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**From:** Lea Harper <[wewantsafeenergy@yahoo.com](mailto:wewantsafeenergy@yahoo.com)>

**To:** "[rep23@ohiohouse.gov](mailto:rep23@ohiohouse.gov)" <[rep23@ohiohouse.gov](mailto:rep23@ohiohouse.gov)>

**Sent:** Wednesday, June 19, 2013 2:07 PM

**Subject:** Appeal Re: Conservancy District and Important Report on Ohioan's Exposure to Radiation

Dear Representative Grossman:

We are asking for your attention and involvement in a very serious matter confronting Ohioans at this time. As you may know, the unconventional shale drilling industry (fracking) has unduly influenced our political processes, democratic values and environmental protections at the expense of the citizenry, potentially causing catastrophic loss of public health, property values and precious freshwater supplies. Right now, our solid waste landfills and injection wells are being used for disposal of hazardous and radioactive waste from the fracking industry in non-hazardous disposal sites with inadequate regulations that will threaten our clean water and air with the potential to cause catastrophic health problems.

Attached is a report we commissioned and recently released FYI. In addition to the review of this report, we are respectfully requesting you to direct particular attention to the Muskingum Watershed Conservancy District (MWCD) as a willful participant and proponent of the industry and its destructive influences, at potentially catastrophic public expense.

As you may or may not know, the MWCD operates basically without checks and balances and is a case of lack of separation of power and accountability through its singular interpretation and application of Ohio's Revised Code Chapter 6101. This loosely-written and -interpreted code has been applied in ways to realize the Conservancy District's goal to build a powerful and influential separate nation-state within the State of Ohio, basically accountable to no one, including property owners within the district who pay property taxes without due process or public vote, according to assessments made by the MWCD.

Conservation and environmental agencies within the State government must appeal before this separate State of the MWCD for needed monies for their programs, thereby, ingratiating mass numbers of individuals and agencies to allow the MWCD to operate without question or challenge. The MWCD collects approximately \$10 million per year from property owners in property tax assessments, and is now reaping hundreds of millions of dollars in windfall profits by supporting the unconventional shale drilling industry through leasing reservoirs and selling public water for its sole profit.

The MWCD also ingratiates and incurs favor while intimidating those who oppose and question it, through its ability to award public money without competitive bidding requirements and reap profits without fiscal responsibility and fiduciary accountability. The MWCD pays public money to commission consulting reports to justify its decisions and deliberately ignores scientific reports that run counter to its single-minded mission to make money. By recklessly engaging in the unconventional shale drilling industry, aided covertly and overtly by the MWCD's cronies such as US Army Corps, the MWCD is setting itself up for massive public liability because of the detrimental impacts to public health, freshwater supplies and property values. This, along with any destruction caused by subsidence, earthquakes and droughts exacerbated by the leasing for drilling and sale of massive amounts of public water supplies, is certain to result in millions of dollars' worth of settlements and attorney fees, which will be the taxpayers' burden to bear. Long after the drillers have left, their bonds revoked and their straw corporations dismantled, the remaining deep pockets will be the taxpayers of the Muskingum Watershed Conservancy District. Under existing law, major damages liabilities can simply be passed on to the District property owners by the MWCD in a manner that it deems appropriate. There are no legal means to reduce, avoid or stop the assessments. The taxpayers are the ultimate insurer of MWCD misdeeds, with no legal recourse.

We have made an appeal to the Attorney General and State Auditor requesting investigation. The scientific report that we commissioned to warn the MWCD of the serious risks that are posed by engaging in and supporting the unconventional shale drilling industry in the area can also be found at: [http://rwma.com/OHIO\\_FACT\\_SHEET\\_6-13-13.pdf](http://rwma.com/OHIO_FACT_SHEET_6-13-13.pdf)). The press release that announced the report is copied below.

We're asking the General Assembly to avoid scenarios of environmental and fiscal disaster. We want to provide you with the information and research we have gathered about the inner workings of the MWCD, including claims of leasing irregularities and close ties with other agencies such as the ODNR, along with other activities such as the divestment of Atwood Lodge. Combined, these events tell a story about the absence of transparency and accountability. We have a team assembled to testify, and would like to organize a committee of Ohio Legislators willing to consider changes to Ohio law to either dismantle the MWCD or make it directly accountable to the public taxpayer with requirements to operate via democratic procedure.

