

What Local Governments Can Do To Minimize the Negative Impacts of Gas Drilling

Local government officials are only beginning to hear about the unanticipated consequences of gas drilling on nearby communities These impacts will cost the local government money and thus affect all of us whether we signed a lease or own any land.

- Town government's biggest budget item is its road/highway department. Gas drilling affects town and county roads because truck traffic carrying 800,000 to 5 million gallons of water *per well per fracking* wears out roads.
- Air quality problems and noise from 24/7 drilling as well as the permanent noise from compressor stations will impact on health when the drilling is near a school, hospital, nursing home or village.
- County/town emergency and health care services will experience increased demands. This can be due to the increase in major on-the-job injuries which happen in gas drilling, and which result from 12-hour shifts.
- Fire departments will have to deal with chemical fires and gas eruptions and which require different kinds of responses than brush and house fires.
- There is the additional use of schools for families of drilling workers and the impact of increased demand for rental housing which drives out local renters.
- And there is the impact on water systems, including municipal water, underground aquifer, individual wells, as well as our ponds, lakes and rivers. Those impacts include both the sheer volume of water being pumped out of current water sources to use in the drilling process and the occasional damage to water systems (wells, aquifers, ground water) when the drilling fluids get into those systems.

The safety and welfare of the general population are not protected by the best -crafted leases, nor by higher levels of government.

Local government needs to act to protect the *general* population. Federal laws exempt the gas industry from The Clean Air Act, The Clean Water Act, and The Safe Drinking Water Act. The State Department of Environmental Conservation claims they are protecting us, saying "Our regulations are as strong as the federal government's". But that is saying zero.

The DEC says that the Oil, Gas and Solution Mining Law precludes the enforcement of local laws in the area of oil and gas regulation except local roads and real property taxes. (Environmental Conservation Law §23-0303(2).)

However, this fails to note that gas drilling has to follow all the laws that aren't specific to gas drilling. For example, we are not precluded from enforcing speed limits, negligent conduct and other legal rights. Moreover this law has not faced legal challenge since 1992, when the scale of gas drilling was much different.

The DEC is trying to discourage local governments from using moratoriums to delay the drilling until the Towns put needed protections in place.

Several communities in Sullivan County have nevertheless passed 6 month moratoriums. The gas companies had years to make their business plans; local government should have a year to make plans to prevent the hidden costs of drilling to be borne by the community rather than the gas companies. Some lawyers say that a moratorium probably won't be upheld if the gas companies challenge them. These lawyers often represent landowners or gas companies in negotiating leases. Their interest is to have the drilling happen as soon as possible so they get their fees sooner. But the fact is that municipal lawyers use moratoriums regularly to allow their communities to study, investigate and determine whether new laws are needed to minimize the negative impact of some development. A Moratorium does not prevent the gas drilling indefinitely. It only pauses it for a reasonable time while the local government considers what, if any, rules, bonding requirements, etc. need to be put in place.

ECL §23-0303(2) also doesn't mean we can't delay the gas drilling until we do pass local laws that are allowed such as on roads and taxes. Just because we cannot stop it from happening does not mean we have to sit idly by while our safety and health take a back seat to the gas industry's profit margins.

What should local governments do before the gas drilling starts?

Develop a land and water inventory guide by collecting baseline data. Other communities with experience in hosting gas drilling say that is crucial because you will not be able to prove damages to water, air, etc if you cannot show what the status was before the drilling.

Implement community impact fees for schools and roads, e.g. assess taxes on number of trucks/day and weight.

Require bonding for pits and reservoirs. The ~50 chemicals used in the fracking solution will either be trucked out or left to evaporate in reservoirs. There should be a special license to handle hazardous waste. Require steel linings rather than plastic linings for the open pits that hold drilling water which contains various chemicals, biocides and fracking fluids

Require reclamation bonds. Bonding to plug abandoned wells, which costs \$15,000-\$20,000 if there is no contamination. More than \$100,000 if there is a spill/contamination.

Require emission monitoring of road dust and ozone from flaring.

Implement a "reverse 911" system where there is a way to call/alert people of a chemical spill or fire.

Define mandatory set backs from schools, houses, roads and streams as we would from porn shops, rock concerts or any (other) pollution-emitting industry.

Enact stormwater rules . Weeds and herbicides have presented problems in other states where gas drilling occurs. Since the federal government has exempted gas drilling from stormwater runoff regulations, local governments have to enact their own stormwater rules.

Prepare plans to deal with impacts arising from changing property values.

Pass Municipal watershed ordinances. The taking of water for drilling is not a one-shot deal. The industry will have 3 to 10 fracturing episodes to fully exploit each hydrofractured Marcellus well..

Declare against brine spraying. Although the DEC has permitted the road-spraying of brine that is produced from gaswells, towns can decide to not use or allow the spraying of brine, which may contain heavy metals and other toxins and are batch-untested.

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This document produced by CDOG (Chenango Delaware Otsego Gas Group), whose mission is to:

1. create, assist and coordinate action groups in the region
2. assemble and disseminate information to defend our families, land and resources from potential harm
3. critique agencies, leasing agents and officeholders who downplay or obscure the dangers of gas drilling
4. help local governments strengthen and assert their power to protect their communities

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