

Minutes of the EMC General Meeting October 8, 2008

Present: Kenny Christianson, Herb Engman, Martha Ferger, Neha Khanna, Dan Lamb, Kariann Mackie-Cunningham, Stan Marcus, Michael Miles, Steve Nicholson, Amy Risen, Roger Segelken, Anni Skoler, Jacie Spoon, Gary Stewart, Lucia Tyler

Excused: Larry Sharpsteen, Marissa Weiss, Mark Whitmore

Absent: Cliff Babson, Glynn Bebee, Carol Chock, John Dennis, Ashley Miller, Hank Spencer, Roger Yonkin

Associates: Joyce Gerbasi, Dooley Kiefer

Guests: Linda Adams, Deborah Marcus, James McGarry, Tony Nekut

Staff: Joan Jurkowich, Kathy Wilsea

Call to Order – The meeting was called to order by Chair Steve Nicholson at 7:08 p.m.

Privilege of the Floor – Tony Nekut said he attended tonight as a visitor, and will represent Cayuga Heights when appointments are finalized.

Changes to the Agenda – A resolution supporting adoption of the Energy and Greenhouse Gas Emissions Element of the CompPlan was added.

Perspectives on Gas Drilling from a Local Landowners Group – Linda Adams, councilwoman in the Town of Caroline, was present. She is part of a group of landowners in Caroline who have worked together to include protections in leases on their properties for gas exploration. Collectively, the group has about 800 acres, and Linda was approached by both Fortuna and Chesapeake. Landowners have several options: no agreement; sign lease provided by gas company; become a participating owner with the gas company; become a non-participating owner with the gas company; amend a company lease and sign it; author your own lease and sign it. There is no obligation to sign on any level. Usually leases are for three to five years. The gas company needs agreements for 60% of the production unit in order to proceed with application for a drilling permit from DEC. There are disadvantages to forming a coalition: it is a long process; it yields one lease agreement; leverage depends on actions of the membership; and a 100% non-surface clause is not probable. There are advantages to working in a coalition: it is a deliberative process; it yields one lease agreement (easier for law enforcement, DEC, neighbors to stay informed); oversight verification; leverage increases with number of members and acreage. Increased leverage can help when dealing with new technologies, a process agreement, and protection clauses.

Linda spoke of the DGWS (Downhole Gas and Water Separation), which places used fracturing fluids into deeper geological formation, and only sends gas to the surface. There have been isolated instances of leaching out in Texas. There are no open pits, and lots of advantages. This fracturing fluid starts with millions of gallons of fresh water, but is highly corrosive and saline, and generally can't be reused. Some technology is developing for portable reverse osmosis water recycling and mobile evaporators. Shipping by tankers to recycling centers is just becoming economically viable, so companies are beginning to recycle voluntarily.

There is no Tompkins County coalition. The landowners group in Caroline borders Tioga County, so Tioga has offered to let them participate. Linda would support a Tompkins County Coalition, and perhaps work with a steering

committee on the bid process for best prices. Coalitions usually offer to include people who have individual leases near the end of their terms. Most of Linda's neighbors signed five-year leases in 2006 and 2007. A coalition can be very powerful, and Linda and her neighbor partners seemed to receive offers that were not made to their neighbors who acted individually. Some families sign quickly because they have pressing economic needs. A coalition is more likely to operate to optimize protection of natural resources. In some areas it has been necessary to drill to 6,000 feet, which increases the chance of contamination, damage to casings, and truck spills. Linda has heard of companies that blasted to release stuck drill bits. If a property owner does not come to agreement with the company, the company is governed by setbacks, and cannot drill at the property line. Leases can negotiate use of light shields and sound barriers. Gas in the Marcellus Shale is not pressurized and needs to be pumped. Some lots have four or five generators running constantly. The landowners group that Linda belongs to is not officially a coalition. The group formed initially to make a counteroffer to a drilling company in order to stop the constant contacts from the company. She doesn't reject contact, as she learns something new with each contact. Linda did not have figures on how many landowners sign when first contacted by an exploration company, but the Penn State website says 80% of landowners they approach sign on the first contact. Steve Nicholson said he spoke with a caller today who said 85% of Cortland properties have leases established.

