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June 16, 2009

To: Michael J. McCormick, Legislator  
Allegany County Legislative District IVFrom: Thomas E. Hull, M.S.   
Allegany County Department of HealthSubj: Residential Water Investigation  
Property of David Eddy/1366 Trapping Brook Road, Andover, NY 14807

Dear Legislator McCormick:

The water well serving Mr. Eddy's residence on Trapping Brook Road in Andover, NY, has a reported completed depth of 360 feet. A well of this depth should provide water of very high quality, as long as the integrity of the well or aquifer from which it draws water has not been compromised. Of note, this well was reported to have been serviced in 2004 by David Root of Root Water Well Specialists in Scio, NY, and was determined at that time to be in very good condition.

Mr. Eddy alleges that prior to about four months ago, his water well provided water of very good quality. However, at about that time, and allegedly after U.S. Energy had done some gas well "fracturing" (drilling) approximately 1,000 feet from his well, he began having water problems that included "muddy water", "oil" in the water, and a "gas smell" to the water.

Mr. Eddy made contact with U.S. Energy, the New York State Department of Environmental Conservation (POC: Brian Jandrew), and this Health Department (POCs: Anne King & Thomas Hull). The information was developed as a result of these contacts:

- U.S. Energy at some point apparently offered Mr. Eddy an indeterminate amount of money in the form of a check, which Mr. Eddy allegedly refused to cash.
- Mr. Eddy claimed that U.S. Energy "went through" the water table twice. As a result of the concerns he expressed to them after this, when he started having problems with his water, U.S. Energy tested Mr. Eddy's water, would not provide him with the test results, but told him the tests showed no contamination of the water.

- Mr. Eddy stated that U.S. Energy had offered to install a water treatment system to remedy the problems Mr. Eddy was having, at their cost, but with an indication to Mr. Eddy that they would maintain the system only if the water was contaminated. Since U. S. Energy reported that the water tests they conducted were satisfactory, Mr. Eddy was concerned that meant a water treatment system would be installed at no cost to him, but that the maintenance costs (he indicated up to \$500/month) would fall on him.
- Anne King made a site visit to Mr. Eddy's property to take a water sample for bacteriological analysis. The test result came back satisfactory, with no bacteriological contamination found on this analysis.
- Mr. Jandrew confirmed that U.S. Energy had committed to install a water treatment (filtration) system at Mr. Eddy's house, to treat the ongoing water problems. This treatment system was installed on Friday, June 12, 2009. (See attached photographs).
- Mr. Jandrew provided me with copies of the water test results on the sampling U.S. Energy conducted on Mr. Eddy's well (See attached water sample test results). Of significance, of the tests conducted, those for methane, ethane, and "petroleum hydrocarbons" were all "Non-Detects", meaning the compounds weren't found in the water at the lowest analytical levels the tests conducted would measure. All analyses were conducted using U.S. Environmental Protection Agency (EPA) analytical methods.
- Mr. Jandrew indicated to me that he was not convinced that U.S. Energy's drilling activity was directly related to the problems Mr. Eddy subsequently had with his water. He indicated he couldn't say the drilling activity wasn't the cause of the subsequent water problems, but that he didn't have enough information to make that determination with any certainty.
- On June 17, 2009, Mr. Jandrew provided me with a copy of a letter he received from U.S. Energy, dated June 15, 2009 (see enclosed letter), that detailed events concerning the Mr. Eddy's water problems beginning with water samples taken by U.S. Energy on May 11, 2009. This letter contains updates on the situation through the present time. Within the letter, U. S. Energy documents the results of water testing conducted by Culligan, which indicated there were trace amounts of oil in the water, and included a recommendation for installation of a carbon water treatment (filtration) system to treat Mr. Eddy's water. U.S. Energy instructed Culligan to go ahead and install the treatment system, for which they agreed to pay. U. S. Energy also indicated they would pay for the system's maintenance until such time as periodic water testing proved the water was not impacted by their activities.
- Personally, I spoke with Mr. Eddy on two occasions. In my opinion, Mr. Eddy should continue to closely monitor his water situation to ensure no additional problems arise. U.S. Energy has installed a treatment system, and Mr. Eddy should be able to determine if that system is treating the water such that it is of suitable quality for all household uses. U.S. Energy should also be fully responsible for maintaining the treatment system for as long as it is determined to be necessary, even if that length of time this is required is of indeterminate length. However, with respect to these two issues (his water quality post-treatment system installation, and the

maintenance of the system by U.S. Energy) Mr. Eddy should continue to use Mr. Jandrew as his primary point of contact, and may need to hire legal counsel to represent him if any further action regarding U.S. Energy and their activities impacting his water well is deemed to be necessary.

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