need for appeals because permits must meet state laws and standards before the state approves them. ... The issue comes as lawmakers in the House prepare to debate the bill next week. Full

article at

<http://www.dispatch.com/content/stories/local/2012/05/18/Fracking-oversight-bill-removes-public-appeal-process.html>

Gov. John Kasich's proposed fracking law is riddled with loopholes, say environmental groups, by John Funk, Cleveland Plain Dealer (05-19-12) = There are major loopholes in the state's proposed law requiring gas well companies to reveal the chemicals they use, local and national environmental watchdog groups say. The law would allow drilling companies to declare some of chemical compounds "trade secrets" that state regulators could not reveal to the public except to health professionals in a medical emergency. And doctors who were given the details of a toxic chemical would not be permitted to reveal it publicly except to the patient and immediate family....Now on track for passage by the House on Wednesday, the bill requires companies drilling gas and oil wells to disclose the chemicals they are using to drill and then fracture the rock containing the oil and gas. Some of those chemicals are toxic and the state, as well as environmental groups, homeowners and even city and township governments want to know what they are. Matt Watson, senior energy policy manager for the national Environmental Defense Fund, said the law "ought to contain language ensuring that Ohio citizens can challenge any trade secret claims that companies may make to conceal the identity of chemicals. ... The governor pledged a "spud to plug" disclosure, meaning disclosure of every chemical used from the beginning of the drilling to the plugging of the well after it stops producing. And that is pretty much what Kasich delivered when the bill was introduced -- a chemical reporting standard that the Environmental Defense Fund praised as a "comprehensive approach to chemical reporting that stands in contrast to other states' policies..." But a closer inspection of the massive legislation turned up some troubling loopholes or exceptions to the comprehensiveness, environmentalists say. Those include: •No disclosure of the chemicals used to lubricate the drill bit once the bore hole has been drilled below the depth of water wells and aquifers. ... •A provision allowing drilling companies to wait until after they drill and fracture the well to report to the Department of Natural Resources the chemicals they used. ... • A provision allowing a drilling company to require the state to honor its request that the exact chemical formula of certain substances not be revealed to the public because they are trade secrets. The one exception would be a physician who may need the exact chemical that has poisoned a patient. • A companion provision forbidding doctors who have been given the secret formulas to say anything publicly. This trade-secret provision "is a loophole that will swallow the rule," said Richard C. Sahli, a consultant with the Natural Resources Defense Council. The bill would allow the drilling company merely to assert a certain chemical formula was a trade secret, Sahli said, rather than have to prove it, as is the case for other industries under Ohio's trade-secret regulations. ... Full article at

http://www.cleveland.com/business/index.ssf/2012/05/gov_john_kasichs_proposed_frac.html

Ohio fracking bill does not go far enough to protect human health and the environment, Thom Cmar's Blog, NRDC Switchboard (05-19-12) = ... Earlier this week, the Ohio Senate passed SB 315, the Governor's energy bill, which includes provisions covering energy efficiency, renewable energy, and natural gas. NRDC has a number of concerns with the oil and gas provisions proposed in this bill, and we have been urging the Governor and the legislature to correct these and other significant problems with the bill before its final passage: **1. Chemical Disclosure.** – The Senate bill contains some important provisions requiring disclosure of the chemicals used not only in fracking operations but also in some drilling fluids – which can use just as many if not more chemicals than fracking. But it does not go nearly far enough to make meaningful information available to the public about the chemicals that are being pumped under their feet – and potentially into their drinking water. First, the bill doesn't require any disclosures until 60 days after the drilling of a well is completed. ... Chemical disclosure should be required at the time that the company applies for a drilling permit, so as to allow for testing of nearby drinking water sources (to establish a baseline against which to measure any future contamination) and a real discussion, in advance of drilling and

