Fracking mobilizes uranium in groundwater, researcher says

by Jurgen Wekerle and Caitlin Pixley

A controversial electric power transmission proposal, the Champlain Hudson Power Express (CHPE), is racing toward regulatory approval even though it is unneeded, will undermine genuine renewable energy, and wreak environmental havoc on the Hudson River and virgin Canadian forests.

CHPE is pressing for fast-track approval from the U.S. Department of Energy (DOE) and the NY’s Public Service Commission (PSC). If successful, the boonoggle will qualify for $1.5 billion in U.S. Recovery and Reinvestment Act loan guarantees which require both the transmission of renewable electricity and a construction start date by September.

The project is a 355-mile, 1,000-megawatt direct current (DC) sub-marine power cable to begin at the Hertel Substation in Quebec, Canada. The cable is to cross the international border into NYS and will be buried under Lake Champlain and the Hudson River, causing dredging, PCB and other toxic disturbance and environmental damage in its wake.

It would surface in Yonkers at a substation next to a new civic center and the MTA Hudson Line railroad station. That proximity is incompatible with the best use of the critical riverfront redevelopment district, and conflicts with existing efforts that are key to the revitalization of downtown Yonkers.

To be able to receive federal subsidies, the CHPE proposal is being falsely advertised as a clean, renewable energy source that will transport surplus Quebec wind and hydro power to meet NYS demand and renewable energy targets. Quebec, however, has no surplus green energy to export, and the touted hydro sources do not yet exist. They are to be built in the same environmentally destructive manner as previous James Bay proposals by Hydro Quebec.

Virgin Canadian forest lands must first be cut clear and flooded, and a complex of dams and impoundments is to be constructed at Lower Churchill Falls on the Quebec/Labrador border 1,000 miles away.

Churchill Falls generation and CHPE cable transmission are separate but companion projects mutually dependent on each other and on U.S. subsidies without which neither will be built. If those loan guarantees are approved, U.S. taxpayers will be paying for the devastation of habitat and wildlife in Canada, and for the collateral release of methane and mercury emissions which pollute air, land and water resources on both sides of the border.

Moreover, the proposed hydro-power would be generated from low-energy sources which do not yet exist. They are to be built in the same environmentally destructive manner as previous James Bay proposals by Hydro Quebec.

The project would divert New York wind power to Canada, then import it as “new” renewable electricity.

Greenwashed power line on fast track to grab billions in $subsides

The Atlantic Chapter of the Sierra Club — Serving New York State

Volume 37 Winter 2010
Looking ahead to the Cuomo Administration

I am looking forward to the new administration of Andrew Cuomo as governor with both hope and trepidation. In his November policy paper, “The New NY Agenda: A Plan for Action,” Cuomo worked to close an estimated $10 billion deficit for the coming fiscal year while maintaining essential state programs and aid to cities. So budget support for essential environmental programs could once again get lost in the shuffle.

The Atlantic Chapter needs to advocate as hard as we can for critical ongoing environmental programs and new initiatives, as well as for funding and for new legislation and regulations. Our staff and volunteer leadership are gearing up to take advantage of all windows of opportunity.

The Atlantic Chapter endorsed Andrew Cuomo, and I have been appointed to his Transition Team to serve on the Environment, Energy and Parks Committee.

At the national level and in many other states, the outlook is bleak for reducing greenhouse gas emissions 80 percent by 2050, if not sooner. So New York must take strong action, building on many initiatives to date, to serve as a standard bearer for our country and the world.

New York is working to update its 2009 Energy Plan by 2013 and has recently issued a draft “Climate Action Plan” to reduce greenhouse gas emissions by 80 percent 2050. This plan covers all sectors of our economy, including power supply and use, housing, transportation, and business. And New York recently sued its 2010 Solid Waste Plan aimed at greatly reducing solid waste in the first place and then making handling of solid waste vastly more sustainable. These are major steps.

However, we face stark realities because of the very slow economic recovery. As a result of devastating cuts to its budget over the last few years, staffing at the Department of Environmental Conservation is at its lowest level since 1983. More than 800 staff have been fired in the last two years. Funding for travel, equipment, and all sorts of expenses was cut 50 percent in the 2010-2011 budget. These severe cuts to DEC’s budget continue to hamstring essential programs with:

• huge backlogs of DEC permit reviews, plus shortages in resources to stop pollution of our air, water and land
• a severe shortage of DEC staff from all areas of the department to regulate natural gas drilling with hydrofracking — and to monitor the drilling, if it is allowed
• too few staff and too little travel money to support prompt responses to emergencies, and
• more destruction of wetlands as DEC lacks funds to map wetlands and even to publicize draft wetlands regulations for public review.

DEC is so underfunded that it cannot fulfill its responsibilities to manage the U.S. Clean Water, Clean Air and Superfund Acts in New York. There is some good news. In his “The New NY Agenda,” Andrew Cuomo emphasizes the need to curb sprawl and revitalize urban areas with coordinated planning for housing, transportation, public services and environmental protection.

This is supported by the 2010 State Smart Growth Public Infrastructure Policy Act, which sets funding priorities for these purposes.