Linda's projection of drilling within three to four years is based on history in Newark Valley. There is no infrastructure here yet, and that means drilling can't be done immediately. Cornell Cooperative Extension provides some citizen education in workshops and on their website, but it is kind of homogenized. Linda feels there is a big need to block open pits. The price of leases is so high it can affect the price of land and housing, and force inflation. Dan Lamb said Congressman Hinchey's office is receiving calls, but it is mostly a state issue right now. DEC has a moratorium on new permits until the supplemental GEIS is adopted. The Susquehanna River Basin Commission and the Delaware River Commission are federally chartered and have regulations for water withdrawal permits. Herb Engman said the Ithaca Area Wastewater Treatment Plant has received inquiries about treating frac fluids. Amy Risen said the ERC committee is examining the new DEC scoping document, and they are especially interested in water sources and chemical use. Linda said to tell everyone to get baseline water studies, so comparisons can be made later in case of suspected damage. Amy said the committee will also try to find out if the County can do anything, or if they can only provide recommendations to NYS and the federal government. Linda said there are local implications, like enforcing weight limits on bridges to prevent damage. Stan Marcus commented that there are no protections for neighbors. Amy said Environmental Conservation Law dictates disposal of waste. Linda said Texas deep disposal wells have three levels of protection, but almost half get no oversight, which is a manpower issue. There were several comments that fines are not high enough to discourage illegal actions, since the product is so valuable. Drillers are supposed to be governed by local stormwater laws for development sites. Steve said there was a meeting last month at the Women's Community building on drilling on federal lands, and tomorrow there will be a Shale Shock movie from a group opposed to drilling.

Resolution: In Support of the EGGE Element of the Tompkins County Comprehensive Plan – Kenny Christianson introduced the resolution from the Energy Committee. Resolution moved by Kenny, seconded by Herb Engman. Whereas clause #2 was amended to read "Whereas, the Tompkins County Planning Department has achieved a commendable level of public outreach and produced a draft plan entitled *The Energy and Greenhouse Gas Emissions Element to the Tompkins County Comprehensive Plan* that is necessary and deserving of our support." Amendment accepted as friendly. Resolution passed by unanimous vote of members present.

Discussion: Carbon Tax Resolution passed by Tompkins County Legislature – Dooley Kiefer said, for simplicity's sake, the resolved clause naming an alternative was removed. Neha Khanna asked how do we give our best collective knowledge to the Legislature? This affects how we interact with the Legislature. Dooley said it's important to state your position, and don't second-guess the opinions of the legislators. Joan Jurkovich said she was not present for discussion, but minutes show strong opinion of visitors, who requested deletion of the paragraph. If EMC has reached a strong opinion, she suggests members speak at the Legislature meeting or contact legislators individually.

Municipal Reports – Village of Dryden: Martha Feger reported the Village is trying to get their own wastewater treatment plant. The mayor has established a committee to hire and work with a consultant. Last year the Village was

approached to sign gas leases, and responded they were not interested. Town and Village of Groton: Jacie Spoon will provide a report in the EMC News next month. The Village offices are moving in a few weeks to a location across the street from their current spot. Town of Dryden: Copies of a written report from the Town's Environmental Planner were distributed. Stan Marcus was congratulated on his recent marriage.

Approval of Minutes -- The minutes of September 10, 2008 were accepted with two changes. Final minutes are available on the EMC webpage: www.tompkins-co.org/emc.

Chair's Report – Steve Nicholson announced EMC member Mark Whitmore will present a conference on invasive species at the end of the month. Information was available in the mail folder.

Staff Report – Kathy Wilsea provided Steve with a nomination form for the NYSAEMCs awards to be presented at the Conference on the Environment. She announced at-large member Lara Kimber has resigned. New member recruitment posters are available in the mail folder so members can post them or share them with an acquaintance.

Legislature Liaison's Report – Carol Chock was absent. Dooley Kiefer announced the Legislature adopted a resolution on the lake monitoring plan. The Legislature added funding for stream monitoring into the budget during an Expanded Budget Committee meeting. The final budget has not been adopted yet. The first three years of funding would be dedicated to testing in Cayuga Inlet.

Member Items – Kenny Christianson announced the Energy Committee will meet 10/21 with Katie Borgella and Leslie Schill about changes made to the EGGE draft. Joyce Gerbasi pointed out there was an article in the mail folder about Hudson River PCBs being shipped to Erie County for disposal. EMC had a committee several years ago on this. Jacie Spoon said removal of trees from runway paths at the County airport has led to increased noise at the Lab of Ornithology. Mike Miles announced the Town of Enfield passed a wind ordinance. His home was in the solar home tour. Herb Engman asked if EMC is getting involved in the environmental review of the options for a water supply in the City of Ithaca. ERC will comment. He asked if EMC is involved in the dredging plans for Cayuga Inlet. EMC member Cliff Babson is our participant, and Water Resources Council has a committee and a participant. Joan Jurkovich recommended interaction between EMC and WRC on dredging. Kenny Christianson said the DEC coal tar remediation is proceeding on West Court Street at the Ithaca City School District site. The fate of the brick building on the corner of Court & Plain is still undetermined. Neha Khanna said congratulations are in order for Kenny, as he published two books this summer.

Adjournment – Steve Nicholson adjourned the meeting at 8:53 p.m.

Respectfully submitted,

Kathy Wilsea, Secretary
Tompkins County Planning Department

Approved by Council on November 12, 2008