

TCCOG Gas Drilling Task Force
Meeting Notes
February 17, 2011

Attending: Jonathan Woods, Don Barber, Ric Dietrich, Marie McCrae, Ken Zeserson, Helen Slottje, Guy Krogh, Craig Schutt, Lawrence McCann, Darby Kiley, Joe Wilson, Kathy Halton, Liz Thomas, Carol Chock.

ROAD PROTECTION – Don Barber, Jonathan Wood

- **Permits for excavation or construction:** Many municipalities have passed laws requiring a permit prior to any excavation or construction that would affect town roads.
- **Road Protection laws:** Drafting road protection laws is more difficult due to conflicting state rules.
 - Delta Engineering is working with some municipalities to assess the carrying capacity of their roads, but the local law for road protection to be provided as part of the Delta contract is not out yet.
 - Jonathan Wood briefly described the rationale behind the recently released draft of the Tompkins County Road Protection law. The County wanted road legislation in place before drilling permits are issued but plans to adjust the language based on comments from the public. Admittedly, some local developers and truckers that use the roads heavily may also need to comply with this new law. Jonathan and the TCCOG Gas Drilling Roads Committee will work together on county and town legislation. Based on public comments, Jonathan will work on language that more closely mirrors the type of traffic resulting from gas drilling activities and will clarify what constitutes damage, bonding requirements, road posting, fees, enforcement, etc. Cornell Local Roads and the County Highway Department will also be involved. The County is targeting April 1 to have this law in place but emphasizes that laws can be adjusted and changed based on experience and feedback.
- **Road Use Agreements:** Some municipalities have worked with gas companies to create road use agreements. A representative from Chesapeake will attend the Road Protection Committee meeting on February 28 and talk about the road use agreements they have with other municipalities.

Whether road protection laws or road use agreements are put in place, having the same regulations throughout the county would be beneficial for compliance and enforcement.

COMMUNITY IMPACTS – Darby Kiley

Susan Christopherson's Cornell workshop project will focus on two arenas in which shale gas extraction has local impact: housing and industries. Within these two areas, the project will examine effects on property values, tax implications, and potential development trends. This work will terminate with a policy paper and webinar in May.

LAND USE WORKGROUP – Darby reporting for an ill Richard Driscoll (sniff)

The last meeting focused on Helen and David Slottje's work on high impact industrial land use restrictions within zoning. They also discussed a proposed moratorium from the Town of Jerusalem.

REGIONAL TASK FORCES MEETING – Darby Kiley

Rod Howe, with the Cornell Community and Rural Development Institute (CaRDI), coordinates a meeting of regional gas drilling task forces quarterly to discuss how each area is addressing the pending commencement of drilling. Represented were the counties of Yates, Tioga, Seneca, Chemung, Broome, Chenango, Otsego, Schuyler and Tompkins, as well as Cornell Cooperative Extension and PRI.

- Lori Mithen, chief counsel for the Association of Towns, announced they will offer a training for local officials on gas drilling issues (date to be determined).
- PRI will soon release new information they are developing about gas drilling.
- Yates County has a road use agreement with 12 of its 13 municipalities signing on.
- Tioga County is updating their resource binder and will release the new version soon. Meghan Jacquet is now a planner working for 3 counties on gas drilling issues and was one of the authors of the original resource binder.

WATER WORKGROUP – Darby Kiley

While the water workgroup is no longer officially active, information is being submitted via email. Darby and Sharon compiled information that has been collected into 2 categories for municipalities including

Areas where municipalities can take action, e.g.:

- Baseline testing options
- Water treatment facilities

Areas under outside local jurisdiction but are important for municipalities to be aware of e.g.:

- Water withdrawals
- Disposal in abandoned wells

Tompkins County Cooperative Extension will house this information on their gas drilling website at <http://ccetompkins.org/energy/shale-gas-drilling/water-subcommittee-tccog-gas-task-force>

COMMUNITY SCIENCE INSTITUTE – Darby Kiley

CSI held their annual meeting with a focus on the impacts gas drilling is expected to have on water. Normally it is attended mostly by CSI volunteers who help to monitor water in the Cayuga Lake watershed, but this year a large part of the audience was from surrounding areas, people who wanted to share information on monitoring water, especially in areas where hydrofracturing is likely to occur.

