



SLAP – 5

SENECA LAKE AREA PARTNERS IN FIVE COUNTIES

Chemung Ontario Schuyler Seneca Yates

417 Liberty Street
Penn Yan, NY 14527
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MINUTES

NOVEMBER 16, 2009

ATTENDANCE: **Richard Ahola**, SLPWA; **Jim Balyszak**, Yates County SWCD; **Marion Balyszak**, FLI; **Phil Cianciotto**, SLPWA; **P.J. Emerick**, Ontario SWCD; **Edith Davey**, Ontario SWCD; **Jennifer Fais**, STC; **Tim Hicks**, Schuyler County Watershed Protection Agency; **Bob Pierce**, Ontario County Planning; **Gene Stow**, Chemung County; **Lloyd Wetherbee**, Schuyler County SWCD; **Dick Winnett**, FL RC&D.

1. Welcome - Jim Balyszak, Chair, called the meeting to order at 10:05 AM in the Conference Room in the Human Services Building, Montour Falls, NY. The group introduced themselves.
2. Minutes from September 14, 2009 meeting – PJ Emerick noted that his name should be spelled with one “m”. On a motion by PJ, seconded by Jennifer Fais, the group approved the minutes as amended.
3. Financial Report – PJ reported that as of 10/31/09 there was \$12,134.42 in the SLAP-5 account. This accounted for payments to Edith Davey for her work and for the recent newsletter printing. (See attached complete financial statement).
4. Regional Lake Meeting December 10 – Marion Balyszak said that FLI Canandaigua Lake Association, SLWPA and others were sponsoring a roundtable meeting of all watershed organizations in the Finger Lakes region on December 10. Each watershed or lake association was invited to suggest topics to create the agenda. It was expected that funding would be a top priority. Marion said that the Great Lakes Initiative was providing a five-year funding stream and that DEC was suggesting funding projects. She encouraged lake associations and watershed organizations to suggest needed projects, also. She encouraged everyone to register so that they would have a count for refreshments.

Phil Cianciotto wondered if the lake associations would consider forming a network of lake associations to share information and gain strength in numbers.

Jennifer Fais noted that FL-LOPWA was already created and they might be a vehicle. It was pointed out the FL-LOPWA was an association of counties and government agencies whereas the lake associations were private non-profits.

Jennifer suggested contacting the New York State Federation of Lake Associations to see if they had regional chapters. This may be another way to organize without creating a brand new group.

Bill Cianciotto is the new president of the Seneca Lake Pure Waters Association. He updated the group about SLPWA. He said the transition has been made. SLPWA is officially formed with a solid board and a membership. Their top issues are:

- 1) Marcellus Shale. The board has reviewed the subject and expects to issue their comments by the end of November. They will post it on their website.
- 2) Phosphate Loadings. Bill noted that John Halfman had studied the lake and noted degradation due to excessive phosphates. He said that Chautauqua County has gone “phosphate free”. He asked if Seneca Lake could do that, too. How would that work? Can we get the wineries to do this?
- 3) Increase Membership. They are currently at 250 members and are growing.

Tim Hicks felt that a regional Coalition of Lake Associations is a good opportunity for non-governmental entities to get together and look for ways to lobby for change and new funding. It was suggested that they contact Don Cook with NYS FOLA to see if he would be interested in starting a Central New York Chapter in addition to the Western New York Chapter. Perhaps the December 10 meeting would be a setting for this discussion.

5. Marcellus Shale Activities, Draft Comments, Etc. –

Yates County – Yates has established a task force made up of their towns, lake associations, and government agencies. They have met four times. Their comments are going to the county legislature before the end of November. They are hoping to help towns on the road issue. They wondered why New York City watershed would be more important to protect than the rest of upstate. They also were concerned about stormwater requirements; how DEC can be the oversight agency with their lack of staffing; and the protection and restoration of agricultural lands. Perhaps, Ag. and Markets could be an oversight agency to protect farmland from the impacts of the drilling.

The group discussed the information shared at the New York State Association of EMC’s Conference. They were concerned that tailings that are radioactive would be considered as a “beneficial use” to spread on roads. Edith Davey pointed out that radiation, though a low level in the tailings, is still cumulative.

