

Water Quality Top Concern of Public

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Only 40 people showed up for the Susquehanna River Basin Commission (SRBC) August 5 public hearing in Elmira, on rules governing consumptive water withdrawal for gas drilling. Public comments addressed concerns about water quality as well as the lack of public notification regarding water withdrawals. One person accused the SRBC of tailoring rules for the convenience of gas drillers.

Though the focus of the hearing was on the proposed changes in the “approval by rule” a few people took the opportunity to voice their opposition to the process of hydraulic fracturing (fracking) that will be used to extract natural gas from Marcellus Shale. Their biggest concern: that spent frack water and brine will be returned to the rivers without adequate treatment.

“SRBC does not regulate frack water disposal,” said Mike Brownell, chief of water resource management for the Commission. He explained that states regulate the disposal of frack water and other well waste water. “But we do monitor it,” he said, noting that SRBC requires certification that gas companies dispose of the water in accordance with state and federal rules.

What SRBC does regulate is how much water gas companies may take from the rivers and other surface water in the basin, and when they may remove it. Currently the rules for gas companies are different from those of other projects, and the proposed amendments seek to make all of the “approval by rule” withdrawals similar. This would streamline the process.

“The rules about water withdrawal are not changing,” Brownell emphasized. All water removed for consumptive use by gas drillers is regulated and will continue to be regulated. The changes SRBC seeks to implement are administrative in nature. One change would be their notification procedure; SRBC would like to publish a display ad in a local newspaper instead of notifying individual landowners as is currently done.

Kenneth Lynch, head of NYS Department of Environmental Conservation (DEC) Region 7 and chairman of the hearing explained that the rule change would not affect the environmental review process required of gas drillers.

Michael Narcavage, speaking for Chesapeake Appalachia LLC, said that Chesapeake supports the rule change. “It will allow more flexibility to use approved sources and will increase our efficiency because we’ll be able to share water use with other drill pads.” He believes the proposed amendment will help minimize the water resources used overall.

Roy McMaster, a property owner in Chemung County, remarked that the amount of water used by the gas drillers is relatively small when compared to overall rainfall. “We get 34 inches a year,” he said. Calculating the amount of rain falling on a 40-acre drilling unit he figured there would be plenty to support consumptive withdrawals of the “1 to 2 million gallons” needed to frack a well. (Note: fracking a Marcellus well will require 3 – 5 million gallons of water.)

Towards the end of the hearing, John Harney of Milan, PA countered that rainfall was part of the water cycle and therefore no “new” water was being added to the system.

Roy Lackner, who owns tree farms in Broome County as well as Wayne County, PA expressed deep concern about the cumulative affect of consumptive water withdrawals given the thousands of gas wells expected in the area over the next few years. Citing Dimock, Lackner said that the geology and hydrology underlying the region does allow for connecting different layers.

“We depend on our spring; we depend upon our aquifers to feed our farms,” Lackner said.

SRBC bases their permit approval for consumptive water use on whether and how such withdrawals will impact the Chesapeake Bay. Looking at the entire river basin, an increase in withdrawal in any particular area may not seem so large. That is one of the problems, noted Elmira attorney Christopher Denton. Each use may seem small in itself but they add up. He suggested that SRBC require “best practices” for use and return of water to the river basin.

Don Williams opened his comments by reading journal entries from Revolutionary War soldiers stationed along the Susquehanna. Two hundred and thirty years ago the river “abounded with fish” and people could see 35-feet to the bottom of the riverbed.

“We have been terrible stewards,” Williams said and noted that the degradation of the watershed is not limited to pollutants. Stream flow, he said, has an impact.

“By continuing to approve [consumptive] withdrawals you facilitate the degradation of the river,” Williams said.

After addressing water cycles, Harney talked about the difficulties that Pennsylvania has had with treated frack water being returned to the Monongahela River. “You can’t put the water back in the Susquehanna because there are too many salts,” he said.

After noting the rush to permit gas wells in his state Harney said, “We need the SRBC to stand up for the people living in the river basin – not make it easier for those taking the water.”

While public comments on this rule change are being accepted through Saturday, August 15, director of SRBC’s regulatory program Paula Ballaron urged people to share ideas and comments any time. Asked whether SRBC would post a map of approved water withdrawal applications on their website, Ballaron said, “That’s a good idea. If enough people write that in their comments I’m sure the commission would consider it.”

SIDEBAR:

Public Comment Accepted Through Saturday, August 15

Public comments on the SRBC rule change will be accepted through Saturday, August 15. You may send comments by mail to Richard Cairo, General Counsel, Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102; by e-mail to

rcairo@srbc.net; or by fax to 717-238-2436. For more information contact SRBC at 717-238-0423, ext 306.

The proposed regulatory changes are available on SRBC's web site at www.srbc.net/programs/projreview.htm. SRBC is scheduled to take final action on the proposed regulatory changes at its next quarterly business meeting on September 10, 2009.