

INSIDE THIS ISSUE

THE CROW'S NEST 2
 NEW MEMBERS 3
 BOARD OF TRUSTEES 3
 GAS REPORT 4
 NEW SUPERVISOR FOR THE WAYNE NATIONAL FOREST 10
 SAFETY CORNER: FIRST AID BASICS 12
 GAS AND OIL PRICING 14
 OBITUARIES 26
 SEVERANCE TAX NOT NEEDED 28
 INDUCTEES INTO SOOGA HALL OF FAME 30
 SUMMER JOBS NEEDED 32

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The Aboveground Storage Tank (AST) Act: SB-373

Presented By: Charlie Burd, IOGA of WV Executive Director, at the SOOGA Spring Membership Meeting, April 24, 2014

Passed in Regular Session on March 8, signed by Governor on April 1 and becomes effective June 6, 2014

Important dates associated with implementation:

- June 6, 2014: ASTs owned and located in West Virginia will be subject, at minimum, to the registration and fee requirement, even if the tank is empty and out of service.
- July 8, 2014: The date by which DEP shall "prescribe an inventory and registration form" for use by owners and operator to register qualifying AST's.
- September 1, 2014: The date by which any permittee which currently holds a NYPDES general permit on a site which is located within any public water system's Zone of Critical Concern (ZCC) must apply for and hold an individual NPDES permit.
- October 1, 2014: The registration for your AST's must be completed or it shall be unlawful to operate or use the AST.
- November 27, 2014: The date by which owners and operators of AST's must "submit a spill prevention response plan for each above-ground storage tank."

(Continued on Page 27)

Ohio Decision Marks Victory for Oil and Gas Producers

Bowles Rice is pleased to announce a recent Ohio decision in which landowners were trying to challenge old leases and, specifically in this case, test the implied covenant to reasonably develop the strata below those formations currently producing. The Court held in favor of the leasehold owners, who owned the "deep rights" and were represented by Bowles Rice lawyers Robert Bays and Bret McNab.

Summary:

In an action seeking declaratory judgment as to the leasehold rights for those formations below the Germantown Sand Formation (the "deep rights"), an Ohio court ruled that there was no breach of the implied covenant to reasonably develop or abandonment of the "deep rights" when production is found in "paying quantities" on those formations located above the Germantown Sand Formation (the "shallow rights").

(Continued on Page 22)

For additional information visit
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THE CROW'S NEST

As we begin the storage injection season, storage is 21.1% full, and the gas market has re-acted positively to some extended cold weather the last couple of weeks of April, moving up into the mid \$4.80 range for June, 2014. With the April DTI Index posting at \$4.20 and TCO index posting at \$4.49, we are seeing June, 2014 trading in the \$4.75 to \$4.84 range at the time of this article, April 29, 2014. This market is still somewhat volatile, waiting on additional longer term weather forecast and positive economic news that may impact pricing, as well as production numbers to ensure that storage injections will remain on schedule.

Our membership is growing as the Utica Shale brings more producer and support companies to Ohio and our Southeastern Ohio area. In December of 2013 SOOGA had 419 members. We are currently at 483 members and growing. The board and the Association appreciates the participation of all of our members in our activities, and looks forward to your participation in our Open Forum meetings, membership meetings, clay shoots, trade show, and golf outings throughout 2014.

The SOOGA Spring Membership Meeting held at the Quality Inn in Marietta on April 24th was a huge success, with over 180 members registered, and nearly that many in attendance. The topics on the Agenda included legislative and regulatory updates for West Virginia and Ohio on the state and national level, updates on the anti-energy groups, OGEEP, the Utica update on the latest production numbers, Midstream presentations, DEO liquids uplift project, and a presentation on pricing and basis, all of which were well attended. My thanks for all who came, and watch for future meetings and events on our new website and emails.

With our new partnership with WMOA radio, we are getting positive messages out to the public about our members and our industry. Also as a result of this partnership, we have a new website, face-book page, and soon a twitter account for all to use and post to. Many thanks to Matt Lupardus for all of his hard work and efforts on this project to get it up and running. We also have our Legacy Fund kicking off this year, and would like to see as many contributions to this fund as possible from our members. We have given funds to EID Ohio, to the Heap program locally to assist those who are struggling to pay their utility bills, and also to local fire departments for needed equipment and supplies. It is a very worthwhile program, and I encourage your donations, no matter how small.

As we move forward into 2014, we will have several issues which your association will be taking an active role in, and we will need the memberships help and input on issues as they arise. The severance tax issue, tank regulations in West Virginia, and others will need to be closely followed and acted on by your board and committees. Please take an active role and provide your assistance with these issues as we present them to the membership.

Continue to operate safely and protect our environment. Our country needs the energy you produce.

President
Jim Javins

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following new members:

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(Continued to page 5)

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**Southeastern Ohio Oil and Gas Association
Gas Committee Report
April, 2014**

PRICING

Prices April 8, 2014

One Year NYMEX strip (May, 2014 – April, 2015)	\$4.55
Summer NYMEX strip for 2014 (May-October)	\$4.52
Winter NYMEX strip (Nov. 2014 – March, 2015)	\$4.67
TCO Index Posting - April, 2014	\$4.49
DTI Index Posting – April, 2014	\$4.20

It appears that high storage levels combined with enhanced production capabilities and slow usage growth could keep gas prices from rising dramatically over the next couple of years.

