

Broome County Environmental Management Council

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Broome County Environmental Management Council (EMC) Minutes from the meeting held Thursday, July 10, 2008 United Way Board Room, Jenson Road, Vestal, NY

Present:

Members-at-Large: Chris Burger, Doug Garner, Erin Heard, Julia Hoover, Tony Lubzanski
CAC Reps: Cindy Westerman (Vestal)
Special Reps: Kevin Mathers (CCE) and Chip McElwee (BCSWCD)
Ex-Officio Reps: Bob Denz (BCHD)
Legislative Reps: Ron Keibel
Associate Members: Mary Cronk, Bill Heaviside, Ken Holmes,
Staff/Intern: Stacy Merola
Visitors/Guests: Ron Brink, Jack Davis, Brooke Eiche, Peter Knuepfer, Scott Lauffer, James Leonard, James Little, Amy Parker,
Absent with Excuse: Josephine Chu, André LaClair and Karen Ciatyk

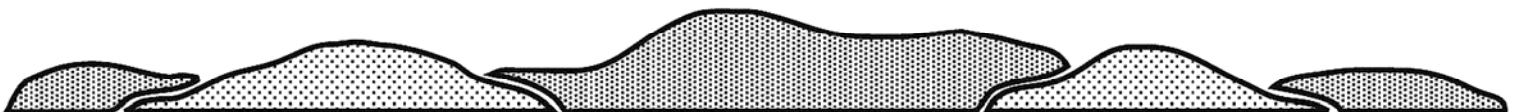
1. Vice Chair, Cindy Westerman called the meeting to order at **7:06 pm**. Introductions followed. Minutes from June were modified to correct mis-numbered items. Also, in section 2, the last bullet, last sentence should read, "She spoke to DEC about mapping and noted that the same bill to *lower* the protection threshold *and eliminate the requirement of mapping in order to be protected was again passed by the NYS Assembly*. Julia moved, Chris seconded to adopt minutes from June as amended. Motion carried.

2. Privilege of the Floor/Announcements/Member Items of Interest

- The BC Book Recycling Fair needs volunteers August 14, 15, 16 (collection days) and 22 and 23. (giveaway days) for three-hour shifts from 9 am until 3 pm each day. Register by July 25.
- IBM's Spring 2008 newsletter about the Endicott Groundwater Remediation activities was circulated.
- Julia announced that billionaire T. Boone Pickens is proposing his blueprint to decrease America's reliance on foreign oil – the Pickens Plan - through use of domestic wind and natural gas resources. Visit www.pickensplan.com for more info.
- Ken announced that the City of Binghamton's Shade Tree Commission and City departments are co-sponsoring a Yard Tree Coupon Program in 2008 to encourage property owners to plant trees. Eligible property owners can receive a \$35 coupon to purchase a tree for their property. A fact sheet was circulated about caring for young trees along with the coupon program summary/application. He also noted that the City's Sustainability Center has renamed itself to the Binghamton Regional Sustainability Coalition; they will meet July 24 at the BC Library 6:00 -7:45 pm. A sign-up sheet was circulated.
- Erin announced that the Upper Susquehanna Coalition (USC) received a grant from the Chesapeake Bay Gateways Network for the newly formed Headwaters Rivertrail Partnership. Funding will be used to start a signage system along the main tributaries of the Susquehanna and Chemung basin. A meeting will be held July 25 at 2pm to discuss the next steps.
- Chris noted that Broome Community College will host a Sustainability Conference November 14 and 15.

Guest Presentation: Gas Drilling Rush in the Marcellus Shale

James Leonard, CPA from Endicott, NY, spoke to the EMC about his research and recent developments in the natural gas play in the Marcellus shale in the absence of invited guest Lindsay Wickham, Field Advisor and Local Issues Specialist with the New York Farm Bureau who could not attend. Jim has been working alongside Lindsay to help inform the public about the potentially lucrative and yet somewhat perplexing elements of natural gas leases and exploration drilling. Jim visited Houston, Texas to observe drilling in the Barnett Shale and will attend a natural gas symposium in Colorado this month. He noted his amazement at the numbers of



people attending seminars and information meetings on this topic. It was the realization about horizontal drilling and the shale fracturing process in the Barnett Shale that sparked significant interest in the Marcellus and its potential to be a highly productive play. The Appalachian Basin is the sweet spot of the Marcellus Shale formation. A natural gas well in Tioga Co (Stockdeck? well in Van Etten) produced 40 million cubic feet per day, an enormous amount of gas for one well. It is believed that wells tapped in the Marcellus Shale could be just as productive, more so than the Texas Barnett Shale.

He began by distributing a fact sheet of natural gas terminology, which was followed by several handouts from EMC staff that included the Oil & Gas Accountability Project's May 2008 Report called *Shale Gas: Focus on the Marcellus Shale*, among other resources from the DEC, the NY Farm Bureau and Cooperative Extension to name a few.

