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Watershed legislation discussed

2 bills on tap for Marcellus drilling

BY ALEX LANG The Dominion Post

One legislator and an environmental lobbyist updated local watershed groups about bills — on water quality standards and Marcellus shale drilling — that could come before state lawmakers when they convene next week in Charleston.

Barbara Evans Fleischauer, D-Monongalia, and Don Garvin, the legislative coordinator for the West Virginia Environmental Council, discussed the upcoming legislative session with the Monongahela Area Watersheds Compact at its Wednesday meeting.

“We need to make sure we protect our land and citizens for the future,” Fleischauer said.

The compact is a group of 47 organizations impacted by local waterways.

Garvin said there are two bills the Legislature is considering to help regulate Marcellus shale drilling.

Marcellus Shale is a rock formation thousands of feet below the earth. Companies have to use horizontal drilling and fracture the rock with high-pressure water and chemicals — a process known as “fracking” — to release the natural gas.

Some people have expressed concern because the fracking process uses a lot of water, and there are fears about what happens to the wastewater and the potential impact such drilling could have on drinking water.

One of the bills comes from proposals by the Department of Environmental Protection (DEP). The other is from the Joint Judiciary Committee’s staff.

“There’s lots of good things in both of these bills,” Garvin said.

Each bill is more than 100 pages long and is based on one proposed last year, Garvin said. They each have reporting requirements for where companies withdraw and dispose of the frack water and how they use it.

One of the differences lies in the fees the state would collect for a well permit. Under the DEP proposal, there would be a \$10,000 fee per well. The Judiciary bill has a \$15,000 per-well fee and a \$15,000 per-well reclamation fee, as well as other proposed fees.

Some of the money would be used to help pay for more inspectors. DEP Secretary Randy Huffman has requested 34 more inspectors be hired in the next three years, Garvin said. The Department of Oil & Natural Gas has 17 inspector positions for hundreds of wells.

In mid-December, a judiciary subcommittee failed to vote to move the bill on to the full committee because a quorum could not be reached. A number of senators on the committee failed to show, according to previous reports in The Dominion Post.

Garvin said he expects the same thing will happen when the subcommittee meets again.

“I predict they will boycott the meeting this month,” he said. “My prediction is that it won’t get out of committee.”

But that doesn’t mean the bill is dead. A legislator will have to introduce the bill, Garvin said. Fleischauer said a bill is on the “fast track” when it comes out of a committee.

Garvin predicted a bill would be passed by the Legislature, though he didn’t know what would be included in the bill or how strict it would be.

Another bill the legislature could consider is a rule change that would allow the DEP to regulate the amount of total-dissolved-solids (TDS) in water.

The DEP proposed a 500 mg/l measurement for TDS in water. The proposal is an industry standard for acceptable amounts for human consumption, though Garvin said the Legislature could change the limit.