GAS STORAGE AS OF THE April 3, 2014 Report

Working Gas in storage was 952 Bcf as of Friday, March 28, 2014. At 882, total working gas is **below** the 5 year historical range.

Region	Stocks billion cubic feet (Bcf)			Year ago (03/28/13)		5-Year average (2009-2013)	
	03/28/14	03/21/14	change	(Bcf)	% change	(Bcf)	% change
East	310	356	-46	669	-53.7	758	-59.1
West	160	164	-4	331	-51.7	294	-45.6
Producing	352	376	-24	701	-49.8	762	-53.8
Salt	60	65	-5	168	-64.3	149	-59.7
Nonsalt	293	311	-18	533	-45.0	614	-52.3
Total	822	896	-74	1,700	-51.6	1,814	-54.7

Storage is 19.3% full compared to normal as of this report, with normal total capacity of 4,265 at the start of the withdrawal season. Storage is 878 BCF below last year, and 992 BCF below the five year average.

GATHERCO

Retainage for January, 2014, is as follows for the Gatherco systems. Treat was 8.62%, Miley was 5.0%, Meigs was 9.92%, York was 5.0%, Grimes was 9.4%, and Elk was 3.0%.

February, 2014 retainage was not available as of the date of this report.

(Continued to page 6)

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2014 SOOGA Calendar of Events Tentative- Schedule

Spring Golf Outing	May 30th, 2014
Oxbow Golf Course-Belpre OH	
Spring Clay Shoot	June 27th, 2014
Hill Top Sports-Whipple OH	
Fall Golf Outing	August 22nd, 2014
Lakeside Golf Course - Beverly OH	
Trade Show	September 18th, 2014
Location-TBA	
Fall Clay Shoot	October 17th, 2014
Hill Top Sports-Whipple OH	

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(Continued from page 4)

WEST VIRGINIA NEWS:

West Virginia appears to be close to landing a coveted ethane cracker plant to serve the Utica and Marcellus shale plays -- the sort of billion-dollar project coveted by Ohio economic development officials for some time.

West Virginia Gov. Earl Ray Tomblin and officials from Brazilian company Odebrecht stood shoulder to shoulder at a press conference recently, saying the company is looking at developing a cracker near Parkersburg across the Ohio River from Marietta.

The plant, which would separate ethane from natural gas, would be part of a petrochemical complex that would include three polyethylene plants and facilities for water treatment and energy cogeneration.

UTICA NEWS:

Utica Shale holds massive resources, estimate shows. [Columbus Business Journal](#). The U.S. Geological Survey released its first estimate, showing the shale formation holds about 38 trillion cubic feet of undiscovered, recoverable natural gas, 940 million barrels of oil and 9 million barrels of natural gas liquids such as ethane and propane.

Ohio is ranked 14th in this year's [Global Petroleum Survey](#) of 147 states and countries by the Fraser Institute, a free-market think tank in Calgary, Canada. That's down from second in 2011, with the fall apparently driven by concerns about complying with tougher federal and state environmental [regulations](#) and a tax increase on oil and gas [production](#) proposed by Gov. [John Kasich](#).

NEW PIPELINES PROPOSED TO SPUR UTICA SHALE DRILLING IN OHIO

Two pipeline companies from the Southwest, Williams Companies Inc. and Boardwalk Pipeline Partners LP, have formed a joint venture to build a transportation system to move natural gas liquids from shale plays in Ohio, West Virginia, and Pennsylvania to processing and storage facilities in Louisiana.

The BlueLine Pipeline would allow oil and natural gas producers to move 200,000 barrels/day of natural gas liquids, such as ethane, to processing facilities on the Gulf Coast. The pipeline will be built from the Ohio and West Virginia Utica and Marcellus plays to a transmission system in Hardinsburg, KY. From there, the natural gas liquids would be transported via a converted portion of a pipeline to Eunice, LA.

The companies expect to approve the project later this year and put the pipeline into service in the second half of 2015. Cost of the project is still to be determined.

Spectra Energy, along with two other companies, are proposing a new 250 mile 36" pipeline, Nexus Gas Transmission, for transporting gas from shale drilling in eastern Ohio to Detroit and southern Ontario, subject to FERC approval. The anticipated cost of this new pipeline is \$1.5 billion, and could be in service as early as November, 2016. The proposed pipeline will run from Carroll County, Ohio, to Detroit and southern Ontario.

DOMINION EAST OHIO:

Blue Racer Midstream has negotiated a new agreement for liquids uplift for producers on the DEO Guernsey/Cambridge gathering system for conventional production. The new agreement will be an amendment to the original HCA agreement. More details will be available after the agreement is completed.

MIDSTREAM/PROCESSING NEWS:

Blue Racer Midstream's gas processing plant hit by an explosion on September 21, 2013, is up and running. They expect the second pipeline to be up and running in March, 2014.

