

## AKZO BRINE PLANT: FACTS & RED FLAGS

Chuck Morgan, Avon, NY

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Once again we find a corporate entity, in this case Akzo Nobel, sitting secretly behind closed doors with state agencies whose existence is supposedly to protect the people and environment of New York State, all the while disallowing a legal signatory in this matter, Livingston County government, from these meetings. Instead of protection, we find that these state agencies have been in negotiations for two years for the purpose of relieving Akzo Nobel and its insurance company, Zurich, from all further responsibility for mitigating the contamination of a large aquifer — contamination that Akzo Nobel is wholly responsible for.

Livingston County government has submitted a request to these state agencies for a public meeting to explain what is transpiring. However, a full, transparent, honest and meaningful public discussion cannot be conducted unless every party that was ever at the discussion table, or in the discussion in any manner, provides voluntarily, without the need for Freedom of Information Law requests, all information, emails, phone conversation records, documents, meeting minutes and attendee lists, etc., so that Livingston County residents and government can evaluate Akzo Nobel's proposal thoroughly and with due diligence as the importance of this issue requires.

If these negotiations result in allowing Akzo Nobel and Zurich to end the brine pumping it will effectively mean the aquifer will be abandoned — sacrificed — for the benefit of the corporations, not the people, now or in the future.

Could there be a very large elephant lurking in the shadows waiting to step in and make this matter worse? Absolutely! There is a federally controlled program called the Underground Injection Control (UIC) program administered by the United States Environmental Protection Agency (USEPA). A little known element of this program is the “aquifer exemption” rule. This exemption is largely the result of a law suit settlement — a law suit initiated by the American Petroleum Institute — for the sole purpose of using deep aquifers as a dumping ground for their oil and gas exploration and production wastes. Over a thirty-year period, roughly 1,500 aquifers in the U.S. have been sacrificed.

What does it take to obtain an “aquifer exemption?” The applicant needs to prove through hydrogeologic studies and “expert opinion” that the aquifer is not currently being used as a drinking water source and that it cannot reasonably be expected to be used as a drinking water source in the future. Wait! Isn't that exactly what Akzo Nobel's report by AlphaGeoscience is attempting to provide?

With the widely known and enormous disposal issues concerning oil and gas exploration and production wastes, wouldn't now be the appropriate time for the Livingston County Board of Supervisors to take immediate action to write a county law banning high-volume hydraulic fracturing and ensuring that the aquifer can never be used for the disposal of oil and gas exploration and production wastes??

Pro Publica has done an excellent investigative report on the USEPA's UIC program. I urge Livingston County residents and government representatives to read this report.

<http://www.propublica.org/article/poisoning-the-well-how-the-feds-let-industry-pollute-the-nations-underground>