

6,000 sign petition asking DEC to strengthen natural gas-drilling regulations

Newly drafted not strong enough, group says

By Krisy Gashler • kgashler@gannett.com • December 8, 2009, 7:35 pm

An Ithaca environmental activist and 6,000 other individuals and organizations asked the governor Tuesday to withdraw the state's newly drafted regulations on [natural gas](#) drilling, saying the state's entire regulatory framework needs to be strengthened before more drilling occurs.



Gas drilling by Cabot Oil & Gas in Dimock, Pa. (DIOGENES AGCAOILI JR. / Press & Sun-Bulletin)

Walter Hang, president of Toxics Targeting, is the activist who last month publicized 270 spill reports from the [state Department](#) of Environmental Conservation's own database, documenting well contamination and other environmental pollution related to the conventional, vertical gas drilling that has gone on in New York State for decades.

"DEC's own data document systematic, on-going failures to prevent oil and gas drilling pollution impacts or to clean them up. It is imperative that DEC resolve those regulatory shortcomings prior to issuing new drilling permits," the petition states.

Signatories include state Assemblywoman Barbara Lifton, U.S. Congressman Eric Massa, the National Resources Defense Council, Common Cause, Earthjustice, Earthworks, and the New York State Public Interest Research Group.

The Ithaca Town Board also voted unanimously Monday night to urge the governor to withdraw the regulations.

Meanwhile, as the Dec. 31 deadline for public comment on the DEC's regulations nears, a pro-drilling group is rallying supporters with their own petitions and form letters to the DEC.

The national pro-drilling advocacy group Energy In Depth this week urged its members to "share (their) views on the important role that responsible natural gas development can play in lifting the local economy and putting New Yorkers back to work."

"In just a single year, the state of Pennsylvania leveraged its share of the Marcellus into 29,000 high-wage jobs and \$240 million in state and local taxes -- numbers that are expected to nearly double in the year to come," a sample letter says. "Similarly extraordinary opportunities lie ready to be realized right here in New York. According to one recent study, Broome County in the Southern Tier has enough natural gas within its boundaries to create 16,000 jobs and \$14 billion in local economic activity."

Since Hang publicized the 270 spill reports recorded by DEC, he said he's been contacted by many individuals with wells or gas leases who are concerned about whether state regulations will adequately protect them.

One of those people is Laurie Lytle, a resident of Varick, Seneca County, who signed a gas lease with Chesapeake shortly after buying her home near Geneva in September 2006. By fall 2007, Chesapeake was drilling and hydro-fracturing (fracking) a vertical well in the Queenston formation, 660 feet from Lytle's property line, according to Lytle and a DEC representative.

The morning after the fracking occurred, Lytle said she was surprised to discover that her water was gray and full of sediment. She said she contacted Chesapeake and they told her it would stop in three to four days once the ground settled. After three days, Lytle said the sediment was gone, but the water was still cloudy. She contacted Chesapeake again and they agreed to install a water filter on her well.

Lytle kept copies of the check and invoice made out to her and her husband, signed by Chesapeake and describing the purpose of the money as "Damages."

Representatives from Chesapeake were unable to respond to questions about Lytle's complaint by press time Tuesday.

Lytle said she didn't think much more about the incident until she began seeing press reports related to the Marcellus Shale this fall. At her request, Chesapeake tested her water after the incident, but the company tested for only 12 basic substances such as total solids and e. coli bacteria, not the long list of chemicals that can be used in fracking fluid, she said.

"The main thing I would like to have happen is I would like to know what is in my water," Lytle said. "If there are chemicals in there that are of concern for my health and my family's health, I would like to have that remediated, so I would like them to take responsibility for handling that situation so I don't have to have that concern."

DEC Spokesman Yancey Roy said the DEC has a record of the Chesapeake well near Lytle's house -- but no record of a complaint, spill, or problem with Lytle's well.

"It is likely that if any turbidity was experienced in a nearby water well, it occurred when the well was being drilled -- not when it was hydraulically fractured. Also, turbidity essentially is stirred up sediment -- and problems with turbidity do not involve toxicity," Roy said by e-mail.

Lytle wasn't comforted by that explanation.

"Well if my well's contaminated with sediment, then obviously there's a pathway that water can seep in, and there may be chemicals in the water now," she said.

Hang said he was even more concerned that Chesapeake apparently didn't report the problem with Lytle's well to the DEC. DEC rigorously enforces regulations on petroleum spills, Hang said -- companies are required to report petroleum spills within two hours, and they can be assessed fines of \$25,000 per day if they don't. There's nowhere near the rigor in reporting incidents related to gas drilling, Hang said.

“This really underscores that these problems are occurring, even though the DEC has said they’ve never had a single fracking incident. And it’s not at all clear what these companies have to do as far as disclosing these problems, and it’s not at all clear what they have to test for or do about them,” he said.

Greetings from the Chenango Delaware Otsego Gas Drilling Opposition Group (www.un-naturalgas.org)

October 30, 2009

On Saturday, October 17, 2009, the Executive Committee of the Atlantic Chapter of the Sierra Club met in Syracuse and passed a resolution calling on the NYS legislature to enact a ban on unconventional gas drilling in NYS.

To sign an online petition calling for a ban on natural gas drilling across NYS, go to:

<http://www.thepetitionsite.com/1/NY-Statewide-Ban-On-Natural-Gas-Drilling>

As of October 28, 2009, the following groups have issued statements in support of a state-wide ban, and/or in support of the Sierra Club resolution, copied below:

Atlantic Chapter of Sierra Club
Action Otsego
Catskill Citizens for Safe Energy (CCSE)
CDOG (Chenango Delaware Otsego Gas Drilling Opposition Group) (www.un-naturalgas.org)
Citizens Action Alliance
Concerned Citizens of Otego (<http://otegony.com>)
Damascus Citizens for Sustainability
Environmental Working Group of Central New York
Friends of Brook Park
Haudenosaunee (Iroquois Confederation)
Neighbors of the Onondaga Nation (NOON)
New York Climate Action Group (NYCAG)
NYH2O
More Gardens!
Shaleshock Citizens Action Alliance
Sustainable Otsego
SWiM (Safe Water Movement)

The Atlantic Chapter of Sierra Club resolution:

“**WHEREAS** extensive environmental and health damages would be caused by horizontal drilling and high pressure hydrofracturing gas extraction techniques due to the contamination of water, soil and air by the toxic chemicals used in drilling and fracturing, and the naturally occurring toxic chemicals brought to the surface from deep in the ground,

“**WHEREAS** these environmental and human and animal health damages will have damaging economic consequences on residential property values, and on the state’s tourism, agriculture, forestry, winery, real estate development and educational businesses,

“**WHEREAS** the infrastructure costs of building and repairing roads, water treatment facilities, and other public services would far exceed any economic benefit to local communities, and

“**WHEREAS** it is yet to be proven that the green house effects of the production and use of natural gas produced by horizontal drilling and hydrofracturing are any less than those of the production and use of coal when the life cycle emissions of natural gas production and the higher impact of methane as a green house gas are taken into account.

“Be It Resolved that the Atlantic Chapter of the Sierra Club calls on the New York State Legislature to enact a ban on permitting gas wells that use horizontal drilling and hydro-fracturing to release gas from tight sand and shale formations such as the Marcellus.”