Overview:

A full review of the LWV-VA Positions was conducted in order to identify those positions which relate to Fracking. This review led to many of the same conclusions that were reached when a review of positions as they relate to Uranium Mining several years ago. In summary, there is very little in existing positions that can be clearly applied to Hydraulic Fracturing. Only by taking pieces of the existing positions and doing a bit of mental calisthenics can one find ways is which it is possible to derive some statements that could be used, albeit it weakly, to address the issues of Hydraulic Fracturing.

The Positioned For Action Document contains three primary sections:

2. “Natural Resources (Air Quality, Land Use, Water Supply and Distribution)”

A fourth section is “Principles” which sets the criteria by which, according to LWVUS Bylaws that function to: “(1) authorization for adoption of national, state and local program (Article XII), and (2) as a basis for taking action at the national, state and local levels (Article XII).”

Government:

In Section 1: Government, subsection Delegation of Power, there is a statement which could be useful by virtue of the fact that Hydraulic Fracturing well tend to be centralized in locations where only one or a few jurisdictions are involved. From Page 1, The League's Position: "enhance the partnership and shared responsibilities of state and local government, including regional coordination and incentives for innovative local action" [1]

The by-products of the whole process, such as air and water quality, will likely have an impact that has a far larger scope. The development of regional entities involved in the selection/establishment of drilling sites and the management of waste in all forms should include all of the areas that are likely to be affected, not just where the drilling occurs. A key component to this should also include the participation of citizens through all phases of the process and a high level of transparency to insure that those citizens have access to important information.

Also in Section 1: Fiscal Policy on page 5 there is this phrase in the In Brief paragraph: “state commitment to funding of state-mandated programs” It is further noted on page 6 in the State/Local Fiscal Relationship section. It states there: “Increased commitment by the state to fund its mandated programs” and “The need for mandated programs should be continuously evaluated and their true and eventual costs should be considered. There is a great variation in the economic strength of different sections of the state so the state itself must assume a larger share of the financial burden.” [1]

Fiscal policy would apply to areas of enforcement of any regulations concerning fracking. Given the lack of a
LA VA position pertaining to poverty and affordable housing (except as housing relates to Mental Health), another issue to consider is that according to this Scientific American article Poor Communities Bear Greatest Burden From Fracking. "Fracking wells in Pennsylvania’s Marcellus Shale region are disproportionately located in poor rural communities, which bear the brunt of associated pollution, according to a new study.” [2]

While acknowledging the benefit of the siting of wells in rural areas may create some economic stimulus, there are some notable negatives. People living in areas of higher rates of poverty are less likely to have access to the types of information sources that would provide them with important facts about Hydraulic Fracturing. In the short-term, the signing of leases may provide a positive impact from some people in those areas, the long-term consequences have the potential to be highly detrimental as harmful health consequences increase. Most notably, will there be the types of medical and social services support available to the less affluent communities that can meet the potential for increased needs of services due to Hydraulic Fracturing?

The Transportation subsection (page 7) provides only one statement in the Positions in Brief section that reflects a vague concern for the environment that could be related to Hydraulic Fracturing: “Support for regionally balanced transportation systems which efficiently and economically meet regional needs without adversely affecting planned growth or the environment.” This is followed by a similar statement in the Full Position on that same page which appears to have a typo in it. The typo is in a different color of type here: “The League of Women Voters of Virginia supports regionally balanced transportation systems which efficiently and economically meet regional needs without adversely affecting planned growth of the environment.” [1]

Note that there is no specific support in this position that addresses environmental impact of anything other than automobiles.

**Natural Resources**

The sections in Natural Resources (Air Quality, Land use, and Water Supply and Distribution) has some component that could affect Hydraulic Fracturing in either a negative or positive way.

