

Gas Talk Heats Up at the Spencer Grange

Landowners Grill Assemblyman Finch over Lack of Protective Legislation

by Sue Smith-Heavenrich

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A small group discussion on gas drilling at the Spencer Grange last Thursday, September 25, turned lively when incumbent Assemblyman Gary Finch (123rd district) and candidate Barbara Abbott King, who is campaigning for his seat, sparred over what role the state should play in regulating the gas industry. The discussion followed viewing of a documentary on gas drilling on western public lands in a community “gas talk” forum hosted by the Citizens Energy Alliance.

“We need the energy,” said one landowner who will soon see a well drilled on his land, “but I am concerned about the pollutants.” He is worried about the effects of drilling on a nearby creek and on the drinking water wells of his neighbors. “I’ve written to every politician I can think of but have received no answers to my questions,” he added.

Assemblyman Finch, who represents Candor and Spencer, replied that not much is going on in the state legislature right now. He counseled patience, saying that people should let DEC do their supplemental environmental impact statement.

“Do you support the non-toxic fracking fluid bill,” asked one person, referring to Assembly bill A11606 which, if passed, would prohibit the use of toxic fracking solutions during hydraulic fracturing.

Finch, who sits on the Assembly Committee on Environmental Conservation and the Energy Committee, replied, “I’ve only heard of the bill. I don’t even know who the sponsor is.” He explained that it takes a long time to work a bill through the maze of committees and onto the floor for voting. In apparent frustration with the way things are done in Albany, Finch suggested that unless Assembly Speaker Sheldon Silver wants it to come to the floor, a bill won’t get heard.

“I could support the legislation if it came out of rules and onto the floor,” Finch said.

“This is a matter of public health,” King said directing her comments to Finch, who she hopes to unseat in the upcoming election. King said that such legislation protecting human health and safety could – and should – be expedited.

Carrie Kerr, a Candor landowner who is outspoken about the need for environmental considerations during drilling, reported that citizen groups including Sierra Club and NY Farm Bureau are pressuring the state to adopt closed loop drilling as a best management practice. Kerr noted that the technology employed in gas exploration and drilling has changed dramatically in the past eight years.

“We can’t entirely wait for the DEC to produce their GEIS,” Kerr said. “This [exploration and drilling] is an ongoing project with ongoing threats.” She asked Finch how communities can demand that industry use the technologies, such as non-toxic fracking fluid and closed loop drilling, to reduce the environmental and health risks.

“Reduce the greed,” said Finch. “They [the industry] are going to use whatever method is legal and economical.”

“Don’t you [Assembly] regulate the industry?” asked King, pointedly. “This is a land use issue; it’s a public health issue.” King emphatically stated that she supports a moratorium to halt the drilling until the state gets appropriate regulations in place.

Finch, not responding on the moratorium issue, suggested that it would be more expedient to regulate the industry through rules promulgated by agencies such as the DEC. He noted that with the number of gas lobbyists roaming the halls in Albany it would be hard for citizens to get their voices heard.

“How can we protect ourselves?” asked another landowner concerned about potential groundwater pollution from fracking chemicals. Finch responded, “I wish I could answer your question but I don’t know enough about drilling.” When asked how he was educating himself on the subject, Finch replied that he had contacted some people at Chesapeake.

“I was hoping you would represent us,” one woman told the assemblyman. “But how can you when you are not well informed?”

Hank Ferris, president of Tioga County Farm Bureau, reported that the state Farm Bureau will introduce a resolution calling for closed loop drilling. “This is an issue that affects a lot of landowners,” Ferris said and pointed out that in 2004 over half of the counties in NY had ongoing exploration or drilling. This generated discussion about the need for adequate monitoring and oversight of gas wells.

New Mexico adopted best management practices that mandate one inspector for every 500 active, inactive, and abandoned wells and convenient public access to reports on the wells. With close to 75,000 wells in NY, 13,000 of them active, meeting a similar level of oversight would require 150 inspectors – and that’s not counting inspectors needed to monitor the thousand or more gas wells projected to be drilled in the coming decade. Given the state of New York’s economy, increasing the number of inspectors to adequately monitor just the current number of active wells seems unlikely.

SIDEBAR:

Resources for learning more about gas drilling:

Tioga County Landowners Group (www.tiogagaslease.org) contains a wealth of information for landowners who want to know more about drilling

DEC has a website dedicated to Marcellus Shale
<http://www.dec.ny.gov/energy/46288.html#Information>

A clearinghouse for information is NY Marcellus Shale at
<http://sites.google.com/site/nymarcellusshale>