

## Munroe Falls Fights On Alone Against Drilling Interests

Home Rule and Clean Drinking Water Take a Back Seat to Drilling Interests in Ohio

In 2007, the City of Munroe Falls, Ohio decided not to accept offers from local drilling companies that wanted to place gas and oil wells on city property. We also withheld city property from use in any aggregation pool that would establish a minimum drilling footprint. In spite of the fact that Munroe Falls would receive revenue from any well production, local officials felt that the modest financial benefits from drilling royalties were more than offset by significant health and environmental risks to Munroe Falls and surrounding communities. The City of Cuyahoga Falls had already reached a similar conclusion.

Little did these small communities know that decisions regarding drilling in their communities had been usurped by the State of Ohio.

A change in state law had removed all municipal control over permitting, zoning, or regulation of safety and environmental issues associated gas and oil drilling.

### Millions of Dollars to Fix a Mistake

The local decision to oppose drilling was based on research into its possible side effects. Ohio Environmental Protection Agency hydro-geologist Kathy Metropulos had warned city officials against drilling, noting that certain circumstances: an accident, flooding, or improper drilling procedures, could damage the Cuyahoga Falls water wells that supply potable water to 50,000 people in Cuyahoga Falls, Munroe Falls, and Silver Lake; and that rectifying damage to the aquifer could cost millions of dollars.

Download a copy of the EPA PowerPoint presentation (8.9mb).

According a Stow Sentry article, Ms. Metropulos said that, "things like rain water can wash the contaminants into the ground. It is the local authorities who are responsible for protecting the well fields through ordinance or other regulatory means."

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This photo shows how close the Cuyahoga comes to

overflowing its banks, partially flooding the Sonoco property, site of a proposed gas/oil well.

The water field in Cuyahoga Falls floods periodically. Oil-contaminated river water could leach into the well field.

As local residents well know, the Cuyahoga has a penchant for overflowing its shallow channel, especially in early spring when heavy rains and melting snow fill it to overflowing.

As an example, Ms. Metropulos cited Wooster, Ohio, which has spent more than \$10 million to correct damage to its water supply; damage directly attributed to local drilling for gas and oil. Since then, other communities have suffered similar fates, including a debacle in Bainbridge, Ohio, where a local gas/oil operation caused several homes to fill with natural gas that seeped into their water wells.

What's in Your Spigot?

Regardless of actual statistical risk to the local potable water supply posed by drilling for gas and oil on the banks of the Cuyahoga immediately upstream of the Cuyahoga Falls water well field, the documented susceptibility of the field to ground water contamination--and the irreversible nature of the damage that said contamination could cause--should make the proposed drilling site at the Sonoco property in Munroe Falls off limits to any elective risks, whatsoever.

ODNR should not accept any elective contamination risk to a water field supplying 50,000 Summit County residents.

Download a copy of the Post-Trial brief (700kb) that outlines the City's position and recommendation to reverse the drilling permit for D&L Energy.

In January of 2008, a meeting was held in Cuyahoga Falls to discuss a proposed drilling site located on private property owned by Sonoco, immediately adjacent to the Cuyahoga River, and less than one mile upstream of the Cuyahoga Falls water well field. There was a lengthy discussion, complete with geological maps showing why this specific public water well field is the most vulnerable in Summit County to contamination from a surface spill, especially one originating upstream.

Why is this field so vulnerable? Geological survey information shows that the water field sits in a subterranean trough below a loamy layer that affords little protection from a surface spill. Subterranean migration of harmful toxins is also a possibility.

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While the discussion was occasionally academic, a general consensus emerged that in spite of positive assurances from ODNR about due diligence and added precautions, drilling always carries an inherent risk of causing environmental contamination. ODNR has refused to provide a guarantee that no damage will be done to the water supply as a result of gas and oil drilling.

HB278 = Special Interests Run Amok

In light of these ominous reports, both Munroe Falls and Cuyahoga Falls City Councils passed unanimous resolutions opposing the drilling at the Sonoco site. You might think that local municipal government opposition would be enough to halt drilling.

You would be wrong.

Enter HB278, a bill passed by the Ohio legislature that grants absolute permitting and regulatory power over all gas and oil wells drilled in the state to the Ohio Department of Natural Resources (ODNR), removing all local control over gas/oil drilling. That's right, there is no local control over drilling, whatsoever.

