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Wastewater may not have met standards

Cayuga Heights says there was no violation

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Cayuga Heights may have violated its own law in accepting gas-drilling wastewater that exceeded standards established to protect its treatment plant and Cayuga Lake.

Meanwhile, a regional engineer from the state Department of Environmental Conservation told the village it was OK to continue accepting the waste without a completed study of what kinds of wastewater came to the plant. DEC policy - reaffirmed in a December 2008 memo - requires such analyses before a plant accepts gas-drilling waste.

According to tests on wastewater coming to the plant, the village accepted material exceeding standards for metals such as copper and lead, and greatly exceeded standards for "Chemical Oxygen Demand" and "Total Suspended Solids."

Walter Hang, whose company compiles such information and obtained the data, said Cayuga Heights' experience shows that the understaffed DEC has not been enforcing its own regulations. "This whole program has been a backwater," he said. "No one has paid attention to it."

Mayor Jim Gilmore and Superintendent of Public Works Brent Cross responded that the gas-drilling wastewater was 3 million gallons of 540 million processed during the period. Monthly tests showed no violations of the village's DEC permit while accepting the waste, Cross said.

Gilmore emphasized the village's desire to protect Cayuga Lake, noting the \$2 million phosphorus-removal project to be online by year's end.

Cayuga Heights began accepting wastewater from conventional, vertical gas-drilling operations in May and temporarily stopped March 31 to complete the loading analysis. A January 2009 sample of drilling brine water found chemical oxygen demand at 6,880 milligrams per liter and total suspended solids at 884 milligrams per liter, more than 30 percent higher than 600 milligrams per liter village law allows.

Cross said the village's law was written when the plant accepted only residential sewage and may need to be changed.

Municipal wastewater plants are required to conduct loading studies every five years or whenever they consider a new source of wastewater, said Joe DiMura, director of the DEC Bureau of Water Compliance in Albany. DiMura's bureau oversees enforcement of water quality standards related to state pollution discharge permits.

Cayuga Heights should have completed its study before taking the drilling wastewater and required the drilling operation to disclose its the chemicals and characteristics, DiMura said. If a company is reluctant to fully disclose its drilling chemical mixture, the DEC likely wouldn't require the company to disclose the chemicals to the public, but they must still be shared with the DEC, DiMura said.

"If you can't tell us what's in the wastewater, you're not going to get approved," DiMura said.

This guidance was reiterated in a Dec. 8, 2008 DEC memo to all wastewater plant operators, but in a March 19, 2009 email between Cross and DEC regional engineer Fred Gillette, Cross explained the headworks study was not complete and asked if it was "still OK to keep accepting" drilling wastewater.

Gillette responded, "Yes, it's OK." The e-mail was provided in response to a FOIL request from the Journal.

DEC spokeswoman Lori Severino said the guidelines "are not new." but Cross said that was not his impression.

"That only came into existence as a guideline by the DEC as a directive from them to all (wastewater plants) in a letter dated Dec. 8, 2008. Prior to December 8 of '08 they had no such policy," he said.



Compressed air streams out of a drilling pipe as workers with Fairman Drilling prepare to add another section of pipe to continue drilling for natural gas in the Erwin State Game Management Area southwest of Ithaca in this file photo from 2001. The Village of Cayuga Heights has temporarily stopped taking wastewater from conventional vertical natural-gas exploration operations as the water it its treatment plant would be sent is studied, despite assurances from a DEC official that it could continue. This type of water is separate from that used in injecting a mix of water and chemicals into rock to pry out gas in a technique often called hydrofracking. DEC officials have since told the village it should not take water from conventional drilling until a study of the water is complete.