Pinto Energy is looking to build a 2,800 bbl/day gas to liquids plant east of Ashtabula, Ohio. It will produce high quality synthetic liquids as well as lubricants, waxes and solvents from gas being produced by the Utica and Marcellus formations.

(Continued to page 18)



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New Supervisor For the Wayne National Forest Announced

Monroe Beacon Journal
March 13th, 2014

Kathleen Atkinson, Regional Forester for the U.S. Forest Service's Eastern Region, announces the selection of Anthony (Tony) Scardina as the new Forest Supervisor for the Wayne National Forest. Tony replaces Anne Carey, who retired in January after more than 30 years with the Forest Service.

"I'm truly excited about getting to know the community, ecosystems, and employees of the Wayne National Forest. I plan to arrive in early May," said Scardina.

He is currently the Forest Supervisor on the Ottawa National Forest in Michigan.

Tony began his Forest Service career as a Presidential Management Fellow in 2004. During this time, he worked in the Forest Service's Washington, D.C., budget office, as well as serving as the Travel Management Coordinator on the Eldorado National Forest in California. He served as Deputy District Ranger in California in 2006, where he transferred to the Forest Service's Eastern Region to accept a position as District Ranger on the Bradford Ranger District of the Allegheny National Forest in Pennsylvania.

He received his Bachelor's degree from West Virginia University in forest resources management, wildlife sciences, and Master's degree from Virginia Tech in public administration and natural resource law and policy.

Tony has a love of outdoor adventures and is an avid fisherman, hunter and skier. He will be joined by his wife Allison and plans to live in the Athens area.

Until his arrival, DeVela Clark will serve as the acting Forest Supervisor. Clark served as the Athens District Ranger on the Wayne National Forest for several years., before being promoted to the Deputy Forest Supervisor position on the Monongahela National Forest in neighboring West Virginia.

For more information, visit our website at <http://www.fs.usda.gov/wayne>. Follow the Wayne National Forest on Twitter : @waynenationalfs.

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If an injury occurs, the First Aid Provider should:

- 1 Evaluate the accident area to ensure he/she does not become involved in the same accident situation. The injured person should not be moved unless a life threatening condition exists (i.e., a person's car catches on fire after a wreck and they could be burned up.)
- 2 Remain calm and take charge of the situation until professional medical help arrives.
- 3 Direct others briefly and clearly as to how they can help or secure help.
- 4 Conduct a primary survey of the victim to detect life threatening conditions that require immediate attention. These include:

Respiratory Arrest

- Ensure Adequate breathing by establishing and maintaining an open airway.
- If there are no signs of breathing, give artificial breathing (mouth-to-mouth using by-pass resuscitator is preferred method).
- If victim experiences circulatory failure, start CPR if trained to perform it.

Severe Bleeding

- Determine if from capillaries, veins or arteries.
- If artery or vein is involved, use the following methods in this order:
 - 1 Apply direct pressure using a sterile bandage or the cleanest material available.
 - 2 Elevate the bleeding part of the body above the head if no fractures are involved and injury will not be aggravated.
 - 3 Apply pressure at closest available pressure point.

Shock

Be prepared to treat for shock even when there is little or no injury. First aid procedures are:

- 1 Keep victim lying down.
- 2 Provide as much fresh air as possible.



- 3 Loosen tight clothing at the neck, waist and chest.
- 4 Keep the victim warm and dry by wrapping in blankets or similar materials.
- 5 Do not give victim anything by mouth.
- 6 Help victim maintain a good positive attitude by remaining calm, using reassuring tones and keeping onlookers away.

- Determine if transportation is necessary.

- Transportation of the injured person will depend on the judgment call of the First Aid Provider. In many cases, particularly with fractures, back and similar injuries, it is wiser to call the rescue squad or EMS for professional help. They have backboards, inflatable splints and other equipment that can be used to move the victim without causing additional injuries.
- Only after the life threatening injuries have been addressed and medical help has been requested, should the First Aid Provider proceed to the following steps. Most of the additional steps may not be necessary if medical help can get to the site.

- 1 Dress any open wounds with bandage compresses, cravat bandages or any other clean materials that are available. It is only necessary for this material to last until the victim can be moved to professional medical help.
- 2 Splint any fractures with the best available material. Shovel handles, sticks, rolled up newspaper, etc., can be used as improvised splints.

“ When all else fails, the First Aid Provider should use his or her best judgment and do whatever is necessary to save the life.”

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MARCH 2014

NYMEX Settlement: \$4.8550
 Inside FERC/DTI: \$4.5700 (Basis: -\$0.285)
 Inside FERC/TCO: \$4.9200 (Basis: \$0.065)
 NYMEX 3-day Average: \$5.1320

APRIL 2014

NYMEX Settlement: \$ 4.5840
 Inside FERC/DTI: \$4.2000 (Basis: -\$0.384)
 Inside FERC/TCO: \$4.4900 (Basis: -\$0.094)
 NYMEX 3-day Average: \$4.4657

