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Marcellus & Utica  
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## THE SHALE PLAY TODAY



News & Insights from the Marcellus and Utica Shales



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### Independent Natural Gas Producers Challenge EPA Air Rules

On October 15, 2012, Spilman Thomas & Battle, PLLC filed suit in the D.C. Circuit Court of Appeals on behalf of the Independent Petroleum Association of America ("IPAA") and six other state-level oil and gas associations (PA, WV, OH, KY, IL, IN), (referred to herein as "the Associations") challenging the U. S. Environmental Protection Agency's ("EPA") New Source Performance Standards ("NSPS") promulgated for the oil and natural gas industry on August 16, 2012. On the same day, this group of associations also petitioned EPA Administrator Lisa Jackson to reconsider certain aspects of the regulations that disproportionately impact the smaller, independent natural gas producers. Issues of particular concern to the associations are the misguided and inappropriate definition of a "low-pressure gas well" and EPA's inappropriate use of industry-wide averages to calculate the cost-effectiveness of various requirements on well completions and storage tanks.

In addition to the Associations, eight other groups or entities challenged EPA's air regulations: five groups representing industry, four environmental organizations and one state. The other petitions were filed by (1) the American Petroleum Institute; (2) the Gas Processors Association; (3) the Natural Resources Defense Council, Environmental Defense Fund, Sierra Club, Group Against Smog and Pollution, and Clean Air

### In The News



W.Va. High Court Weighs in on Surface Owners' Appeal Rights  
by Dale W. Steager  
Charleston, W.Va.

In *Martin v. Hamblet*, decided November 21, 2012, the West Virginia Supreme Court of Appeals determined that a surface owner may not appeal issuance of a well work permit by the Department of Environmental Protection for a shallow well targeting the Marcellus formation with a horizontal leg into the Marcellus. This decision is important for four reasons.

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



Insuring Your Growing Assets in the Appalachian Shale Gas Plays  
by Charity K. Flynn  
Charleston, W.Va.

With the continued development of the Marcellus and Utica Shale, businesses in West Virginia, Pennsylvania and Ohio are experiencing rapid growth and facing many issues related to this growth they had not previously experienced. One important consideration is whether and how to insure these growing assets. While myriad issues may arise regarding insurance, this article will address some general types of insurance coverage growing businesses should consider.

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

Council; (4) the Domestic Energy Producers Alliance; (5) the California Communities Against Toxics, Clean Air Council, Coalition for a Safe Environment, Desert Citizens Against Pollution, Natural Resources Defense Council and Sierra Club; (6) the Texas Oil and Gas Association; (7) the Western Energy Alliance; and (8) the State of Texas. The petitions for review have been consolidated into a single case and the parties were originally directed to inform the court of the issues they wish to raise on appeal by November 16, 2012, but that date has been delayed until December 21, 2012 to facilitate negotiations with EPA.

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



## River Pollution Once Linked to Shale Drilling Now Vanishing

Researchers at Carnegie Mellon University say a water quality problem in the Monongahela River that may have been linked to Marcellus Shale natural gas drilling is going away.

[Read more.](#)



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ATTORNEYS AT LAW

### Featured Shale Team Member



M. Ann Bradley  
Charleston, W.Va.

Ms. Bradley has more than thirty years of experience in all aspects of environmental law representing a broad array of regulated businesses, including manufacturers, mineral developers and energy producers. Specific areas of her practice include regulatory programs for air, water, hazardous and solid waste, brownfields and corrective action programs, and right to know issues. Additionally, she has been a frequent speaker at professional conferences and regularly contributes articles on oil and gas issues for industry publications. Click [here](#) to read her full professional biography.

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