In 2011, with our excellent Albany staff, our many dedicated volunteers and the support of our 37,000 members, the Atlantic Chapter will be working very hard to:

• restore the DEC budget to a sufficient level to accomplish its mission
• enact state legislation and regulations to protect NYS from the threats posed by massive drilling of 10,000-plus natural gas wells using hydrofracking
• enact legislation and regulations and provide funding for many initiatives to reduce greenhouse gas emissions by the year 2050, if not well before.

This will not be easy. There will be many roadblocks. We need to elevate our Chapter’s efforts to make Governor Cuomo’s words happen. We cannot let the calls for economic development and balancing the budget trample the critical need to protect our environment.
News media, Washington ignore imperative of zero emissions

by Moisha Blechman

On November 17, I had an epiphany: there's little interest in the major media to solve global warming. On that day, The New York Times published a dedicated section, ENERGY, culminating a year without hard-hitting news on global warming.

Half the front page featured a photograph of oil rig laborers looking heroic as they work to extract oil. Behind the oil rig was a forested wilderness. Under the photo was a headline in bold red type: “There Will Be Fuel.” The subhead read: “New Oil and Gas Sources Abound, but They Come With Costs.”

The costs were a mere listing. Once mentioned, they cleared the way for the news: “The outlook … now appears to promise large supplies of oil and gas from multiple new sources for decades to come.”

But the triumphant joy was palpable as the article went on to say: “Energy experts expect there will be plenty, perhaps even an abundance of oil and gas.” A result of that calculation, how much CO2 would be emitted to the atmosphere and the oceans, and there was no mention of the consequences.

Confidence in coal

Other headlines in the section included, “In the Heartland, Still Investing in Coal” and “Without a Clear National Policy on Emissions, New Plants Spring Up.” Judging by the photographs, those plants are huge. Clearly, investors have reason to believe that the chance they will shut down soon.

Another headline in the same section declared, “Some Exceptions to the Rule: But Pipelines Are Safe.” Finally, on the last page, were two articles on solar installations, but in both cases the main thrust of the articles was about the environmental downsides of industrial-size solar installations.

We can imagine what a section on “Energy” could have been like. It could have been very informative on the many, many new technologies, about which the public knows little, for tapping the sun’s energy, for geothermal and for wave energy, and for innovative technologies reducing all kinds of energy waste. It could have explored the difference between corporate green-energy creation and smaller, individual energy solutions. It could have analyzed the financial and environmental implications of each to the consumer.

What upset me was that our national newspaper of record, The New York Times, had so dramatically turned its back on fossil fuel emissions reduction. In fact, the newspaper was saying, in effect: No need to worry—use all the fuel you want.

This could be a problem of corporate influence. It is shocking that the proposed economic solution, given front page prominence, was yet again a formula from the past which ignores the imperative of the present.

Pushing for growth

Since then, the magazine section of The Times has had a featured article on the Chinese as consumers by the same writer, Leonhardt. He exhorts the Chinese to become a consumer society like us. In the subhead, he says, “The stability and health of the world economy depends on it.”

Apparent, he has not figured out that the economic system is man-made and can be changed by man. But the laws of nature are absolute and cannot be changed by man. Any thinker will quickly see that the two are in conflict. The Times knows better, but has chosen to push “growth.” Effectively, the Times is promoting the demise of life. This attitude is not unique to the Times. It is reflected in all the major media.

This is not only the policy of the media. President Obama said there will not be any current cave legislation this year, next year or the year after. He has failed to use his position to educate the public and to push Congress on either climate or clean energy action. Having made a decision not to lead the world at the climate summit in Copenhagen last year, Obama signaled that there will be nothing forthcoming from him nor the U.S. in the foreseeable future at any of the annual meetings of the International Panel on Climate Change (IPCC). In effect, the U.S. has succeeded in diluting the enthusiasm for creating protocols for CO2 emissions reductions at UN conferences to the point where nothing meaningful will happen at Cancun this year, nor will happen next year at Durban, South Africa.

Silence on consequences

In fact, there is a silence on the consequences of consumption and “growth” by all the major media. For example, the science journals. Yet, with no informed public discussion on alternatives, the U.S., with few limitations, is moving ahead with all possible fossil fuel extraction—whatever the ecological devastation. National policy appears to be assuring the public that there will be all the energy it wants in spite of the certainty of climate change and ocean acidification.

Profits drive policy

This could be a problem of corporate structure. Corporate profit is the driver of governmental policy, not ecosystem health. That fact is reflected in every aspect of energy exploration and production. One should not confuse corporate profits with economic health.

Ecosystem decline is devastating to economies and will shut many of them down. There is one bright spot, and curiously it comes from one of the most successful capitalists in the world, Bill Gates. He has been known for years that the world needs a zero carbon emissions policy, and that planetary catastrophe is inevitable without a zero carbon emergency response. Bill Gates gave a lecture during which he said that zero carbon emissions should be our only goal. At www.Onlyzeroemissions.com you can hear Gates giving that talk, and find excellent information to go with it.

This is a hopeful break in the dam of denial. Our own response should be to reach them in our own way. We must push for a zero emissions target now.

Moisha Blechman, a member of the New York City Group, is chair of the Chapter’s Publications Committee.
Oil and gas industry, clean up your mess!