OIL PRICING 2014

ERGON OIL PURCHASING WEST VIRGINIA MONTHLY AVERAGE

February Ohio Tier 1: \$98.4596
 February Ohio Tier 2: \$95.4596
 February Ohio Tier 3: \$92.4596
 February West Virginia Tier 1: \$99.3168
 February West Virginia Tier 2: \$96.3168
 February West Virginia Tier 3: \$93.3168
 February Marcellus/Utica Condensate: \$80.2725
 February Marcellus/Utica Medium: \$ 98.4596
 February Marcellus/Utica Light: \$88.7786

March Ohio Tier 1: \$98.8894
 March Ohio Tier 2: \$95.8894
 March Ohio Tier 3: \$92.8894
 March West Virginia Tier 1: \$99.8894
 March West Virginia Tier 2: \$96.8894
 March West Virginia Tier 3: \$93.8894
 March Marcellus/Utica Condensate: \$79.7816
 March Marcellus/Utica Medium: \$98.8894
 March Marcellus/Utica Light: \$89.0961

Tier 1 - 150 + net barrels of crude oil

No more than 2% BS&W (if the BS&W is over 2% it will then qualify for Tier 2 pricing)

Tier 2 - 60-149.99 net barrels of crude oil

Two Stops within 5 miles

Tier 3 - 30-59.99 net barrels of crude oil

The prices as posted are based upon computation of volume by using tank tables, or as measured by a deduction for all BS&W and correction for temperature deductions or allowances shall be made on the oil purchased shall be free of contamination and/or alteration by foreign substances or chemicals not but are not restricted to, oxygenated and/or chlorinated compounds.

The Marcellus/Utica Shale produced crude oil will be purchased based on the monthly average for the following postings:
 38.0-49.9 API Gravity—**Marcellus/Utica Medium** crude oil
 50.0-59.9 API Gravity—**Marcellus/Utica Light** crude oil
 60.0+ API Gravity—**Marcellus/Utica Condensate** (formerly posted as Appalachian Sweet Light-ALS).
 Other parameters will be evaluated on a farm by farm basis.

You can now find EOP WVA Crude oil Price Bulletin on the internet at:
www.ergon.com

OIL PRICING 2014

AMERICAN REFINING GROUP AVERAGE

2/11 to 2/20 Group 1 OH: \$99.05
 Group 2 OH: \$96.05
 Group 3 OH: \$93.05
 2/21 to 2/31 Group 1 OH: \$100.35
 Group 2 OH: \$ 97.35
 Group 3 OH: \$94.35
 3/1 to 3/10 Group 1 OH: \$100.53
 Group 2 OH: \$97.53
 Group 3 OH: \$94.53
 3/11 to 3/20 Group 1 OH: \$97.15
 Group 2 OH: \$94.15
 Group 3 OH: \$91.15
 3/21 to 3/31 Group 1 OH: \$98.98
 Group 2 OH: \$95.98
 Group 3 OH: \$ 92.98
 4/1 to 4/10 Group 1 OH: \$99.81
 Group 2 OH: \$96.81
 Group 3 OH: \$93.81

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Group 3 (OH/PA/NY) - 30-59.9 net barrels from a single location

For questions relating to ARG Group Pricing or Utica / Marcellus Shale pricing, please contact:

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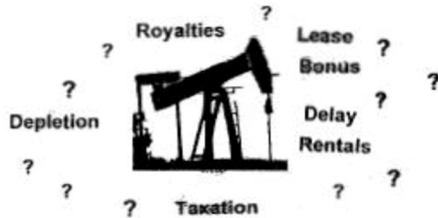
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Reminders

We are currently working on our 2014 Membership Directory. So please review your membership information from last year and let us know if you have any updates or corrections.

The Spring Membership Meeting presentations are now available on our website at www.sooga.org.

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(Continued from page 6)

MarkWest has been processing 60 Mmcf/d since August of 2012 from its gas processing facilities in Cadiz. They have now completed their Cadiz 1 facility and commenced operations of their 125 Mmcf/d cryogenic processing plant. With the completion of Cadiz 1, MarkWest will now be able to process more of the liquids rich gas coming from customers like Gulfport, Antero, PDC and Rex Energy.

Further South in Noble County, MarkWest is at work building an additional complex: the Seneca Complex. The Seneca I and Seneca II gas processing plants will be capable of processing 200 Mmcf/d each, and is on pace to begin operations of the Seneca I early in the fourth quarter of this year. The Seneca II is also scheduled to be installed later this year.

Utica East Ohio (UEO), a joint venture by Access Midstream, M3, and EV Energy Partners, became the first fully integrated gathering, processing, and fractionation complex to be put into operation on July 28th in Eastern Ohio. This initial phase of the UEO project is capable of processing 220-million cubic feet per day at their cryogenic processing facility near Kensington, and is processing 45,000 barrels per day of natural gas liquids at their fractionation, storage and rail facility near Scio.

The second phase is under construction and scheduled to be completed in December, 2013 with a third phase to follow. When complete, the UEO project will have 800 million cubic feet per day of cryogenic processing, 135,000 barrels per day of natural gas liquids fractionation, 870,000 barrels per day of natural gas liquids fractionation, 870,000 barrels of gas liquids storage and a rail facility capable of loading 90 cars per day.

