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Latest Aboveground Storage Tank Act Developments: Interpretive Rule Adopted and Comments Filed on Draft Emergency Rule

On October 21, 2014, the West Virginia Department of Environmental Protection ("WVDEP") filed with the West Virginia Secretary of State its finalized Interpretive Rule outlining mechanisms for compliance with the imminent deadlines under the Aboveground Storage Tank Act (the "AST Act"), W. Va. Code §§ 22-30-1

et seq., for (1) spill prevention response planning and (2) initial inspection and certification. See 47 C.S.R. 62. The effective date of the Interpretive Rule is November 20, 2014. A copy of the final Interpretive Rule is available for [download](#).

The final Interpretive Rule is very similar to the proposed version of the rule filed on September 9, 2014 for initial public review and comment. The rule's basic structure and approach are unchanged: the final rule retains the proposed three-tiered approach to categorization of ASTs based on their potential harm to health and the environment, and establishes options for compliance with certain requirements of the AST Act based on these levels.

In The News

Meet Your Deadlines - WV AST Act Challenges Webinar

Although the West Virginia Aboveground Storage Tank Act, enacted this spring, is comprehensive in its scope -- imposing new requirements for registration, permitting, inspection and certification, notice, spill response planning and signage, among other things -- many of the key details of the new regulatory program for aboveground storage tanks ("ASTs") were left to the rulemaking process. This webinar walks viewers through the current status of the rulemaking process and what to expect in the coming months.

Click [here](#) to watch our webinar.

Pennsylvania, Ohio and West Virginia Can Support Several Large Cracker Plants

At the recent Utica Summit II, Cleveland State University economist Iryna Lendel stated that the three states' shale is producing large amounts of liquid ethane -- enough to support a multitude of processing plants.

Click [here](#) to read about the supply and economic impact.

Marcellus Shale Surpasses Louisiana as the Most Active Place for Trading U.S. Natural

Level 1 ASTs are those ASTs determined by WVDEP to have the highest risk of harm to public health or the environment due to their size, location or contents, and therefore these ASTs are subject to the more rigorous requirements of the AST Act for (1) the submittal of Spill Prevention Response ("SPR") Plans by December 3, 2014 and (2) the inspection and certification of the tanks by January 1, 2015. Because Level 2 ASTs and Level 3 ASTs have been determined to have a reduced potential to harm public health or the environment, the Interpretive Rule establishes alternative options for compliance with these requirements for owners of these tanks.

The agency did make certain changes to the final Interpretive Rule that are worth noting, however.

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

Gas

Trading in the Henry Hub market (southern Louisiana) was down 70 percent this year, while the Marcellus pumps one-fifth of the the nation's gas.

Click [here](#) to learn how this impacts where traders look for pricing for the Eastern U.S.



Another Pennsylvania Cracker Plant Almost a Done Deal?

Shell Chemicals is expected to build an ethane cracker plant in Beaver County, Pennsylvania. The \$2.5 billion refinery would employ 400 people and up to 10,000 construction workers.

Click [here](#) to read why wet gas is causing investments in these types of economic development projects.



West Virginia's Utica Shale Producing the Largest Well - Ever

Magnum Hunter Resources Corp. has announced their well in Tyler County, West Virginia is the largest in the Utica Shale to date - and one of the biggest in the United States.

Click [here](#) to read about this monster well and the impact on this region's drilling.



Featured Shale Team Member



[Michael G. Connelly](#) (Pittsburgh)

Mr. Connelly is co-chair of the firm's Shale Gas Practice Group and chair of the Pittsburgh Litigation Practice Group. He represents midstream, exploration and production, and field service companies in a wide variety of litigation matters in state and federal court in Pennsylvania, West Virginia and elsewhere. Mr. Connelly also advises midstream companies on all aspects of the development of pipeline projects throughout the Marcellus and Utica footprint and beyond.

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