Dick Winnett was concerned about the need for more landfills to dispose of this material. He pointed out the November 18 meeting at Corning East High and the

upcoming education summit in Owego on November 30. Everyone was encouraged to attend.

Additional concerns regarded the build out of pipelines and who has control of them. The DEC GEIS did not include pipelines because the PSC controls them.

SRBC controls water withdrawal for consumptive use and the group was concerned about the vast amount water lost to the system if used in fracking and injected in the ground.

Finger Lakes Institute Comments – They were concerned about the discharge of the return water: the volume, the trucking, and where it was going to be treated. Marion suggested that everyone submit their comments also to the federal representatives to encourage them to put oil and gas operations back under environmental review which was removed in the federal law of 2005. Marion also noted that some chemicals have been by definition removed from the list of toxic materials, thus, are not considered in the EIS. She also said that the clean air rules apply only to individual wells, not to the group as a whole.

Tim Hicks said that the National Water Environment Association (NWEA) Central and Western regional meeting is Friday, November 20 and a topic for discussion will be frack water disposal.

Local Health Department – Tim Hicks was very concerned about the increased workload put on the local health departments because they have been named as the agency responsible for investigating any complaints of contamination of water systems created by the Marcellus Shale drilling. He pointed out that there are no monitoring wells required for aquifer protection outside of the 1,000 to 2,000 foot radius around the well. Monitoring will occur at private water systems within the 2,000 foot radius. However, the testing is exhaustive and can confuse a landowner when the results are returned. If a complaint is made, the health department is obligated to investigate and if it is related to Marcellus Shale, they report it to DEC. Tim highly recommends getting private wells pre-tested as a baseline.

There was a concern that methane maybe released as the fracking happens deep in the ground. Is it possible for old gas wells to be reactivated? DEC should have this list online.

Phil Cianciotto asked if counties are looking for bonding or letters of credit for impacts on their residents. Jim Balyszak said that bonding is required for roads; however, there is no money set aside for damages to residents. It was suggested that the companies be required to carry insurance to cover these potential impacts.

Dick Ahola said that www.senecalake.org is the SLPWA website. He offered to share and post anyone's comments.

Marion Balyszak noted that Mr. Nozzolio is very concerned while George Winner is very pro-gas.

Seneca County – Seneca County voted not to form a task force. They feel that they are not affected by Marcellus Shale, but instead have Oriskany Shale issues.

Finger Lakes RC&D - Dick Winnett said that he understood that the US Salt Company has been bought by Inergy to use the caverns as gas storage. He said that a 230 acre brine pit, which would be 1100 feet long by 300 feet wide by 30 feet high, would be built in the Town of Reading at the Route 14A – 14 intersection. This would store the brine that is being pumped out of a cavern to create space for onsite propane storage. He also thought a pump station would be built there like the Pepco station. Dick Winnett said that this facility may be similar to the salt storage areas in the Town of Avoca at Route 390 which may be available for storage.

The group agreed to make their Marcellus Shale comments available for posting on the web. Jennifer would be happy to add these to the SLAP-5 page on the STC webpage.

6. SLAP-5 2010

- County Contributions –

Schuyler County is OK. Will use FL-LOWPA funding.
Yates County – OK, for \$2000.
Seneca County – unsure
Ontario County – \$2000 OK from WRC funds.
Chemung County – Probably yes at \$1500.

- Meeting Schedule – Bi-monthly seemed to be appropriate. The group is trying to keep this on the first Monday of every other month. The group agreed that this would work.
- Programs/Projects – Jim Balyszak said that Edith’s municipal training and the newsletters have been received well. Edith said that the last newsletter of the year would be coming out soon. It would cover issues such as leachate, Marcellus Shale, invasive species, the Asian longhorn beetle, the rural driveways specs, and the December 10 meeting. She hopes it will be published November 20.

