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February 24, 2011

## Lawmakers scale back proposed Marcellus regulations

By [Alison Knezevich](#)

CHARLESTON, W.Va. -- With time running out, state lawmakers scrambled Thursday to advance legislation regulating Marcellus Shale gas drilling in West Virginia - and they significantly scaled back initial proposals.

The House Judiciary Committee cut a more than 200-page bill on Marcellus issues down to 33 pages. The Senate Energy, Industry & Mining Committee whittled 180 pages down to about 60.

The pending bills (HB2878, SB424) address permit fees, environmental regulations, and protections for property owners, among other topics related to the state's natural gas boom.

Delegate Mike Caputo, D-Marion, said the House bill was "narrowed down to the issues we could really agree on with the so-called stakeholders."

"We need to start somewhere," he said. "It's going to be a work in progress."

Neither the House nor Senate bill allows for the practice of forced pooling, where someone who owns mineral rights can be forced to sell their gas.

Forced pooling has been "the lightning rod" in the Marcellus Shale debate at the Capitol, said Corky DeMarco, executive director of the West Virginia Oil and Natural Gas Association, which supports the practice.

"We would have preferred a comprehensive program dealing with this issue, so we don't have to come back...in the future," DeMarco said. "We need certainty in this industry."

Earlier this week, House Judiciary Chairman Tim Miley said his committee might not have time to finish its bill because the complex legislation could not please various interest groups, from the drilling industry to environmentalists to surface- and mineral-owners.

On Thursday, the Harrison County Democrat said the committee found a way to advance the legislation, though it wasn't "as comprehensive as originally hoped and planned."

The bill approved by the House Judiciary Committee leaves intact some crucial protections, said Dave McMahan of the West Virginia Surface Owners Rights Organization.

"It leaves out some important things, but it leaves in some important things," McMahan said. "And we're glad it's moving."

The House legislation would require drillers to notify surface owners before they survey land. The Senate version doesn't include that provision.

The House bill says that companies must get certification from the Division of Highways to show that they're following road maintenance laws.

Well operators also would have to file reports disclosing the chemicals used in the hydraulic fracturing, or "fracking," process.

The House bill does not specify permit fees. Instead, it leaves those figures up the state Department of Environmental Protection. Delegates, facing tight deadlines, said they did that so that the bill would have a chance of circumventing the Finance Committee. By Wednesday, bills must be out of their house of origin.

Delegates also removed provisions requiring mediation between surface owners and drillers.

The amended Senate bill, which was originally written by the state DEP, slashes proposed permit fees.

Those fees would help the state hire more inspectors. West Virginia currently has only 14 inspectors for 59,000 wells.

The initial version had included \$10,000 fees for each horizontal well. Now, it would impose \$5,000 fees for the first well on a pad site, and \$1,000 for each subsequent well.

Also, the Senate bill would only apply new regulations to Marcellus wells, not conventional wells, too.

On the House floor Thursday morning, Delegate Barbara Fleischauer read her colleagues a news report from Washington County, Pa., where three workers were injured Wednesday night in a fiery explosion at a Chesapeake Energy drilling site.

The Monongalia County Democrat urged them to pass legislation that would fund inspectors and protect the environment and workers.

"We don't have to ask permission from the gas companies to protect the public," she said. "That's not our job. Our job is to protect the public."

Delegate Sam Cann, D-Harrison, spoke after Fleischauer, telling fellow lawmakers to consider the economic benefits Marcellus development could bring the state.

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