

## Corning Hearing Draws Passionate Comments from All Sides

*Elected officials of Southern Tier weigh in*

by Sue Smith-Heavenrich

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More than 400 people crowded into the Corning East High auditorium last Wednesday for the fourth and final hearing on the Department of Environmental Conservation's (DEC) new regulations for natural gas drilling in the Marcellus Shale. While some fear that hydraulic fracturing (fracking) – the process used in extracting natural gas from Marcellus and other tight shales – is an environmental hazard, others are eager to lease their land to the drilling companies.

As with the other three DEC hearings, people arrived hours ahead of time to sign up for an opportunity to speak. Two hours before the hearing a line of 75 people snaked along the front of the high school. Peter Hudiburg, who drove down from Norwich, wanted to make sure his voice was heard.

“I got here at three or so,” said Hudiburg. He considers himself a reluctant leaseholder, having purchased a farm that already had a lease on it. Hudiburg is particularly concerned about the large impoundments for frack fluids that the Supplemental Generic Environmental Impact Study (SGEIS) allows, and the potential for accidents that may happen as companies pipe frack fluid from multiple wells in a given area.

“The setbacks are inadequate as well,” Hudiburg said. Currently a gas well may be drilled as close as 150 feet from a drinking water well, and a flowback impoundment may be 300 feet away from wells or water sources.

Walter Hang, who runs a firm called Toxics Targeting Inc, collects data and maps sites affected by pollution. He recently released a report detailing 270 instances of spills related to the oil and gas industry in NY. During the hearing, Hang testified that DEC's own spill records show that in some cases spills can migrate up to 8,000 feet in a matter of minutes. The SGEIS fails to provide meaningful regulations, Hang said, especially of frack fluid and flowback.

David Ballard, who chose not to give oral comments, lives on 140 acres in Lindley, just south of Corning and near the Pennsylvania border. He agrees that New Yorkers need protective regulations, but thinks the SGEIS is fine as published.

“The DEC has done their job,” Ballard said. “Now it's time to let the drillers do their job.” Ballard has had a lease on his property for over three years. As a member of the Steuben Landowners Coalition, he hopes that once his lease expires he'll be in a stronger position to negotiate more favorable terms.

Kenneth Knowles, president of the Steuben Landowners Coalition, couched his comments in terms of energy independence. “If you are opposed to drilling, then you are in favor of foreign oil,” he repeated throughout his five-minute testimony.

While the purpose of the DEC hearing was to allow people an opportunity to comment on the substance of the proposed regulations, it was clear that people from both sides of the

issue came to debate the merits of drilling. There was an abundance of banners, anti-drilling signs, and no-frack buttons as well as a good sprinkling of lime-green “pass gas” T-shirts throughout the auditorium.

Still, there were a number of comments that addressed shortcomings in the SGEIS.

Clayton Adams, a staff member for Congressman Eric Massa, read comments from the congressman. Given the toxicity of the chemicals and potential for operator errors, Massa called for more DEC oversight. He also called on DEC to hold drilling companies financially responsible for any damages caused to water and other resources.

A number of municipal representatives pointed out the permissive language in the SGEIS. Tompkins County legislator Pam Mackesey noted that there were many “coulds and shoulds” and lots of suggestions, but not enough “musts”. She was one of many who urged DEC to withdraw the SGEIS as inadequate.

Chemung County legislator Andy Patros pointed out that while the DEC mandated local health departments be involved in the water testing, they did not address funding measures. “The cost for monitoring should be fully funded by the gas industry,” Patros said.

Ulysses Planning Board Chairman Ken Zeserson pointed out that the SGEIS allows for brine to be spread on local roads. “But radioactive road salt is not a good idea,” he said, referring to recent studies conducted by the DEC that show elevated levels of radionuclides in Marcellus brines (see related story on page 1). Zeserson also asked DEC to review the language regarding road agreements.

Van Etten Town Councilman Joe St. Angelo addressed the need for companies and towns to work out road agreements. “The majority of our budget goes to cover road work,” St. Angelo said. Van Etten has already had problems with both the Millennium pipeline work and gas companies damaging town roads. “We’re being overwhelmed by an industry that we have no control over,” he said.

Candor landowner Carrie Kerr asked that DEC provide the same water resource protections for people living in the Great Lakes Basin as the Susquehanna and Delaware River Basin Commissions provide for the areas they regulate. She also suggested that DEC plan out the pipeline infrastructure prior to drilling.

Dick Downey, president of the Unatego Landowners Association addressed spills. Although the number of spills and accidents is very small compared to the total number of wells drilled, the DEC should have some way to monitor the migration of contaminants, he said. Downey suggested that DEC develop a uniform data collection format for accidents, something online and easily searchable. He also called on DEC to beef up their staff so they can adequately enforce the rules.

Brian Grove, representative for Chesapeake Energy, responded, “Even though NY has the highest permit fees, Chesapeake goes on record that we will support even more fees to underwrite sufficient regulatory inspection officials.”

