

PQ: *“This is exactly why you want to make sure you strike out the storage clause in your leases”*

Mallula Well Topic of Gas Meeting in Van Etten

by Sue Smith-Heavenrich

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Over 50 people turned out to a meeting held at the Van Etten Elementary School on Monday, October 27. The meeting, hosted by Van Etten Town Board, focused on environmental concerns with local gas drilling. Topping the list of concerns was the current status of the Mallula well, located about one mile up Rumsey Hill Road in Van Etten.

This fall, Fortuna Energy Inc. received a State Pollutant Discharge Elimination System (SPDES) permit to allow a 6-month period for well testing from October 1 – April 30. Fortuna requested the permit for “a temporary discharge of water injection well fluid (brine) wastewater at a variable rate to ground water (the Black River formation) from the injectivity testing of the Mallula #1 natural gas well.”

NY State Department of Environmental Conservation (DEC) administers the SPDES permits. DEC could not be reached for comment, but according to their website the SPDES program is approved by the United States Environmental Protection Agency. The primary use of the permits is for the control of wastewater and stormwater discharges in accordance with the Clean Water Act.

The SPDES permits are authorized under Article 17 of the New York’s Environmental Conservation Law titled “Water Pollution Control” and are designed to maintain New York's waters with reasonable standards of purity. “The program,” notes the DEC website, “is designed to eliminate the pollution of New York waters and to maintain the highest quality of water possible consistent with public health, public enjoyment of the resource, protection and propagation of fish and wildlife, and industrial development in the state.”

According to DEC, New York’s program is broader in scope than that required by the Clean Water Act because it controls point source discharges to groundwaters as well as surface waters. Fortuna’s test injection falls under “point source discharge to groundwater”.

Van Etten town councilman Joseph St. Angelo, who co-chaired the meeting with Chemung County Farm Bureau president Ashur Terwilliger, explained that the only documents the town received was a copy of the letter to Fortuna transmitting the new SPDES permit.

“And I’m not sure we were even supposed to get that,” he said. Neither DEC nor Fortuna has informed the town of any particulars regarding the well testing.

One resident who lives near the well said that his understanding, based on a conversation with DEC, is that the permit is temporary and meant only to test the well. The testing is monitored by DEC, he pointed out, and at any time DEC can stop it.

“It is not a designated waste site yet,” he said. “But what happens with the Mallula well will set a precedent for what will happen around here.”

“This is exactly why you want to make sure you strike out the storage clause in your leases,” Terwilliger said. He pointed out that the clauses often say they are for storage of gas, but they can be for anything.

Many people were concerned about what Fortuna is injecting into the well. According to the permit, Fortuna will be injecting produced brine. But people want to know more about what the injection test entails and whether there are any other chemicals in the brine. Fortuna was unable to answer this question before deadline, but promised to get back to *Broader View Weekly* regarding details.

Many residents expressed concern about the contents of “fracking” chemicals that will be used to extract gas from the Marcellus shale. Terwilliger read from a list that he received from one of the companies, but the names were for formulas used to reduce friction or as emulsifiers. They did not list specific chemicals used in the formulas, and this frustrated some people.

“How can we look up the MSDA (material safety data sheets) on the internet if we don’t know what’s in the formulas?” one person asked.

Terwilliger seemed resigned to state and federal regulations, saying, “If the DEC permits it, you’ll live with it.” In response to concerns about drinking water pollution from the injection testing at the Mallula well he said, “We don’t know for a fact that there’s going to be damage.”

“That’s why we want testing,” someone retorted. Though St. Angelo and Terwilliger tried to keep discussion focused and civil, a number of times disagreements brought residents to their feet in loud disagreement with each other.

“The gas leases are already fracturing our community between those who want to lease and those who can’t,” observed one resident. While some clearly wanted to reap the economic benefit of leasing, others continued to ask, “At what price?”

“You are all rich beyond your wildest dreams because of what you already have,” said another. “Water, once destroyed, can never come back.”

St. Angelo proposed a follow-up meeting to continue discussion, with time and day to be determined by the town board.