

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, October 2, 2008 Chenango Town Hall Community Room, 1529 NYS Rte 12, Chenango Bridge, NY

Present:

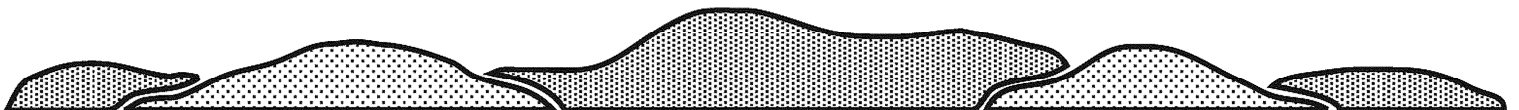
Members-at-Large: André LaClair, Karen Ciatyk, Tony Lubzanski, Mary Cronk and Julia Hoover
Student Reps: Josephine Chu (BU)
CAC Reps: Cindy Westerman (Vestal)
Legislative Reps: Ron Keibel (11th District)
Ex-Officio Reps: Bob Denz (BC Health)
Staff/Intern: Stacy Merola and Kris Lau
Associate Members: Ken Holmes
Visitors/Guests: Burrell Montz, Alex Reitz, Maureen Kimble, Jim and Michelle Leonard
Absent with Excuse: Chris Burger, Erin Heard, Bill Heaviside, Kevin Mathers, and Terry Woodnorth

1. André **convened** the meeting at **7:10 pm**. Introductions followed. Minutes from September were not ready for approval.

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

- Broome County Riverbank Cleanup is Oct 4 – this weekend. Three hundred and thirty people registered, forming 26 groups and will clean up 22 sites. The EMC will have a team at Billy Hill Park, with Tim Wilcott as its captain. Some SUNY groups will also be participating.
- Two notices were circulated from the NYSDEC about the continuation of preliminary environmental assessments (soil vapor) in Endicott and West Endicott. The assessments for both sites started on September 29 and will end in mid-October.
- The NYS Assembly Environmental Conservation Committee will hold a public hearing to solicit input on the environmental impacts of natural gas and oil drilling Wed., Oct. 15, 10:30 am Legislative Building, Albany. The DEC's Final Generic Environmental Impact Statement (GEIS) for Oil, Gas and Solution Mining Regulatory Program is posted on their website: <http://www.dec.ny.gov/energy/45912.html>. The GEIS will be supplemented to account for horizontal drilling and hydrofracturing. Formal scoping meetings and hearings are anticipated for mid- to end-November or the beginning of December.
- The Susquehanna River Basin Committee (SRBC) proposed regulatory changes to streamline review and to address the large volumes of water necessary for hydrofracturing, the discussion of which will take place at its public hearing Wed., Oct. 22, 7 pm, Lecture Hall 1 at Binghamton University. Many resources are posted on their website: <http://www.srbc.net/programs/projreviewmarcellus.htm>.
- A summary on the oil and gas industry's exclusions and exemptions to major environmental statutes, published by Earthworks' Oil and Gas Accountability Project, was distributed. http://www.earthworksaction.org/oil_and_gas.cfm.
- The Binghamton Regional Sustainability Coalition (BRSC) will host a educational forum entitled Making Sure We Get it Right: Health, Land, Law and Natural Gas Production on Wed. Oct 29 at from 7-9 pm in the West Middle School Auditorium, Binghamton.

- Mary reported that the New York Public Service Commission will hold public information forums and public statement hearings beginning Oct 22 concerning a proposal by New York Regional Interconnect, Inc.(NYRI) to construct a new, high voltage direct current transmission line between National Grid's substation in the Town of Marcy and Central Hudson Gas & Electric Corporation's substation in the Town of New Windsor. There are no hearings set from Broome County. However there is one in Delaware Co Nov 5 at Hancock Central High School and one in Chenango Co Nov 6 at the Chenango Co Council for the Arts in Norwich.



