

**Testimony of
David McMahon, J.D.
304-415-4288 • wvdavid@wvdavid.net
Cofounder of
West Virginia Surface Owners' Rights Organization
and also appearing for
West Virginia Environmental Council**

**before the Environmental Protection Agency
Oil and Natural Gas Sector**

**Re:
Emission Standards for New and Modified Sources
Docket ID No. EPA-HQ-OAR-2010-0505**

Available at www.wvsoro.org
under "New on Website"
and "Current Events"

My name is David McMahon. I am a lawyer and cofounder of WVSORO.

WVSORO has 800 dues-paying members, about 500 of whom only own the surface and are subject to the impacts of Marcellus shale drilling.

About 300 of them also own minerals, but most of those subject to old leases, and cannot really protect themselves from the impacts of Marcellus Shale drilling.

I am also speaking on behalf of the West Virginia Environmental Council, with which WVSORO is affiliated.

The E-Council is the umbrella environmental organization in West Virginia, representing a wide variety of environmental and conservation groups.

My Handout #1 is a list of 46 of its member organizations in West Virginia, everywhere from West Virginia Citizen Action Group and West Virginia Highlands Conservancy, to local county organizations.

I was asked to appear and show the support of the E-Council and its member organizations. The lack of their personal representative here today should not be mistaken for a lack of support for the strongest possible rule. Scheduling conflicts prevented the staff and nearby board members from being present today to offer testimony. The E-Council believes that further regulation of methane gas emissions is necessary.

I am going to speak first more particularly on behalf of surface owners. Whole areas – whole populations are affected by air pollution and climate change. But surface owners near well pads are at ground zero of pollution.

Please see my handout #2.

First page: Stacie and her husband literally built most of their own house.

Second page: Two years later, this pad showed up

The “625 foot” arrow shows that the State law change would not help much in protecting her family.

And the results of the studies State law change required have not been carried out.

Third page is a different pad – a completed pad on clients of mine.

That pad was used to drill 9 horizontal wells for a total 9.7 miles of horizontal well bore.

According to the “potential to emit” pages of the driller’s application for the air permit for that pad, this horizontal Marcellus Shale gas well pad has the potential to emit over ninety-two tons per year of volatile organic compounds (“VOCs”), approximately forty tons per year of other pollutants that are that are subject to National Ambient Air Quality Standards, 26,000 tons per year of greenhouse gases, and eight tons per year of hazardous air pollutants,

and that is after the emissions are treated by the equipment required by the permit.

The point I want to make that perhaps others have not, is that the industry can afford whatever it might cost to prevent pollution.

As West Virginians, we do not want the same mistakes made with the Marcellus Shale as was made with Coal in our state. Coal left behind a legacy of acid mine drainage and poor health. From gas we do not want air pollution and poor health and environmental degradation.

The 4th page shows the length of the well bores on my clients' pad.

The 5th page is from the driller's web site. It shows their "estimated ultimate recovery" of 1,688 MCF of gas per foot of horizontal well bore over the life of the well.

Multiply that and, assuming \$3 per MCF, you get \$250 Million dollars worth of gas. A quarter billion, from one pad.

I did another analysis that Marcellus Shale is worth \$85,000 per acre – for the gas only, not including the liquids.

Whatever is required - they can afford - no matter what they say.

My third handout is a set of images of air pollution from various stages of horizontal shale drilling including frac'ing.

The problem is real.

On behalf of E-council, E-Council supports the strongest possible rule and agrees with the comments of the Sierra Club and will file its own written comments before the written deadline.