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THE SHALE PLAY TODAY



News & Insights from the Marcellus and Utica Shales



West Virginia Aboveground Storage Tank Act Interpretive Rule Filed and Emergency Rule Out for Comment

By [Mark D. Clark](#) and [M. Katherine Crockett](#)

The Aboveground Storage Tank Act was enacted in response to the January 9, 2014 spill that contaminated the Elk River water supply and affected a nine-county area in West Virginia. Since passage of the AST Act, the West Virginia Department of Environmental Protection has been developing rules to implement the Act. On September 9, WVDEP filed an Interpretive Rule to provide guidance on compliance with the December 3, 2014 spill prevention response plan and January 1, 2015 tank inspection and certification deadlines.

WVDEP followed up on September 18, 2014 with a 79-page draft emergency rule designed to implement the broader AST Act and establish regulatory requirements following the January 1, 2015 tank inspection and certification deadline. The draft emergency rule will have significant adverse impacts on virtually all industries throughout West Virginia, but perhaps no industry will be negatively impacted more than the oil and gas industry. On October 1, WVDEP reported that over 45,000 ASTs had been registered or were in the registration process. Significantly, approximately 5.7 percent of those ASTs are located in a zone of critical concern, thereby triggering categorization as Level 1 ASTs, the high risk category under both rules.

In The News



SHALE INSIGHT 2014 Deemed a Success

Recently, the SHALE INSIGHT conference was held in Pittsburgh and drew nearly 2,000 attendees including industry executives, policymakers and technical experts. The takeaway?

Click [here](#) to read how shale may be transforming the economy.



Dominion Cove Point Gets Federal Approval for LNG Terminal

The \$3.8 billion Cove Point terminal in Maryland will be the nearest export location for the Marcellus Shale.

Read the entire article [here](#).



Monroe County, Ohio Lands Ethane Cracker Plant

Appalachian Resins, Inc. was slated to build the billion-dollar ethane cracker plant in West Virginia. Now, the company have crossed the Ohio River and have leased land in Salem Township for the highly sought after plant that benefits the oil and gas industry.

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



Pennsylvania Contributes to a Large Portion of the Nation's Gas

Click [here](#) to read about the Interpretive Rule.
Click [here](#) to read about the Emergency Rule.

Supply

Not only does Pennsylvania produce 20 percent of the national gas supply, but the Commonwealth also saw record production for the first six months of 2014.

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



\$5 Billion Natural Gas Pipeline Proposed for West Virginia to North Carolina

The Atlantic Coast Pipeline, being proposed by Dominion, Duke Energy, Piedmont Natural Gas and AGL Resources, will carry 1.5 billion cubic feet of natural gas over 550 miles.

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



Featured Shale Team Member



[Nathan B. Atkinson](#) (Winston-Salem)

Mr. Atkinson's practice focuses primarily on complex environmental and toxic tort litigation, with a special focus in litigation alleging groundwater contamination. As a member of Spilman's litigation strike force, The Battle Group, his experience includes litigating matters involving environmental exposure, as well as complex multi-party lawsuits involving drilling, fracking, procurement of energy, extraction of natural resources and mass toxic tort litigation. Mr. Atkinson also represents businesses in litigation involving exposure to naturally occurring radioactive materials and claims involving the Endangered Species Act.

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