Topics:

- Chemical Signatures of hydrofracturing – When and what to monitor for in wells and streams– Steve Penningroth
- How to start up a monitoring network in an active drilling area – Autumn Stoschek, representing the Cayuta-Catatonk watershed
- Water quality of dug and drilled water wells, methods to collect drinking water samples that will stand up in court, effectiveness of water treatment facilities for treating produced fracking water – Bill Kappel

In parts of Tompkins County, water is being monitored by CSI. The County Soil and Water Conservation District partially funds CSI to do this work, but SWCD funding for water quality monitoring is limited. Areas such as parts of Caroline and Enfield are not regularly monitored.

MAPPING WORKGROUP – Don Barber

The mapping group identified TCCOG as the primary recipient of its maps which will be used to help them understand the potential impact of drilling once the State allows permitting to begin. Maps will be created using information from the sGEIS, from industry data, knowledge about active leases, etc. Maps will indicate where drilling pads can be placed using the 40 acre and 640 acre spacings and excluding areas where drilling cannot take place such as on roads, lakes, streams, and buildings. Mappers will estimate the quantity and density of drilling pads possible within the County. The objective is to help municipalities estimate the level

of activity of traffic, amounts of water withdrawn, need for emergency service and road patrols, etc. The first draft of the map should be ready in March.

Karen Edelstein is entering data into the FracTracker mapping program but is having difficulty obtaining information from the DEC since many of its records are not in electronic format. Liz suggests contacting lawmakers in Albany to make them aware of this basic problem.

DRILLING BAN THROUGH ZONING

Helen and David Slottje presented a draft ordinance to the Town of Ulysses on February 8 that prohibits certain high impact industrial activities in areas that are not zoned for heavy industry. Referring to current zoning and the Town of Ulysses Comprehensive Plan, most areas of the town would be unsuitable for drilling activities based on current zoning restrictions and the community character as outlined in the Comprehensive Plan. The Slottje ordinance defines high impact industrial activities.

The Slottje's worked with attorneys in Buffalo where a similar ordinance was just passed and also are working with an attorney in Middlefield which is interested in a restriction of this type. Many other municipalities have contacted the Slottje's and are interested in their work.

For more information, contact Helen or David.

PRESENTATIONS AT TANG

TANG members suggested speakers for future meetings:

- Susan Christopherson – a follow up to her talk last year.
- Steve Penningroth from the Community Science Institute and/or Bill Kappel from USGS
- Meghan Jacquet – Planner for Southern Tier Central Planning and Development Board, which covers Chemung, Schuyler, and Steuben Counties. She works with the gas drilling groups in each of these counties.

OTHER

Don and Helen spoke about drilling issues on the Capitol Pressroom. Listen to them at

<http://thecapitolpressroom.org/the-capitol-pressroom-for-february-18-2011/>

EVENTS –

- **Mon, February 28, 10am** *TANG Assessment and Land Values workgroup* Courthouse.
- **Mon, February 28 2:00** – *TANG Road Protection Workgroup* Courthouse conference room 2nd floor.
- **Thurs. March 17 3:00** *TANG regular monthly meeting*
- **March 24 1:00** – *TANG Mapping Workgroup* Ithaca Town Hall – Aurora Room
- **March 30-31** – *A Systems Approach to Energy Transitions: Land, Economic and Community Transformations*. Watkins Glen. For municipal officials, planners, extension, community leaders, and land managers grappling with how we will responsibly and sustainably meet the energy demands of the Northeast. Cornell Cooperative Extension
<http://devsoc.cals.cornell.edu/cals/devsoc/outreach/cardi/upload/SaveTheDate03-30-2011-1-page.pdf>.
- **Thurs. March 31-April 2** – Cornell Law School's Energy Conference: *Gas Drilling, Sustainability & Energy Policy: Searching for Common Ground*.
<http://www.lawschool.cornell.edu/research/ELS/index.cfm>.

Submitted by Liz Thomas