

Broome County Environmental Management Council

Barbara J. Fiala, Broome County Executive • Stacy Merola, Director



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Broome County Environmental Management Council (EMC) Minutes from the meeting held Thursday, November 6, 2008 Chenango Town Hall Community Room, 1529 NYS Rte 12, Chenango Bridge, NY

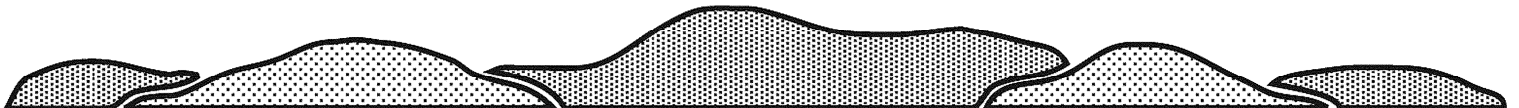
Present:

Members-at-Large: André LaClair, Mary Cronk, Bill Heaviside, Julia Hoover, Tony Lubzanski and Karen Ciatyk
Student Reps: Josephine Chu (BU)
Special Reps: Kevin Mathers (CCE)
CAC Reps: Cindy Westerman (Vestal)
Legislative Reps: Ron Keibel (11th District)
Ex-Officio Reps: Bob Denz (BC Health) and Pat Brennan (BCDPW)
Staff/Intern: Stacy Merola and Kris Lau
Associate Members: Ken Holmes
Visitors/Guests: Rachael Cornick, Charlie Wage, Alex Hill, Eric Bare, Brett Chellis, and Joe Sluzar
Absent with Excuse: Chris Burger, Erin Heard and Terry Woodnorth

1. André **convened** the meeting at **7:15 pm**. Introductions followed. Mary moved, Bill seconded to approve October minutes as written. Motion carried.

2. **Privilege of the Floor/Member Items of Interest/Announcements**

- The Binghamton Regional Sustainability Coalition's Sustainability Conference originally scheduled on Nov. 14 & 15 is postponed until perhaps January 2009.
- NYSDEC Public Scoping for their draft Supplemental Generic EIS on the Oil, Gas & Solution Mining Regulatory Program is Monday, Nov. 17 at BCC, West Gym, Upper Front St., Binghamton. Doors open at 4:30 pm; formal meeting begins at 5:15 pm with brief remarks by DEC staff, followed by public comments starting at 6:00 pm. The documents/info are posted on DEC's website: www.dec.ny.gov/energy/47554.html.
- The Nov/Dec 08 Bulletin of the League of Women Voters of Broome & Tioga Counties was circulated; it includes several items of note: **a)** The League donated a bench to the BC Library's Reading Garden in downtown Binghamton in memory of Susan Cowing, who was once an active League member (and EMC member). **b)** Their annual brunch is Saturday, Dec. 6 at 10am in the Endicott Visitors Center, followed by a panel discussion on natural gas drilling impacts at 10:30 am. Featured speakers include Donna Lupardo, NYS Assemblywoman, Adam Flint, a panelist on civil rights, and Jim Leonard, CPA from Endicott who has researched the issue extensively.
- A DEC Brownfield Cleanup Program fact sheet was circulated about the Washington Street Former Manufactured Gas Plant in Binghamton.
- Cindy is selling Sierra Club '09 calendars: engagement book \$13; wall \$12. Proceeds benefit the Sierra Club.
- The National Institute for Occupational Safety & Health (NIOSH) will conduct a peer review panel Saturday, Nov. 8 at 9am, BC Health Dept., 225 Front St, Binghamton. The session will give experts and the public a chance to comment on a \$3.1 million federal study - the product of persistent concerns about chemical exposure at the local IBM plant and nearby neighborhoods polluted with industrial solvents.
- Ken noted that DEC awarded the Volunteers Improving Neighborhood Environments (VINES) organization \$40,000 to develop community gardens and for improving the city's environment, in addition to \$20,000 granted in July for trees.
- Karen reported that the Triple Cities Chapter of NYS Archaeological Association will present data from Jamaican Archaeology Nov. 20, 7pm, 407 Main Street, Endicott.



3. Guest Speaker: Joseph J Sluzar, Broome County Attorney about Natural Gas Drilling

Mr Sluzar recently visited Fort Worth, Texas to attain information about natural gas issues and impacts. He and Deputy County Executive/ Interim Public Works Commissioner, Patrick Brennan also visited western NY and Dimock, PA, and were available to share their experiences and knowledge with EMC. In their discussion, they referenced Mr. Sluzar's PowerPoint presentation, which is available at www.gobroomecounty.com/gasresources/.

Mr Sluzar noted that the Marcellus Shale natural gas play is an extremely polarizing issue. After giving this presentation several times now, some accuse him of being anti-drilling and believe that the presentation should be modified, while some accuse him of just the opposite. He believes that the play does not have to be as polarizing as it presents our area with many economic opportunities.