fracking, of whether there are less-dangerous alternatives available. Although the Senate bill requires baseline water testing, if the drilling company is not required to report the chemicals it is going to use before the well is drilled and fracked, it is virtually impossible for local property owners and concerned citizens to know what to test for. There are far too many chemicals used in drilling and fracking to test for all of them in advance. Second, the Senate bill's process for allowing companies to claim that some of the chemicals are "proprietary trade secrets" that should be kept confidential is too weak. The Senate bill gives companies the primary say over what is and isn't a trade secret, rather than requiring Ohio DNR to make that determination based on evidence that the company submits. ... Third, the Senate bill contains an unseemly provision that places a "gag order" on doctors who treat patients who might have been injured by exposure to drilling and fracking chemicals. The doctors are allowed to have access to information that the drilling company has designated as trade secrets, but only if the doctors agree not to disclose the information. Other states such as Pennsylvania that have adopted these kinds of provisions have seen an outcry from the medical community; laws like these potentially create situations where doctors have to choose between following their ethical code to do what's best for their patients and breaking the law. ... **2. Citizens' Right to Appeal.** – ... As written, the bill would clearly and categorically prevent any Ohio citizen, local government or business from appealing any permit approving any oil or gas well, including any hydraulically fractured well, anywhere in the state. Under current law, any permit issued by Ohio DNR is appealable by any Ohioan who can demonstrate that the permit could injure them or their property to the Ohio Oil and Gas Commission. That body now determines whether Ohio DNR acted lawfully in issuing the permit and thus safeguards the integrity of the Department's permitting process. The Senate bill rewrites current law by redefining any issuance of a permit as not an "order" that can be appealed to the Commission. At the same time, the bill would continue to allow companies to appeal if their applications for permits are denied. ... Without a right to appeal for citizens to appeal the issuance of permits, the permitting process would be completely exempt from any outside review or scrutiny. ... **3. Requiring Industry Best Practices.** – Ohio DNR recently completed a process of revising its rules governing oil and gas well construction to meet the far greater engineering complexities and demands presented by horizontal drilling using high-volume hydraulic fracturing in Ohio's deep shale formations. NRDC commented on those rules throughout the process, urging that Ohio DNR incorporate, as a starting point, industry best practices such as the current recommendations of the American Petroleum Institute. Unfortunately, the final Ohio DNR rules that were approved a legislative committee on May 7 still fall short of requiring across-the-board compliance with industry best practices in several key areas. For example, the American Petroleum Institute's standards for hydraulic fracturing (HF1) adopted in 2009 include a minimum required safety zone between the base of a well's surface casing and the lowest drinking water aquifer of 100 feet. The new Ohio DNR rules provide for only a 50 foot safety zone setback and are thus significantly weaker than the industry's own best practices for what is one of the most critical protections in the entire program. Equally troubling, the American Petroleum Institute's hydraulic fracturing standards state that Formation Integrity Tests can reveal problems that are "critical to maintaining well integrity" and are thus mandatory at every well. These tests detect possible pathways for gas migration at the most critical and failure-prone point of the well at the bottom of a casing string, and help confirm that the casing and cement, which are critical to preventing the migration of gas and harmful contaminants, were properly designed and installed. However, Ohio DNR's rules do not make the test mandatory and do not even provide any criteria for when it must be conducted. Instead, the new rules make this critical test entirely optional and subject only to the unlimited discretion of the program chief. Ohio needs contemporary standards, based at a minimum on industry best practices, to protect our ground water from new and inherently more risky forms of drilling. It is critical that the best practices followed and technologies used by best actors in the industry be required of every actor in the industry. ... The bill that passed the Senate this week does not go far enough to protect Ohioans' health and environment from the risks of fracking. ... Full article at