3. Guest Speaker: Gas Leasing and Environmental Impacts of Drilling in Colorado

James Leonard, a local certified public accountant, shared information learned recently at a working retreat of the National Advisory Council (NAC) in Colorado. The NAC provided policy recommendations to the Board of the National Association of (oil & gas) Royalty Owners (NARO) who served as an educational clearinghouse for their members, federal, state, and local government bodies, and the general public. Jim updated the NAC about the gas play in New York and Pennsylvania and participated in discussions of gas income taxation and gas industry business practices.

Jim pointed out that there is much confusion about the fluids, which can be classified into three types: 1) drilling mud – occurs during the actual drilling phase, 2) frac'ing (short for hydrofracturing) fluid occurs after the hole is dug as the rock is cracked to get the gas out, and 3) processed water – very toxic mixture that is brought up with the gas.

In the Roan Plateau, the US Naval Oil Shale Reserve is very famous in the oil and gas industry since the rocks in the area hold so much oil that it will burn if it is lit. The Hainesville Shale is highly productive so much so that Barnett Shale wells are being relocated to the Hainesville. Jim observed gas wells everywhere; he counted 23 without moving from one point.

Jim noted that contrary to what many believe, the gas companies can drill on steep slopes since they are good at building flat spot at anywhere they wish. The newer drilling rigs are mostly computer-operated and drill very fast. With an average of 22 wells on one well pad, the impact on land is huge – so many wells at one location, pad is bigger – impacts to the land than if we have a lot of smaller ones. The frac'ing tanks are tractor trailer size and hold about 22,000 gallons of water. The industry will go through at least 70 tanks, about a million and a half gallons for each of the 22 wells. When it comes back up, it has a lot of contaminants.

Jim showed a picture of evaporation ponds, where the industry places frac'ing fluid to let the water evaporate along with other chemicals such as benzene, ethyl benzene, toluene, and xylene (aka BTEX) all, potential water contaminants. Glycol is mixed with the gas, which later they'll recycle after they separate it. Gas companies do not want people to take pictures – citing Homeland Security reasons – and there are many security cameras in the area of the evaporation ponds.

Electronic meters calculate how much gas is coming up, but no one is allowed to read or check mechanical meters. Jim noted that it might not make any difference even if you could read the meter since the gas might not be going through the meter at all. Some have had the experience of gas company digging a trench and putting a pipe that goes directly to the transmission line and completely bypassed the meter altogether – in essence stealing gas. Compressor stations are unbelievably loud because they are pumping up the pressure for it to be higher than what is already in the transmission line; the cooling fans are very loud also. Condensates can form on the lines and with propane and butane will freeze and stick to the inside of the pipe and gradually constrict flow, so periodic flush outs are necessary for smooth flow.

Jim identified several impacts on the community. Gas companies are always looking for truck drivers, and they will pay more than anybody is going to pay so other local employers will have a problem trying to match the salary, which does not benefit local business.

Jim learned of several other environmental issues that he highlighted. For example, in Glenwood Canyon, when the gas industries first arrived five years ago, they performed traditional completion flaring meaning when they are finished with the well, they would open it right up, let the gas rush out and flare it. The issue was that it created poor air quality - so much black smoke that travelers complained about not being able to see the Canyon. The industry's way of handling the issue was to do it under the cover of night. Frac'ing fluids were dumped illegally on road sides, called "road disposal", which is done routinely with no exception. There are obvious impacts to vegetation as nothing grows along roadsides and the pavement is bleached white. Jim said situations

like this occur regularly, and Colorado has twice as many well inspectors as does New York. In addition, leaky valves on trucks that carried processed water are common. Drilling muds are routinely not hauled away but buried illicitly on site even though leases state that companies will remove all federal and state regulated hazardous wastes offsite. However, there are exemptions from EPA regulations and can leave them onsite. Thus close loop systems are one solution. Jim stressed the importance of having lease clauses that include no bury clauses. Jim observed no trucks delivering frac'ing fluids to the evaporation ponds when one expects hundreds of trucks for the many wells present.