Joe noted that Texas has a very sophisticated regulatory scheme to deal with drilling. Corporation Council drafted the statutes used locally in Fort Worth. Mr. Sluzar thought that they were ahead of the curve; however, the regulators he encountered felt that they are still struggling to keep up with the issues.

Location of pipelines is a hot issue now in Texas. Joe learned that it is not necessary to put a gas well in rural area, as some are located in downtown (Slide11) on a small well pad. This is made possible by the industry's new technology that calls for less access room.

Joe was surprised to learn that noise pollution from producing wells, rather than from drill rigs or frac'ing operations, is the number one complaint in Fort Worth. Noise abatement buildings are used to control noise from compressors. The City of Ft. Worth has a noise ordinance drafted by noise engineers, requiring the drilling companies to take ambient noise measurements wherever there will be a drill site and before there is any construction. During drilling and production, the ambient noise level cannot exceed the previous benchmarks. However, even with implementation of the ordinance, people are still complaining about noise pollution.

People are concerned with the additives used in frac'ing water, but because of the minute quantity and because it is primarily silicone and some biocides, people are more concerned about other issues in the process. Some believe that it is better to use recycled water instead of high quality drinking water in the process. People are also concerned with possibility of surface contamination, as there is no shortage of brownfields across America.

For drilling, the industry uses closed-loop systems developed by the industry. They separate fluids from the mud; everything is off the ground and contained in sealed tanks. However, there is not enough equipment available on the market to serve the industry. On the other hand, open (waste) drill pits pose a myriad of issues, among them security and surface contamination concerns. Joe believes that disposal of flow back water into open pits or frac' tanks will soon be an area of public debate.

Insurance requirements set by Texas local law is much more stringent than requirements imposed by the NYSDEC. The County will make recommendation to DEC to tighten up these insurance deficiencies.

Protection of Roads: Issues with Texas roads are apparent; they are regulated locally like in NYS. Mr. Brennan said the County is drafting a three-tiered law to protect local roads that will: 1) require a permit, 2) require posting of bond, and 3) require a study of the current road condition (benchmark) so deteriorations can be measured - from the point they enter the County, to the well site, to the routes they propose to use for hauling materials. Attorneys for all of Broome's municipalities are working collaboratively to devise consistent rules and policies to regulate local roads. Stacy noted that Sullivan County Planning Dept touted a Road Management Assessment tool for municipalities as invaluable – looking at everything from modified language for local driveway permits, to local reclassification of “industrial activity”, to reexamining criteria in the site plan review and perhaps strengthening language for check and balances.

Joe feared that public nuisance issues, like noise, are something that localities cannot regulate although the County will explore possibilities for a noise ordinance later, after creation of a local law for roads, which is seen as a higher priority issue.

The County is drafting a request for proposals (RFP) for drilling companies to bid on County lands. The County owns about 6000 acres and hopes to lease approximately one-third of County owned land to natural gas drilling. The County has engineers, geologists and noise experts on retainer for this effort.

An informal question and answer period followed. Some are highlighted below.

Q: Are there additional insurance policies protecting landowners? **A:** There is not enough insurance protection in the leases, but it is needed (need to be named as the additional insured; if DEC does not have it as a required regulation, the landowner needs to address it).

Q: How much insurance and training is available for firefighters? **A:** (Brett Chellis, BC Emergency Services Coordinator) NY firefighters are covered very well by insurance and state law requires that all firefighters, whether professional or volunteer, have basic level of awareness and be trained within all the operations levels. Broome County has two full hazards response teams.

Q: What is the protocol if there is a fire emergency at a well? **A:** The gas company is required to shut it down and control the fire. Local firefighters' tasks would be to secure the area, protect any exposures, and perform rescues if needed. Emergency Services would like to know the content of frac'ing fluids for the purposes of emergency response.

Q: Is there any odor from the wells in the urban core in Fort Worth? **A:** Not that was noticeable.

Q: Were there light pollution issues in TX? **A:** No complaints about light because most directed downward.

Q: Can the County implement a noise ordinance and can it be a requirement that the gas companies provide accommodations if there are noise complaints? **A:** Likely cannot be required by law.

Q: Is there some limitation to drilling in park lands? **A:** No *surface* operations on park land without NYS permission. **Q:** What about on private land next to park land? **A:** No limit.

Q: If the County signs leases, how would liability work in the case of publicly owned entity? What happens to liability insurance for people who signed the leases earlier? **A:** ?????

Q: Has any company looked to drill in the urban areas of Broome County? **A:** Unknown.

Q: How is the County going to handle revenue generated from drilling? **A:** the County will create a tax stabilization fund.

Q: Are there any pipelines for distribution? **A:** Three types: gathering, transmission, and distribution.

Q: Can frac'ing fluids seep back up to contaminate residential wells/groundwater? **A:** Because of the shale's low permeability, fluids should not migrate but will flow to the point of least resistance. Bob Denz noted that chemicals in the frac'ing fluids affect not only human health but also other species like fish – it is possible to find out the components of the fluid. Joe believes that DEC should upgrade secondary containment requirements, have better record keeping, and require monitoring onsite.

