

Tompkins County Council of Governments
Gas Drilling Task Force (aka Tompkins Addresses Natural Gas (TANG))
Minutes- April 21, 2011

Attending: Darby Kiley, Liz Thomas, Carol Chock, Lawrence McCann, Kathy Halton, Martha Robertson, Ric Dietrich, Don Barber, Art Pearce, Joe Wilson, Lee Shurtleff, Sara Hess

Supplemental Generic Environmental Impact Statement (sGEIS) Comment Period Request

The following letter was sent from the Task Force to DEC Commissioner Joe Martens asking for a 90-day comment period once the sGEIS is released. The language parallels that used by the Tompkins County Water Resources Council (thanks to Darby for bridging between TANG and the WRC). The Task Force voted to accept the letter, send it on to those named, and send a similar version to TCCOG to also consider passing. Introduced: Liz Thomas, Seconded: Carol Chock.

TOMPKINS COUNTY COUNCIL OF GOVERNMENTS
Gas Drilling Task Force

April 22, 2011

Commissioner Joe Martens
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-6500

Re: Public Comment Period for the Revised Draft Supplemental EIS on the Oil, Gas, and Solution Mining Regulatory Program for the Marcellus Shale Gas Drilling

Dear Commissioner Martens:

According to Executive Order No. 41 (*Requiring Further Environmental Review*), signed by Governor David A. Paterson on December 13, 2010, the Department of Environmental Conservation was ordered to publish a Revised Draft Supplemental Generic Environmental Impact Statement (sGEIS) on or about June 1, 2011. That Executive Order also called for the Department to accept public comments on the Revised Draft for at least thirty (30) days.

We appreciate the tremendous effort required by the NYSDEC to address the complex technical and regulatory concepts that must be included in the Revised Draft SGEIS and the amount of work it will take to respond to the thousands of comments received on the Draft SGEIS. We are equally concerned with the time and effort it will take for the public and for agencies, such as ours, to review the revised document upon its release. It is critical that the public have adequate time to review this important document. Therefore, we are requesting that the NYSDEC establish a ninety day public comment period following promulgation of the Revised Draft SGEIS.

Respectfully,

Elizabeth Thomas, Chair
Gas Drilling Task Force of the

Tompkins County Council of Governments

cc: Governor Cuomo;

NYS Senators Dean Skelos, Brian Kolb, Thomas O'Mara, James Seward, and Michael Nozzolio; Speaker Sheldon Silver; Assemblywoman Barbara Lifton; Chair of Senate Committee on Environmental Conservation Mark Grisanti; Chair of Assembly Committee on Environmental Conservation Robert Sweeney; Attorney General Erik Schneiderman; U.S. Senators Charles Schumer and Kirsten Gillibrand; Representatives Diane DeGette, Secretary of the Interior Ken Salazar, Representative Richard Hanna and Representative Maurice Hinchey; EPA Administrator Lisa Jackson, EPA Region 2 Administrator Judith Enck; New York State Association of Counties; New York State Association of County Health Officials (NYASCHO); the Tompkins County Board of Health; Tompkins County Legislature; and Town Supervisors and Clerks within Tompkins County.

Regional Task Force Meeting – March 28 – Darby Kiley and Joe Wilson

- Attendance included Task Forces from Pennsylvania
- Once the sGEIS is released, Cornell Cooperative Extension will create a narrated powerpoint highlighting the changes made from the draft released in 2009.
- Rod Howe encouraged task forces that coalesced around drilling issues to continue into the future with a focus on energy literacy.
- Attendance at the Potter County, PA Task Force is high partly because they sponsor talks for the general public.
- Task Force recommendation from PA: Create an inventory of buildings and vacant lots that can be used by drilling companies.
- Joe felt there was a greater sense of urgency from NY counties along the PA border that are more likely to be the first to experience drilling in the state.
- The message from PA Task Forces: once the gas companies arrive, municipalities have no time to respond. Preparations need to be made in advance. Have any permitting, monitoring, land use regulations, etc. in place and have them legally binding. Unfortunately NYS law is frequently unclear regarding what local municipalities can regulate therefore model legislation from other states doesn't necessarily apply in NY.

Tioga Investigates Natural Gas (TING) Resource Binder – Darby Kiley

- While helpful, the TING resource binder does not provide answers to many of the same questions the TANG workgroups have struggled with but does provide suggestions in many areas such as noise, light, and site plan review. Example or model regulations are included.
- Each chapter concludes with a list of recommendations.
- The binder outlines the jurisdiction of local municipalities versus state agencies, especially for water quality related issues.