http://switchboard.nrdc.org/blogs/tcmr/ohio_fracking_bill_does_not_go.html

Reports of toxins in brine cause concern for some, by Russ Zimmer, CentralOhio.com (05-20-12) = Granville Township Trustee Paul Jenks loves what he knows oilfield brine can do. He estimates the water pumped from oil and gas wells, which is saltier than ocean water and used to treat roads in the winter, has saved the Licking County township about \$24,000 annually in taxpayer money through reduced salt and labor costs. ... Jenks and his fellow trustees suspended the use of brine, which they receive for free, on township roads about a week ago because they don't know what else it can do. Over the years, trace amounts of toxic heavy metals, such as lead or cadmium, or hydrocarbons, such as the carcinogen benzene, have been detected in oilfield brine. ... State law makes no requirement of anyone involved to test brine before it is applied to a road surface for ice or dust control on dirt roads. ... Brine producers say oilfield brine is as safe as the manufactured version the Ohio Department of Transportation and most local governments use. To be clear: State law forbids the spreading of the chemical and sand-laced fluid used in hydraulic fracturing, or fracking. Senate Bill 315, which was approved by the state senate this past week, would require brine haulers to provide chemical reporting for all brine and fracking fluid before it's injected thousands of feet below the surface via an injection well. No such requirement was made for brine spread on roads. ... Why brine is used – In Ohio, 202 cities, villages and townships in 34 counties have approved or continued the use of brine on their roads. Eighteen county governments have signed on. ... Brine, by virtue of its lower freezing point, also might be better than rock salt at preventing ice from forming on roads. Oil and gas producers also benefit because they can save on the costs -- typically \$3 to \$4 per barrel (42 gallons) -- of injecting the brackish water underground, the only other approved endpoint for oilfield brine. Nearly 200 million gallons of brine were produced by Ohio wells in 2010, the last year of complete reporting available, according to the state's well database. The natural resources department defines brine as any water pumped from a producing oil and gas well. In 2010, 90 percent of brine and fracking fluid in the state was injected underground, a CentralOhio.com review of brine haulers' annual reports found. The remaining 10 percent includes the amount reused in the drilling process and relatively tiny amounts stored or recycled at a water treatment plant. About 2 percent -- brine only, by law -- was spread on Ohio roads. ... Far more brine and wastewater ends up in underground injection wells -- nearly 530 million gallons in 2011, state disposal tax reports show. The volume injected in the latter half of 2011 was 85 percent higher than the same period in 2010. Fracking water, the intended target of SB 315, is the likely culprit there. ... Brine in other states – Ohio's neighbors are not of one mind on the beneficial uses of oilfield brine. Like Ohio, a township must have a permit to spread oilfield brine in Michigan, but the brine must be tested and can be applied only a few times per year. Pennsylvania does not allow brine's use as a pretreatment or deicer; although, they do allow brine from vertical, non-shale wells to be used to suppress dust on dirt roads. West Virginia applies natural gas brine -- so long as it meets certain testing standards -- to their highways before, during and after winter storms. The state transportation department spread 4.2 million gallons of brine on state highways during this past winter. None of it came from oil and gas production. ODOT spokesman Steve Faulkner said the state makes its own brine using freshwater and salt, but for economic reasons only. Faulkner said they buy so much salt that making brine is cheap enough they wouldn't switch even if oil and gas producers were giving it away, which is the custom. ... Local control – **Unlike most every other facet of oil and gas development in Ohio, the power to authorize brine spreading is a province of local government.** Dave Mansberry, owner of Duck Creek Energy near Cleveland, produces a filtered brine from his oil and gas wells and markets it under the name Aqua Salina. He has the only permit from the state that allows his solution to be spread on bridges over waterways. ... Trustee Jenks said if they don't like what their investigation finds in the brine, the savings won't be a factor. "We want to save \$24,000, but that's not our driving force here," Jenks said. "We will spend the money (on salt and labor) if there is a safety risk." Full article at <http://www.newarkadvocate.com/article/20120520/NEWS01/205200304/Reports-toxins-brine-cause-concern-some>

Licking County officials wary of ‘fracking’ problems, by Spencer Hunt , The Columbus Dispatch (05-21-12) = ...No energy company has shared plans to drill in Franklin or its contiguous counties, but Oklahoma City-based Devon Energy recently drilled at a site near the village of Utica. ...Licking County Commissioner Tim Bubb said he wants to see what safeguards are in place to make sure that drilling brings nothing but jobs and money to Licking. ...While Bubb and fellow commissioner Doug Smith acknowledge that most of the authority over shale wells lies with the state, both say they hope a panel of county agency leaders and officials that’s forming will have some influence with drillers and state oil and gas regulators. “This committee will have no teeth, other than the powers of friendly persuasion and maybe a little bit of a bully pulpit,” Smith said. ... State geologists estimate that the Utica shale layer thousands of feet beneath some regions of central Ohio could contain a rich supply of oil. But no one knows whether the shale is under enough pressure to send that oil to the surface. Devon spokesman Chip Minty said the company is willing to take that risk. ... Devon plans to draw 3 million gallons from the North Fork of the Licking River to fracture its well. The river supplies drinking water to Newark. Whether that affects the river and its wildlife hinges on when the water is drawn, said Greg Koltun, a hydrologist with the U.S. Geological Survey in Columbus. At its current water level and flow rate, 3 million gallons pumped over a five-day span would remove about 2 percent of the stream’s water. In August, when water levels are much lower, drawing 3 million gallons would take more than 11 percent, Koltun estimated. In an email, Minty said the state mandates that the river’s flow rate is above a seven-day minimum average before water can be drawn. ... Bubb said he wants the committee to oversee tests of public water supplies to establish what pollutants, if any, already are in the water before drilling rigs appear. “Then you can judge whether you’ve been impacted or not,” he said. Minty said Devon recently finished drilling its Knox County well and that fracking should start in June. ... Full article at <http://www.dispatch.com/content/stories/local/2012/05/21/officials-wary-of-fracking-problems.html>