7. Member Reports

FLI – Marion Balyszak elaborated on the Great Lakes Initiative. There is \$425 million of funding to be spent in the eight Great Lakes States for watershed protection projects. Marion just received the list of 300 projects from DEC which DEC suggested should deserve funding. It is not clear how much of the funding federal agencies will keep for their work. It is expected between 40% and 50% will stay at the federal level. The RFP

has not been issued, but the states are getting projects lined up to bundle in cooperative arrangements. FL-LOWPA has been invited to submit projects. Please contact Marion with your project ideas. Marion also pointed out the annual research conference scheduled for December 5 at Hobart and William Smith Colleges.

Dick Winnett provided an overview of the Finger Lakes RC&D which serves six counties. The Seneca, Canandaigua, Cayuga and Keuka watersheds are all in his region. He said there are two grants in the Seneca Lake Watershed which involve prescribed grazing, which would be closed out by the end of 2009. Another grant involves twelve building chemical mixing facilities, some of which are in the Seneca Lake watershed, at wineries to prevent contamination from chemicals. 2012 is the end of that program. Dick said that NRCS could have access to \$33 million of projects in the Great Lakes basin.

Bob Pierce said that he is retiring in April and that John Palomaki would be the chair of the Ontario County Planning Department at that time. PJ is an official SLAP-5 representative. He is also vice-chair of the Ontario planning commission. The group agreed that PJ could represent both the planning board and the SWCD on SLAP-5.

PJ Emerick reported that grants are being closed out on several agricultural grants that benefits Seneca Lake.

Edith Davey said that she has done some training with the Girl Scouts in the Geneva area. She is very pleased with the rural driveway brochure and uses it in real estate workshops.

Tim Hicks asked Marion about her presentation to the Schuyler County Legislature concerning invasive species. The county is looking at pesticides but Marion is providing options that are not chemical as a better way to protect Seneca Lake as a drinking water supply. Hand harvesting and other harvesting trial sites are being proposed. Benthic barriers are installed by homeowners; however, they are not installed correctly and thus fail. There is a plan to do benthic barrier demonstration sites.

Tim said that the \$500 funding for monitoring is still being used at the Watkins Glen and Montour Falls wastewater treatment plants. He may submit an additional request at a later time depending on the results.

Tim also said that the Schuyler County Highway, Village of Watkins Glen Public Works Department, SWCD, and the Watershed Protection Agency are moving to the new public works building in Watkins Glen behind the P&C. The move should be done in a month or two. The Rural Urban Center is being rehabbed for apartments.

Gene Stow said that there was concern about the drainage system from the new Schlumberger facility at the Holding Point in Horseheads. Would it affect Catharine Creek?

Lloyd Wetherbee said that, as part of the Agricultural Environmental Management Program (AEM), he has developed a pesticide screening tool that analyzes pesticides as they relate to soil types and their usefulness for vineyards. He found that only about

a dozen chemicals of the several hundred would not be a concern for water quality because most of the soils in the Seneca Lake Watershed bind with chemicals poorly.

Jim Balyszak said that he has made an application for Round 10 funding for road stabilization projects for their county. Two agricultural grants should benefit Seneca Lake beginning in 2010.

Richard Ahola enjoyed coming to the Seneca Lake meetings and will probably continue to be the SLPWA representative at the meetings when they are held in Montour Falls.

Phil Cianciotto said that the November 19 SLPWA meeting would be held at 7 PM at the Finger Lakes Institute. These monthly board meeting are now open to the membership and the agenda has been mailed to all members. They do not anticipate hiring a director until the organization is underway.

SLAP-5 Elections for 2010 – Jim Balyszak said that he has been chair for two years and would like to step back to vice-chair. He said that Jenna Hicks has offered to help with being the scribe. PJ Emerick would like to continue being the treasurer. Tim Hicks was willing to fill the role as chair. On a motion by Bob Pierce, seconded by Dick Ahola, SLAP-5 elected the following people for 2010:

Chair - Tim Hicks
Vice Chair – Jim Balyszak
Treasurer – PJ Emerick
Scribes - Jenna Hicks/Jennifer Fais

Next meeting: The next meeting will be January 11, 2010 at the Finger Lakes Institute at 10 AM.

The meeting adjourned at 11:55 AM.

Respectfully submitted,
Jennifer Fais