TANG Final Products

- TANG recommended that Darby work to finalize a prioritized checklist to help guide and organize municipalities in advance of drilling. These tools will outline the pros and cons of certain aspects of the drilling industry and, where possible, provide model legislation along with its potential legal foundation (if available). Darby will focus only in areas where concrete and achievable steps are available.
- Municipalities need to feedback to the County which areas are of the highest importance for continuing on in the future.
- Municipalities looking into banning drilling through zoning should keep in mind that unless drilling is banned throughout a region, the impacts are still likely to be felt. Planning for increased activity is advised.
- Potential model legislation and information to include in for the Tompkins County resource binder:
 - Noise ordinance from Dryden
 - Road excavation laws
 - Legislation from TANG Working Groups
 - Designating Critical Environmental Areas (TING's example is good, also from Land Use Workgroup)

- Zoning restrictions and bans.
- Review flood protection laws and procedures
- Update site plan review to include ancillary services to drilling companies (businesses that build pipelines, access roads, storage areas, etc)
- Maps from the mapping workgroup. These should illuminate some potential areas of concern and raise some questions as to how to address those concerns.
- Economic studies (Christopherson and Kelsey)
- Air Quality resources from Joe Wilson
- Some areas, such as road protection, may remain unresolved until clarification comes from the State Legislature. Other Task Forces face the same challenges.

How to proceed in 2012 – General discussion

Funding from the Park Foundation for planner, Darby Kiley, was for one year ending in October 2011. In order to continue funding in 2012, an application for funding needs to be submitted. Darby will write a progress report for 2011, identify what still needs to be accomplished, and submit the proper materials to apply for future funding.

Roads – Don Barber

The Roads Working Group has varied opinions on the need for action to protect municipal roads. Some feel the engineering assessment is a priority while others feel little need to have plans in place in advance of the release of the sGEIS. The County is supportive of completing engineering assessments of roads. While initially TANG and the Roads Working Group felt it would be highly beneficial to pass similar road legislation, it's clear that with the divergent opinions of those involved, that parallel legislation may be difficult to achieve. Creating a database of road characteristics would be beneficial for all if only to have documentation of road conditions and to help budget time and money for their maintenance. Clarification on the extent of jurisdiction municipalities have over their roads needs to be completed in Albany.

Public Safety – Ric Dietrich

- To be prepared for the type of large-scale emergency that, while rare, is still a real possibility, municipalities need to coordinate all emergency management personnel with municipal leaders to ensure all are communicating enough to effectively respond. Included in communications should be fire departments, ambulance services, police, sheriff, County emergency management, gas company representatives and leaders from Towns, Villages, and the City. Memorandums of understanding are important. However, gas companies have been known to lock down sites when a severe emergency occurs, having their own trained personnel respond rather than local services. Evacuations of large numbers of people requires forethought on how people will be transported, housed, fed, what will be the fate of their pets, etc.
- Lee Shurtleff reported that feedback from the County outreach to municipalities has been good. Danby went through the County's checklist and are well prepared. Other municipalities have not reviewed their emergency management plans in years. Towns need to make sure their plans are up to date. The County's checklist can help identify gaps and highlight which agency is in charge during various types of emergencies and who the key contact is.
- The County EMS staff attended training in Montour Falls directed specifically at the natural gas industry. NY can learn from PA's experience. Arranging for monitoring of drilling sites would be helpful, but if the magnitude of drilling ramps up as quickly as it did in PA, monitoring crews will be overwhelmed. A system that would alert localities of drilling activities would assist the monitoring situation. Industry publications are available that show where active drilling is occurring. If the sGEIS doesn't require gas companies to notify municipalities, it might be worthwhile for the County to subscribe to this publication to make municipalities aware of active drilling sites.
- The County will wait for the sGEIS to be released to finalize their EMS plans.
- The majority of EMS calls will likely be from slips and falls similar to other types of industrial sites. Traffic accidents have also increased in active drilling areas of PA.
- OSHA and the state DEC should be working together if violations occur.
- CaRDI and the Association of Towns will host a workshop called Home Rule: Preparing for Natural Gas Drilling in the Marcellus Shale Region on June 24 in Binghamton. There will be a session on emergency management planning

- Ric recommended a video that quickly outlines some of the emergency management issues.

Community Impacts

The League of Women Voters will host a forum on community impacts on May 2, 7:00pm at the Borg Warner Room at the TC Public Library. Anyone with contacts to the Chamber of Commerce, the TC Area Development or the business community should pass on the notice of this event. Art Pearce is looking for help to call members of the Chamber of Commerce to make them aware of this opportunity to learn more about the economic impacts of drilling. The Cooperstown Chamber of Commerce recently passed a resolution in opposition to hydrofracturing. Tompkins County C of C should be aware of these concerns.