

TOMPKINS COUNTY WATER RESOURCES COUNCIL

October 19, 2009
Excerpt of Meeting Minutes

The DEC Draft Supplemental Generic Environmental Impact Statement on Gas Drilling – Bill Kappel, of US Geological Survey, said this document addresses water resources in terms of the gas drilling hydrofracing process. It does not address fees, oversight, enforcement, etc. It also does not address pipelines, which have a tremendous amount of disturbance during their construction period. For background, he explained one drilling pad involves 4 to 5 acres of land, and typically has eight horizontal wells from one vertical well. When the pad opens, the drilling company has three years to complete the site, with exceptions possible for re-fracing.

Bill attended testimony last Thursday at the State Legislature, where speakers were Pete Grannis, Commissioner of DEC; Susan Riha, Director of the NYS Water Resources Institute; and John Williams, of USGS. Dr. Riha made two main points: water withdrawals are disruptive to the environment, and flowback water needs better storage and treatment methods. The Great Lakes watershed lacks permitting agencies for water removal from streams. Removal can occur under two methods: alternative basewell method or normalized flow method. The latter is based on averages, so water could be withdrawn during low flow periods, leaving streams very low or dry. The dsGEIS mentions full containment of wastes, then discusses double-lined ponds. Both Riha and Williams say local wastewater treatment plants are not designed to treat flowback water, and radioactivity and some wastes will pass through. Drill cuttings will be left on site. Fluids will be handled as hazardous waste. If NYS has criteria for radioactive discharges, they need to be spelled out. Riha and Williams objected to use of wastewater treatment plants, which are overseen by DEC's Division of Waste. According to a newsletter distributed by attorneys Whiteman, Osterman & Hanna, the Environmental Conservation Law gas regulatory program supersedes local laws except as they apply to roads. So local governments cannot address fracing through zoning. In Dr. Riha's testimony, she urged the Legislature to consider the cumulative impact of inadequate wastewater treatment, advocated for total maximum daily loads and total dissolved solids limits, and pointed out the Mineral section leans heavily toward reuse of water resources.

Points made by Mr. Williams of USGS included the need for regulations for water withdrawals outside the Susquehanna and Delaware river basins, and better regulation of service casings at drill sites. There is no plan for modification if drillers find salt water at shallow depths. He advocated for requiring drilling bond logs to show adequate seals at all levels.

Bill stressed the document under review is long and complex. USGS feels it is incomplete as an Environmental Impact Statement. Use of this natural resource should not overshadow other natural resources. Questions can be addressed to Bill at wkappel@usgs.gov or 266-0217 x 3013.

In the discussion period, Bill said USGS recommends testing for "signatures" of gas in Pennsylvania and New York. This analysis traces the gas to a location, and there is no way to trace contamination unless this baseline information is provided. However, it is very difficult to identify fracing flowback in this manner, as what goes down is not what comes out. Considering the likelihood of flowback being reused, Bill said there is a low chance of this, but the industry is figuring out other mediums. In Canada, the industry is experimenting with liquid propane, which can be separated out and reused. Research in reverse osmosis has not worked out yet. Alternative technology was not part of the dsGEIS. Bill warned that all Marcellus wells in Pennsylvania have produced, so companies are constructing pipelines as they drill. Letters urging changes at the Legislature level might bring about change in water resource protection, but USGS alone can't get it done. DEC has addressed the issue in a very small framework, minimally meeting their charge. DEC permit fees are based on depth only, and staff for enforcement is stretched ultrathin. DEC could charge by horizontal drilling distance, too, and get money for staff resources. Bill did not see reference in the document to stormwater controls beyond the pad area. Drilling companies want to do it right, but not more than required, because of cost. Comments directed to

the NYS Legislature should be separate from comments to DEC on the dsGEIS. Liz Cameron said she is finding a lot of “should” and “could” language in the document. Bill said the GEIS portion should be taken as required steps. Drilling companies would be required to contact property owners and sample drinking water sources with 1,000 feet of drilling site before drilling, at three months, and then every six months until one year after gas drilling ends. Information is to be provided to NYS, the county, and the property owner. The local Health Department has to respond to any complaints. There is no provision to monitor if the property owner declines initial testing. There is a limited list of requirements for baseline testing, but no method specified. The document treats every well as though it is isolated, there is no cumulative impact considered. If requests for change to withdrawal criteria are made to the State Legislature, it should be recommended that the DEC Division of Water Resources provide regulation. He agreed that NYS legislators are uninformed, but constituents need to hold them responsible. The Susquehanna and Delaware river basins have criteria, and we need to apply those criteria to the Great Lakes watershed. Bill was not able to respond to a question about how much revenue might come in from drilling on state land. He said there is no “sweet spot” in Tompkins County, and drillers will find better areas in the Twin Tiers.