The gas industry would have us believe that shale gas has become accessible due to technological advances. The truth is that the technology has only become affordable because of deliberate changes to important public health legislation. These loopholes have been expanded over time, until today the oil and gas industry has almost no obligation to keep its mess from affecting public health. The consequence is illness from poisoned land, air and water—and federal, state and local institutions left with costs the public cannot afford. The following list details major exceptions that the oil and gas lobby has secured out of our most significant national environmental and health legislation.

Note: The online version of this article links to the relevant chapters of the 2010 version of the United States Code maintained by the US House of Representatives.

Comprehensive Environmental Response Compensation and Liability Act (CERCLA)

CERCLA established the Superfund program in 1980 to ensure that parties contributing to an environmental mess are legally responsible for the cost of cleaning it up—unless that mess is from oil or natural gas. CERCLA excludes oil and gas products and any chemicals contained in them (unless otherwise regulated).

This exclusion means that oil and gas explorers and producers can cut corners, spill and leak chemicals, and put hazardous materials around their sites because, technically, they are not under CERCLA. It also means that under CERCLA, oil and gas have an enormous, and growing, list of pollutants. As second-class citizens, our rights are not worth as much as those of the corporation. It undermines the notion of corporate rights.

It’s time to overturn law that authorizes corporate minorities to run roughshod over community majorities.

This morning, the Pittsburgh City Council became the first municipality in the United States to ban natural gas extraction within its boundaries.

The ordinance isn’t just a ban—it consists of a new Bill of Rights for Pittsburgh residents (which includes a right to water along with rights for ecosystems and nature), and then proceeds to ban those activities—including natural gas extraction—which would violate those rights. But it doesn’t stop there.

The ordinance seeks to undo a hundred years’ worth of law in the U.S. which gives corporations greater rights than the communities in which they do business. Those rights come in two forms: first are corporate constitutional rights and powers (including court-busted constitutional rights of “personhood”), and second are corporate rights that have been codified by statewide laws (like Pennsylvania’s Oil and Gas Act), which liberalized the process of oil and gas well exploration and production. They also exempt any thing that is produced during the removal of produced water or other contaminants from the product, including used fracking fluids, hydrogen sulfide gas, and gas condensate. Fracturing fluid is therefore hazardous from the time it leaves the manufacturing facility until it touches the inside of a well, when it is suddenly no longer considered hazardous under federal law!

The EPA is required to list major and clustered minor categories of sources of air pollution, but has not included wells or fields, allowing operators to avoid emissions controls. The 2005 Energy Policy Act amended the SDWA to exclude hazardous and fracturing fluids from the definition of “underground injection.” The Fracture Act, sponsored by Representative Maurice Hinchey and first introduced in 2009, would remove this exemption and require disclosure of chemicals injected for hydraulic fracturing.

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It is time to overturn law that authorizes corporate minorities to run roughshod over community majorities.

The Safe Drinking Water Act (SDWA)

The Safe Drinking Water Act was initially passed in 1974. The act’s Underground Injection Control program protects underground sources of drinking water from contamination by injected fluids. Underground injection years’ worth of frack fluid waste disposal, and for production of petrochemicals or geothermal energy. In 2005, the Energy Policy Act amended the SDWA to exclude hydraulic fracturing from the definition of “underground injection.”

The rationale behind the Pittsburgh ordinance is the grim reality, and instead attempt to force us to accept the ignoble status we’ve been relegated to. Our work plays out within a very small box of “allowable activism” bounded on all sides by rights—fracking frameworks which protect a relatively small number of corporate decisionmakers.

What does this have to do with fracking in the Marcellus shale formation? Everything.

The rational behind the Pittsburgh ordinance is a simple one. If we respect and comply with those frameworks of law—playing within the sandbox that has been constructed for us—we’ll get drilled. It’s as straightforward as that.

Which brings us to another logical conclusion: if we want to stop the drilling, we must therefore undo those corporate rights frameworks.

Over a hundred other municipal governments across Pennsylvania have fought to undo that very rational—that the only way to stop agribusiness factory farms, sewage sludge dumping, corporate waste disposal, and natural gas extraction is to frontally and directly challenge anything on the basis of NEPA violations.

National Environmental Policy Act (NEPA)

NEPA requires government agencies to consider the environmental impact of their actions, and requires public comment and evaluation of alternatives through an environmental impact statement (EIS) process when a significant impact is likely. The 2005 Energy Policy Act (section 390) created a categorical exclusion for some types of oil and gas expansions, allowing them to occur with limited review. The public now has to prove significant harm to challenge something on the basis of NEPA violations.

Toxic Release Inventory of Emergency Planning and Community Right to Know Act (EPCRA)

The oil and gas industry is exempt from reporting releases of toxic materials (for example, via evaporation, underground injection, or transfer to a treatment facility) in the Toxic Release Inventory.

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Municipalities must challenge corporate ‘personhood’.

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Continued on page 7
Governing David Paterson left of a legacy of environmental accomplishments under his belt—such as the Climate Action Plan, the Bigger Better Bottle Bill and a comprehensive E-Waste Recycling law.

But he will most be remembered as the governor who systematically dismantled the Department of Environmental Conservation through severe and disproportionate budget cuts and fired a DEC commissioner who quietly warned that such action would risk human life and irreversible harm to our natural resources.

Though he had tremendous guidance from green giants such as Judith Enck, Peter Blonstein, and Pete Grannis, Paterson seemed to counter every environmentally beneficial action with harmful policies designed to undermine regulations, impede enforcement and mollify industry. Whether this duality was a function of advice from competing advisors—namely his secretary Larry Schwartz, who seemed put off by any environmental initiative—or merely the desire to please everyone, it often pleased no one.

