

TOMPKINS COUNTY WATER RESOURCES COUNCIL

**December 20, 2010
Meeting Minutes**

Voting Members Present (13): Sharon Anderson, Carol Chock, Barry Goodrich, Roxy Johnston, Dan Karig, Darby Kiley, Lynn Leopold, Jim McGarry, Frank Proto, Elaine Quaroni, Marjory Rinaldo-Lee, Cindy Schulte, Craig Schutt

Voting Members Excused (4): Liz Cameron, Joan Jurkowich, Gregg McConnell, Mary Shelley

Voting Members Absent (2): Ed Bugliosi, Rick Manning

Non-Voting Members Present (2): John Andersson (Associate), Todd Miller (Ex Officio)

Staff Present (1): Kathy Wilsea (T C Planning Dept.)

Chair Frank Proto called the meeting to order at 4:24 PM.

Agenda Review and Approval of Minutes – There were no changes to the agenda. Bill Garthwaite, who will become an at-large member in January, was introduced. The draft minutes of November 15, 2010 were moved by Roxy Johnston, seconded by Lynn Leopold and accepted without change.

Impressions from the EPA Public Hearings on Hydraulic Fracturing Research Study – Dan Lamb characterized this as an evolving issue. He reported that in June of 2009, Congressman Maurice Hinchey met Lisa Jackson when she was appointed the new Director of EPA. The FRAC Act was introduced in Congress the next week. The EPA study has already started and is expected to take two years. There were about 400 people at each of the six public comment sessions in Binghamton. Dan thought those in attendance were respectful, and EPA did a good job of listening respectfully. Dan felt great about it afterwards, and very proud to see government operating this way. Carol Chock reported there were seven examiners taking comments, and EPA provided written overview of the intent of the study. She got to speak two minutes, providing a synopsis of the WRC comments that were also submitted in writing. As the panel kept notes, Carol said she could tell which points they thought were important. They noted the WRC comments on interbasin transfers and concerns about how the use of surface water affects the drinking water supply. Kenny Christianson said he attended the Binghamton hearings, but also attended the July hearings in Trenton held in the watershed of the Delaware River Basin Commission. Kenny's father's family is from the Pocono Mountains/ Lackawaxen River area in Pennsylvania. He noted the area there is used to mining and there were more organized property owner groups who supported drilling. Mostly the drilling supporters got seats inside and had opportunities to speak, whereas those with concerns for the environment had fewer chances to speak. Crowds outside in Trenton were very divisive, which is why EPA was concerned prior to the Binghamton hearings. He said it was nice to attend the Binghamton hearings, where groups were respectful. He got to speak in Binghamton. When hydrofracturing became an issue regionally, Kenny supported it as a good source of income for farmers, then developed the opinion that a wide study on ways to protect natural resources was needed. He serves on the board of directors at Alternatives Federal Credit Union, and they are not currently giving loans for properties with gas leases. His wife works for the Salvation Army and they are seeing more homeless people in the Sayre area.

Frank asked if EPA will respond to all comments, and Dan said not one-to-one, but probably by topic. Dan also said the study is underfunded at \$3 million. Marjory Rinaldo-Lee had also attended the Binghamton hearings, and commented that people were not submitting data, and the comments she witnessed seemed about 50/50 for and against drilling. Dan said he saw some data submitted. Carol reminded members data and recommended experts were submitted by some groups with their written comments. EPA has a list on their website of experts recommended to participate. Jim McGarry asked about objectives, purpose, and next phase. Dan said examination

needs to include cumulative impacts and effectiveness of technology. EPA has already received hydrofracturing ingredients from 8 of 9 companies voluntarily, and received info from Halliburton after pressuring. There is controversy on whether these ingredients are trade secrets. The FRAC Act asks that a chemical formula be provided in an emergency. Dan pointed out the scope of the EPA study is still being designed. This is a health risk study concerning drinking water, but may be broadened to include recreation. Some speakers pointed out the fact that radioactive material occurs naturally in some drinking water sources, but acceptable levels are not clear. This study is gathering international attention. The Secretary of the Interior is talking about requiring disclosure of chemicals on all federal land, so this is a big deal. Kenny pointed out one side of speakers are trying to keep the study narrowed to drinking water, and there are many proposed drilling areas that are uninhabited so the drilling companies would have few restrictions there.

Sharon Anderson asked, if the rationale for the study is health risk, don't we need to include air quality? Dan said that point was made by speakers, and if air quality is not included there will need to be an explanation of why. Carol said the focus will remain on water in this study, based on the term and funding. Roxy asked if the FRAC Act included air quality and stormwater laws. Dan said federal law allows an exemption under the Safe Drinking Water Act, which is referred to as the Halliburton Loophole, and there are also exemptions from the Clean Air Act. Roxy said NYS exempts them from *local oversight* of the stormwater regulations. Dan said hope for the FRAC Act received an elections setback. The new chair of the House is pro industry. The stance of incoming Congressman Hanna is not clear yet, and Reid (who took over the 29th district seat) is pro drilling and wants to move forward with hydrofracturing.

