

MARCELLUS MONTHLY

"All the Fracking News that Fits"

MARCH 2012

Pennsylvania passes Gov. Corbett's legislation on "unconventional gas wells."

Next: On, to pipelines.

HARRISBURG: Voting mostly along party lines, with the eager support of Governor Tom Corbett, the Pennsylvania legislature passed 'HB-1950,' establishing a new legal framework for 'unconventional natural gas' development in the

"This legislation builds upon ... collaborative efforts undertaken over the past several years,"

K. Klaber, Marcellus Shale Coalition (industry trade group)

Commonwealth. Although most mainstream media attention has focused on the hoped-for revenue from 'impact fees', the law's other provisions will more profoundly influence fracking's impact upon Pennsylvania's people and geography.

Under the new law, now known as "Act 13 of 2012", the state:

- Preempts and nullifies any and all local ordinances, new or previously existing, which regulate oil and gas operations in any way. It adds a 'chilling effect' by granting standing in Commonwealth Court to anyone who asserts that a local ordinance violates its provisions, and by threatening the municipality with liability for plaintiffs' legal costs.
- Gives the Public Utility Commission (PUC) authority to rule upon municipal ordinances, without judicial process, and exempts the PUC from expected rules of procedure, such as open meetings. If the PUC finds against a municipality, the municipality is prohibited from receiving 'impact fee' revenue, and must repeal its ordinance.
- Establishes 'setbacks' between gas operations and other structures and resources (rivers, streams, etc.), but — as part of its preemption of local ordinances — nullifies any zoning provisions, such as would limit gas operations to 'industrial' zones, or exclude gas operations from 'residential' zones.
- Establishes 'impact fees' — but only on wells, not pipelines, compressor stations, processing plants, etc. — tying the amount of those fees to the market price of natural gas. Each county must take its own legislative action before the defined 'impact fees' would be levied upon operations in that county; counties may use 'impact fee' revenue only for designated 'purposes associated with natural gas production' and must report on those expenditures to the PUC.
- Draws from the 'impact fees' to fund state-level initiatives, including infrastructure improvements and hazardous site cleanup, but also programs to encourage conversion of

vehicles to natural gas and to subsidize new projects such as refineries and chemical plants using gas feedstocks.

- Provides that a physician (treating a patient suffering from toxic exposure) who needs information on fracking chemicals which the industry deems 'proprietary' or 'trade secret' is restricted by law to use that information only for treating the specific patient for whom it was requested. The physician may not reveal industry's 'secret' information in order to treat another suffering patient, or to raise public health concerns, or to counsel asymptomatic patients about their own ongoing exposures.
- Establishes an Oil and Gas Technical Advisory Board, consisting of petroleum engineers, petroleum geologists and representatives of the coal and natural gas industries, who will 'consult' with the Department of Environmental Protection (DEP) concerning any regulation of the industry.

"Act 13" also provides that the Governor's "Energy Executive" (Patrick Henderson) will submit a report and recommendations to the General Assembly next year on 'pipeline placement for natural gas gathering lines'. With the expected growth in numbers and density of wells, those 'gathering lines' are already poised to deliver the next blow from this invasive industrial process. [See following story.]

"The Pipelines Are Coming!"

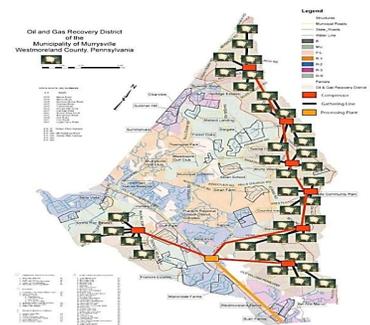
Public conference (March 20) on Marcellus Midstream development

PITTSBURGH: On Tuesday, March 20, 2012, concerned people will gather at Smithfield United Church of Christ, at 620 Smithfield Street, Pittsburgh from 4PM to 9PM to counter the industry's *Marcellus Midstream Summit*, being held the same day at the David Lawrence Convention Center.

