



SHALE GROUP BATTLES NEW RULES

The Marcellus Shale Coalition in mid-October asked Commonwealth Court to delay implementation of Chapter 78 A of the Pennsylvania Code related to New Drilling Regulations. The Regulations are requested to be withheld until a hearing is held. Among other items, the Regulations at oil and gas well sites ban open air waste storage pits, establish minimum distances that wells must be set back from schools and playgrounds, and add to rules for monitoring wells and cleaning up spills.

The rules also presume that any water contamination near the well is the driller's fault. Also set A general set back distance of 100 feet is also set forth regarding the distance a well must be from water resources. The regulations also requires notifications of state agencies if a well is to be within 200 feet of a public park or forest and notification of a water utility if it is to be within 1,000 feet of any extraction well for public water.

The legal action specifically targets rules that it contends are not authorized by several laws, including surviving sections of Act 13, the 2012 oil and gas law that has been reviewed twice by the Pennsylvania Supreme Court.

The challenges include:

- * A rule expanding the responsibility of drillers to avoid and protect threatened and endangered species, which the industry says goes beyond current state or federal law.
- * A rule that requires operators to identify and plug any nearby abandoned well, which drillers say would require them to obtain access to property they do not control, and would impose plugging liability for wells the operators do not own.
- * New rules governing centralized freshwater storage ponds, which the industry says are not authorized by Act 13.
- * Other rules governing site restoration, spill-reporting, and waste-disposal permitting.

(Philadelphia Inquirer - 10-14-16)

The new regulations have taken very long to be finalized. Fewer wells are being installed, as compared to the past. There were 114 rigs in Pennsylvania drilling wells in 2014, but there were only 24 drill rigs operating in early October of 2016. In August there were 624 wells that have been drilled, but not completed, as compared to 893 in 2014.

We at RT think it is clear that the Rulemaking has taken too long, and that the state has tried to do too much. The DEP should seek Marcellus Shale consensus and get the rules finalized using reasonable compromises. Word in many of the state's drilling areas is that after the first of the year, there will be some resurgence in drilling and more importantly, connection of existing wells to pipelines to move gas to market. As electric generating coal plants continue to be shut down, more Pennsylvania Marcellus Gas, which is a much cleaner fuel source, will be moving to market in the northeastern United States.

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