Hickory Bend Project, the NiSource and Hilcorp natural gas processing project, has announced the construction of a \$60 million pipeline to move natural gas liquids from their cryogenic natural gas processing plant in Springfield Township to attractive market destinations. Pennant Midstream will construct the 12 inch 38 mile pipeline. It will have the capacity to deliver up to 90,000 bbls. of NGLs per day to a Utica East Ohio pipeline in Columbiana County, and from there be transported to the fractionators in Harrison County. It is expected to be complete by July, 2014. For more information, click on this link; <http://energyindepth.org/ohio/new-natural-gas-plant-up-and-running-in-eastern-ohio/>

Utica Facts and Numbers – First Quarterly Report—2013

For the first quarterly reporting Ohio saw some strong production numbers coming from wells online in Eastern Ohio. In total, the 245 wells produced 1.3 million barrels of oil and 33.6 million mcf of natural gas. The average amount of time in production was 55 days.

The next quarterly report must be filed by mid-February for the fourth-quarter results, and released in March, 2014.

AS of January 30, 2014, there have been 1,074 Utica Shale permits issued in 23 counties in Ohio to 29 companies, and 707 of them have been developed. The counties are listed below.

Ashland, Belmont, Carroll, Columbiana, Coshocton, Geauga, Guernsey, Harrison, Holmes Jefferson, Knox, Mahoning, Medina, Monroe, Muskingum, Noble, Portage, Stark, Trumbull, Tuscarawas, Washington, and Wayne. There are currently 300 Utica Shale wells in production, with 38 rigs running.

Use of Data:

The information contained in this document is compiled and furnished without responsibility for accuracy and is provided to the recipients on the condition that errors or omissions shall not be made the basis for a claim, demand or cause of action. The information contained in this document is obtained from recognized statistical services and other sources believed to be reliable, however we have not verified such information and we do not make any representations as to its accuracy or completeness.

Disclaimer:

Neither the information, nor any opinion expressed, shall be construed to be, or constitute, an offer to buy or sell or a solicitation of an offer to buy or sell any futures, options-on-futures, or fixed price natural gas. From time to time, this publication may issue reports on fundamental and technical market indicators. The conclusions of these reports may not be consistent.

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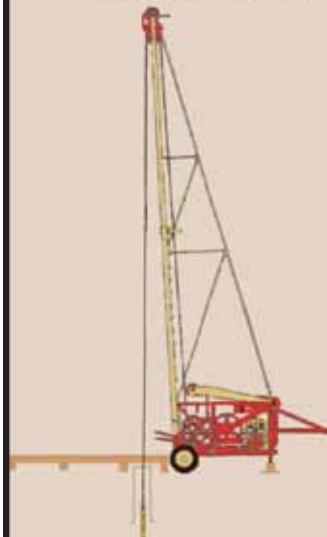
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Ohio Decision Marks Victory for Oil and Gas Producers (Continued from Page1)

The issue raised before the Court of Common Pleas in Washington County, Ohio, was whether shallow well production was sufficient to meet the implied covenant to reasonably develop by the leasehold owner of those "deep rights," where the secondary term of the leases was for "as much longer as oil or gas is found in paying quantities thereon." Plaintiffs Gary D. Marshall et al. claimed that they were entitled to forfeiture of the "deep rights" for failure to develop or by abandonment.

Specifically, Plaintiffs own real property in Liberty Township, Washington County, Ohio, totaling 99 acres. The tracts are subject to two oil and gas leases, dated 1901 and 1903, currently held by the production of 15 wells in "paying quantities" by Sandbar Oil & Gas Company from the surface to the bottom of the Germantown Sand (approximately 1200 feet).

Judge Randall G. Burnworth granted summary judgment to Defendant Baron Kidd and heirs, ruling "none of the parties in the early 1900s could have foreseen the current development of shale. The res-

ervation of the 'deep rights' by the assignors in the 1960s was indeed fortuitous to the heirs. Until the Ohio Supreme Court rules otherwise, parties in this situation will be bound by the terms of agreements made by their predecessors."

"The Court finds that reasonable minds could come to but one conclusion and that is that the original leases are still valid and in full force and effect as to all depths and all formations," Burnworth said.

The ruling marks a significant victory for oil and gas producers against landowners seeking to terminate those portions of oil and gas leases covering the "deep rights" because of an alleged breach of the implied covenant to reasonably develop or abandonment of the "deep rights" when only "shallow rights" are currently being produced.

For more information about this case or related matters, please contact one of the following members of the Bowles Rice Oil and Gas Industry Team:



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BLAST FROM THE PAST!

At various times *Marietta Times* has a column titled as 'Times Past.' This discusses items from their paper 50 and 100 years ago. Here are two examples of Times Past items from recent issues which may be of interest to our readers.

TIMES PAST (Marietta Times April 15, 2014)

April 15
50 years ago

- After serving the oil and gas industry in three states in the shooting of wells since 1902, the Producers Torpedo Co., with main offices in Marietta will dissolve and liquidate. The wide-spread use of new fracturing methods in recent years has cut into the business in which nitroglycerin had been used.

TIMES PAST (Marietta Times April 14, 2014)

100 Years ago

- Oil producers were given a hard jolt today when a drop of 10 cents in the price of Pennsylvania oil was recorded at the Buckeye Pipe Line buying office when the market opened, the first change since February 1913. The price now paid is \$2.40 per barrel, and general opinion prevails that a worse drop is yet to come.

