

FINGER LAKES TIMES

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Outlining the minimum

by DAVID L. SHAW/dshaw@fltimes.com

GENEVA — The Seneca Lake Pure Waters Association supports “fiscally and environmentally” responsible drilling for natural gas in the Seneca Lake watershed.

It opposes natural gas drilling under the “vague” guidelines described in the state Department of Environmental Conservation’s draft supplemental generic environmental impact statement issued Sept. 30.

The association has outlined nine minimum requirements related to natural gas drilling that it says would protect the watershed.

“The Seneca Lake Pure Waters Association understands the potential economic impact that the Marcellus shale represents to the state and its residents,” association officials Edwin Przybylowicz and Philip Cianciotto said in a Feb. 5 letter to Gov. David Paterson.

“We also understand the significant impact that the Marcellus gas reserves can have on our long-term energy needs and how these reserves can help us bridge the gap between our current coal and oil energy sources and the development of cleaner, more efficient sustainable energy sources,” they said.

But they said they know that “irreparable” damage can be done to the watershed and environment “if the gas drilling processes are not properly regulated and monitored.”

The minimum requirements suggested by the association are:

- **LEGISLATION** — The state Legislature and governor should enact a New York State Water Resources Protection Act.

It should reflect the state’s continued commitment to water resource protection and serve as a general directive to the DEC.

The bill would grant the DEC the authority to regulate current and projected water uses and associated activities so that the agency may adequately prepare for future impacts.

The bill should establish a permit application process for the withdrawal of 50,000 gallons of water or more in any 24-hour period from one or more sources of surface or groundwater.

Permits should have a maximum term of five years and require applications to include a water conservation program for the use of the water that is proposed to be withdrawn.

The DEC should have discretion to require an applicant to pay the cost of third-party monitoring to ensure compliance with all permit conditions.

The association said the bill should also allow private litigation to enforce compliance and a public comment period for 60 days after the application is submitted.

The cost of the permitting process should be borne by the applicant.

- **CONTROL** — Allow municipal or town control over permitting, siting and certain construction and operational limits in accordance with local land use regulations, noise ordinances and other local laws.

Development plans should be disclosed far enough in advance to allow for planning and bonding for bridge and roadway use.

- **TESTING** — Require independent baseline water quality testing of potentially impacted public and private drinking water resources, paid for by drilling companies.
- **DISCLOSURE** — Require complete public disclosure of the chemical composition of fracturing fluids, including concentrations, and drilling wastewater recovered by the hydraulic fracturing process.
- **WASTEWATER** — Require closed storage and pre-treatment of fluids and wastewater in the hydrofracturing process. Prohibit open storage of those materials.

The duration of the storage should be controlled by a permit process. Disposal of fluids and wastewater must be preceded by approved treatment processes to reduce hazardous components in accordance with federal clean water laws passed in 1972, 1977 and 1987.

- **RELEASES** — Mandate setbacks from private and public water sources to protect them from uncontrolled releases of gas and hydraulic fluids. Impose strict reporting requirements for uncontrolled oil and gas releases consistent with state Navigation Law.
- **REMEDIATION** — Impose strict financial liability on energy companies for remediation costs, require the posting of performance bonds or acquire pollution clean-up insurance prior to beginning drilling.

The state should also allow access to the state Spills Remediation Fund for emergency cleanup related to natural gas drilling contamination releases.

- **RESPONSIBILITY** — State residents not directly involved in the exploitation of the state's natural gas resources should be fiscally neutral in tax liabilities.

Drilling and attendant operations should be self-sustaining through the cost of permits, fees and taxes to the state and localities where the drilling takes place.

- **EVALUATION** — Before drilling is allowed to begin, the state should conduct a comprehensive analysis of statewide impacts of natural gas development, using a full build-out scenario based on the maximum allowable wells per acre. The results should be made public.

The association was formed in 1991 to promote the understanding, preservation and improvement of the water quality, natural habitat and the general environmental conditions of Seneca Lake and its watershed. Its membership includes more than 270 property owners and residents.

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Pure Waters
asks for clear
state rules on
gas drilling

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Association calls for state Water Resources Protection Act

■ Continued from Page 1A

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