

Upper Delaware Council
PROJECT REVIEW COMM. MEETING MINUTES
Jan. 25, 2011

Committee Members Present: Peckham, Rajsz, Roeder, Keesler, Richardson, Rando, Conway
NPS Partner: Hahn
Staff: Douglass, Soete, Coney, Ramie
Guests: J. Niflot

The UDC's Project Review Committee held its monthly meeting on Tuesday, Jan. 25, 2011 at the Council office in Narrowsburg, NY. The committee chairperson Fred Peckham called the meeting to order at 7:29 p.m. A motion by Rajsz seconded by Rando to approve the Dec. 21, 2010 meeting minutes was carried. There was no public comment on the agenda.

Elections: This was the first meeting of calendar year 2011 and elections of committee chairperson and vice-chairperson were held. Current chairperson Peckham called for nominations. Nominations were made for Peckham as chairperson and Rajsz as vice-chairperson. There were no other nominations. Peckham and Rajsz were elected by voice vote. Peckham conducted the remainder of the meeting.

Discussion Items Report (Substantial Conformance/Project Review): Soete reviewed his handed out Discussion Items Report with the committee. Some highlights follow.

Natural Gas Leasing/Drilling in the Region Update: The NPS notice in the Dec. 30, 2010 *Federal Register* states under the summary that notice was being given in accordance with the National Environmental Policy Act (NEPA) that the U.S. Department of the Interior, National Park Service, will prepare a programmatic environmental impact statement (EIS) on proposed revisions to existing regulations governing the exercise of nonfederal oil and gas rights within the boundaries of units of the National Park System. The current regulations have been in effect for over thirty years and have not been substantively updated during that period. The EIS will analyze a range of reasonable alternatives for regulating nonfederal oil and gas development and the potential environmental impacts on park resources such as threatened and endangered species, water resources, soils, vegetation, wetlands, air resources, night skies, wildlife, cultural resources, and soundscapes. Effects on oil and gas operators, visitor experience and public safety, adjacent lands, and park operations will also be analyzed. The committee was provided with copy of the *Federal Register* notice. The comment deadline for this action is Feb. 28, 2011.

The committee discussed the issue. A motion by Rajsz seconded by Keesler and carried that Soete draft a comment letter for full Council approval stating who we are and what we represent and that we'd like to be kept informed as an interested party about the EIS given the Council's River Management Plan guidelines.

SPECTRA Energy: SPECTRA Energy has applied for permits at the FERC to build gas pipelines in northeastern New Jersey, Staten Island, Manhattan, Rockland County and Western Connecticut. Any directly affected citizens, businesses and organizations can file as interveners with FERC by Jan. 26, 2011. This project does not directly affect the Upper Delaware River and therefore Peckham felt there was no need to comment on the project. He mentioned that the gas companies have a deal to get gas from southwest PA into the City.

PPL proposed power line NPDES permit application: It was reported that PPL has applied to the PA DEP for a NPDES Stormwater Construction Permit for the proposed power line in Lake, Palmyra, Paupack and South Canaan Townships in Wayne County, PA. Permitting is done through the Wayne Conservation District.

Town of Cochection Proposed Zoning Law Amendments Update: Soete reported that he did not receive to review the updated Town of Cochection's proposed zoning law amendments. Richardson remarked that he should have by now and would follow-up on the issue at the town level.

Upper DeLAWARE River Roundtable Update: Soete reported the next meeting of the Upper DeLAWARE River Roundtable will be Feb. 3 in the afternoon at the Tusten Town Hall. The meeting focus will be exploring sustainable and sustaining agriculture. There's a subcommittee working on lining up a dynamic group of speakers who will update the participants on this issue.

Old Business

Federal Highway Response Letter to NPS-Pond Eddy Bridge Project: The committee was provided with copy of a Jan. 6, 2011 letter issued by the Federal Highway Administration to NPS-Upper Delaware in response to several consultation issues raised by the NPS on the Pond Eddy Bridge project. The committee received this letter copy as part of its project tracking duties. It was noted in the FHWA letter that PennDOT has coordinated directly with the Coast Guard and received notification from them that the Upper Delaware River was not navigable through the Pond Eddy project area and thus a Coast Guard Bridge permit would not be required.