Compiled by Linda Showalter, Marietta College Special Collections.



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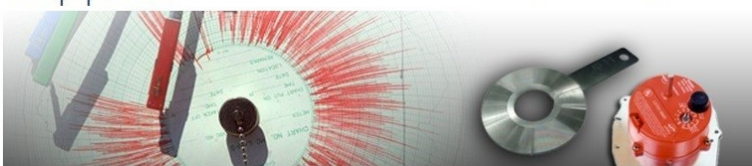
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Phillip Joe Dever

March 11, 2014

The Daily Jeffersonian

Phillip Joe Dever, 65, of Norwich, Ohio passed away Thursday (March 6, 2014) at Mt. Carmel West, Columbus.



He was born on May 25, 1948, in Findlay, son of Frank and Lavon (Kraut) Dever.

In addition to his parents, he was preceded in death by his son, Joseph Patrick Dever.

He is survived by his wife, Linda Kay (Morrison) Dever of 45 years; one son, Todd (Cassie) Dever; two granddaughters Angel Dever and Cora Jo Dever; one grandson, Noah Dever; one sister, Kay (Roger) Frantz; and many numerous extended family and friends.

Mr. Dever along with his wife, Linda, owned and operated Devco Oil Inc., in Cambridge. He is a Hall of Fame member of the Ohio Oil and Gas Association. He served in the U.S. Navy from 1968-1970. He enjoyed golfing and was an avid fan of the Ohio State Buckeyes.

There will be no services at this time.

As an expression of sympathy, the family asks for contributions in Phill's memory to the Ohio Oil and Gas Education Foundation, P.O. Box 187, Granville, OH 43023, or The James Cancer Research Clinic, 300 W. 10th Ave, Columbus, OH 43210.

Mr. Dever was also a member of South-eastern Ohio Oil and Gas Association.



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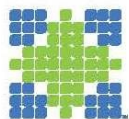
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The Aboveground Storage Tank (AST) Act: SB-373 (Continued from Page 1)

The Primary Areas Covered in the AST Act:

- Inventory and Registration
- Permitting with some waivers
- Inspections and certification
- Financial Responsibility
- Spill Plans
- Notices and Signage
- FEES

Applies to all AST's that:

- Are larger than 1320 gallons and stationary in nature
- Mobile tanks that remain in one location for 60 days or more

Does not Apply to AST's that:

- Contain drinking water, filtered surface water, demineralized water, cooling water and water for emergency or fire protection
- Natural gas or propane tanks
- Septic tanks, home aeration units or swimming pools
- Pipeline facilities in general
- Mobile tanks, trucks, railcars on site for less than 60 days
- Liquid traps, associated O/G gathering lines production operations
- Tanks regulated under the federal (SPCC) program, unless they are within the zone of critical protection
- The DEP can also designate additional tanks for which permits can be waived

THE INITIAL STEP: REGISTRATION

Registration (Due October 1) shall include:

- Owner name, address and other information
- Installation date of the tank if known, tank size or capacity, fluid stored within
- Identity of and distance to the nearest GW public water intake or surface water downstream public water intake

THE HEART OF THE ACT: PERMITTING AND TANK PERFORMANCE STANDARDS

- Design, construction and maintenance of ASTs and secondary containment
- Requirements for a leak detection system, an inventory control system with tank testing, or a comparable system or method to identify releases
- Recordkeeping requirements
- Release detection reporting
- Life-cycle management and corrective action plans, closure and remediation standards

Additional Requirements

- Annual Inspection and certification by a Registered Professional Engineer, a person certified by API or a person certified by a program approved by the WVDEP
- Evidence of financial responsibility
- Spill prevention and response plans
- Tank signage and public notice to local governments and public water systems
- Fees, Fees, Fees, and Potential Penalties

Public Water Supply Protection Act

- New statute focused on "Potential sources of critical concern"
- Defined as "a facility or activity that stores, uses or produces compounds with potential significant contaminating impact if released in the source water of a public water supply"
- Directs the WVDEP to work with the Bureau of Public Health and the Department of Homeland Security, for the creation of a process for Identifying ASTs within the ZCC and if additional requirements may be needed

The AST Act creates two funds that the AST Owners will be expected to pay for:

1. The Above Ground Storage Tank Administrative Fund, which will receive annual registration fees sufficient to cover administrative and regulatory costs, as well as permit fees and all fines, penalties and forfeitures, all of which may be used only to defray the cost of administering the AST Act. The DEP will set the fees by Legislative Rulemaking.

(Continued on Page 29)

Severance Tax not Needed

April 20, 2014

Parkersburg News and Sentinel

State officials are busy again coming up with new ways to remove the anticipated wealth from Southeastern Ohio. A common misconception is that the tax will only be paid by an oil and gas producer; however, the majority of landowners with royalty interest must pay their proportionate share of taxes on oil and gas produced from their own land.

