Why Regulations Can’t Protect Us

• No regulation can prevent the extraordinary squandering of fresh water, 5½ million gallons average per well, 100 percent of which becomes contaminated — permanently — and removed from the natural water cycle. This in an era of critically diminishing supplies of fresh water in the US and around the world.

Energy corporations anticipate drilling many tens of thousands of wells in Ohio in the Marcellus and Utica geological formations. Add to this the number they may drill in other shales and sandstones.

• No regulation can prevent the salts, heavy metals, and radioactive substances loosened by the fracking process from coming up with the fracking fluids.

• No regulation can stop up to 65 to 90 percent of the toxic fracking chemicals from remaining underground.

• No regulation can prevent these chemicals, salts, heavy metals and radioactive substances, now loosened and mixed by the fracking process, from becoming a toxic underground plume that can wangle its way into existing fissures as well as into new fractures created by the drilling.

• No regulation can predict or control the underground migration of these toxic plumes. Similar plumes are already oozing under Sublette County, Wyoming; Endicott, New York; and Greenpoint, Brooklyn.

• No regulation can predict or control the time frame — years, decades, millennia? — over which such plumes will migrate.

• No regulation can prevent the deterioration of the steel and cement casing intended to protect drinking water over the decades and centuries ahead.

• No government entity, in this era of economic challenge, can scrape together the billions of dollars needed to construct and maintain industrial waste treatment plants (reverse osmosis or dialysis), which do not exist anywhere in this state, that might be able to filter the toxic chemicals, heavy metals, and radioactive materials from fracking waste.

Huge amounts of “brine,” from Pennsylvania are already being dumped into Ohio injection wells, such as the one in Youngstown that caused a 4.0 earthquake on December 31, 2011.
• No regulation can create safe procedures or safe locations for permanent storage of waste — even if the economy could support the very expensive construction and maintenance of appropriate industrial waste treatment plants. Once supposedly filtered, the remaining toxic waste still must be put somewhere. The “produced” waters that continue to flow from wells during gas production are too saline to be treated and must be stored somewhere.

• No regulation can avoid the risk from high-pressure disposal in injection wells — of potential leakage and aquifer contamination, or of earthquakes. Tremors from such activity have already caused damage in Ashtabula, Ohio, and in Youngstown, Ohio. Authorities are presently investigating swarms of quakes in Celburne, Texas; Guy, Arkansas; and Gassaway, West Virginia that may be caused by fracking fluid disposal in injection wells.

• No regulation can require that gas produced will contribute to “energy independence.” The gas will be shipped overseas if it’s more profitable to export than to sell domestically. At present, Asian, European and Canadian corporations already own significant pieces of U.S. drilling companies, land and leases — thus, some profit and resources may already be going beyond our borders.

• No regulation can guarantee enforcement. Without 24/7 oversight, drillers will not obey the grossly inadequate rules now in place to safeguard the safety and health of people, other living things, or the environment. A trail of ruined lives and landscapes is documented in thousands of articles, many YouTube videos, and several films, one of which — Gasland — was nominated for an Academy Award and was named “Best Documentary” at the Sundance Film Festival.

Even though Ohio has issued permits for more than 100 frack (deep shale) wells, the legislature has required ODNR to fund its budget solely from fees it collects from entities it regulates, an obvious conflict of interests. The approximately 32 inspectors now employed is a number ludicrously inadequate to deal with the level of industrialization the drillers have planned. That’s 32 inspectors for some 235,000 wells, and this includes only 100 of the tens of thousands more frack wells that are projected for the years to come.

• Only a drastic change in existing law can thwart eminent domain abuse. Ohio’s particularly vicious form called “mandatory pooling,” forces landowners who do not wish to lease to be forced into drilling units. Until mandatory pooling is abolished, citizens’ and communities’ rights are going to be overridden by powerful corporations and their allies in state government.

(edited and updated February 2012)