

Activist challenges DEC claim of few gas drilling problems

By Tom Wilber · twilber@gannett.com · April 4, 2010, 8:25 pm

The state's assertion that **natural gas** production is a clean, well-regulated industry has been called into question by memos from a health official working in drilling communities in western New York.

William T. Boria, a water resources specialist at the Chautauqua County Health Department, reported his agency has received more than 140 complaints related to water pollution or gas migration associated with nearby drilling operations. The cases correspond to a time when the industry took root in western **New York** decades ago, according to Boria, and continue through the last few years.

"Those complaints that were recorded are probably just a fraction of the actual problems that occurred," Boria stated in a 2004 memo summarizing the issue. County **health** officials tabulated information on 53 of the cases from 1983 to 2008 on a spreadsheet, including one where a home was evacuated after the water well exploded.

A separate case filed with the health department in Allegheny County found a residential well contaminated with oil last year during natural gas drilling operations nearby. The drilling company, U. S. Energy Development Corp., installed a water filtration system at the **home**, put the residents up in a motel and offered compensation, according to a memo from the company to the DEC.

Data and memos were obtained from the county health agencies through the Freedom of Information Law by Walter Hang, a database specialist in Ithaca.

The cases do not appear on a database kept by the state Department of Environmental Conservation to track problems and complaints related to spills and pollution.

The volume of cases may be small or not so small, depending on your view, but they pertain to a bigger question about transparency of the state's oversight of the industry. At several public information sessions on natural gas drilling in recent years, regulators from the Mineral Resources Division of the state Department of Environmental Conservation have characterized the industry as being problem-free in New York.

This issue is especially relevant as the DEC prepares final guidelines -- called the Supplemental Generic Environmental Impact Study -- necessary to allow permitting for Marcellus Shale development to begin in New York.

Industry proponents say the document provides sufficient safeguards against risks from water pollution and other problems. Critics say it is too lax, especially to oversee the intensive type of horizontal drilling and hydraulic fracturing -- commonly called fracking -- necessary to develop the Marcellus.

DEC: Few problems

At the center of the debate is an apparent disconnect between regulators' assertions that drilling problems are minimal, and complaints filed by residents living near rigs suggesting otherwise. It's become a theme in the larger debate about drilling.

Hang's firm, Toxic Targeting, compiles **government** environmental data for municipalities and

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engineers. In November, Hang released a list of 270 files, compiled from the DEC's own spills database, documenting cases of contamination and ecological damage involving oil and gas industry operations over the past 30 years.

Dangers ranged from methane migration -- which causes explosion hazards when gas collects in water wells and enclosed spaces -- to contamination from brine and other byproducts of drilling.

DEC Commissioner Pete Grannis responded with a letter to state elected officials stating Hang's analysis was overblown and taken out of context. More than half of the cases were unrelated to natural gas drilling, Grannis said, and they occurred while the DEC was overseeing 10,400 wells. Overall, DEC says, the number of problems related to drilling is disproportionately small compared to other causes.

The Grannis letter concluded: "Requirements in place since the 1980s have successfully rendered drilling associated methane migration so rare that there has not been a reported incident since 1996. ... When problems do occur, they are promptly and effectively addressed by DEC's spill response and Oil & Gas regulatory programs and staff."

There are those who take issue with that claim, citing more recent incidents of methane migration, as well as other problems.

One of those cases came to light last spring in Allegany County, near a non-Marcellus drilling operation by U.S. **Energy** Development Corporation.

Workers were fracking, a process that involves injecting a chemical solution under high pressure in the well bore to stimulate gas production, said Dave Eddy, who lives in a home near the gas well with his wife and two young children.

One night, his wife drew a bath for the kids and the faucet produced a foamy, chocolate-brown stream, he said.

Testing by the company found the well was polluted with gas, according to a letter to the DEC from Jerry Jones, operations manager at U.S. Energy. The company subsequently installed a filter on the home, put the family up in a hotel and offered

compensation for the pollution, the letter states.

Wells ruined

Recently, and closer to home, methane migration has been a problem with Marcellus production just south of the border, where a dozen wells were ruined near Cabot Oil & Gas drilling operations in Dimock Township, Pa. The Pennsylvania Department of Environmental Protection is holding Cabot responsible.

DEC officials have said their strong regulations and oversight will continue to prevent that type of problem in New York.

Data recorded by Boria, the Chautauqua County water resources specialist, shows problems related to methane and brine cropping up in wells and **homes** over the last 30 years.

"A representative I spoke with from the Division of Minerals insists that the potential for drinking water contamination by oil and gas drilling is almost non-existent," Boria said in his resulting memo. "However, this department has investigated numerous complaints of potential contamination problems resulting from oil and gas drilling."

Over the years, relatively few gas wells have been developed in Broome compared to counties in western New York, but the issue of oversight will become more significant in the region with Marcellus Shale development. Some of the most promising geological parts of the Marcellus extend

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under the towns of Kirkwood, Binghamton and Conklin and Sanford.

If developed to its potential, the Marcellus is expected to create drilling far more widespread and intense than what has been seen in western New York.

Neither Boria nor Grannis were available for comment late last week. However, Yancey Roy, a spokesman for the DEC, said Friday the agency "will be able to talk about the issues raised once all appropriate staff have had time to review the material" compiled by Hang.

Chris Tucker, a spokesman for Energy in Depth, an industry group in Washington, D.C., questions the validity of Hang's views drawn from western New York. Although Boria's correspondence states that complaints have fallen regarding drilling activity in Chautauqua County, Tucker points to figures showing a surge in statewide natural gas production between 2000 and 2005 after a general decline in the 1990s. Tucker, responding over the holiday weekend by e-mail, did not have numbers specific to Chautauqua County, but he believes complaints may have fallen while production grew.

"My guess is that Mr. Hang wouldn't want you to focus too closely on that point," he said. "It doesn't fit all that well with his unifying theory of the universe."

He added: "To the extent that additional efforts can be made to promote more direct communication between the county and DEC on these matters, certainly those efforts should be pursued."

Need assurances

A former organizer with the New York Public Interest Research Group. Hang has been an activist pushing to reform DEC regulations governing the gas industry. He says residents affected by drilling problems face an impossible burden of proof, and the DEC does nothing to help them.

"You've had these problems for 25 years," Hang said. "Time and time again, the DEC's Mineral resources turns a blind eye and says it's marsh gas, or doesn't even investigate. Local communities have been struggling with the problem on their own."

Hang is bothered by the fact that the Eddy case and other problems are not recorded in a database easily accessible and searchable by the public. He is also troubled by the DEC's failure to acknowledge them in their overall assessment of risks the agency presents to the public.

"In all fairness, there have been concerns voiced for decades," Hang said. "We need assurances that when these concerns come up, they will be addressed in a more comprehensive fashion."

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