We estimate that the MWCD is poised to collect over a billion dollars in windfall profits by actively supporting, soliciting and promoting the fracking industry in Southeast Ohio. In addition, the MWCD continues to collect millions in property taxes, which can be spent to incur favor, spread undue influence and reward friends, all the while exposing the public to grave risks. Something must be done, and it must be done quickly in order to halt this betrayal of public trust, indifferent stewardship of valuable public assets, and self-serving empire-building of the rogue Muskingum Conservancy District. The MWCD is definitely in direct violation of their stewardship duties entrusted by the public of flood reduction and a contradiction of water conservation.

Thank you for your serious consideration of our plea, and your thoughtful review of warnings regarding radiation contamination by an expert in the field. We will be contacting your office to follow-up.

Best regards,

Lea Harper  
Southeast Ohio Alliance to Save Our Water  
in affiliation with FreshWater Accountability Project Ohio ([www.FWAPOH.com](http://www.FWAPOH.com))  
(419) 450-7042

**FOR IMMEDIATE  
RELEASE**

June 13, 2013

Contact: Lea Harper, Southeast Ohio Alliance to Save Our Water (419) 450-7042  
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**Radiation Expert Exposes Danger to Ohioans from Fracking Waste:  
Better public protection needed from State and Muskingum Watershed Conservancy District**

The FreshWater Accountability Project Ohio ([www.FWAPOH.com](http://www.FWAPOH.com)) today released a report on the presence and dangers of radiation present throughout the horizontal hydraulic fracturing (fracking) industry that is extracting minerals in Ohio. The report, authored by Dr. Marvin Resnikoff, a longtime expert on radioactive waste management and since 1992, on radiation hazards from oil and gas drilling, details the serious problem associated with bringing up long-buried radium and other naturally-occurring hazards from thousands of feet underground. The radiation is associated directly with the "hottest" areas of gas and oil productivity in deep shale layers and is an inevitable and burgeoning waste problem.

Resnikoff points out that much of the highly-radioactive solids such as rocks and soils pulled up during drilling, and contaminated muds and sands are cheaply disposed of in municipal landfills in Ohio, irrespective of actual radioactivity content, for 1/100th of the cost of disposal of comparable low-level radioactive waste from nuclear weapons and nuclear power generation in the nation's three facilities for that purpose. In Ohio, he stated, "It is evident that environmental concerns are trumped by the economics beneficial to the unconventional shale drilling industry." Similarly, Dr. Resnikoff identified evidence that the Patriot water treatment facility in Warren, Ohio, which delivers pretreated water to the Warren public water treatment plant, is likely sending radium-laden water into the Mahoning River watershed. "On a daily basis, Patriot does not test for gamma emitting radionuclides and for radium-226," he observed.

The expert also performed calculations showing that transport of radioactive liquid waste by tank truck greatly exceed federal thresholds which require specific tank design, minimum insurance under federal

regulations of \$5 million per shipment, and signage to be prominently located which identify the load as radioactive material. The report notes that all three sets of federal regulations are being routinely violated which means State of Ohio regulations are clearly inadequate for this hazardous material, and possibly illegal.

"Dr. Resnikoff's work illustrates that Ohioans, from common citizens to truck drivers to landfill workers, are daily being exposed to radiation exposure or poisoning because the Governor, General Assembly and even a large conservancy district, the MWCD, are sacrificing public protections to prop up frackers' profitability," asserted Terry Lodge, attorney for SEOSOW. "Under the guise of 'austerity,' the state government is destroying protective regulations for everyone, while creating a business environment where those who threaten public health and the environment pay little to nothing. And even huge corporate welfare breaks aren't saving this dirty, low-productivity con game."

Lea Harper, spokesperson for SOASOW and founder of FWAPOH, which commissioned the report, insisted that science will prevail over politics, and that the facts will ultimately halt the current Ohio fracking frenzy. "With these serious issues facing Ohio, all waste disposal should be stopped for the legislature to hold hearings on a bill dealing exclusively with this issue and not allow it to remain buried in a 4000 page budget bill. Someday, there will be a look back to this point, and people will wonder how fracking could be allowed at such a scale without adequate regulation or public protections in place," stated Lea Harper. "When that happens, there will probably be criminal charges. The unfortunate outcome of all of this is once the damage is done, it's too late. We want the truth and the true costs to be faced today - before any further fracking, waste transportation or disposal takes place."

The report, **Hydraulic Fracturing Radiological Concerns for Ohio** is available online at [http://rwma.com/OHIO\\_FACT\\_SHEET\\_6-13-13.pdf](http://rwma.com/OHIO_FACT_SHEET_6-13-13.pdf).

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