Doctors reach a deal in fracking legislation, by WKSU's Statehouse Bureau Chief Karen Kasler (05-24-12) = Doctors now have a deal with lawmakers on a provision in the bill setting new rules on the state’s oil and gas industry. Physicians were concerned about a provision that would allow them to find out what proprietary chemicals are used in fracking, but would have forbidden them from sharing that information with the public. Environmentalists said it amounted to a gag order, and Tim Maglione with the Ohio State Medical Association says many doctors thought so too. "Originally it could’ve been construed that way, but what with the clarification, we feel comfortable that the physicians will be able to have access to information, convey that to the patient, convey that to other doctors for the diagnosis and treatment of their patient, but then also convey that to public health agencies if it's required by law." Drilling companies had said the limits were necessary to protect trade secrets, and similar measures have become law in Pennsylvania and other drilling states. See <http://www.wksu.org/news/story/31825>

Ohio Passes Fracking Rules That Opponents Criticize as Lax, by Mark Niquette (05-24-12) = Amid a “gold rush” to tap oil and natural-gas reserves, Ohio lawmakers approved drilling rules that environmentalists say were watered down to let companies keep secret some of the toxic chemicals they use. The Republican-dominated House of Representatives voted 73-19 today to approve the bill sought by Republican Governor John Kasich that governs hydraulic fracturing, or fracking. It would require that companies test water within 1,500 feet of proposed wells, report the fluids and chemicals used in drilling and track wastewater injected into disposal wells. The Senate passed the bill May 15 and must now approve House changes before sending it to Kasich to sign. ... Kasich and the Ohio Petroleum Council have said the bill provides the most stringent disclosure of any U.S. state by requiring reporting of chemicals used in fracking as well as fluids used in well construction and initial drilling. ... Environmental groups said lawmakers allowed frackers to avoid reporting chemicals and fluids used during certain periods of drilling.

The bill also lets companies decide which chemicals are proprietary trade secrets. The House Public Utilities Committee added an amendment yesterday that says a property owner, neighbor, or any person or state agency “having an interest that is or may be adversely affected” by a chemical may sue over whether a company is entitled to trade-secret protection. The provision actually limits the ability to sue by requiring a plaintiff to demonstrate harm from a chemical, said Richard Sahli, a Columbus attorney working with the National Resources Defense Council and a former chief counsel for the Ohio Environmental Protection Agency. ... The bill takes the best of fracking regulations in other states while avoiding their pitfalls, said James Zehringer, director of the Ohio Natural Resources Department. ... Full article at <http://www.businessweek.com/news/2012-05-24/ohio-passes-fracking-rules-that-opponents-criticize-as-lax>

Ohio legislature OKs bill on energy fracking rules, by Jo Ingles (05-25-12) = COLUMBUS, Ohio (Reuters) - The Republican-led Ohio legislature approved a bill setting rules for drilling and related activities in the state's shale gas industry, in a vote late on Thursday, responding to a series of small earthquakes in Ohio last year that experts linked to a practice called fracking. ... The bill, which now goes to Republican Governor John Kasich for his signature, requires increased disclosure of chemicals and water used in the fracking process. ... The bill also requires water sampling within 1,500 feet of proposed water wells. It mandates that oil and gas wells be tracked between the time they are drilled and the time they are capped. It requires that waste fluids from other states be disclosed before they can be injected into wells in Ohio. And the legislation requires increased inspection of wells, and forces well owners to hold liability insurance coverage. Many Democrats said the bill paves the way for the industry to hide information about toxic chemicals that could contaminate groundwater. ... But the measure passed the House by a vote of 73 to 19 and the Senate concurred by a vote of 21 to 8. Kasich said he will sign the legislation. ... A series of 11 small earthquakes culminating in a New Year's Eve tremor with a magnitude of 4.0 in the Youngstown, Ohio, area prompted the state to place a drilling moratorium on five wells. The Ohio Department of Natural Resources said in March that the high-pressure injection of fluid underground related to fracking caused the earthquakes. Ohio has nearly 200 deep wells in 41 counties, with 177 of those wells used primarily for oil and gas waste disposal. Since 1983, more than 202 million barrels of oilfield fluids have been disposed of in Ohio, more than half from out of state. Full article at http://www.msnbc.msn.com/id/47572186/ns/us_news-environment/#.T8OI8Y6NPDI