HB278 "Declares that the Division of Mineral Resources Management in the Department of Natural Resources has exclusive authority to regulate the permitting, location, and spacing of oil and gas wells in the state and that the Oil and Gas Law and rules adopted under it constitute a comprehensive plan with respect to all aspects of the locating, drilling, and operation of oil and gas wells in Ohio, and repeals all statutory authority of local governments to regulate oil and gas exploration and operation as well as limitations on that authority."

Scott Kell of ODNR admitted that the agency has investigated 900 complaints of groundwater contamination from gas and oil drilling during his time at ODNR.

No State Safeguards

If you assume that HB278 contains safeguards, like formal environmental studies, public discussion, and EPA oversight, you would be wrong again.

With HB278, ODNR not only assumes total control over drilling of gas and oil wells, its authority supersedes all local regulations and zoning limitations!

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1) HB278 requires no environmental study of a proposed well site.

2) HB278 does not obligate ODNR to seek the advice of EPA on the environmental impact of a well. Ohio EPA volunteered its Munroe Falls/Cuyahoga Falls studies to ODNR. The offerings were unsolicited, unappreciated, and ignored by ODNR. The permit was not revoked.

3) HB278 sets no precise standards for site assessment. The final decision-making process is granted to the "chief" of the division. Willful denial of scientific data, combined with absolute regulatory power, leads one to hope that any individual tasked with this responsibility is both omniscient and infallible.

It seems to be equally difficult to reverse or modify an ODNR ruling. This excerpt from the The Plain Dealer explains why.

Posted by Laura Johnston/Plain Dealer Reporter July 05, 2009 01:44AM

Good luck challenging the Ohio Department of Natural Resources on a gas well drilling dispute.

The panel that rules on disputes between homeowners and the oil and natural gas industry consists of five members, all tied to the industry.

By law, the Ohio Oil & Gas Commission is made up of an attorney, two industry representatives, a geology expert and a public representative, all appointed by the governor to five-year terms.

The current attorney belongs to the Ohio Oil & Gas Association . The geologist works for an oil and gas services company.

And the public representative? A petroleum engineering professor at Marietta College who regularly places students in jobs in the oil and gas industry.

In the past two years, the panel has decided two mandatory pooling cases, upholding Natural Resources Department orders in both. Its decisions are final unless overturned by the Franklin County Common Pleas Court.

"People feel hopeless," said Kari Matsko, co-founder of the Northeast Ohio Gas Accountability Project, which is pushing for stricter regulations. "The only thing we can do is get to the legislature and give ODNR better regulations."

State Sen. Tim Grendell's proposal to update the state's drilling laws would reconfigure the panel, giving the public more weight, Matsko said. The Natural Resources Department proposal, to be introduced by State Sen. Tom Niehaus, would not.

"I am very confident that the division above all else has the safety of Ohio citizens in mind when it works with these entities," Niehaus said. "They are not going to do anything that in their mind would jeopardize public safety."

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#### No Federal Safeguards

If you expect relief from the Federal Clean Water Act, you will be similarly disappointed. Per the EPA website, "Wastes generated during the exploration, development, and production of crude oil, natural gas, and geothermal energy are categorized by EPA as "special wastes" and are exempt from federal hazardous waste regulations under Subtitle C of the Resource Conservation and Recovery Act (RCRA).

#### Reverse HB278

HB278 should be repealed, and replaced with legislation that involves local residents in an open decision making process, and returns final control over drilling to local officials. When drilling affects several communities, all stakeholders should be allowed to evaluate a carefully prepared cost/benefit analysis and environmental study before making a joint decision.

New legislation should require proper public notification of proposed leasing and permitting, open the issue to public discussion, and provide appropriate EPA support for communities needing assistance.

New legislation should require proper public notification of proposed leasing and permitting, open the issue to public discussion, and provide appropriate EPA support for communities needing assistance. ODNR's role should be limited to providing expert testimony during hearings; enforcing tight, clearly defined drilling regulations for all approved sites; and partnering with EPA to appropriately monitor all sites for long term maintenance, safety, and possible harmful emissions.

#### What Can Be Done

We in Munroe Falls are doing our best to oppose this drilling. We need your help. If you are a resident of Munroe Falls, Cuyahoga Falls, or Silver Lake, now is the time to take action. Please contact your local representative, news stations, or the Governor's Office to voice your opposition to the proposed drilling.

We need your help.

As a reminder, think about how fortunate you are to be able to draw a clean, safe glass of water from your tap, and try to imagine having to haul bottled water if our local potable water becomes contaminated.

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