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Hang, DEC differ over uncapped wells



Walter Hang



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BINGHAMTON — Years after an Allegany County family found crude oil pouring from its showerhead in 2008, they still don't feel comfortable drinking their water.

A tank of brine continuously pours contaminants into a western New York lagoon. Across the state, nearly 5,000 abandoned oil and gas wells haven't been properly capped.

Walter Hang, president of an Ithaca-based environmental database firm, Toxics Targeting, on Wednesday released a set of documents he says indicate shortcomings in the state Department of Environmental Conservation's regulation of conventional oil and gas drilling, and lead to questions about whether the agency is equipped to regulate hydrofracking.

"I think this is a breach of public trust. I think what we're seeing is a conspiracy of silence," Hang said at a news conference in front of Binghamton City Hall. "For the last four years, none of this has been brought to the public's attention by the DEC."

The documents, culled from 25 years of annual reports from DEC's Division of Mineral Resources, show the agency's regulators have been attempting to

grapple with a slew of uncapped wells left over from decades when regulations weren't as strict.

Hang also took issue with the agency's regulation of the disposal of wastewater produced in the drilling process, and enforcement of drinking water contamination issues.

At the news conference, Hang, along with Binghamton Mayor Matthew T. Ryan and Assemblywoman Barbara Lifton, D-Ithaca, called for the DEC to scrap the results of its four-year effort to draft regulations for fracking in New York.

DEC has said its review of fracking is based on a history of successfully regulating conventional drilling.

"We now know that the bedrock assertion of that entire proceeding is simply not true," Hang said. "It's demonstrably false."

In 2008, DEC began currently working on a Supplemental Generic Environmental Impact Statement, or SGEIS, meant to supplement its existing oil and gas regulations to accommodate hydrofracking. Permits for fracking in New York will not be issued until the much-debated document is released.

Lifton, on Wednesday, called for the DEC to start the review process over.

"If the state of New York cannot regulate this old industry and be responsible for either cleaning up or finding the responsible parties to do the cleanups for New York state's citizens," she said, "how can we possibly engage in high-volume hydrofracking?"

"This is unmistakable evidence that this industry cannot come and wreak havoc on any part of our state while we just don't have any regulatory scheme in place to control them," said Ryan, an outspoken fracking opponent.

In a statement, DEC spokeswoman Emily DeSantis said the agency is working to plug the abandoned wells, many of which are decades old.

Hang's claims of unenforced drinking water contamination drew the most pushback from the agency.

"DEC takes all complaints of water contamination seriously and works with the state Health Department to ensure New York residents have a safe source of drinking water," DeSantis said. "In addition, under the requirements of the draft

SGEIS, there are multiple protections and measures required to safeguard the integrity of New York's drinking water supplies."

Drinking water

Hang said he discovered "multiple examples of people with horrific drinking water contamination problems" that are related to oil and gas drilling and haven't been properly resolved by the DEC. The agency contests at least two instances where Hang said enforcement was inadequate.

The worst case documented in DEC reports, Hang said, was an instance in Bolvar, where the Perkins family found crude oil in its shower four years ago.

"This family had up to 12,971,000 parts per billion of oil in their water, and they have not been able to drink their water since roughly 2008," Hang said Wednesday. "So after the well initially got flushed out, they still had black water (that) smells like petroleum."

In a video released by Hang, the family says the water is still discolored and smells, and they will not drink it.

However, DeSantis said state funding was used to upgrade and deepen the Perkins family's well to a potable drinking water source and remove residual oil.

DEC records of its response to the Perkins family, also among documents released Wednesday by Hang, show the family is still complaining about petroleum smells and discoloration, although contaminants haven't been detected in three recent tests.

In another case cited by Hang, Allegany County resident Randy Harms reported oil contaminating his drinking water well. On a visit to the site, Hang said, "you could smell the oil in the water."

DeSantis, in response, said the homeowner told the DEC the contamination problems at this well have abated.

"DEC staff investigated the complaint and found no wells within approximately 1,800 feet of the property, and there are no active wells within a mile of the property," DeSantis said.

In Hang's video, Harms said his water still smells like kerosene.

Not all of the instances highlighted by Hang are directly related to drilling. Among

other spill incidents Hang documented are a 70-gallon spill after a car ran through an intersection into a 5,000-gallon container of crude oil, and a truck rollover that leaked “a minimal amount” of wastewater, according to DEC documents.

Unplugged wells

In the 1995 Division of Mineral Resources annual report, then-director Gregory Stovas said something needed to be done about abandoned wells: “One of the biggest challenges facing the oil and gas regulatory program,” he wrote, “is the growing liability of idle and abandoned wells.”

The annual reports document instances of unplugged wells in a school parking lot, a playground and private yards. There are more than 4,700 across the state, Hang said.

Documents indicate unplugged wells pose the threat of contaminating groundwater or creating a walking hazard, and will cost between \$5,000 and \$50,000 each to fix.

DeSantis drew a distinction between the old wells the agency is still trying to locate and plug, and any new wells that would be drilled under the draft regulations for hydrofracking.

Under DEC’s draft requirements for hydrofracking, drilling companies would generally need to survey the land within one mile of the proposed well location. If an unplugged deep well is found, DEC would require it to be plugged before fracking begins.

“DEC and EPA continue to work to plug abandoned wells in New York state, many of which were drilled decades ago,” De Santis said.

Brine

Hang said his review indicates more than 80 percent of gas drilling wastewater “has traditionally been dumped into pits, ponds, and lagoons.”

At the news conference Wednesday, Hang showed pictures that showed brine leaking from a tank into a lagoon in western New York.

“When you drill for gas and oil, what do you do with this contaminated wastewater?” Hang said. “There is not a single wastewater treatment plant anywhere in New York to handle this material.”

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