Perhaps the best example of Paterson’s “bipolar” approach is his handling of horizontal hydraulic fracturing, a natural gas boondoggle across the nation. The long view of history may see him as the governor who saved New York from one of its worst environmental debacles, while Pennsylvania transformed its rural landscape into industrial gridworks of pipelines and well pads. He deserves a lot of credit for taking a precautionary approach to drilling, but in the evolution of his hydrofracking policy, every step of the way was a series of mixed messages and contradictory actions.

**Mixed messages**

The most profound and decisive of these actions came in July, 2008, when Paterson signed a controversial bill to facilitate fracking but then ordered a comprehensive study that halted horizontal hydraulic fracturing until new permitting conditions could be established. Essentially, the order placed a “de facto moratorium” on horizontal drilling.

Arguably this was one of the strongest actions taken against the natural gas industry in our country’s history. But the resulting scoping process and the draft of the study, known as the Supplemental Generic Environmental Impact Statement (SGEIS), were a disappointment and reflected industry bias and incomplete analysis. DEC staffing shortages and the accelerated date for completion seemed to affect the quality of the document as well.

In the fall of 2009, the public shot back at the weak study by sending more than 15,000 comments criticizing the lack of consideration of cumulative impacts, from wastewater infrastructure, pipelines and compressor stations, to air pollution, climate change, human health and other critical deficiencies. But the signals coming from the governor’s office reflected a different attitude. Marcellus shale gas now played a prominent part in the state’s energy plan, the executive budget pushed to facilitate drilling, and administration officials and agency heads mounted a public relations campaign to assure New Yorkers that drilling was safe.

**Summer of calamity**

And then, in 2010, Pennsylvania’s “summer of calamity” unfolded. That state’s Dept. of Environmental Protection confirmed that gas drilling contaminated drinking water wells in Dimock, and the media began to focus on other spills, leaks and accidents. Josh Fox’s documentary, “Gas Land,” premiered on HBO, and the Environmental Protection Agency began its critical look at the impacts of hydrofracking on water resources. Public outcry grew louder.

The Senate passed a bill in August suspending all pending and future permits in Marcellus and Utica shales until May 15, 2011. The bill gave the incoming administration some “breathing room” and stayed off a final decision on the SGEIS. Governor Paterson then began to show signs of concern that New York was still not ready to move forward with drilling and that he would not be able to finalize the SGEIS regardless of whether its findings made it to his desk.

When the bill reached the Assembly in late November, the gas industry began to panic and launched a fierce campaign claiming that if enacted the “time out” on fracking would shut down all drilling in New York. Since the bill did not differentiate between horizontal and vertical drilling, the industry claimed that this “flaw” would impede vertical wells already in development, costing thousands of jobs and millions in revenue.

Of course, the truth was that only a handful of vertical well permits would be delayed by five months; the bill passed the Assembly 93-43. But the industry’s misinformation campaign lingered in the press, and Governor Paterson began to question the legitimacy of including vertical wells in the moratorium when the bill came to his desk.

This inclusion of smaller vertical wells in the bill was no accident. When the Assembly originally attempted to advance a bill calling for a moratorium on horizontal drilling that would be lifted upon the completion of an EPA study, the industry made a threat: for every single horizontal well they would be prohibited from drilling, they would drill 16 wells with 16 separate well pads every square mile (which is currently legal spacing).

Based on this threat, the drafting of the bill had no choice but to include vertical wells as well. Also lost in the debate was the fact that gas companies have been explicit that the current vertical wells they are drilling in Marcellus and Utica shales will be converted into horizontal wells as soon as the SGEIS review process is complete. This would give them an unfair advantage in “stake claiming” to areas that may in the future be off limits.

Many activists pushing the bill felt that drillers should not be allowed to sidestep the ongoing environmental review process through a loophole for vertical wells. It is also important to remember that Dimock, PA—the poster child for poor drilling practices—saw the town’s drinking water contaminated by vertical wells similar to wells that are currently being drilled in New York.

On December 11, Governor Paterson vetoed the bill on the grounds that it would cost hundreds if not thousands of jobs and would have substantial negative financial consequences for the state; for a process that has “no demonstrated environmental harm.”

In its place, Paterson issued Executive Order 41 that compels the DEC to complete its review of more than 13,000 comments and integrate substantive responses into a new draft SGEIS. This draft is to be published June 1, 2011, and the DEC is to accept public comment for at least 30 days and suggests the scheduling of public hearings. The order also specified the continuation of the “de facto moratorium” on horizontal drilling until the finalization of the entire State Environmental Quality Review Act process.

A significant win

While the unfounded rationale for the veto irritated the environmental community, the executive order was met with great fanfare, and competing press accounts declared victory for both sides. Like most of Paterson’s decisions, there was something for everyone to grumble about, but at the end of the day the mandate of a second draft is a significant win for those wishing to oppose hydrofracking’s dangers.

Executive orders do not have the same strength as laws, and incoming governor Andrew Cuomo could discontinue the order and accelerate his own drilling review, but that seems highly unlikely. Cuomo will not want to fill his already crowded six-month agenda with something so controversial that has no short-term positive economic impact.