Currently there are two proposals for the Severance Tax being considered:

1: Gov. John Kasich's Mid Biennium Review calls for a 2.75 percent of Natural Resources for its costs of production with proceeds going to the Ohio Department of Natural Resources for its costs of overseeing the oil and gas industry, 20% of severance tax revenue would be set aside exclusively for the needs of local governments in the Utica Shale Play Region. Half of those funds would go directly to counties in the shale region to be used however they see fit, a quarter would be used for local infrastructure projects and a quarter would be held until 2025 as a "legacy fund" to help meet future needs.

2: HB 375, introduced by Rep. Matt Huffman with the backing of the Ohio Oil & Gas Association calls for a 1% additional tax on net horizontal well proceeds for first five years and 2.25% thereafter. Proceeds first go to cap idle and orphaned wells then to reducing Ohio's personal income tax with 10% coming back to the region.

Both offer a generous amount to be funneled back to your local government, either 10% or 20% most likely to be governed by a board of appointed individuals.

We are told that oil and gas producers are not paying their fair share, however the taxes paid by the oil and gas industry and landowners are many; income tax, property tax, motor vehicle gas tax, ad valorem tax, commercial activity tax and sales tax.

I am opposed to any additional increase in the Severance Tax. I believe our local landowners and private business know best how to manage their profits. If the industry is not strapped with the burden of more taxes, local and regional revenues will increase substantially by the advance of business development and employment.

I refuse to accept the falsehoods that government can pick winners and losers and that government confiscation/redistribution of wealth is somehow fair.

The citizens of Southern and Eastern Ohio stand at the edge of an unparalleled economic legacy not realized since the late 19th century. This tax will undoubtedly thwart any recompense if not extinguished.

Ron Feathers

Marietta

Editor's Note: Ron Feathers is a Washington County Commissioner



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The Aboveground Storage Tank (AST) Act: SB-373 (Continued from Page 27)

2). The Protect Our Water Fund, for which fees are to be used solely to respond to leaking ASTs, including the costs of regulatory oversight. Civil penalties collected pursuant to Section 17 are paid into this account as well.

The fee will be determined by the DEP. Will be assessed on the basis of the number of the ASTs owned, and is to be varied each year to produce a “significant” fund at the beginning of each calendar year.

The fund may be used to:

A. Respond to AST releases where necessary to “prevent or mitigate significant risks of harm to human health, safety, water resources or the “environment” from releases, where no federal funds are immediately available.

B. Reimburse nonresponsible parties for cleanup costs from actual or threatened releases from ASTs.

C. Money from the fund can be used to compensate cooperating agencies as well.



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Fred Badertscher, Richard C. Poling, Robert Barrick, Tom Stewart and Carl Heinrich inducted into OOGA's Hall of Fame

The following four biographies are of people active in Southeastern Ohio and taken from their presentations at the OOGA induction ceremony March 5, 2014.

Fred A. Badertscher

Fred A. Badertscher was born in Dalton, Ohio on June 4th, 1928 and graduated from Killbuck High School in 1946. Fred served in the U.S. Army from 1946-48 with the 45th Engineer Battalion in Tokyo, Japan. Two notable awards received were the World War II Victory Medal and Army Occupation Medal.

Fred worked on standard rigs and spudders from 1948 to 1956, starting on a casing gang, becoming a tool dresser, and then a driller. For one season, Fred worked on an offshore drilling rig for Loffland Brothers Drilling.

In 1956 Fred purchased "Killbuck Drilling Contractors". He did contract drilling in Ohio and Michigan until 1968 when he sold his drilling rigs, moved to New Concord, Ohio, and purchased rig moving trucks and equipment to build and reclaim locations.

Fred purchased Buckeye Water Service in 1978 when it had only two water trucks. His business has expanded greatly since then by adding water trucks, tanker trucks, dump trucks, roll off trucks and roll off boxes to haul drill cuttings.

Fred has been a member of the Ohio Oil and Gas Association since 1981 and is active in Cambridge, Zanesville and Noble County Chambers of Commerce, Buckeye STEPS, Ohio Oil and Gas Safety Council, VFW Post #7079 Killbuck, Spartan FAM Masonic Lodge #126 Millersburg, Valley of Canton 32 Mason, and Al Doran Shrine Temple, Cleveland. Fred was on the Southeastern Ohio Oil and Gas Association Board of Trustees back in 1978-1980.

Fred and his wife Ann live in Norwich, Ohio. They have 3 daughters, 3 grandchildren and 2 great-grandchildren.

Richard C. Poling

Richard C. Poling, Junction City, Ohio. Dick's life in the oilfield began when he worked with his father, who was an oil well pumper, as a boy. He graduated from Logan High School in 1971. He attended Muskingum Technical College and obtained a degree in petroleum engineering.

He then began his career in the oilfield working for the Oxford Oil Company and then Bremco. In 1980, he started the R.C. Poling Co., which drills between 5 and 15 wells per year and operates 150 wells in eight counties within Southeast Ohio.

Dick currently serves on the OOGA Board of Trustees, a position he has held since 2011. He is a director of the Commodore Bank in Somerset, Ohio and Vice Chairman of the Board of South Central Power Co. of Lancaster, Ohio . (continued to page 31)




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Robert Barrick

Robert “Bearcat” D. Barrick was born in Licking County, Ohio on November 14th, 1940. He graduated from Frazeyburg High School and attended Marietta College. Bob served in the U.S. Army Signal Corps in Germany from 1963-65.