Energy bill sails through, By Jon Baker, Dover-New Philadelphia TimesReporter (05-25-12) = Senate Bill 315 was hailed Friday as “probably the best energy bill in the country.” “It’s exciting what we’ve come up with,” said state Rep. Al Landis, R-Dover, who voted for the legislation. The Ohio Senate by a 21-8 vote Thursday approved the new regulations governing hydraulic fracturing — also known as fracking — in the Utica and Marcellus shale formations running under sections of the state. ...The Ohio House approved the measure 73-19 earlier in the day. The energy bill heads to Gov. John Kasich, who is expected to sign it. Landis said provisions in S.B. 315 had been compared to Colorado’s tough drilling rules. “Industry sources say what we’ve done is passed Colorado,” he said. An amendment offered by Landis was included in the final legislation. It allows property owners, adjacent property owners and others to seek the necessary detailed information about the chemicals used in the fracking process on a case-by-case basis, should those affected choose to pursue this type of action. ... The Dover legislator sits on the House Public Utilities Committee, which heard testimony on S.B. 315. ... He noted that the previous General Assembly passed Senate Bill 165, which revised Ohio’s gas and oil laws. “Senate Bill 315 takes the base established back then and builds on that base,” Landis said. ...Well operators would be required to disclose within 60 days the chemicals they used to initially drill and hydraulically fracture a well. ... The bill also would require chemical reporting when operators first drill through underground drinking water sources. ...The legislation also would allow doctors treating people injured during well construction and production to share proprietary

information with not only other medical providers but with public health agencies and the patient. Well operators would face mandatory daily fines of up to \$20,000 for safety and environmental violations. ... Full article at <http://www.timesreporter.com/newsnow/x1898621286/Energy-bill-sails-through>

Ohio legislators approve new drilling rules, by Associated Press (05-25-12) = COLUMBUS, Ohio (AP)
— ...The Ohio Senate by a 21-8 vote approved the new regulations governing hydraulic fracturing in the Utica and Marcellus shale formations running under sections of the state. ... The Ohio House approved the measure 73-19 earlier in the day. The energy bill now heads to Kasich, who is expected to sign it. ... Some environmental groups turned against the bill Wednesday after a provision was added limiting who can sue energy companies for chemical trade secrets. Among them were the Ohio Environmental Council and the Sierra Club, which had previously been neutral. The Kasich administration said it fought to guarantee that owners and adjacent neighbors of well properties could file trade secret challenges. Environmentalists argued, however, that the language requires all others to show current or potential harm from the secret chemicals before a lawsuit would be allowed. The language could also preclude the environmental groups themselves from waging legal battles against drillers over their trade secrets, though they could sue on behalf of an affected person. Other provisions of the bill are being touted as among the toughest in the nation. Well operators would be required to disclose within 60 days the chemicals they used to initially drill and hydraulically fracture, or frack, a well. ...The bill also would require chemical reporting when operators first drill through underground drinking water sources. Chemicals used to service or plug a well could be requested by state regulators. The legislation also would allow doctors treating people injured during well construction and production to share proprietary information with not only other medical providers but with public health agencies and the patient. Well operators would face mandatory daily fines of up to \$20,000 for safety and environmental violations. Full article at <http://www.reviewonline.com/page/content.detail/id/216334/Ohio-legislators-approve-new-drilling-rules-.html?isap=1&nav=5038>

Ohio fracking bill of little use in finding out which chemicals are used, by Spencer Hunt, Columbus Dispatch (05-26-12) = A bill intended to strengthen state oversight of shale drilling now includes a measure that would allow people to sue to learn what secret chemicals energy companies use during the "fracking" process. The proposal, which would apply to people who claim a fracking chemical sickened them or polluted their land, was almost immediately labeled useless by environmental advocates. That's because that people would have to prove that the compound, which has been kept secret, made them sick or polluted their land. To prove this, you would need to know what it was in the first place, said Rick Sahli, an environmental attorney representing the Natural Resources Defense Council. ... Full article at <http://www.mariettatimes.com/page/content.detail/id/544398/Ohio-fracking-bill-of-little-use-in-finding-out-which-chemicals-are-used.html?nav=5249>

Washington County families sue over fracking, water testing, by Don Hopey, Pittsburgh Post-Gazette (05-26-12) = Three Washington County families claim in a lawsuit that they face serious health problems, including a heightened risk of cancer, due to exposure to toxic spills, leaks and air pollutants from a Range Resources Marcellus Shale gas site. The 182-page lawsuit, filed Friday in Washington County Common Pleas Court, alleges that Range and two commercial water testing laboratories, Microbac Laboratories Inc. and Test America, conspired to produce fraudulent test reports that misrepresented the families' well water as good and contributed to their exposure to hazardous chemicals and a multitude of health problems. Filed by attorneys John and Kendra Smith, the lawsuit seeks unspecified punitive damages and is based on information contained in hundreds of pages of water test reports and documents, many subpoenaed from Range and other defendants. In addition to Range, defendants named in the suit include 12 of the drilling