Congressman-elect Hanna will be meeting with County legislators tomorrow afternoon. Carol announced the County Legislature is looking at a resolution tomorrow night to ban drilling on County land. Frank pointed out there is a typo in the article in the mail folder about the Cabot settlement for Dimick, PA drinking water, which is \$4.1 million (not \$41 million). Carol said there is also some question of traditional vertical drilling causing damage to drinking water sources in New York State. Craig Schutt pointed out that residents can't contest fouled drinking water wells unless they had baseline tests. Some wells previously had methane. Craig, Sharon Anderson, and Darby Kiley went to Pennsylvania last week and visited a drilling site operated by Chesapeake Energy. Chesapeake tests drinking wells within at least 4,000 feet of a drilling site (PA law requires 1,000), with testing done by an independent lab. This is considered good business, and costs Chesapeake about \$1,200 per water well, and reports go to landowners and the company. The Local Government Specialist of Chesapeake Energy is willing to visit WRC for discussion.

Committee Reports – Aquifer: Todd Miller reported they met to talk about 2011 goals. They discussed ways to gather support from DEC and how to compile water well information gathered during the aquifer studies. Frank said he has discussed with Todd the possibility of asking for expansion of the County's capital program to include periodic testing at the wells. The wells exist from the initial studies, and this would just be updating tests. Newfield has committed for an aquifer study, and Cindy Schulte gave credit for this to the new Supervisor, Richard Driscoll. Kathy Wilsea pointed out that soil studies provided data that is not updated. She asked if the aquifer studies will need periodic updates. Todd said parts are baseline, but some pieces could be suitable for updates. He said the report on the Lower Sixmile Creek study will be out soon, and thanked Dan Karig for making his property available for that study. A gold star was presented to Todd for submitting the first committee report for the 2010 Annual Report.

Dredging: Dan Karig said there is no news. The Army Corps of Engineers and DEC are in discussions.

Recreation: Although this was not a formal WRC committee for 2010, Dan reported he and Cynthia Brock met with the City of Ithaca Parks Commission concerning the possibility of constructing a paddler's dock at the Farmers Market. He realizes the City has to do it all. They agree and look favorably on the concept. This is now strictly a City project. Roxy suggested he continue to attend meetings to make sure it remains under discussion.

Education: Elaine Quaroni reported they had lunch and decided to ask WRC for ideas. They talked about celebrating National Toilet Day. She hopes committees will think of ways the Education committee can help with their mission. Cindy suggested pharmaceuticals collection day, and Roxy suggested finding new ideas for the Water Week celebration.

Executive: Frank Proto reported they gathered information to decide whether or not to sign on to the Sierra Club letter to the Governor recommending that he sign the drilling moratorium bill. Since the committee was split, they

did not support the letter. He had a concern that the moratorium would extend leases. Kathy Wilsea said she only sent the letter to the Gas Drilling and Exec committees because of the tight turnaround time. The Governor did not sign the moratorium bill, but did issue an Executive Order requiring issue of an updated DsGEIS and a 30-day public comment period. This may extend leases, anyway. Roxy said the Sierra Club letter was well written, and mentioned breweries, wineries, and organic farming. These are strong industries in our state, and scenic vistas are important to our tourism. It was suggested we might draw from the language in the future.

Grants Craig Schutt said DEC finally sent the 2008-2009 contract to FLOWPA for most projects. The remainder will be folded into the 2009-2010 contract.

Nomination/Membership: Cindy Schulte announced Frank is willing to continue as Chairman in 2011, and there are three candidates for Vice Chairs: Roxy Johnston, Barry Goodrich, and Marjory Rinaldo-Lee.

Streams: Dan Karig reported they did not meet. He received an electronic address for a report on the pipeline restoration project near Barrile. He said it was poorly designed, but we were not aware of the project in its planning phase. Frank said he is interested in having local resources for planning projects, and Dan said Scott Doyle of the County Planning Department seems to interact well with municipalities.

Cayuga Lake Monitoring Plan: Roxy Johnston reported they did not meet. She arranged with the Ithaca Journal for the Cayuga 2.0 articles to be made available on our website. A couple are missing, and Kathy and Elaine will check for them.

Wetlands: Darby Kiley said they are examining goals for 2011. Frank suggested she check with Solid Waste about plans for construction of artificial wetlands at the Caswell closed landfill. Darby also reported that, for her new job, she attended a meeting earlier today about the impact of gas leases on property assessment. This is complex, since mineral rights can be separated from property ownership. While a suitable model is explored, it is clear we should not follow methods in use in Pennsylvania.

Gas Drilling: Marjory Rinaldo-Lee reported this committee wants to have the Aquifer and Streams committees ready to help with review when DEC issues the updated dsGEIS. This is expected around June 1st.

Chair Report – Frank Proto reminded committees that articles are due for the Annual Report. He asked if it was appropriate to only have committee chairs meet in January, as done in 2010. Since the 2010 meeting involved implementing 2009 updates of the Water Quality Strategy, that will not be repeated. Handouts were provided: member contact info, meeting dates, and Planning Department Annual Reports. Frank will notarize yellow cards for new/ reappointed members who take their oath at the January meeting.

Announcements – Roxy Johnston withdrew from the slate of candidates for Vice Chair. In addition to the other candidates mentioned earlier, nominations can be taken from the floor during the January meeting.

Adjournment -- The meeting was adjourned at 6:10 PM.

Respectfully submitted,
Kathy Wilsea, Planning Department Secretary
Adopted by the Council on January 24, 2011.