



YATES COUNTY PLANNING DEPARTMENT

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Yates County Marcellus Shale Task Force- Minutes

Wednesday, August 11, 2010

Review of handouts; model town ordinance related to truck routes/exclusions; legal landscape regarding road use regulations. Extensive discussion related to legal authority via the State, municipal home rule and road use agreements. It was agreed that the Task Force will continue to encourage the RUAs making sure the munis have this in place, at a minimum, to prepare for potential drilling activity. Local laws are not as specific and the munis have to pay to enforce. In addition, there is a “neighborhood watch” in most municipalities and if residents see something that is amiss, they will let the muni know immediately. Also, the muni can raise the permit fee associated with the RUA if it is demonstrated to not be enough. Potential for operators to pay for an “overseer” or a third-party engineer/multi-project manager.

DH- Process of posting roads; public notice and need a legitimate reason to do so.

Discussion related to authority of the DEC to require the RUAs- is it in the Env. Conservation Law- this should be clearer with the next GEIS is released (anticipated by the end of 2010).

SB will send out a letter to the munis stating they will be better protected and that the RUA serves a specific purpose to put the burden on the operators to pay for pre-work road surveys, bonding and eventual repair. The letter will also encourage them to contact us with any questions or concerns related to other methods of protection; weight limits, size limits, designated truck routes, and so on. Letter will also include reference to the DH changes in driveway classifications and fees; now Class 1 through 4- Class 4 is new being a “Temp Industrial” permit for \$500.

Discussion related to centralized filling areas in the munis. Encourage them to think about a reasonable area for a filling station in order to keep the activity away from the lakes, possible revenue source and address municipal water needs. PT/SB to work with Colby on developing maps for the munis showing a one mile grid, leased parcels and public lands. Questions were raised related to this subject; can a town/county bill for taking untreated water out of a lake? What is the amount that can be taken out of the lakes? What permits are required? Can it be metered? For landowners on the lakes there are a few rules; if you own land on Keuka, for instance, you can w/draw from the lake. 100,000 gallons per day for 30 days is allowed. PB stated metering should be required regardless of whether there is going to be a charge- just to measure the volume of removal.

TF stated that up to this point, the Task Force was focused on the RUA; it now seems we should be focused on water issues.

MM updated the group on regulatory/policy issues. The State Senate passed the bill for the moratorium on drilling until May 2011 but it needs Assembly approval. Winner did not support the bill. MM is exploring, with the Legislature, resolutions related to our lakes getting same treatment as the NYS and Syracuse drinking water supplies. Tompkins, Cortland, Sullivan, Westchester and Onondaga have all passed resolutions related to equal treatment. MM is preparing a new resolution for the September Legislature meeting. JB stated that the moratorium bill will only provide an additional 6 weeks w/out drilling activity based on the expectation that the new GEIS will be released at the end of 2010 w/ a 60 day comment period. TF suggested the appropriate time for a moratorium on drilling would be after the GEIS release, if we are not happy w/ the results.

Discussion about the treatment of the wastewater from the wells- will there be a treatment plan in NY or at the minimum, approved landfills that can take the waste? Local treatment plants are not currently equipped to treat brine water. PG stated that the term "brine" is misleading and it really should be called "industrial waste."

SB let the group know the EPA's scheduled public input meeting for Binghamton (which was moved to Syracuse at the last minute) was cancelled due to the number of people expected and not enough time to prepare for potential conflicts/security. The EPA is expected to reschedule the meeting for some time in September.

JB asked about the noise ordinance and the need to address compressor stations- how will the neighbors be affected. SB found that Flower Mound, TX has an ordinance that specifically addresses noise related to compressor stations.

PL stated there has been discussion about another trip down to PA to potentially meet with a task force, business owners, EMS personnel, and so on. DH suggested speaking to a highway super or someone familiar with RUAs and whether the companies are honoring their agreements. Everyone agreed the fall might be a good time to set this up.