

Kentucky fracking bill gains support of energy industry, environmental watchdog

By Marcus Green

FRANKFORT, Ky. (WDRB) -- Kentucky would require water testing before and after energy companies use hydraulic fracturing to extract oil or gas from wells thousands of feet below ground.

The companies also would have to disclose the types of chemicals used when some wells are "fracked," a technique that involves pumping fluid underground in an effort to release oil and gas trapped in rock formations.

And the state would require detailed plans for reclaiming areas near all wells before drilling begins.

Those are among the key parts of a bill filed Monday in the Kentucky General Assembly by House Majority Floor Leader Rep. Rocky Adkins, D-Sandy Hook. House Bill 386 is the result of a months-long collaboration among environmental groups, state regulators and representatives from the oil and gas industries.

"It is the very productive, collegial process of sorting through and coming to closure on a number of issues," Tom FitzGerald, director of the Kentucky Resources Council, said in an interview. "I endorse every aspect of it."

FitzGerald said the measure attempts to put rules in place before hydraulic fracturing begins in earnest in Kentucky. Already, landowners near Berea, Ky., say their neighbors have signed leases to firms interested in possibly using the controversial drilling method.

Andrew McNeill, executive director of the Kentucky Oil and Gas Association, said companies have been focused on the potential for big payouts from oil and gas in a layer of shale in Johnson, Lawrence and Magoffin counties in eastern Kentucky.

But with deposits lodged more than 10,000 feet underground, McNeill said each well would cost an estimated \$8 million to \$10 million to develop.

McNeill said Adkins' bill is the result of a process that began last summer.

"Everybody has the same goal, which was to ensure that the industry had an environment here in the state that could promote job creation and investment," as well as contain environmental protections, he said.

The legislation "modernizes Kentucky's oil and gas statutes," Dick Brown, spokesman for the Energy and Environment Cabinet, said in a statement.

Brown noted that the bill strengthens current laws on reclaiming oil and gas sites and creates a fund to help cleanup abandoned storage tanks, even though no money has been immediately set aside for the fund.

“The Cabinet is very pleased to support this legislation and urges the General Assembly to enact this important bill,” he said.

Barbara Wade, a Madison County resident who has concerns about hydraulic fracturing, said she worries that the bill might move quickly through the legislature before people living above the sought-after oil and gas reserves “decide whether we will support it or not.”

In other states, “fracking” has been linked to contaminated water and **an increase in earthquakes**.

“We are aware of the damage it does to the water system and the land. We've got a beautiful valley here,” Wade said.

David Tipton, whose farm includes parts of Madison and Estill counties, echoed Wade's environmental concerns and said landowners who have signed leases may not understand the proposed type of drilling.

“Most people have in their heads that this is the normal gas wells and oil wells that exist all over the place,” he said.

The bill requires any operator preparing to drill a deep well to notify all property owners within 1,000 feet and conduct a “baseline water quality test” of water sources within 1,000 feet at least 20 days before work starts.

A follow-up water test would be required three to six months after drilling is complete. The tests, to be completed by a laboratory certified by the Cabinet, will analyze a number of substances, including carcinogens such as benzene.

Companies also will have to list a number of chemicals used to extract oil and gas. Specific details of some chemical mixtures claimed to be “trade secrets” can be withheld, although the actual chemicals used must be provided to the Energy and Environment Cabinet and doctors who request the information, according to the bill.

FitzGerald likened that part of the law to a bartender keeping a cocktail recipe secret revealing all the ingredients.

“It can't hide the identity of the chemicals; it has to be disclosed,” FitzGerald said.

The 45-page bill hasn't yet been assigned to a House committee

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