The Atlantic Chapter will be seizing the opportunity presented by EO 41 to finally insert cumulative impacts analyses into the SGEIS and correct multiple deficiencies. To date, Cuomo has not taken a clear position on hydrofracking, but we hope that he will be as cautious as his predecessor—minus the hedging.

As for the former governor, we owe him a debt of gratitude for, in the end, holding off the drilling rigs. We only wish he had demonstrated the same restraint when New York’s environmental agencies were on the chopping block.
In contrast, a ‘Deep Retrofit’ project can include many more significant measures, including:
- sealing the attic/roof connection or removing the roof and building it up with rigid insulation and installing a metal roof.
- removing the house siding and installing a foil-backed material to air-seal the walls, and adding 4-inch thick foam insulation on top.
- sealing basement walls and floor with foam and a rubber mat that allows water to drain, while leaving the basement accessible for laundry and storage.
- adding a more efficient heating and hot-water system.

Absolute measurements of the improvements in the Oneida County homes won’t be available until this winter’s heating bills can be compared to last year’s. However, blower-door tests—basically, a giant vacuum that tests air leakage—showed significant reductions in drafts.

By working on owner-occupied buildings, the project is training workers in advanced techniques while providing insights to reduce costs—and results in more retrofit business for contractors and greater energy savings for society.

For examples from the pilot, visit http://www.nyserda.org/Programs/IABR/DeepRetrofit.asp.

State ranked among most energy efficient

New York ranks among the top states in the nation for energy efficiency best practices, according to a survey by the American Council for an Energy-Efficient Economy (ACEEE). ACEEE reviewed utility and government policies and practices in every state and ranked New York fourth in the nation, up from fifth in last year’s survey.

The rankings are based on six criteria: Utility sector and public benefits programs and policies, transportation policies, building energy codes, combined heat and power (the use of waste heat to generate electricity), state government initiatives, and appliance-efficiency standards.

NYSERDA reports that supporting energy efficiency and clean energy is saving New Yorkers more than $680 million annually on their energy bills. Similar programs administered by the state’s public power authorities that serve Long Island, municipal electric and water systems and government customers in New York have also contributed to the state’s high ranking.

ACEEE Executive Director Steven Nadel said, “Even as Washington dawdlers on climate and clean energy, states are moving ahead. While $11 billion in American Recovery and Reinvestment Act funds was helpful in this process… the overall story here is one of states getting done what Congress has so far failed to do.”

According to NYSERDA, every dollar invested in energy efficiency returns $4.70 in economic and environmental benefits.

The exterior of this house is ready for new siding over an air barrier, two layers of 2-inch polyisocyanurate rigid insulation, and firring stips and ready to receive new siding. New windows (R4) have been installed, improving insulation to R30, with much reduced air leakage.

This basement floor (slab) has a dimple mat drainage plane, 2 inches of polystyrene (XPS) and a Dura Rock surface sheet, for final cover. The walls have been treated with permasteel grooved rigid insulation and 2 inches of foil-faced polyisocyanurate, fire rated insulation which gives the basement an equivalent thermal improvement of R10 for the slab, and R20 for the walls.

Exterior siding has been removed down to existing sheathing, and a thermal air barrier (Thermoply) is being applied to reduce air leakage. The window rough openings have also been built out to accept two layers of 2-inch rigid insulation that will follow, and allow for air sealing before new windows (R4) are installed.

The first 2-inch layer of polyisocyanurate rigid insulation is applied over a thermal air barrier. All windows have been flashed with peel-and-stick membrane, sill pan flashed and joints taped to reduce air leakage. Another 2-inch layer of rigid insulation will follow for a total of R30.
It's time to challenge corporate ‘personhood’

by Peter Debes

When people think of the City of Rochester, they think of its beautiful parks. Frederick Law Olmsted recognized the unique beauty of the low hills and ridges, part of glacial moraine, that form the southern boundary of the city. He advised the city of Rochester to preserve these lands as parks. Today, over these past years, Cobbs Hill, is the focus of a successful effort to protect and preserve a 25-acre patch of classic oak-hickory forest that is two miles from the center of Rochester.

Namely the Washington Grove after our first President, it offers a variety of paths that wind through majestic oaks, hickories, tulip trees, and other large tree species native to this area. Washington Grove, however, has been undergoing many negative changes. Trails are eroding and becoming wider as more and more people use the Grove. Undergrowth is thinned, and some native species are replaced with exotic species. Large oaks are falling as they age, opening up gaps that should allow young oaks to sprout, yet few are replacing them.

I had grown up in a house right next to the Grove and had become concerned about its future. Three years ago, I discussed the idea of removing invasive Norway maples in the forest with a city forester. What followed in its place was a story of how a grass-roots movement was founded, expanded, experienced strife and controversy, and through a consensus-based process, developed a plan that is now serving as the basis for long-term management by the City of Rochester.

The city forester recommended that I form a citizens’ group to propose solutions for the Grove. The political difficulties of such a venture immediately surfaced. Like most citizens’ groups, they are a challenge to involve people in a long-term commitment, and especially to identify common goals among various interested citizens. Moreover, responsibility for the management of the forested Washington Grove was split between two city departments—the Department of Recreation and the Department of Environmental Services—which did not otherwise have many shared projects. I was encouraged by long-time Sierra Club activist Hugh Mitchell to develop this project as a coalition involving the City, the Sierra Club, and neighboring groups. Hugh tutored me through the steps needed to meet Sierra Club guidelines, and the proposal was approved by the Rochester Regional Group Executive Committee.

