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THE SHALE PLAY TODAY



News & Insights from the Marcellus and Utica Shales



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Finally -- Rules Governing W.Va. Horizontal Well Development

as published in the *IOGA of West Virginia*
newsletter

On April 12, 2013, the West Virginia Legislature passed Senate Bill 243 which contained, among other West Virginia Department of Environmental Protection ("DEP") rules, the Rules Governing Horizontal Well Development 35-8 ("Rule"). The Rule was developed to provide further direction in the implementation and administration of the Natural Gas Horizontal Well Control Act that became effective on December 14, 2011 ("Act").

The August *IOGA of West Virginia News* contains an article about the Rule as originally proposed on June 29, 2012, and the October *IOGA of West Virginia News* contains an article about the Rule as modified based upon the 345 written comments submitted to DEP and filed with the Secretary of State's Office on September 14, 2012.

This article highlights some of the more significant adjustments to the Rule through the legislative review and approval process. On February 11, 2013, the West Virginia Legislature's Legislative Rulemaking Review Committee ("LRRRC") took up for consideration the Rule, as filed September 14, 2012. Following consideration of the Rule by the LRRRC, on Feb. 14, 2013, DEP filed with the Secretary of State another modified version of the Rule.

In The News



N.Y. Appellate Court:
Municipalities Can Ban O&G
Activity
by [Kevin M. Eddy](#)

An intermediate appellate court in New York recently [affirmed](#) that a local government has the authority to enact zoning ordinances banning all oil and natural gas activities within municipal limits. In 2011, the Town of Dryden amended its zoning ordinance to ban "all activities related to the exploration for, and the production or storage of, natural gas and petroleum within its borders." An operator with oil and natural gas well leases covering approximately 22,200 acres of land in Dryden filed suit seeking to invalidate the zoning ordinance amendment.

[Read more.](#)



Fracking Nearly Doubles Ohio Oil
& Natural Gas Output

Hydraulic fracturing in the Utica Shale region of Ohio has led to a 93 percent increase in oil output and an 80 percent increase in natural gas output. The state's Department of Natural Resources views this as the beginning of an historic era of oil and natural gas production.

[Read more.](#)

1. Plats of wells - § 6.2.j. regarding plats was revised with respect to the requirement to identify all wells (active, drilling or abandoned) within 500 feet of the horizontal section of the well bore by adding the following sentence: "To make this demonstration, the permit applicant may rely on all available records and locational information; the permit applicant need not conduct a physical survey of the area."

[Read the full article on our website.](#)



Reuse of Fracking Fluids on the Rise

An increasing number of water service companies are preparing to clean fracking fluid, and to do so at an affordable price. This result of simple supply-and-demand could mean financially viable options for acquiring and disposing of fracking water in the Marcellus and Utica Shale region.

[Read more.](#)



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Featured Shale Team Member



Derrick Price Williamson (Harrisburg, Pa.)

Mr. Williamson's primary areas of practice are public utility and energy law. He is Co-Chair of the firm's Utility, Energy & Communications Law Group. He counsels manufacturing, institutional, and industrial clients regarding the procurement of energy services, including the analysis and negotiation of natural gas and electricity supply contracts. He also has extensive experience in litigating electric and natural gas rate cases and merger cases. He also has represented competitive suppliers and producers of electricity and natural gas in regard to regulatory compliance, complaint defense and rulemakings. He has been recognized by *The Best Lawyers in America* for Energy Law. [View his full professional biography.](#)

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