

May 10, 2011

James A Martin, Chief
Office of Oil and Gas
WV Department of Environmental Protection
610 57th Street, SE
Charleston, WV 25304-2345

Re: Permits
API well number 47-6101622 for owner well number MIP 4H
API well number 47-6101624 for owner well number MIP 6H
Public Notice and Comment
Public Water Supply

Dear Mr. Martin,

Morgantown Utility Board is a municipally owned and operated potable water utility. We provide drinking water to most of the nearly 90,000 residents of Monongalia County, either directly, or through re-sale utilities who depend upon us for their water production.

Ours is a surface water supply, drawing from the Monongahela River. The subject gas wells will be located literally within sight of our raw water intake. The distance from the well pad to the raw water intake will be about 3,000 feet as the crow flies. More importantly, any substance that is discharged to a stream or drainage pipe from the well site will enter the Monongahela River a mere 1,500 feet (approximately) upstream of our raw water intake. These proximities are a cause for unique concern.

Given all the above, we are extremely disappointed and frustrated to learn that the subject permits were issued without providing MUB an opportunity to comment and to have input on the requirements to be included in the permit. We understand that the current regulations governing such permits apparently do not require public notice or solicitation of public input, but neither do they preclude such actions.

In light of the unique circumstances of the subject permits (vis-a-vis our intake location), MUB intends to provide to you our comments following a detailed review of the plans for these wells. If our review indicates that additional safeguards, beyond any that may already be required by the permits, are necessary to protect our public water supply, we will ask that those additional requirements be included by way of an addendum to the permits. Whether the current oil and gas regulations allow or require this is irrelevant; simple common sense demands that it be done.

This letter is not intended to express any negative pre-judgment of the mineral owner and/or the well operator. To the contrary, these parties have pledged to MUB their complete cooperation with any request that we may make in order to ensure that our raw water supply is not negatively impacted by the proposed wells. We trust and expect them to fulfill this pledge, and we will continue detailed discussions with them in this regard. However, simple prudence dictates that we should seek to confirm such protections as permit requirements.

We do not seek to have the subject permits revoked. We simply want to ensure that the safety of our raw water supply is protected, and that the permits adequately address this need.

Thank you for your attention to this critically important matter. We look forward to working with you to resolve our concerns.

Respectfully,

Morgantown Utility Board

A handwritten signature in black ink, appearing to read 'T. Ball', written in a cursive style.

Timothy L. Ball
General Manager

cc: Randy Huffman – Secretary WV DEP
Scott Mandirola – Chief, Water and Waste Section, WV DEP
Barbara Taylor – Director, Envir. Health Services, WV Bureau of Public Health
Morgantown City Council
Morgantown Utility Board
John Adams – Northeast Natural Energy
Glenn Adrian - ENROUT