

## Gas Drilling: NY State DEC Meets With Concerned Landowners

Many Questions Remain

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“Are you willing to allow this type of gas drilling on your own property?” an attendee at the July 17 DEC meeting on Marcellus Shale held in Greene, NY asked the five-member panel.

The panel, which included Judith Enck, (Deputy Secretary for the Environment), Jack Dahl (Director of Bureau of Oil and Gas Regulation), Linda Collart (Oil and Gas Regional Minerals Manager), Ted Lukides (Mineral Resource Specialist), and Stuart Gruskin (Executive Deputy Commissioner), sat momentarily in silence. Eventually Lukides volunteered that he would welcome such activity for the financial benefits it would bring.

According to the United States Environmental Protection Agency (EPA), the process of hydro fracturing for natural gas may leave behind waste containing concentrations of naturally occurring radioactive material (NORM). Once exposed or concentrated by human activity, this naturally occurring material becomes Technologically-Enhanced NORM or TENORM.

The EPA website reads, “Radioactive wastes from oil and gas drilling take the form of produced water, drilling mud, sludge, slimes, or evaporation ponds and pits. It can also concentrate in the mineral scales that form in pipes (pipe scale), storage tanks, or other extraction equipment. Radionuclides in these wastes are primarily radium-226, radium-228, and radon gas. The radon is released to the atmosphere, while the produced water and mud containing radium are placed in ponds or pits for evaporation, re-use, or recovery.”

According to Earthworks, a democracy-in-action group which operates the Oil and Gas Accountability Project, the EPA does not regulate oil and gas emissions, nor does it regulate the drilling fluids or production water. The wastes associated with the exploration, development, or production of crude oil or natural gas, are exempt from federal hazardous waste regulations.

According to the North Dakota Department of Health, NORM is not subject to regulatory control under the Atomic Energy Act of 1954, or the Low Level Radioactive Waste Policy Act. Wastes containing NORM are generally not regulated by federal agencies and there are currently no federal regulations covering their disposal. One exception is the transportation of NORM-contaminated wastes. These shipments are subject to U.S. Department of Transportation (DOT) regulations.

The US Department of Health has expressed concerns over the radioactive waste, but to date Occupational Safety & Health Administration (OSHA) has only provided handling and management guidance.

NORM is subject primarily only to individual state regulations and radiation controls. Many meeting attendees understood this, and pushed the DEC to address this hazard - to state their position on the fluids publicly.

Enck responded, “We must be mindful of community and environmental impacts. If drilling does go forward in NY we must protect the environment and the public.”

Nevertheless, many were not assured. “We’ve seen what has happened in other communities. In Montgomery, Pennsylvania 16 of 200 wells have been polluted,” stated one landowner.

Another commented, “The DEC’s history does not instill much confidence. There are problems with local quarries and loggers. How does the DEC expect to monitor the oil and gas industry, especially when you’re not planning on expanding staff?”

Earlier in the evening the DEC noted that 578 wells were permitted last year, and this year they were reviewing 540 applications, yet only 19 staff were available statewide to conduct inspections.

When the DEC indicated they were relying on data reporting from the industry, the audience shouted back, "Take the samples yourself". Enck nodded in agreement.

"The penalties are peanuts. A thousand dollar fine is crazy for an industry making millions," one man stated.

"The fines are set by state statute and must be changed by the legislature," answered Dahl.

At that point Bradd Vickers, president of the Chenango County Farm Bureau stood up, "Cliff Crouch are you listening?" he shouted to the NYS Assemblyman who was sitting a few rows forward. Crouch nodded.

Gruskin concluded the meeting, "We are moving forward through a thoughtful and deliberate approach to avoid problems. We share your concerns, but know that we are taking an approach that's different from what has gone on elsewhere."

New Yorkers are advised to voice concerns regarding drilling waste products to Judith Enck, Deputy Secretary for the Environment, and to local and state representatives.