company's subcontractors or suppliers, two individuals and the two water testing laboratories. A jury trial is requested. According to the lawsuit, Range Resources knew its shale gas development operation on the Yeager farm property on McAdams Road in Amwell had contaminated the groundwater with chemicals from a leaking drilling waste pit and a 3 million-gallon hydraulic fracturing fluid flowback impoundment as early as November 2010. But, the suit states, the company told the plaintiffs that tests showed their well water was safe to drink, shower and bathe in, cook with, and provide to farm animals and pets. Some of those animals were sickened, and some died. The suit says the plaintiffs developed health problems that included nose bleeds, headaches and dizziness, skin rashes, ear infections, nausea, and numbness in extremities. ... Mr. Smith said the lawsuit is the first he knows of in Pennsylvania to allege that a Marcellus Shale gas drilling company didn't provide complete and fully accurate water test results to residents and state regulators. ... Range Resources has maintained for years that its Yeager operations, which include one "fracked" well and two drilled wells, condensate tanks, the flowback fluids impoundment and drill cuttings pit, have not contaminated groundwater. The suit says full and complete test results, subpoenaed from Range but never revealed to residents near the Yeager well site, show that chemical contaminants similar to those found in the fracking flowback impoundment and the drill cuttings pit were also found in water samples from wells and springs. Range showed or sent to the plaintiffs and the DEP less detailed test reports but, the lawsuit claims, omitted results for others, including several semi-volatile organic compounds that were present in the groundwater samples and the company's impoundment and pit, and that showed the water was contaminated. ... Due to continuing health problems, three of the plaintiffs, Stacey Haney and her children have, on the advice of their doctor, moved out of their home on McAdams Road, about 1,500 feet from the Yeager flowback-water impoundment. Toxicity testing of urine from all the Haney family members has measured higher than safe levels of toluene, benzene, arsenic, cobalt and cadmium. Benzene and arsenic are known carcinogens. Plaintiffs Beth, John and Ashley Voyles, who live about 800 feet from the impoundment and drill site, and Loren Kiskadden and his mother, Grace Kiskadden, who live in separate homes about 3,100 feet from the Yeager impoundment, have had similar health problems and urine test results. The filing alleges that in September 2011 Range provided incomplete drinking water test results from Test America to the DEP that omitted findings showing a high concentration of nitrate -- which can cause cancer -- plus fracking fluid, flowback water, uranium and silicon. Mrs. Voyles sued the DEP in Commonwealth Court in May 2011, claiming the department wasn't properly investigating odor and water complaints related to the Yeager impoundment. That case is pending. Today both the Voyles and Haney properties are receiving replacement water supplied by Range. But Range has denied Mr. Kiskadden's request that it supply him with an alternative water source, based on the water test results that the company and the DEP said shows his well water was not contaminated by its drilling operations. He has appealed that determination by the DEP to the state Environmental Hearing Board. The lawsuit also says Range used the Yeager drill cuttings pit to dispose of hazardous drilling waste from at least three other gas drilling sites in Washington County, and the pit leaked and contaminated groundwater. In April 2010, DEP issued a notice of violation against Range for "failing to control/dispose of production fluids properly," and a month later Range drained the pit, replaced the pit liner and excavated contaminated soil. Range has not been fined for that violation. It's the only violation DEP has issued to Range for its Yeager operations or to any of the defendants in the lawsuit, which alleges the defendants committed various violations of the Pennsylvania Clean Streams Law, the state Solid Waste Management Act, and the Hazardous Sites Cleanup Act. Full article at

<http://www.post-gazette.com/stories/local/marcellusshale/washington-county-families-sue-over-fracking-water-testing-637631/>

Ohio fails to put the brakes on the fracking train, by Marilou Johnek, Toledo Blade (05-26-12) =
...With voters fixated on the economy, politicians who might otherwise balk at the audacious demands of drillers -- no severance tax, guarded disclosure of drilling fluids, no citizen appeal of drilling permits -- caved in. Proceed at any cost. Voices that urged environmental precaution, more transparency, greater citizen input

