

January 11, 2010

## DEC commissioner: Gas spill reports misleading

### Activist counters that spills likely underreported

By Krisy Gashler  
kgashler@gannett.com

The commissioner of the state Department of Environmental Conservation has asserted that reports of accidents related to natural gas drilling in New York have been overblown and taken out of context.

In a letter to Assemblyman William Parment, D-150th, a member of the Environmental Conservation committee, DEC Commissioner Pete Grannis said that of the 270 incidents highlighted by an Ithaca researcher, more than half have nothing to do with natural gas drilling -- and they occurred while the DEC was overseeing 10,400 wells.

Walter Hang, president of Ithaca-based Toxics Targeting, responds that the incidents -- some of which have not been cleaned up decades after being reported -- are indicative of an understaffed agency incapable of handling its current regulatory workload, let alone the rush expected to accompany permitting in the Marcellus Shale.

In November, Hang released a list of 270 files, compiled from the DEC's own spills database, documenting cases of contamination and ecological damage related to natural gas production in New York over the past 30 years.

The incidents don't accurately reflect the state's drilling oversight because of the 270 reports, 106 were problems at oil production sites; 53 were unrelated to oil or gas production, such as lightning strikes and vehicle accidents; and 40 were incidents at abandoned wells drilled before modern regulations went into place, Grannis wrote.

Hang responded Monday that the incidents are relevant because oil and gas drilling are largely regulated by the same rules, and of the 40 abandoned wells with documented problems, only 11 have been cleaned up.

One of the most disturbing incidents found in the DEC's database occurred in Freedom, Cattaraugus County, in 1996, when an uncontrolled well spread natural gas up to 1 1/2 miles away and resulted in 12 families being evacuated from their homes.

The problem occurred when drillers encountered a flow of gas too strong to control, 2,600 feet below the ground, and they activated equipment to "kill" the well, according to Grannis' letter. The operator "violated basic engineering procedures" and shut down the well before it had been stabilized, causing the "methane from the deep underground formation to find other routes to the ground surface. Manifestations included a pond and residential water wells in the area," he wrote.

DEC staff, local first responders, and state Emergency Management Office staff all responded, the 12 families were evacuated, and the well was brought under control within a day, he wrote. All but one of the families returned to their homes by the third day and the Cattaraugus County Supreme Court awarded damages to the affected individuals in 2005, Grannis wrote.

The Freedom incident is "an aberration," Grannis said -- it's the most recent of its type to have occurred in New York, even though 3,300 similar wells have been drilled in 13 years since, he said.

"While no regulatory program can completely eliminate equipment failure, human error or the possibility of accidents, I think it is clear that when put into the proper context and perspective the reported information shows that the incidence of spills and other pollution events at modern natural gas well sites is exceedingly low and, in fact, the very data Walter cites support a conclusion that New York's regulatory program is highly effective," Grannis wrote.

Hang responded that DEC's reporting requirements and regulatory databases are inadequate to capture all the problems that have occurred.

For example, Seneca County resident Laurie Lytle suffered damage to her drinking water well in 2007, the morning after a nearby Chesapeake drilling operation, according to both Lytle and Chesapeake. When contacted by this newspaper about the incident last month, a DEC spokesman said DEC had no record of damage to Lytle's well.

"The question is, how many other water-quality impacts associated with natural gas drilling have escaped DEC's regulatory scrutiny?" Hang said. "You basically don't have an adequate regulatory program. New York City says that, EPA says that, practically every major environmental group in the state says that."

The recipient of the Dec. 30 letter, Parment, is the self-described "resident expert on natural gas" in the Assembly.

Parment was planning director and director of public works for Chautauqua County when that area underwent a drilling boom in the 1970s and 1980s, he said. He helped develop the same kinds of road protection bonding mechanisms being considered by Southern Tier communities now.

Parment said he was encouraged by Grannis' letter that "New York state's body of law and regulation is substantial and has produced a reasonable outcome for both the environment and for property owners."

Grannis' assessment of previous natural gas drilling efforts as tightly regulated, with few problems, is "consistent with my observation," Parment said.

"Having lived through a drilling boom in my own county, I would tell people they should be concerned because it's a new and potentially disruptive thing that will take place," he said. "But I think there is reason to believe that the state has significant and sufficient, both statutory authority and regulatory authority to prevent major damage to the environment."

---