New Business

Draft Comment Letter-DRBC Draft Natural Gas Regulations: The committee was provided with copy of the DRBC's "Natural Gas Development Regulations, December 9, 2010, Article 7 of Part III-Basin Regulations". For discussion purposes only, Soete handed out his written general thoughts about the regs listing 24 items of interest.

Item 13 – Is using mine drainage, instead of fresh water, a good idea? Rajsz asked for clarification on this item. Peckham noted there's high TDS in mine water. They process out heavy metals from the mine water to use it. Rajsz was interested in knowing about the "process" to remove the TDS.

Item 16 – Are centralized wastewater storage facilities a good idea? Rajsz wondered where they haul the dirty frack water. Peckham noted they either reuse it or it's hauled to a certified waste disposal site. Richardson commented that all the water is not processed but they add more water for dissolution. Peckham said the frack fluid has three times more salt than the ocean. The salt is the worst impact. Richardson mentioned there's no place in New York State licensed to handle frack fluid waste. Peckham thought there was in Oswego and Auburn. Richardson was concerned that they would be trucking the waste water long distances and wondered who would be monitoring this. Soete said multiple wastewater storage goes into big pits near the well pads. Peckham said with a closed-loop system there's a mobile processing unit that goes to the well site. Seventy-five percent of water in fracking is re-used. Hahn noted that 80% of the water used in the drilling stays underground with 20% coming back up to the surface during the process to be re-used. Peckham said if they use benzene, the gas company comes under the Safe Drinking Water Act. DRBC is requiring the gas company to list chemicals and amounts used. Rajsz was concerned with the cumulative impacts of the chemicals. Rando noted that with open pits for wastewater, birds were going in and were affected. If the plastic lining of the pit gets a hole, the untreated wastewater spills onto the ground. There it can be accessed by deer and other animals. Companies were encouraged to use a closed-loop system.

Item 7 – Should a cumulative impact study, as well as the US EPA hydro-fracturing study, be completed before the DRBC regulations are adopted? Conway felt the cumulative impact should be done.

Item 20 – Should well pads be allowed in the Upper Delaware Scenic and Recreational River corridor (see pages 49 & 55 in regs)? Soete commented if a well application in the river corridor, the DRBC cannot have approval by rule, as Collier stated, it would have to be a Docket item and go through full review.

Item 17 – Should steep slopes be defined as greater than 16%, instead of 20% (page 49 of regs)? Soete indicated the River Management Plan has references to 15% slopes.

Item 8 – A lot of responsibility is placed on the DRBC Executive Director which could be a good or bad thing. Peckham felt there was too much power relegated to the executive director. Hahn noted that the DRBC Commissioners delegate the authority to the executive director. There is guidance as to how the executive director makes decisions also. Soete commented you can have the best regulations but with no one to oversight on the ground it doesn't help.

Item 22 – Is natural gas development worth the risk in the Delaware River Basin? On page 48 of the regs it states, "The headwaters and groundwater of the Delaware River Basin are critically important to the supply of clean water to satisfy basin needs for drinking water, aquatic life, recreation, and other

designated uses. Over 15 million people rely on the waters of the Delaware River Basin for drinking, agriculture, and industrial use, but the watershed drains only four-tenths of one percent of the total continental U.S. land area. New York City gets roughly half its water from three large reservoirs located on tributaries to the Delaware.

Roeder forcefully made his point that we should be making everyone work together. What this is about is regulations. In Dimock, the problem was they didn't let the cement casing cure properly. This group should lead. We have to work together. Richardson said he found it interesting that none of the gas companies offered to cover all liability because they were confident they'll be no problems. Conway mentioned that the gas company shareholders are being told to expect liability problems when the gas companies drill. Hahn noted that at the Roundtable meetings, some gas companies sent representatives to explain things and the Roundtable has tried to cover both pro and con on the issues. Roeder wanted to know how the gas companies would minimize any risks. How are the leases written to protect the environment? We as a group should lead this.

Peckham said the committee needs to read the DRBC draft gas regulations before we get into major discussion. Ramie mentioned that Collier offered to come to UDC to review the regulations. The committee thought that offer should be followed up for UDC members' benefit. Douglass will look into the matter.

Public Comment None

Adjournment A motion by Rajsz seconded by Roeder to adjourn the meeting at 9:20 p.m. was carried.

Carol Coney, Office Manager