Theo Colborn's wrote *Our Stolen Future* about what we are doing to ourselves with chemicals and even a tiny quantity of these chemicals are affecting us in terms of fetus development. She was a senior scientist with the World Wildlife Fund and founded the Endocrine Disruption Exchange (www.endocrinedisruption.org). She is often compared to Rachel Carson, and has analyzed 275 chemicals that are used in the drilling mud, frac'ing fluid and processed water. Something in the drilling mud that is causing a birth defect called hypospadias(?), which affects baby boys. Out of the baby boys that are born to the men working with the drilling mud, about one in 125 is born with this problem.

In terms of some social impacts, in Paonia, CO, "man camps" are vast. Many workers do not have anywhere to live, because there are not enough hotels to accommodate them. E-coli contamination is high and around the man-camps. In some instances, there are so many people that the treatment plant could not keep up, so the plants were abandoned to build brand new plants, for which taxpayers have to pay. The effects on local businesses filter through the whole economy, especially on the service industry. Businesses may boom, but the temporary nature of additional businesses to take care of the workers will be gone in a few years. What is going to fill all the stores created for the workers? In addition, methamphetamine use is a huge problem not only in man camps, as the workers take it to keep up with the long work hour. Often times the workers have no health insurance because they are not "employees", but sub-contractors.

Colorado Landowner's Protection Act 9/1/08 strong environmental law – protecting both the environment and the landowners' rights – requires the gas company to consider the rights of the landowner, minimizes intrusion and damage to the land; use alternative means of operation to prevent impact – covers a lot and it is a powerful law – using one pad with 20 wells going out instead of 20 wells and using green frac'ing fluids instead of traditional frac'ing fluids = lot of impact. Failing to minimize intrusion upon the surface gives the landowners cause of action – has real teeth; company bears the burden of truth in any litigation when it comes to demonstrate the surface use is reasonable – powerful shift in who is responsible.

Jim concluded with a quote from a land man speaking to lawyer "Never underestimate our willingness to take risks; You people up here just don't get it". The industry is very willing to take risk and views the penalty from DEC as just another cost of doing business.

Questions and answers followed.

4. The council recessed for a brief **break**.

5. Committee Reports

Natural Resources Committee (NRC) - Karen reported that the NRC met September 18, and primarily discussed natural gas drilling issues, the Be BC Ready website information, and received several announcements of interest. Among them a report of new goose management resources posted on the DEC website, an update from Mary about notices of the NYRI hearings, and a brief about the Community Health Assessment Program that Stacy will participate in with the BCHD. The next meeting is November 20 at 4 pm at the BCHD.

Recycling & Waste Management Committee (RWMC) – Tony reported that the RWMC met Monday, September 22 at BCHD and received a debrief about the landfill gas collection system and a proposal to expand

the system with ten additional gas extraction wells. In addition, the group received a summary of the recycling waste characterization study that will be performed by the subcontractor (R.W. Beck) for the Solid Waste Management Plan revision. Stacy reported for DSWM staff about several recycling updates related to the Book Fair, special electronics collections, preparation of a new recycling guide, a recycling at public events (Spiedie Fest). The group also had lengthy discussions about pharmaceutical in water. The next meeting will be Monday, October 27 at 4pm, BCDH.

Membership Committee – Stacy reported that she received a call from a Union Endicott High School student interested in EMC membership as the high school student representative. He was invited to attend meetings and participate in the Riverbank Cleanup; Stacy will send a membership packet.

6. Conservation Advisory Committee Reports

Vestal - Cindy reported that the CAC met September 23, but did not have a quorum. The group discussed issues with Jones Park. They will meet again Tuesday, October 28 at Vestal Town Hall, 7pm.

7. Staff & Chairs Reports

- The status of the Environmental Analyst vacancy – Commissioner Petkash said filling it will be pursued at the end of October or beginning of November.
- November guest speaker – Stacy will ask Broome County Attorney Joseph Sluzar if hew can address the EMC about natural gas drilling he observed in Texas and offer insight into Broome County’s positions, if any. Julia noted that she contacted several individual associated with the Pickens Plan (T. Boone Pickens) and will ask if they can address the group about it.

The meeting **adjourned** at **9:15 pm**.

Kris Lau and Stacy Merola, Records