Shale Gas Rush

By CATE HALL

Washington County landowners could face forced pooling of their land in an effort to get natural gas out of the ground.

Virginia Organizing hosted a forum on Monday night in Bristol that gave local residents information about property rights and gas drilling. The Know-Your-Gas Drilling Property Rights forum was led by Nadia Steinzor from Earthworks.

“Today’s deep shale gas development is not your “grandparents’ drilling,” so there’s a bigger impact on your property, community, and surroundings for which you have to be prepared. It is a heavy industrial activity that relies on chemicals and large amounts of water, and that produces a lot of waste and pollution,” Steinzor said.

Steinzor shared several reasons for why natural gas is becoming so popular to obtain now. For a long time it was not economical to obtain, but due to a change in hydraulic fracturing and the ability to drill both vertically and horizontally, it is now easier. After 9-11, there has been a growing push for the US to produce domestic energy to help ease the reliance on imported products. And there is also a decline in easy to access energy sources.

Hydrofracking is the process of initiating and subsequently creating a fracture in a shale formation using millions of gallons of water laced with chemicals, in order to release [petroleum](http://en.wikipedia.org/wiki/Petroleum), [natural gas](http://en.wikipedia.org/wiki/Natural_gas), [coal seam gas](http://en.wikipedia.org/wiki/Coal_seam_gas), or other substances for extraction. It is currently not allowed in Washington County because of the zoning ordinance, but in November there will be a forum that will compare the pros and cons of allowing the drilling to take place.

In Virginia, if there is a large piece of land that the gas and oil companies want to use, they are only required to obtain 25 percent of the owners’ permission. The adjacent residents will then be forced into a gas drilling pool, which could affect thousands of property owners in Washington County.

There are a few options that these forced pooling residents have. They can sell or lease their drilling rights to the drilling company. They can pay to enter into an agreement with the drilling company to share in the operation of the well. Or, they can enter into an agreement to share in the operation of the well without putting any money up front, thus only receiving payment when the drilling company earns a certain amount from the well. If the landowner doesn’t choose any of these options, they are given a deemed lease equal to that of the other leases. Because Virginia allows forced pooling, these residents must allow the drilling to take place, but they may choose what level of involvement they wish to have.

According to Virginia Organizing, many people are unaware of this, and do not know their rights when it comes to hydrofracking. When landowners sign a lease to a drilling company, they have the right to protect their health, land, and traditional livelihood. They have the right to receive accurate information about the real impacts of industrial gas development. They should not be held liable for accidents or damage to the property or adjacent property to the drilling site that is caused by gas companies. They have the right to not suffer from permanent pollution or loss of property value, and they have the right to fair payment and production terms. A lease should not be signed unless the landowner is getting what he/she wants. “You have rights. You own the resource or are at least sitting on it. You are granting rights to the company, not the other way around,” Steinzor said.

Steinzor shared some of the negative effects of gas drilling. “A lot of hydrofracking occurs deep below the water table and can move methane which could cause problems in homes. Casing and cementing issues can allow water wells and streams to be contaminated.” In 2010 the Environmental Protection Agency revised their emissions data. They had said that gas was 50 percent cleaner than coal, but are now saying that it is only 25 percent cleaner as far as air pollution goes. The emissions from the compressor stations, truck trips, and waste storage pits can cause respiratory problems. “Land where there is drilling has more noise, water pollution, light, and traffic. There are health issues for humans and pets. In Pennsylvania the land values are dropping because of the loss of potable water,” said Steinzor.

Many landowners are concerned about gas drilling ruining their water sources. In Virginia, drilling companies are required to repair, if possible, any destroyed or contaminated water source. Unfortunately, it is not easy or possible to repair a contaminated spring or underground water source. Thus, their way of repairing the wrong is by providing bottled water to the landowner or trucking water in huge containers to the property. Charles Bartlett of Bartlett Geological Consulting has a PhD in geology from UNC Chapel Hill. He says, “I’ve worked with over 500 [drilling] wells in Arkansas and Virginia and I’ve never seen an example of a destroyed water zone. It’s impossible.”

Even though hydrofracking is still not allowed in Washington County, landowners are advised to learn all they can about it. “When it comes to gas drilling, there’s no such thing as a “standard lease,” and you should be in the driver’s seat when deciding how, where, and when you want drilling to occur on your property. You have rights to protect your land and to fair leasing terms,” said Steinzor.