Q: Will the County lower their standards if the gas companies feel the County's RFP is too restrictive? **A:** Not likely; gas drilling companies have accepted a lot of restrictions in other places.

Q: Since there will likely be a shortage of equipment to go around, is there a sector locally of the industry that could benefit by producing the equipment used for gas drilling and extraction thus creating jobs?

Q: Ambient noise/ water/ air quality conditions – can the County make this a requirement in the RFP? Do we want ensure that we have all the tests in place and included in our lease language?

Q: Use of electric generators as a means to help mitigate air pollution impacts from diesel fuel combustion – wherever there is proximity to electric utility, should that be used in place of diesel engines to run the compressors, etc.? Make a requirement for use of low-sulfur diesel as another means to mitigate some air quality impacts?

Q: Can the County require as part of the lease the disclosure of frac'ing chemicals? How do we ensure that the protections against illegal disposal of production water are followed?

After much discussion, Mr. Brennan and Mr. Sluzar were thanked for their time and attention on this topic.

4. The Council took a short break.

5. Committee Reports

Natural Resources Committee (NRC) – Karen reported that the NRC did not meet in October because of Riverbank Cleanup and Conference on the Environment. **Next meeting:** November 20, 4 pm, BCDH – discussion will be review of the scope for the dSGEIS for mining.

Recycling & Waste Management Committee (RWMC) – Tony reported that RWMC met October 27. Debra Smith, Materials Recovery Manager circulated drafts of the new full-color recycling guide and noted that the Electronics Collection generated 70 tons of recovered materials. RWMC also received a progress report on the development of the BC Solid Waste Management Plan, in particular preliminary results of the recycling characterization. Also discussed recycling markets, commodity prices, and a related article of interest. **Next meeting:** November 24, 4pm, BCHD.

Membership Committee – Nominations for 2009 – Stacy requested nominations for the 2009 EMC Executive Committee (Chair and two Vice-Chairs), Committee Chairs, and renewals for Memberships-at-Large and any other appointments. Someone can fill the unexpired term of Doug Garner that expires December 31, 2009. There are six other vacancies for Members-at-Large, and vacancy each for high school and Broome Community College student representatives (both in attendance tonight). Stacy will write the Town of Vestal asking for an appointment/reappointment to the CAC seat on EMC. Send nominations to staff who'll confirm with nominees their interest to serve. A ballot will go out before the December EMC meeting and results announced Dec 4. Then any nominees requiring approval of the County Executive and Legislative confirmation will be forwarded accordingly.

6. Conservation Advisory Commission (CAC) Reports

Vestal – Cindy first brought to the Council's attention a letter that the CAC wrote to Town Supervisor Peter Andreasen. It states that timber harvesting in Jones Parks should be prohibited because it was purchased under Title 7 of the New York State Conservation Law, subjecting the Park to the Park & Recreation Land Acquisition Program of 1960. The Vestal CAC feels that the same law would apply to natural gas drilling on properties owned by Vestal. Cindy also reported that the CAC met rather informally on October 28 and had a discussion on Jim Leonard's presentation to EMC on gas leasing and environmental impacts of drilling in Colorado. They also talked about workplan items for 2009 including the issue of fluoride in water and the McGowan Development proposed for Jensen Rd. Next meeting is January 27 at Vestal Town Hall.

7. Staff and Chairs Reports

- Riverbank Cleanup results – Twenty-six groups cleaned 23 sites. Excluding the three groups that have not yet sent in their data, 298 volunteers participated, collected about 2.8 tons of trash, cleaned 14.1 miles of

shoreline, used 209 bags, and collected 64 tires. News media went out to the sites and interviewed some volunteers. The final results will be posted online along with photographs. Staff will send thanks to all participants and sponsors.

- NYSAEMCs Conference on the Environment – Stacy attended Oct 17-19 in St. Lawrence County, Canton. Sessions she attended included Biofuels, Biodiversity, an overview of EMCs and CACs, and Citizen Science. DEC Commissioner, Peter Grannis was the keynote speaker for dinner; Stacy posed questions about natural gas drilling. Mr Grannis joined the groups for tours and spent the evening in the hospitality suite getting to know more about EMCs and CACs around the state.
- **ACTION ITEM: draft 2009 EMC Meetings & Events Calendar** – staff requested this be held over for consideration and adoption until the December meeting, because the calendar was not ready.
- Work Plan ideas for 2009 – Open Space Plan, natural gas drilling impact statement review, Community Health Assessment project, Solid Waste Management Plan, stormwater issues, public education programs, guest speakers, tours, etc. Stacy will draft 2009 workplan for review and consideration at the December meeting.
- December EMC meeting - BC Library, 6 pm, Holiday party/2009 workplan session (no guest speaker). Bring snacks to share. Cider and pizza will be served.
- Environmental Analyst – The Planning Commissioner requested the civil service list of eligible candidates to canvas their interest for the vacancy.

The meeting **adjourned** at **9:40 pm**.

Kris Lau, Recorder
Stacy Merola, Editor