

ASSEMBLY COMMITTEE ON ENVIRONMENTAL CONSERVATION
TESTIMONY - RICHARD DOWNEY
OCTOBER 15, 2008

Thank you for the opportunity to testify before you today. My name is Richard Downey and my friend here is Richard Averett. We represent landowners in Otego / Unadilla area of Otsego County. Our group has about 135 members who own about 10,000 acres in Otego. We've just started to recruit members from Unadilla.

The gas companies have been active in our towns since early last year. We began to form an association when we realized that the gas companies' offers were low and a leases were abusive of the the individual landowner's rights. There are 29,056 total acres in Otego. Since the beginning of this year, the gas companies have leased about 6000 acres. As mentioned before, we have around 10,000 acres considering an association. Presently we are recruiting in Unadilla and expect similar success.

Our mission is to negotiate, through legal representation, a lease with a gas company that is environmentally safe and minimizes incursion into current ownership rights.

While our expertise in many gas drilling issues is limited, we can convey to you the very real environmental concerns of many of our members. These concerns are expressed to us by the written questions on cards we collect at the end of general meetings, by the questions asked at the meetings themselves, and in our conversations with our friends and neighbors. Some can be easily answered ; some are more problematic. Aside from noise pollution, road damage, and 24/7 activity in our rural environment, there are real concerns about water usage and disposal, soil and aquifer degradation, toxic chemical release through flaring, spillage, and evaporation, NORM (Naturally Occurring Radioactive Material) contamination, and other dangers that come with drilling. The answers to these concerns are important to us, and to our friends and neighbors. The DEC's Draft Supplemental Generic Environmental Impact Statement (dSGEIS) is an excellent start. It directly addresses many of the concerns previously mentioned and we look forward to its completion.

We asked to be here today for three reasons: first, to support the DEC in their task to amend regulations to reflect current realities; secondly, to ask that research based answers to the issues raised before this Committee today be made available to the public; and finally to request that the State Assembly continues, over time, to monitor the events and conditions as they unfold.

First, we fully support the Department of Environmental Conservation. From what we've learned in talking to industry representatives, lawyers, government officials, geologists, as well as our own readings and research, the DEC and its equivalents in other states are our communities' first line of defense. Our leases may address our individual concerns but the DEC protects the entire community. To that end, we ask that you support the DEC by giving this department the time and money it needs to do its job. If The DEC needs more time to research and create regulations on hydrofracing, let them have it. If it needs more manpower to monitor field activities and investigate violations, let them have it. There is a mantra out there that we've heard over and over again. This mantra is: We've got to get this right, and we've got to get this right the first time out. There are no second chances.

Secondly, we've come to Albany to ask that the concerns that you've heard today be answered and that the answers be presented to the public in a clear and easily accessible manner on the DEC web site and other outlets. Although I'm sure there will be a lot of back and forth with dueling web sites and blogs, getting the information out in front of the public

will go a long way in tempering fear and raising the real issues that need to be addressed.

Finally, we've come to Albany to ask for Assembly oversight of what's happening in the Southern Tier. Please, no benign neglect. Industry asks that legislators leave regulations to the regulators, ie. don't put regulations into the law. This is probably wise. However, make certain that there are teeth in the regulations, that fines be such as to discourage environmental shortcuts, and that the violators either comply with the regs or get out of the business. I hope these hearings are not just a one shot deal but continue over time.

Thank you for taking the time to listen to us. We hope to see you again.

Attachments;

#1. - 2 cards with questions collected at our September 11 meeting. I'm presenting these because they reflect the balance of concerns; some environmental, some economic.

#2 - "A Broad Look At The Environmental Issues Of Natural Gas Drilling" by Kevin Lewis of The Friendsville Group. One of the most well researched, balanced, and READABLE pieces that I've come across.