

Hearings in Elmira, Binghamton Provide Opportunities for People to Share Gas Concerns with DEC

by Sue Smith-Heavenrich

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Since November 6, the Department of Environmental Conservation (DEC) has been holding public hearings to provide the public an opportunity to comment on the supplementary Generic Impact Statement (SGEIS). That supplement will specifically address horizontal drilling in the Marcellus shale.

Citizens from this region testified at two recent hearings, one in Elmira on November 13, and one in Binghamton on November 17. At both hearings local and state politicians expressed concern over what they portrayed as “over-regulation” of the state’s oil and gas rules. Senator George Winner, testifying at the Elmira hearing on November 13, stated that drilling in the Marcellus shale will bring thousands of new jobs and billions of dollars to the region.

“We should do everything in our power to create a climate to bring those jobs,” he told DEC, urging them to not let regulations become an economic hurdle. A flurry of town, county, and state politicians chimed in with the same message, a message also echoed by numerous industry representatives.

“In the face of a much longer delay before drilling permits can be issued ... Fortuna Energy has been forced to re-evaluate its pending [Marcellus] projects in New York,” said Mark Sheuerman, a representative from Fortuna.

Citizens from all walks of life took the stand to tell DEC what they think the SGEIS ought to include. Ezra Sherman, a Van Etten fruit grower, noted one area that DEC has not fully considered in the scoping document: cumulative impacts.

“Industry analysts predict that the first year of drilling in the Marcellus will bring 1500 wells to New York State,” Sherman said. “They see anywhere from 3,000 to 6,000 wells over the next few years. The effects [from so many wells] will be vastly different than just a few wells here and there.”

One of the cumulative impacts Sherman noted was the huge amount of wastewater produced – some 1.5 billion gallons or more just in the first year. The exponential increase in truck traffic (to move the water) and the lack of adequate facilities to treat industrial wastewater are just two of the gas-related activities that will have enormous impact on rural communities.

People testifying at both hearings shared their concerns with toxic fracking fluids and the possible contamination of wells during drilling or fracking. “We’ve had a well on our property since 2001,” a woman told DEC in Elmira. “While I agree with gas drilling, and the money from the royalties has been helpful, we landowners need to know more about

the impacts on the land.” She testified that her well was contaminated due to drilling. The gas company has provided a temporary solution, “but without a good source of potable water, is my home an asset?” she asked DEC.

Many people are concerned that recent budget cuts and a hiring freeze will impede DEC’s ability to regulate gas drilling – both the activity currently going on, and proposed drilling in the Marcellus.

“I noticed a problem with a gas well near my home back on October 24,” a landowner said at the Binghamton hearing. She reported the problem to the DEC that day, but they didn’t respond until four days later. “By then the company had buried everything,” she said. “With a proposed cut of over \$54,000 how will you hire inspectors?”

A number of people brought up the potential impact drilling may have on air quality. The combination of diesel exhaust, methane, and dust has caused pollution problems in other states. People also listed light pollution, constant noise, and the impact on agriculture, fishing, tourism and other local industries as concerns that DEC must address.

Carrie Kerr, a landowner from Willseyville, characterized the development of Marcellus as a dispersed industrial park. Given the construction, truck traffic, and other aspects of gas drilling each well-pad is essentially a small industrial zone.

“Usually industrial parks are planned ahead of time,” Kerr said. She would like to see DEC become a lead agency cooperating with other agencies to help plan a methodical extraction of gas from the Marcellus, giving thought to multiple use of right-of-ways for pipelines and other uses.

Prior to the Binghamton hearing, Broome County Executive Barbara Fiala invited area landowners to a “Rally and petition-signing for natural gas production”. About 60 landowners, and landowner advocates, showed up to meet with town and county officials who presented a number of petitions that support responsible gas drilling with appropriate oversight from the DEC.

A couple hours later, Tim Whitesell, Town of Binghamton Supervisor, testified on behalf of the landowner groups, dismissing earlier speakers who expressed concern over water quality, air pollution, and noise issues as “extreme environmentalists.” Landowners are a majority, he told DEC, and while they want to see environmental concerns addressed, they also want to see the drilling go forward. He pressed the DEC to rush the process forward, concluding the supplemental GEIS by April.

“We don’t want to give the wrong message to the gas industry,” Whitesell said. Apparently some landowners felt he gave the wrong message to DEC.

“I’m a landowner and he doesn’t speak for me,” shouted one woman.

The DEC will hold two more public hearings this week before they begin sifting through the comments and writing the draft SGEIS. Written comments will be accepted through December 15, 2008.

SIDEBAR (175 words)

DEC Accepting Written Comments through Dec 15

The scoping document outlines what the DEC thinks important to cover in their Supplemental Generic Environmental Impact Statement (SGEIS). Topics in the draft scope include the potential impacts of:

1. Water withdrawals from surface water bodies and groundwater sources for hydraulic fracturing;
2. Transportation of water to the well site;
3. The use of additives in the hydraulic fracturing fluid;
4. Space and facilities required at the well site to ensure proper handling of water and additives;
5. Removal of spent fracturing fluid from the well site and its ultimate disposition;
6. Noise, visual and air quality considerations; and
7. Potential community impacts

The Department is accepting written comments through December 15, 2008. Submit comments to: Scope Comments, Bureau of Oil and Gas Regulation, NYSDEC Division of Mineral Resources, 625 Broadway Third Floor, Albany NY 12233-6500.

To submit comments by e-mail put "scope comments" in the subject heading and send to: dmnog@gw.dec.state.ny.us

A few copies of the draft scope are still available at Candor Free Library, or you may read the draft scope online at: <http://www.dec.ny.gov/energy/47554.html>.