I then methodically began to seek out interested partners for the Coalition—securing names from interested neighbors, contacting neighboring associations, and working closely with the then Assistant Director of Parks, James Farr, who had been involved in previous efforts to protect and stabilize the Grove. I also mentioned the project to a plant ecologist professor at SUNY Brockport and a master’s thesis student project to study the Grove was begun. From these efforts, an email list was formed that dogs should be permitted off-leash, despite the fact that Assistant Director of Recreation stated that this municipal law could not be changed in the Grove. After years of litigation, while others were disturbed by the proposal to cut Norway maple trees in the Grove. Signs posted by the Coalition to inform people about meetings and proposed work were destroyed or sabotaged. The Sierra Club was attacked in other posters. In concerts, neighbors said that they were at bitter odds with other neighbors about proposals for management.

It is a testament to the love of the Grove by all, and a commitment to help protect it, that the coalition submitted a proposed plan to city officials. The city organized three public meetings to take comments and revise the tentative plan. One of these was poorly organized and actually drew doubt on the entire project. The last meeting, however, was very well planned and conducted, and the city council approved all the elements of the plan on a trial basis.

In May, foresters removed Norway maples from three demonstration plots in the Grove. Now volunteers are continuing the work of substituting native species for invasive ones and replicating the undergrowth for the坐新罕布什尔州立森林。我们期待与您分享这些取得的成就，并邀请您了解关于自然的地方性的美好未来，以期分享这些成就。
Fracking poses environmental cancer risk, says activist author

by Sue Smith-Heavenrich

Sandra Steingraber, she says, is an ecologist, an author, a cancer survivor and an activist recognized as an authority on environmental links to cancer and other health problems. Her book, Living Downstream, which was recently made into a movie.

But when we settle into an interview in Trumansburg, it becomes immediately clear that Steingraber sees her most important role as a parent whose responsibility it is to keep her children safe.

She keeps one eye on her eight-year-old son, Elijah, as she talks about a trip to Washington, D.C., where she was one of three participants in a congressional staff briefing. Their topic: the President’s Cancer Panel report, ‘Reducing Environmental Cancer Risk,’ released in early May. Nineteen months earlier, Steingraber had testified before the panel.

‘Elijah was with me in New York that day and I thought of him frequently as an environmental detective, searching for clues to explain how, between his sophomore and junior years of college, she developed bladder cancer.

‘It was environmental, Steingraber said. ‘The only reason I was able to publish this book was because of the exposure that I had to these chemicals, and I think that’s true of my other children as well.’

One of the first things Steingraber learned was that exposure to harmful chemicals could cause cancer.

‘A decade and a half later, she learned that the public drinking water wells in her hometown contain traces of those chemicals.

‘The biggest problem Steingraber sees is the disconnect between science and regulatory evidence and regulatory response. The Toxic Substances Control Act (TSCA), adopted by Congress in 1976, regulates the introduction of new or already existing chemicals.

‘But it grandfathered in most existing chemicals, Steingraber explained. ‘It is so weak that it couldn’t even ban asbestos.’

She notes that even industry recognizes that they are losing market share in the European Union because of this law.

‘That’s because the European Union embraces a precautionary approach to regulating industrial pollutants,’ Steingraber said. ‘In contrast, the U.S. takes a reactionary approach in regulating chemicals, forcing citizens to bear the burden of proving that a chemical causes harm. That’s the President’s Cancer Panel: ‘Strong regulation is needed.’

‘Industry is, and has been for years, exploiting regulatory weaknesses at a high cost to the nation. How high? From cancers alone, from just one year (2009), the National Institutes of Health estimates a cost of $243.4 billion. That’s $99 billion in direct medical costs, $139.6 billion of lost productivity due to illness, and $124.8 billion for the lost economic benefit to the state.’

‘And that’s where Steingraber thinks we ought to be with cancer. In its letter to President Obama last spring, the cancer panel urged him to ‘remove the carcinogens and other toxins from our food, water and air that needlessly increase health care costs to our nation’s productivity, and devastate American lives.’

‘Those words have direct implications for high-volume hydraulic fracturing. Fracking,’ Steingraber said, stressing each word, ‘means deliberately introducing carcinogens into our land, water and air. ‘She introduced the issue during her congressional briefing, and also in a meeting with White House science and technology staffers. ‘The President’s Cancer Panel report is a strong argument against fracking,’ she added.

‘Pointing to the industry’s quality control problems, Steingraber noted that even if there’s not a single chemical spill in New York, there will still be problems: diesel exhaust from trucks, emissions from compressors at the well site, emissions from compressor stations and leaks in pipelines. ‘Then you have the chemicals they use to keep them safe from harm.

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Greenwashed power line on fast track to grab billions in subsidies

I
n the mid-term elections, the Si-
erra Club played big and scored big against Big Oil with the defeat of California Proposition 23. Despite more than $10 million spent on a deceptive advertising campaign funded by out-of-state oil barons to undermine the state’s landmark clean-energy and climate law, California voters took a stand for clean energy—not in spite of a major econ-
omic downturn, but because of it. As National Journal said, we could point to exactly zero jobs that would be lost with the passage of Prop 23. With the third-highest un-
employment numbers in the nation, California voters chose clean energy as one of the best paths to recovery. This victory also shows what can happen when we work together to create jobs and protect our environ-
ment. When given the chance to vote on the actual issues, the public em-
braced our belief that a clean envi-
ronment and a strong economy are not mutually exclusive.
A broad coalition of clean tech com-
panies, small businesses, public health advocates, social justice groups, environmental organizations, organized labor, seniors and young peo-
ple, Republicans and Democrats, all worked in tandem to defeat Propo-
sition 23 and continue our path toward a future powered by clean energy.
Not surprisingly, polling, including our own, shows that jobs and the eco-
ye were the top priority for voters this election and they showed their dissatisfaction with the current state of the economy and both politi-
cal parties. That will be the case until the country’s economic situation improves. And the way to that future is a clean energy economy and good jobs for American workers.

Although the Senate did not pass the year of The Empire Strikes Back. Big Oil and corporate polluters spent in record amounts to try to buy back our government—eclipsing progres-
sive groups election spending by nearly two to one. According to the Alliance for Climate Protection, cor-
porates and energy interests spent $247 million this year ad-
vertising alone to target legislators in their fight to block clean energy jobs.
That said, it doesn’t appear that their attacks on clean energy contrib-
uted to Democratic defeats—27 of the 44 House Democrats who voted against the American Clean Energy & Security Act have been voted out of office or retired. The open question is with whom the new House Repub-
lican majority will side. With the Big Oil and Coal interests who expect a return on their investment? Or with the American people who want law-
makers to start making the choices that they’ve been making for years in their own lives and communities—
saving energy in their homes and conser-
ving resources for a cleaner, safer, and more prosperous America to pass on to their children.
Americans still want more jobs, less pollution and greater security. When given the opportunity to vote directly on the clean energy issue, as we saw in Prop 23, voters will side with clean energy.

With Proposition 23 out of the picture, the future of ceding America’s future to Big Oil We are confident that over the next several years we will make significant progress at the federal, state and local levels to build a clean energy economy made in America.

Michael Brune is executive director of the national Sierra Club.
State backs Chapter to open ADK wilderness waterway to paddlers

by Charles C. Morrison

The Chapter’s Adirondack Committee has gained traction in its efforts to end the illegal blockage of a legally navigable waterway much admired by recreational canoers and kayakers. The committee sent an extensively documented letter of complaint to the DEC and the Attorney General in August, 2009, about the illegal blockage—with cables and intimidating signs—of the Mud Pond-Shingle Shanty Brook through-route for paddling between Lake Lila and Little Tupper Lake in the Whitney Wilderness. The DEC has responded strongly to the committee’s complaint about the actions of the Brandreth Park Association and its affiliate, Friends of Thayer Lake. DEC Assistant Commissioner for Natural Resources Christopher Amato and other DEC staff met with Brandreth representatives in December, 2009, and proposed avoiding a lawsuit over the blockage, which the Adirondack Committee had pointed to as a common law public nuisance under DEC’s own guidelines. The DEC proposed opening the route for three years on a trial basis. In return, DEC would increase patrols by its rangers to help prevent trespassing or other such problems for the landowners.

Despite correspondence and a paddle-through by Amato last summer at Brandreth’s invitation, members of the Brandreth Park Association almost unanimously voted down the trial proposal at its annual meeting on August 1. A Brandreth attorney requested that Amato have DEC ranger and state police prosecute “trespassers” on the disputed waterway. Amato rejected that request and countered by telling Brandreth to immediately remove any cables, signs, field cameras or other deterrents to public passage. He wrote, “The Department has concluded that Mud Pond, Mud Pond Outlet and Shingle Shanty Brook are subject to a public right of navigation, and that members of the public are therefore legally entitled to travel on those waters.” Amato also said that Brandreth’s interference with and actions to impede or prevent public navigation of these waters was “unlawful” and must be discontinued immediately, and if Brandreth fails to comply with removal of impediments, the DEC will evaluate its options, including referring this matter to the Attorney General’s office for legal action.

Amato asked Brandreth to “reconsider” DEC’s proposal and ended the letter with, “In the meantime, the Department is unwilling to acquiesce in the Association’s continued interference with the public’s right to navigate Mud Pond, Mud Pond Outlet and Shingle Shanty Brook.”

Although Brandreth’s adversary clearly is the State, on November 15 it filed a trespass complaint in Hamilton County Supreme Court against a softer target, Phil Brown, editor of Adirondack Explorer magazine, who had written a detailed article about his May, 2009, trip through Mud Pond-Shingle Shanty Brook. Brandreth also asked the court for a declaratory judgment as to whether this waterway is navigable-in-fact under common law criteria.

Brandreth claims that it is not navigable-in-fact because it has no prior history of commercial use and that recreational use alone is insufficient to support a finding of navigability. However, if a waterway can be used for recreational purposes, it has the capacity for trade and travel and, therefore, it meets the common law test for being navigable-in-fact.

The common law public right of navigation has existed in New York since it became a state in 1777. The DEC has advised Attorney General to intervene in the lawsuit that Brandreth instituted against Phil Brown. An answer to Brandreth’s suit must be served on its attorneys by January 6, 2011.