Air Quality, found on page 9, focuses on the impact of transportation on air quality. There is no mention of any potential for pollution of the air from any industrial or mining sources. In fact, this section could work against any negative impacts of fracking because it takes a strong position on “Develop less polluting alternative fuels, a high priority with preference for compressed natural gas, reformulated gasoline, electricity and hydrogen. The State should consider total environmental impact of a fuel, including tail pipe emissions and pollution produced during manufacture and disposal.” Thus, we have a situation where we could be promoting significant restrictions on a process that yields a product that we strongly endorse in this position. [1]

Land Use (pages 9-10) provides a significant not by way of an argument already in use to prevent the pipelines from being established in some areas. Positions in Brief notes this: “protecting of critical environmental areas through some land use controls” (page 9). In the Full version the League calls for “Increased state control of certain land areas of statewide concern such as: Wetlands, Crucial watersheds, Flood plains, Productive agricultural and forest lands, Unique scenic and historic areas, Shorelines of major waters and, Unique wildlife habitats.” [1] This would put the burden of responsibility for protection of these areas on the state.

Water Supply and Distribution subsection warrant the inclusion her of the entire Position in Brief:

“Support for a comprehensive state effort to protect the water supplies, including: recognition of the connection between ground and surface water; decision-making based on the concept of sharing in the use of ground water; state responsibility for the collection of information on water resources and planning for future use. Land use policies that guarantee protection of water resources; and a moratorium on uranium mining until modern, enforceable and effective best practices are approved by an independent assessment team. (1983, 2014)” [1]

General statements (not Uranium Mining specific) in the League's Position includes the following:

“Specifically we believe that:

- The law should recognize the connection between ground and surface water;
• Decisions about reasonable use of ground water should include the concept of sharing, as in the riparian doctrine;
• Exemptions in the Ground Water Act of 1973 should be tightened; and
• If the resolution of conflicts is in the Courts, expert technical advice should be provided.

The League believes that the state must fulfill its responsibility for gathering information about Virginia's water resources, planning for future supply, and giving assistance to localities about their water supplies; and that:
• The designated agency must be strengthened and adequately funded;
• The state should have a strong land use policy that recognizes that water and land-use planning are indivisible; and
• The state should take the lead, both by education and by legislation, in promoting water conservation. (1983)” [1]

This subsection warrants particular attention because it is the one that has been most recently updated due to Uranium Mining issues. Note the last sentence which includes a moratorium on uranium mining. Although fracking is not mentioned, it could be argued that the same should hold true for fracking. DMME is currently reviewing regulations for fracking and will be developing such criteria. Enforceable policies are fine but ONLY if you have the funding necessary to do the enforcement. Any fracking position should be sure to include enforceable policies with the funding necessary to make the policies FULLY enforceable.

The Full Position goes further on the Uranium Mining stance:

The League supports the moratorium on uranium mining. The Commonwealth must establish modern, enforceable, and proven effective best practices to protect the health and safety of workers, the public, and the environment before uranium mining, processing, and reclamation occurs. The Commonwealth must ensure that tangible economic benefits exists even if industry can develop modern best practices specific to the unique environment of Virginia. Further, if the Commonwealth adopts best practices approved by an independent assessment team such as the National Academy of Science (NAS) or other independent scientific organization, it must also provide the staff and funds needed by the Department of mines, Minerals, and Energy, the department of Environmental Quality, the Virginia Department of Health, and other state agencies to thoroughly monitor and regulate uranium mining.

According to the December 2012 NAS report “the waste form mining and milling if not adequately controlled may contaminate the local environment by seeping into water sources.” Some high population centers would most likely be affected if contaminants were inadequately isolated. Further, because Virginia is at risk of hurricanes and intense rainfall, concern exists about the effectiveness of the uranium tailings repositories to prevent surface and groundwater contamination. Tourism and agriculture, important economic drivers for the Commonwealth, depend on clean water which could be compromised by uranium mining. (2014) [1]

Summary

There is little in the way of existing LWV of Virginia Positions can are applicable to Hydraulic Fracturing and could provide any strength to a new position. It would appear that a position for Hydraulic Fracturing must be a standalone position.

References:
