

MARCH 2014

It's All Local Now:

Pa. Supreme Court Won't Reconsider

HARRISBURG: When the Supreme Court of Pennsylvania ruled against Tom Corbett's usurpation of all power over fracking, the Governor didn't stop trying. But on February 21, the Court denied the Commonwealth's last-ditch motion to “reconsider” its decision, thus finally ending the Governor's legal maneuvering.

Now it's settled that Pennsylvania's local governments—counties and municipalities—have the right and the duty to protect the health and safety of their residents and to preserve the environment for this and future generations.

But citizens can't assume that the Court's ruling has ended this struggle. The fracking industry, although losing its hoped-for “uniformity” across the state, hasn't been slow to turn its political and legal energies back to the local level. And lower court judges (less isolated from election campaigning) aren't all as farsighted as the state Supreme Court.

Most notably, Robinson Township (the first-named plaintiff in the Act 13 lawsuit) withdrew from the suit on a 2-1 vote of its

County Executive to Share Platform

PITTSBURGH: The screening of *Triple Divide* at Bricolage Theater, March 12, will be followed by a panel discussion in which Allegheny County Executive Rich Fitzgerald has agreed to participate. It will be a rare occurrence, where a powerful supporter of fracking engages in a public forum with anyone outside their circle. John Detwiler will be representing Marcellus Protest on the panel.

Others expected to participate are John Smith (lead attorney for the citizen and municipal plaintiffs in the Act 13 lawsuit, *Robinson v Commonwealth*) and Dr. Kent Moors (professor at Duquesne University, and international consultant on unconventional energy projects and investments).

newly-elected township supervisors against the one remaining incumbent. The new, self-described “gas-friendly” chairman of the board of supervisors is a leaseholder with Range Resources. The Township also retained a new solicitor, replacing John Smith who had served without pay as the lead attorney on *Robinson v Commonwealth*.

(Continued on Page 2, LOCAL)

The State of the Art: Chevron's Well Fire is “An Isolated Event”

FINDLAY TOWNSHIP, PA: Pittsburgh International Airport is located in this municipality, and the township's zoning laws pose a hurdle for Consol Energy's plan to frack at the airport. So Consol had to present its case for a “conditional use” permit at a public hearing in Findlay, held on February 21.

As it happened, it was only ten days earlier, and one county away, that Chevron's “Lanco 7H” well had blown up, incinerating a worker and burning out of control for five days.

Naturally, Findlay's Board of Supervisors raised questions about safety, to which Consol serenely replied, “We see the [Lanco] event as a very isolated event” with “no bearing on how we operate.”



And that's where the subject was dropped: No concern at Consol for any “lessons learned;” no need for a closer look at its own, or the industry's, practices; just a random, fluke “event.” *Move along, folks; nothing to see here.*

We're told that the Pennsylvania DEP is “investigating the cause” of the fire, so eventually we'll be told which bolt was the first to shear off, and which pipe joint was leaking gas. But don't expect “root causes”

to be addressed. Because the root cause is fracking itself. Extreme energy extraction is a treacherous process at best; and, as fracking moves on from the “sweet spots,” costs are rising, yields are falling, and investors are beginning to see through the hype. Far from “getting it right,” drillers will be finding new corners to cut.

Meanwhile, Chevron sent coupons for free pizza to Lanco's neighbors, to compensate them for their “inconvenience”.

Marcellus Protest is a project of the Thomas Merton Center (Pittsburgh, PA): www.thomasmertoncenter.org

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News from Around:

- Secretary of State John Kerry, speaking in Indonesia, [identified](#) human-caused climate change as a “weapon of mass destruction,” warning that “the window is closing” for avoiding catastrophe, and of the danger of letting “loud interest groups hijack the conversation.” At the same time, a tainted analysis from Mr. Kerry’s own Department is providing President Obama with “political cover” to authorize the Keystone XL pipeline. That pipeline was [characterized](#) two years ago as “game over for the planet.”
- Meanwhile, a Nebraska court [ruled](#) that the state’s governor acted illegally in approving a route for Keystone XL across Nebraska. The ruling enjoins the state “from taking any action” based on that prior approval, effectively halting the project until the state reconsiders it though constitutionally valid processes. (The governor immediately appealed.)
- The office of Ohio Gov. John Kasich now [positions](#) him as against fracking in the state’s parks, although earlier he had signed legislation supporting it. Saying that the governor’s stance is not new, his spokesman insisted that he was not reacting to criticism. Ohio legislators have threatened an investigation into his dealings with the gas industry, after the recent disclosure of a pro-drilling PR

campaign, scripted by industry but fronted by the Ohio Department of Natural Resources.

- Some 500 demonstrators [rallied](#) in Baltimore to oppose plans for adding liquid natural gas (LNG) [export](#) to the Cove Point import terminal. They were joined by one Maryland gubernatorial candidate. Dominion, who owns Cove Point and filed for project approvals, contends that LNG export will not contribute to the extent of fracking. Dominion also cited a report from DOE which concluded that LNG export would not strain supplies of gas for domestic users.
- Chesapeake Energy, once the darling of the shale gas “boom,” continues to liquidate its assets to cover shortfalls in operating cash. This week, Chesapeake (and Encana Corp) [offered](#) to accept civil penalties, in order to end a criminal investigation into collusion over gas leasing bids.
- At our press time, GreenHunter is denying [reports](#) that its proposed WVa waste treatment plant will be cancelled, while sources (including the Wheeling Water Warriors) hold to their version of the story. The plant promised to treat fracking liquid before expelling it into the Ohio River. Opponents say it would simply dilute and dump the waste.

What You Can Be Doing:

- Call, write or visit your Allegheny County Council representatives about fracking in County Parks. (Details at www.protectparks.org.)
- Get involved in your own municipality; attend township meetings, contact local officials, talk with neighbors.
- Contact candidates for Pennsylvania’s gubernatorial election—let them know where you stand, ask where [they](#) stand.

LOCAL (Continued from Page 1)

Elsewhere, Range Resources suspended its legal challenge to South Fayette Township’s “conditional use” zoning, deciding to wait until the implications of *Robinson v Commonwealth* are clarified. But North Huntingdon Township supervisors fast-tracked their [approval](#) for Huntley & Huntley to frack under two local parks.

And Hopewell Township was hit with an injunction from Commonwealth Court, forbidding “interfering” with seismic mapping of that community. Hopewell had adopted regulations on such testing, to prevent damage to property and infrastructure; the Court barred the township from enforcing its ordinance. Seitel Data had placed its geophones on the property of local residents, without their permission, before taking the township to court.

A Range of Resources

Please check out our ‘Resources’ page at www.marcellusprotest.org/resources, and follow us on Facebook ([MarcellusProtest](#)) and Twitter ([@Marcellus_SWPA](#)). Here is a sampling of our recent recommendations:

The [Video of the Week](#) series, at the [Gasland](#) website, features “*Six Nations Against Fracking*” - the story of Native American nations in New York state, focusing on the Onodaga nation and its fight against fracking.

[Environmental Health News](#): A daily compilation of news in all facets of environmental health, with excellent coverage of the impacts of fracking.

Upcoming Events in March:

March 12 (Pittsburgh): The documentary *Triple Divide* screens at Bricolage Theater as part of their “Fifth Wall” series. [See our story, Page 1.] Tickets may be purchased in advance at www.bricolagepgh.org.

March 15-22 (Madisonburg, PA—Centre County): [Shalefield Justice Spring Break](#). Inspired by the *Mountain Justice Spring Break*, a week-long setting for workshops, community service and training for action. [Register](#) on-line (sliding fee scale).

(Updated details and a more extensive list of events at www.marcellusprotest.org/event_calendar.)

Updated information on these topics (with links to original sources), along with our calendar of upcoming events, and other resources, can be found at www.marcellusprotest.org.