into drilling decisions, and stricter regulation and inspection never had a chance against industry giants. ... Proponents declared that the legislation headed for the governor's signature includes the most stringent drilling, safety, and environment regulations in the country. Dozens of failed amendments introduced to strengthen drilling requirements, protect the public, and preserve the environment argued to the contrary. ... Passage of the legislation that gave drillers the upper hand on chemical disclosure was hailed by the Kasich administration, which said it would make Ohio a better steward of the environment. ... To a large degree, Ohioans will have to trust the word of energy companies that they'll drill responsibly. Without a complete picture of what's in the chemical cocktail used in the fracturing process, people have no choice but to depend on the integrity of industry conglomerates. That's scary. Profit-driven oil and gas drillers have a long history of cutting corners, choosing cheap measures over conservation, compromising air, water, and human health in a reckless gambit for riches. Why should we trust them to adhere to the highest standards in the industry before they pump chemicals under our feet? Why should we trust them when the industry-backed legislation would gag doctors who want to share information about patients' exposure to fracking chemicals? Why should we trust them to care how much methane leaks or how many other noxious chemicals are released into the air as they drill for natural gas? ... Full article at

<http://www.toledoblade.com/MarilouJohanek/2012/05/26/Ohio-fails-to-put-the-brakes-on-the-fracking-train.html>

Boards and ballots: Okey fails to amend 'fracking' bill, by Robert Wang, CantonRep.com staff writer (05-28-12) = State Rep. Mark Okey, D-Carrollton, tried on the Ohio House floor Thursday to attach provisions to Senate Bill 315 he says will protect landowners in leasing their gas and oil rights. Senate Bill 315 establishes new rules on hydraulic fracturing. Among several things, Okey's proposed amendment would have: • Set a minimum royalty rate to be paid to owners. • Require the testing of ground water before and after drilling and notification of the landowner of any contamination. • Require the company leasing the property for drilling provide an audit of gas or oil production to the property owner on request. • Require the registration with the state of "landmen" who negotiate to acquire or lease mineral rights for drilling and requires them to provide a disclosure form to property owners. The Ohio House voted 53-38 to effectively kill the amendment. ... The Ohio House and Senate later Thursday approved Senate Bill 315, sending it to Gov. John Kasich for his signature. Full article at

<http://www.cantonrep.com/news/x639959894/Boards-and-ballots-Okey-fails-to-amend-fracking-bill>

Oklahoma Becomes Sixth State To Pass Fracking Disclosure Law, by Pierre Bertrand, International Business Times (05-29-12) = Oklahoma has become the sixth state to impose fracking disclosure rules on the oil and gas industry. As ... The state's disclosure law places it in league with other energy-rich states currently experiencing a rash of oil and natural gas production thanks to advances in drilling techniques. Texas, Wyoming, Arkansas, Colorado and Pennsylvania have previously signed hydraulic disclosure laws. Ohio may be next. Its Senate has to approve the state House's changes to its own hydraulic fracturing disclosure law, which it passed on May 15.

<http://www.ibtimes.com/articles/346515/20120529/hydraulic-fracturing-law-regulation-ohio-oklahoma.htm>

New study: Fracking does not impact drinking water, by Bob Downing, Akron Beacon Journal (05-30-12) = Chesapeake Energy Corp. has released a new report by a consulting firm that looks at drinking water in Pennsylvania's Bradford County and finds no links between natural gas drilling and water impacts. The 360-page study was done for Chesapeake Energy by Weston Solutions. Weston Solutions drew split samples from 15 Bradford County drinking water wells that were being collected and tested by the U.S. Environmental Protection Agency in late 2011. The agency is conducting a multi-year study of hydraulic fracturing or fracking and drinking water. A preliminary analysis is due out in late 2012 -- with a final report scheduled to be released in 2014. That assessment includes a detailed look at ground water and drilling in five areas including Bradford County, where Marcellus shale drilling has been heavy. The study concludes

the 15 sampled wells in Bradford County "have not been impacted by Marcellus shale natural gas development activity -- including hydraulic fracturing," Weston Solutions concluded. ... Full article, and link to report, at <http://www.ohio.com/blogs/drilling/ohio-utica-shale-1.291290/new-study-fracking-does-not-impact-drinking-water-1.310550>

