

SUSQUEHANNA RIVER BASIN COMMISSION BINGHAMTON MEETING - OCT. 22, 2008 TESTIMONY - RICHARD DOWNEY

Please excuse the late entry into the testimony to be given to the Susquehanna River Basin Commission (SRBC) at the October 22 meeting in Binghamton. In spite of its late arrival, we hope it proves useful to you in gauging public concern.

Anna Hein and I represent the Unatego Area Landowners Association. The Towns of Unadilla and Otego in Otsego County comprise 60,000 acres of the 6,600 square miles in New York that are represented on your Commission by the NYS Department of Conservation. Our group represents over 10,000 acres, mainly in the Town of Otego. We recently extended our efforts into Unadilla where we expect similar success.

Our Association welcomes the economic opportunity offered by gas drilling in our area. However, we want it done in a manner that protects our community and our way of life as well as our current property rights. To that end, we formed the Association which will soon hire an attorney knowledgeable in gas lease law and practice. We will then create our own lease, put it up for bid, and choose a company that best fits the needs of the community.

A quick reading of your goals for these hearings seems to indicate that you are streamlining the review process for gas drilling water requirements while taking measures to insure water resource protection. The proposed revisions include an expedited approval process, an expanded allotment of water supply for hydrofracing including waste water discharges and other lesser quality water sources, supervision of individual well sites rather than a blanket company area permits, demonstrable compliance for treatment and disposal of flowback and produced fluids, a review of past practices, and a time limits on approvals.

Since your mandate by the federal and state governments is to coordinate water source management activities and review projects affecting water resources in the Susquehanna Basin, we feel we're in the right room. The Towns of Unadilla and Otego are in the upper reaches of the Susquehanna Basin, causing some of our members to express concerns. We're here tonight to support your efforts and to ask two questions.

Our first question is jurisdictional. Whose jurisdiction is the flood plain of the Susquehanna and its tributaries? All our members have seen flooding along the Susquehanna Valley. Many have been personally affected, especially during the floods of 2005. If retention ponds for the flowback and the produced fluids due to hydrofracing are allowed in the flood plain, we know there is a danger of overflow. Is this an area of concern to the SRBC or do we address our concerns to our own DEC?

Our second question concerns disposal of the flowback and produced fluids. Are there enough facilities to handle the volume expected? News articles written as recently as July indicate that there are not. Your research on this issue will be most appreciated by our membership.

Only months ago few of us were aware of the SRBC's existence. Now that we have read your mission and looked at your web site and associated readings, we are assured that you are well aware of the problems and are taking further steps to safeguard our quality of life. Thank you for your service to our area. We ask that you include us on your mailing list and we hope to see you again.