"Act 13", [see preceding story] strips your municipality of any power to protect you and your community from toxic fracking, and also its related activities, such as the construction of pipelines. These networks will gather the gas from wells in or near your community, and move it to a delivery system leading out of Pennsylvania and ultimately overseas. One impact of these 'gathering lines' is noxious and toxic emissions, including those from compressor stations which push the gas through the lines.

If the gas industry has its way—and there is nothing to indi-

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cate that it won't get what it wants from the Corbett Administration—the strips of land for these pipelines (30 to 50 foot wide, running for mile after mile) may be acquired through the process known as *eminent domain*, which allows gas pipeline companies to have your property condemned and turned over to them for perpetuity. “Act 13” leaves neither you nor your municipality with any means of protecting your private property rights from this seizure for corporate gain.

On the previous page is a map, prepared for Murrysville, PA (Westmoreland County) — before the passage of “Act 13.” The town and citizens of Murrysville worked for a couple of years to craft a public plan for pipelines, trying to keep the greatest number of their residents safe—as safe as possible in the middle of a heavy industrial zone. Even so, you can see the impact.

Now, all such careful plans have been trashed. Poof! Now, the wells can be drilled just about anywhere, and the associated gathering lines will run wherever the industry wants to lay them.

What would such a graphic for your community look like? Try projecting the pipeline system needed for the number of wells, both drilled and proposed, by gas drilling companies in your municipality, keeping in mind that each company will have their own system of pipes. Clearly, our property rights were tossed aside by this legislation as a gift to the gas industry; we and our neighbors are to be the “sacrifice zones” in exchange for a short-term economic jolt, grossly overstated “jobs” prospects, and the myth of U.S “energy independence” through fracking our homeland. They take the profit; we take the risk!

“Download the U.S. Army / Marine Corps Counterinsurgency Manual, because we are dealing with an insurgency.”

External Affairs Manager, Anadarko Petroleum, speaking to gas industry leaders about community resistance (Nov. 9, 2011).

“Insurgency is an organized, protracted struggle designed to weaken the control of an established government or occupying power.”

from the U.S. Army / Marine Corps Counterinsurgency Field Manual



Traveling by bike connects you to a place in a way that no other mode of transportation does. It allows you to see people, land, and even time from a new perspective.

We are organizing a 14-day bike tour from July 15–July 28, 2012 from Butler, PA (about 45 miles north of Pittsburgh) to Washington DC along the Great Allegheny Passage (GAP) and C&O towpath (C&O). But the bike is only a small part of the story.

This effort is designed to be a change in perspective and a vehicle to pull the national focus towards human tales of fracking while uniting the voices of those who have lived and seen its true dangers.

Along the Way We Will:

- Organize, facilitate, and coordinate with events along the trail
- Explore sites of proposed wells
- Study renewable energy sources along the ride (wind, solar, and water power)
- Point out the continuing damage caused by coal mining (acid runoff, mountain top removal)
- Support local economies
- Deliver personal accounts to the White House, EPA, Congress, and other bodies in DC.

For more information, and to sign up to ride, see www.tourdefrack.com.

A Range of Resources

Here are a few of the online sources that we're finding to be most useful this month:

www.psehealthyenergy.org - Physicians, Scientists and Engineers for Healthy Energy
Includes links to peer-reviewed scientific and academic papers on fracking and its effects.

www.environmentalhealthproject.org - Addressing the Health Effects of Natural Gas Drilling
Brand new, and very welcome! Assisting residents of Washington County with exams and advice.

stateimpact.npr.org/pennsylvania/ - A reporting project of local public media and NPR
Detailed and insightful reporting from Harrisburg, frequently focused on politics of natural gas.

Updated information on these topics, along with a comprehensive calendar of upcoming events, and a wide variety of educational materials, can be found at www.marcellusprotest.org.