

# Numerous hydrofracking questions remain unanswered in Tier

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People at the anti-drilling barricade hold signs as others listen to speakers on Wednesday, Dec. 14, between sessions of the EPA hearing on hydraulic fracturing in Binghamton. / JASON WHONG / Staff Photo



Written by [Steve Reilly](#)

Locally, anticipation is growing that the state Department of Environmental Conservation will begin issuing permits for natural gas extraction through horizontal hydraulic fracturing in 2012.

For some municipal governments in the mineral-rich region, that means it's time to prepare for an influx of heavy truck traffic, socioeconomic changes and the arrival of new and unfamiliar industrial activity.

Others -- most recently, the City of Binghamton -- have taken a different tack.

"I think we're grossly unprepared," said Binghamton Mayor Matthew T. Ryan, who is backing a proposed two-year ban on hydrofracking within city limits.

Bans on hydrofracking have swept across Otsego and Tompkins counties in recent months, but have mostly remained on the outskirts of the area considered to hold the most potential for natural gas drilling.

A ban in Binghamton would change that.

Scott Kurkoski, an attorney for Levene Gouldin & Thompson, said there's "no rational basis for the city to have a ban," and it could dampen potential economic growth once drilling takes hold.

"If the City of Binghamton is to ban drilling, then when these opportunities come to New York, companies will not want to establish their businesses in the city," he said. "And that's true whether they're oil and gas companies, or all of the other service companies that work with the oil and gas companies"

## **Bans debated**

Kurkoski and other ban opponents say the stipulations under DEC's proposed regulatory framework for water use would prohibit drilling within the city's borders.

Additionally, state law forbids municipal governments from regulating mineral extraction. Pending lawsuits over fracking bans in the towns of Dryden, in Tompkins County, and Middlefield, in Otsego County, are expected to settle the issue in court.

Nevertheless, Ryan cited concerns about wastewater disposal, road use and water contamination -- and urban drilling that has taken hold in Fort Worth, Texas -- as ample reason to hold off.

"We want to make sure our community is safe," Ryan said.

A ban could result in a potential liability to landowners who own parcels near or in the city who want to sign leases, said Dan Fitzsimmons, president of the Joint Landowners Coalition.

"If we were to get a deal, and if they were to be in a (production) unit or have a chance to be in a unit -- and now with this happening with the ban -- is (Binghamton) going to pay them for their mineral rights?" he said.

Other municipalities might face pressure to contemplate a ban as well.

A petition that now bears hundreds of signatures is being circulated for a hydrofracking ban in Vestal, where a coalition of landowners interested in signing leases represents about one third of the land in the town.

Sue Rapp, co-founder of Vestal Residents for Safe Energy, said the group questions the wisdom of allowing the activity in the town.

"We are now exploring this possibility with the town board, the zoning board and other Vestal residents about how to control through zoning a potentially dangerous and disruptive industrial development," Rapp said.

Some say the bans are an eleventh-hour effort to undercut state regulations in the months before permits are issued.

But, Walter Hang, president of Ithaca-based Toxics Targeting and one of the leading opponents of the DEC's proposed regulatory guidelines, said the bans are a sign of an increasingly strong anti-drilling movement.

"Now, suddenly, you've got those areas saying 'we don't want to be guinea pigs,'" he said. "I think that really begins to focus the public's concerns in the Southern Tier that they don't want to be the DEC's learning experience."

## Road use

State environmental conservation law gives the DEC near-total control of regulation for oil and gas extraction, leaving only taxation and local road protections in the hands of municipal governments.

The latter has attracted the close attention of municipal leaders in the run-up to potential natural gas drilling.

Hydraulically fracturing, a typical well can require up to 1,340 truckloads of liquid hauling, in addition to extra traffic from other sources, Broome County Attorney William Gibson said at a recent forum on the issue.

"The experience in other areas has been that this high volume can result in significant damages to local highways, bridges and culverts," he said.

Broome County took the lead last year when it enacted a measure to protect its 343 miles of county-owned roads.

Under the county law, operators of vehicles that are oversized or weigh more than 80,000 pounds can either obtain a special hauling permit for each trip of every vehicle that uses county roads, or arrive at a road use maintenance agreement with the county.

Local governments have also begun to work on road use laws, but few have been approved.

Some towns, such as the Town of Windsor, plan on working directly with the gas companies on road use maintenance agreements that hold gas companies responsible for road repairs.

Windsor has already had experience using this model during the construction of a 9 1/2-mile length of the Laser Pipeline.

The Town of Dickinson -- a small, suburban community with few leased parcels -- passed a road use law this year under which trucks with more than three axles will have to obtain a permit to travel on more than 100 miles of town roads over any five-day period.

The Town of Fenton has commissioned Delta Engineering for a road study, but has not passed an ordinance yet.

## Waiting game

Will the Southern Tier see natural gas drilling in 2012?

Like just about every question that has arisen in New York's 3 1/2-year debate, it depends who you ask.

"From what we've been told, definitely," Fitzsimmons said. "They've repeatedly come back and said that they're going to have this done and there will be permits going out by the end of this spring (or) early summer. It looks like DEC is going to keep us on track, and I think it's going to happen."

Hang is equally certain that won't be the case.

"I just can't envision how the governor is going to say 'we're keeping all these regulatory exemptions in place that only benefit the gas industry; we're not going to deal with this massive staffing inadequacy problem; we're going to just keep plowing ahead, saying that everything is honky-dory despite all the withering criticism,'" Hang said.

A public hearing on Binghamton's ban will be held at 6:30 p.m. Wednesday at Binghamton City Council Chambers, and council could vote on the ban the same day.