ALEC Slips Exxon Fracking Loopholes into New Ohio Law, Connor Gibson, Op-Ed, PR Watcher (Center for Media and Democracy) (05-31-12) [ENDNOTES OMITTED] = Wake up and smell the frack fluid! But don't ask what's in it, at least not in Ohio, cause it's still not your right to know. Ohio is in the final stages of making an Exxon trojan horse on hydrofracking into state law, and it appears that the American Legislative Exchange Council (ALEC) connected Exxon's lawyers with co-sponsors of Ohio Senate Bill 315: at least 33 of the 45 Ohio legislators who co-sponsored SB 315 are ALEC members, and language from portions of the state Senate bill is similar to ALEC's "Disclosure of Hydraulic Fracturing Fluid Composition Act." ... What's most suspicious is that seven of the ten Ohio Senators co-sponsoring SB 315 [12] are ALEC members, as are 26 of the 35 co-sponsoring Representatives. ... Among the co-sponsors are Ohio Senate President Tom Niehaus and state Senator Troy Balderson. Senators Niehaus and Balderson are members of ALEC's Energy, Environment and Agriculture task force, which approved the fracking "disclosure" bill internally sponsored by ExxonMobil, modeled after a Texas bill Four of the co-sponsors of SB 315 [Rep. Cheryl Grossman, Rep. Casey Kozlowski, Rep. Louis Terhar, Rep. Andrew Thompson] attended ALEC's meeting in Scottsdale, AZ, although it is unclear which (if any) of them may have been inside the EEA task force meeting the day that the fracking chemical loophole bill was discussed and approved. ... Some co-sponsors became ALEC members in the lead up to ALEC's late 2011 meeting in Scottsdale, AZ, where the fracking disclosure loophole model bill was finalized by ALEC's Energy, Environmental and Agriculture task force. Emails between representatives of ALEC, an Ohio state legislative aid and Time Warner Cable's Ed Kozelek show that last-minute recruitment of new ALEC members before the Scottsdale meeting brought in three state legislators who ended out co-sponsoring SB 315 ... : Rep. Lou Terhar, Rep. Brian Hill and Sen. Bob Peterson (who was appointed to the Ohio Senate in 2012). ... Let's summarize: Exxon pushed the fracking loophole bill through ALEC's [anti]environment task force, a couple of key Ohio legislators directly involved in that task force brought the bill back home... and then a pile of Ohio legislators used ALEC's model to mold Exxon's Ohio fracking disclosure loopholes into state law! While over 50 state legislators have cut ties with ALEC due to its widespread controversies, no Ohio lawmakers have responded in such a fashion. ALEC remains particularly influential in Ohio. Beyond their involvement in these ALEC task force meetings, Exxon and API were involved in the creation of a similar fracking bill through the Council of State Governments before the ALEC model even existed. ... ALEC isn't the only group that peddles corporate-written state laws, as DeSmogBlog's Steve Horn pointed out in a blog on state fracking bills and the "Council of State Governments." With direct financial support from Exxon, API, TransCanada and others, the Council of State Governments (CSG) drafted a similar fracking chemical "disclosure" bill two months before ALEC's was internally approved, although they both appear to be modeled off of a Texas law. While one of the co-sponsoring Senators of Ohio SB 315, Troy Balderson, is a member of CSG Midwest's Energy Committee, Ohio politicians aren't part of the Suggested State Legislature (SSL) committee that vetted the Council's version of the fracking bill. Because of that disconnect and the overwhelming influence of ALEC politicians sponsoring SB 315, ALEC appears to be the keeper of Exxon's fracking secrets in Ohio. Regardless of the varying influence of groups like ALEC and CSG forging Big Business state laws, ExxonMobil is getting what it wants. According to Don't Frack Ohio! ... fracking companies can hide which chemicals they use in the fracking process by calling them 'trade secrets'. That means they are exempt from telling you what they put in your water. What little they do disclose is 60 days after drilling takes place, too late for communities to test to show what was in their water before drilling, rendering the disclosure meaningless. The gas industry pays nothing for the mess they create. Gov. Kasich's minor tax on individual wells is offset by new tax breaks on property taxes and other giveaways, which means the gas industry will

pay less in Ohio taxes than they do in any other state in the country. No citizen notification or input will be allowed on any part of the fracking industry. There is no public notice, no public comment, and no right to appeal for drill sites, pipelines, or compressor stations. Ohio Governor John Kasich has numerous ties to ALEC and was involved with ALEC in its formative years, but he called for SB 315 to include full disclosure of chemicals used in hydraulic fracturing. Senators replaced true disclosure requirements with Exxon's loopholes and ALEC Representatives decided to leave them. **ALEC secrecy in Ohio** - ...In Ohio and other states, ALEC dodges lobbying laws through corporate-funded "scholarship" programs that are thoroughly documented by the Center for Media and Democracy through open records requests. People for the American Way and Progress Ohio report that sponsors of ALEC's scholarship fund in Ohio got donations from the American Petroleum Institute, Duke Energy, Reynolds Tobacco, and other major corporations interested in buying the loyalty of Ohio lawmakers. ... Full article, with endnotes, at <http://www.prwatch.org/news/2012/05/11556/alec-slips-exxon-fracking-loopholes-new-ohio-law>