Jim's PowerPoint presentation highlighted facts about the formation, exploration techniques, and drilling operations. It included pictorial depictions of drilling rigs, along with related equipment and infrastructure needed on the 2-3 acres-sized drilling pads. He provided a pictorial overview of the concepts of spacing units (land area from which a well is expected to recover gas or oil), and noted that the advantages of horizontal drilling are that it reduces the number of surface locations that would be constructed and increases gas production from a single well. NYS Governor Paterson is expected to sign a bill that extends uniform gas well spacing rules and establishes boundary setbacks to protect the interests of adjacent property owners.

Mr Leonard explained some nuances of lease agreements, explaining royalty interests (landowner) versus working interests (gas company), forced pooling issues, and brief types of income/fees that can be found in leases including a welling fee, pipeline fee, and a seismic fee, among others. He also spoke to some tactics used by the landmen negotiating deals with landowners. He emphasized caution when negotiating lease language. He noted that you may find after signing that you've limited your ability to hunt on your land, for example, so it is essential to be exact and clear about not only your mineral rights but also surface rights.

Jim also covered some of the taxation and legal issues before concluding with a brief discussion about some of the environmental aspects of the play, which he admitted was outside of accounting background. Questions on everyone's mind run the gamut and include what is in the fracturing (fracing) fluid? Where's the water coming from for fracing? What is coming out of the waste mud and will it be radioactive or hazardous to flora, fauna and humans? Where will wastewater be discarded? Are there facilities within the basin that will accept the waste? How far will waste fluids be transported for disposal? Are waste haulers permit necessary? Will on-site disposal be permitted? What local controls can be implemented to preserve roads, bridges and culverts? Would federally mandated stormwater rules apply to this type of mining activity or would state permits include sediment and erosion provisions? Air pollution impacts – are they immediate and will there be lingering impacts once drilling ceases? Noise impacts – can localities implement noise ordinances with any effectiveness? What are the extents of exemptions from the Federal Clean Water and Clean Air Acts? Who will be inspecting drill site? Are there enough regulatory inspectors to do the job? What are the landowner liabilities that run with the lease? Are landowners considered businesses in terms of liabilities? The questions are numerous and in some cases very uncertain.

Extensive discussion and debate ensued along with a lengthy questions and answer period. The Council expressly thanked Mr Leonard and extended invitation to him to visit with EMC again later this year to discuss his observations about natural gas drilling activities in Colorado.

3. Council recessed for a short break.

4. Committee Reports:

Natural Resources Committee (NRC) – Stacy reported on behalf of Karen that the NRC met June 19. Several items of interest included correspondence follow-up to the EMC's Outdoor Wood Burning resolution and white paper, receipt of several natural gas drilling resources, and word of a bill to direct EPA to ban phosphates from dishwasher detergent by 2010, among other things. Also discussed was NYS's proposed revision to open fire rules and regulations, and a draft Working Landscapes section of the County Open Span Plan. The group wishes include language about potential threats on landscapes from natural gas exploration and drilling. **Next meeting:** Thurs., July 17 at 4pm, Exhibit Room, BC Library.

Recycling & Waste Management Committee (RWMC) – Tony reported the RWMC met June 23 and was briefed about garbage hauler inspections and compliance with the County Charter, recycling planning for the Dick's Open and Spiedie Fest, DEC's proposed revision to open fire rules and regulations, and DEC's proposed Solid Waste Management Facility Permitting Program Policy. In addition, the group was updated about recycling at County parks, and upcoming special electronics collections among other things. The RWMC will hear from the developer of a proposed private composting and mulch facility planned for Kirkwood at the **next meeting** that will be Mon., July 26 at 4pm, Exhibit Room, BC Library.

Membership Committee - **ACTION ITEM:** Nominations for Bill Heaviside and Mary Cronk to serve as Members-at-Large for new two-year terms, and a nomination for Josephine Chu to serve a second one-year term as Binghamton University representative beginning August 2008, come moved and seconded from the Membership Committee. The Council voted unanimously to send these names to the County Executive for confirmation and Legislative approval.

5. Conservation Advisory Commission (CAC) Reports:

Vestal – Cindy reported the group met June 24 and discussed two documents: a report on the Emerald Ash Borer, and a memo to the Town about the potential for problems with gas drilling. **Next Meeting:** Tues, July 22 at 7:30pm, Vestal Town Hall.

6. Staff & Chair Reports:

- Andre followed up with a request for information about the EMC's resolution, memo and white paper on outdoor wood burning.
- Staff attended a programmatic and planning update meeting June 9 with the NYS Association of Environmental Management Councils (NYSAEMC) and Conservation Advisory Commissions (CAC) at the NYS Department of Environmental Conservation (DEC) headquarters in Albany. Topics covered included open burning, update of the NYS Solid Waste Management Plan, establishment of a new DEC division – Clean & Safe Water Infrastructure, state campaigns to increase outdoor recreation, invasive species, climate change and the national registry, and planning for the 2008 Conference on the Environmental planning.
- According to the Planning Commissioner, filling the Environmental Analyst vacancy will be pursued after the Planning Dept office reconfiguration. Stacy requested that the Civil service list be called if possible.
- Staff took suggestions for future speakers. A request was made to invite someone from DEC who can speak about the technical aspects of bioremediation.

7. Next meeting: Thurs, September 4 at 7pm, United Way Board Room, Jensen Road, Vestal.

The meeting **adjourned** at **9:40 pm**.

S. Merola, recorder