Prior to service, Bob worked for National Supply Company in Zanesville from 1960-63. Following his time in the U.S. Army, Bob worked for Buckeye Supply Company in Zanesville for 33 years.

Since 1999, Bob has worked for Tech Star, Inc. in Zanesville.

Bob’s father worked for Pure Oil for 35 years and retired from Oxford Oil. Bob is “oil people” from the beginning and a lifelong supporter of the oil and gas industry – the oil and gas family. Bob is active with ASPCA and the USGA.

Bob and his wife, Lois live in Zanesville.

(continued to page 33)



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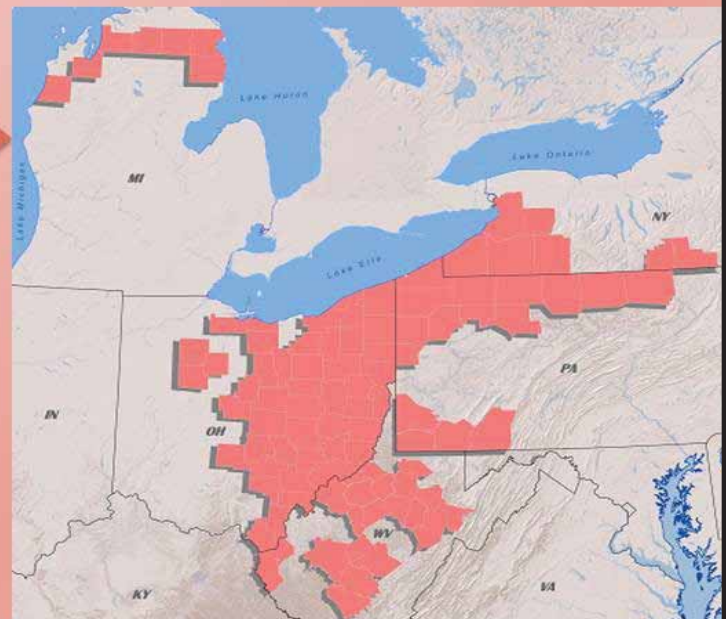
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Thomas Stewart

Thomas E. Stewart has had a distinguished career at the Ohio Statehouse. But it began in the Ohio oilfields. It is this industry experience that has made him an effective lobbyist for the Association and an ambassador for the oil and gas industry.

Following college in 1974, Stewart went to work for his father, Bill Stewart, a small oil producer and a 1989 Hall of Fame inductee. Tom became part of the third generation of his family to engage in the oil and gas business. The family heritage extends back to the original oil regions of western Pennsylvania and southeastern Ohio. He spent the next seventeen years gaining experience as an oil and gas producer and provider of contract drilling services.

Stewart initially became involved with the Ohio Oil and Gas Association in 1985 when the Association was engaged in House Bill 501, the first significant legislative battle concerning environmental policy in Ohio's oil and gas law. His participation eventually led to his chairing of the OOGA Legislative Committee, the Region IV Producers Committee and service on the Technical Committee and Board of Trustees.

Stewart has served as the Executive Vice President of the Ohio Oil and Gas Association since his election in September, 1991. Stewart is the chief executive officer of the Association and serves as an industry spokesman to the media and as the members' public policy advocate in Columbus and Washington D.C.

During his tenure as EVP, Stewart has managed numerous substantial pieces of legislation that have impacted the Ohio oil and gas industry. Those include House Bill 278, landmark legislation that established statewide preemption of regulatory authority at the state level and which fundamentally impacted access to new reserves;

Senate Bill 165, the first major rewrite of Ohio oil and gas law since 1963; and Senate Bill 315, a legislative reaction to shale development that addressed major issues in Ohio related to the burgeoning national debate over oil and gas development.

Stewart also has been an influential voice on several national organizations impacting the oil and gas industry. He continues to serve as the Ohio associate representative to the Interstate Oil and Natural Gas Compact Commission (IOGCC), having been appointed to that position by Governor George Voinovich in 1997. Stewart is an active participant with the Independent Petroleum Association of America and Contributor to the IPAA's Cooperating Associations. Stewart is a founding member of the management team organizing the national BRIEF Project (Bringing Real Information on Energy Forward) that has evolved into the Energy in Depth program. Between 2002 and 2005, Stewart served as the secretary treasurer of the Liason Committee of Cooperating Oil and Gas Associations, a national network of state and regional trade associations that represent the independent oil and gas exploration and production industry.

Since December 2001, Stewart has served on the Board of the State Review of Oil and Natural Gas Environmental Regulations, Inc. (STRONGER) as one of three representatives for the U.S. oil and gas exploration and production industry, as well as serving two terms as Board Chairman. STRONGER is a collaborative process to advance improvements to state-based regulatory programs.

Tom has been married for forty years to Brenda, a cardiac care nurse practitioner. Together they raised three wonderful and successful daughters and now enjoy two grandchildren.

Carl Heinrich's biography will be printed in the May– June issue.


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