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**THE SHALE PLAY TODAY** 

News & Insights from the Marcellus and Utica Shales



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### Now is the WOTUS of Our Discontent.....

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"Waters of the United States" or "WOTUS" in the esoteric taxonomy of the Clean Water Act ("CWA"), is a term with which many are becoming increasingly familiar. This deceptively simple phrase is anything but simple in its application.

The oil and gas industry is increasingly experiencing the U.S. Environmental Protection Agency's ("EPA") proclivity finding CWA jurisdiction through WOTUS interpretation. New proposed regulatory language issued by the EPA and the U.S. Army Corps of Engineers ("USACE"), makes WOTUS even broader.

On April 21, 2014, the EPA and the USACE jointly proposed rules revising the definition of WOTUS in seven categories. They also created a new definition of a tributary.

What are the proposed rules on WOTUS?  
What is the significance and impact?

### In The News

#### Pennsylvania Shale Gas Sets Yet Another Record

In the second half of 2014, Pennsylvania gas drillers produced more than two trillion cubic feet of gas. This record-setting production of four trillion cubic feet of gas for all of 2014 is 30 percent higher than 2013.

Click [here](#) to read the entire article.

#### Wolf Administration Proposes Severance Tax AND Keeping Impact Fees

Governor Wolf has proposed a five percent severance tax on natural gas production. The proposal would replace existing drilling impact fees put into place in 2012 with undefined impact funding.

Click [here](#) to read the entire article.

#### EnLink Midstream Partners' CEO Sees Marcellus and Utica as "The Best"

At the recent Hart Energy Marcellus-Utica Midstream Conference, EnLink Midstream Partners' CEO Barry Davis said the Marcellus and Utica Shales are positioned for significant growth - despite the recent downturn in prices. Davis said they are focusing on the best of the best plays - including the Marcellus and Utica.

Click [here](#) to read the entire article.

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### Downturn In Prices Affecting Everyone, Except Pipeline Builders

Even with the spending cuts being put in place by oil and gas companies, pipeline builders are weathering the storm. According to Frank Nieto, senior editor of *Midstream Business* and a Marcellus Shale researcher, "Pipelines are kind of like owning a toll booth on a highway - once you build them, you're going to get guaranteed rates; they don't build them unless you have subscribers."

Click [here](#) to read the entire article.



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#### Featured Shale Team Member



#### [Kevin M. Eddy](#) (Pittsburgh)

Mr. Eddy's primary area of practice is litigation with an emphasis on the oil and gas, transportation and construction industries. He represents and counsels midstream and upstream companies in the Marcellus and Utica Shale regions concerning leasing, permitting, commercial transactions, joint venture agreements, regulatory compliance, environmental litigation, work place safety, and employment matters. He is admitted to practice in Pennsylvania, West Virginia and New York. He is a graduate of Canisius College and received his law degree from the University of Pittsburgh School of Law.

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