Charles Morrison is a member of the Chapter’s Adirondack Committee and coordinator of the Public Navigation Rights Project. For information: CharlesMorrison@gmail.com, or 518-593-2212.

Luxury development called worst threat to Adirondacks in 40 years

by Dave Gibson

Proposed six years ago, the sprawling 6,400-acre Adirondack Club and Resort (ACR) near Tupper Lake remains on paper one of the most serious threats to the Adirondacks in 40 years of Adirondack Park Agency (APA) history. Its 650 luxury homes and condos would require expensive new services on lands today logged, hunted and fished.

Most of the ACR is proposed on private lands zoned least appropriate for intense development and recreation including with Chapter leaders and members.

The Sierra Club Atlantic Chapter’s Adirondack Club and Resort (ACR) near Tupper Lake remains on paper one of the most serious threats to the Adirondacks in 40 years of Adirondack Park Agency (APA) history. Its 650 luxury homes and condos would require expensive new services on lands today logged, hunted and fished.

New York City
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What You Can Do

The Sierra Club Atlantic Chapter’s participation in the ACR issue was approved by the Chapter ExCom in 2007. The developer’s application remained dormant at the Adirondack Park Agency until recently. The Chapter’s Adirondack Committee is working jointly with Adirondack Wild on this issue.

Adirondack Wild needs to raise thousands of dollars for legal advice and experts in habitat assessment and alternative design that could make ACR compatible with human and wild neighbors.

To get involved:

• Follow Adirondack Wild at www.adirondackwild.org.
• Make a donation to Adirondack Wild, POB 9247, Niskayuna NY 12309.
• Call or e-mail Dan Plumley or David Gibson at djplumley@adirondackwild.org, dgibson@adirondackwild.org; 518-657-2385, or 518-609-4081.

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Vegan gravies and sauces enliven crepes, potatoes, biscuits

by Betsy Naelli

Are you someone who grew up eating “red gravy” — what we non-Italians call spaghetti sauce? Or, was gravy always made with the bits of meat left in the pan and served over mashed potatoes or biscuits? My mother-in-law never really did understand what vegan meant, no matter how many times I patiently tried to explain, would urge me to eat her red gravy, and tell me if the creature itself is not sighted. Hmmmm... no, thanks!

You can make vegan gravy, and it is delicious over veggie-filled chickpea crepes, or roasted garlic mashed potatoes, or biscuits. It's a comfort food of choice for many of us, and just perfect for a cold winter evening. Add a green salad and call it a meal!

Basic Gravy

2T whole wheat pastry flour
2T canola or extra virgin olive oil
1/2 c. tamari or shoyu
pinch of turmeric

Place oil in a medium pan on medium-high heat. When oil is hot, add mushrooms and saute until mushrooms are tender and have released most of their moisture. Add Basic Gravy to pan and stir to combine. Serve.

“Chick’n” Gravy

2T whole wheat pastry flour
2T canola or extra virgin olive oil
2T nutritional yeast
2C vegetarian “chicken” broth (I like to use the Better Than Bouillon for this)

In a medium saucepot, over medium heat, frequently stir the flour until it is toasty and nutty smelling. (Don't rule out cougars when a caller describes nighttime screams. However, to date, no one has shown the photos of a cougar or its tracks to verify a big cat's existence.)

What about bobcats? Odds increase when they enter the picture. As New York and other northeastern states continue to become more forested, habitat for bobcats increases. Never common, these nocturnal hunters are so secretive, people can live near them for decades without seeing them.

Bobcats are masters of concealment. Males in the Northeast weigh about 24 pounds; females grow smaller. Their motiled coats blend seamlessly with natural surroundings. Cottontail rabbits constitute their primary prey. Bobcats in suburbia? Don’t be too doubtful, especially as suburbs continue penetrating more deeply into forested areas.

I am cheating a little here with the method frequently when I want the garlic in that it is not really roasted, garlic, but don't want to either take the time that roasting it requires, or simply don't want to heat up the oven just to roast garlic.

At least 1 head of garlic, (more if you love it like I do) cut into thick slices
about 3T olive oil
5 or 6 large potatoes; — Yukon Gold are my favorites, but any waxed potato will work. Peel if they are not organic; otherwise, just scrub clean and cut into large chunks.

Place the oil in a very small pot over medium heat. When the oil is hot, add garlic slices and turn to low heat. Cook until the garlic is lightly browned.

Drain potatoes, add garlic and oil and mash all together. Season with salt and pepper to taste.
**Group Roundup**

**Long Island**

*Climate action, dark skies, energy research competition*

In October, 2009, the L1 Group organized the 350 Riverhead Street Fair as part of the 350 International Day of Climate Action. Considering a growing share of our national energy use comes from processing, packaging and transporting food, we chose to support a local certified organic farm for this year’s 10/10/10 Global Work Party.

Sierrans were joined by members of Slow Food Huntington (a co-organizer for this event) and other volunteers to help Restoration Farm in Bethpage prepare for the autumn season. After some hard work, we sat down for a potluck picnic.

The often misunderstood subject of light pollution was the topic of our November community meeting. This presentation by Susan Harder, executive director of the International Dark-Sky Association, New York chapter, made it clear that by directing the appropriate amount of light where it is needed saves energy and has numerous benefits for people and the environment.

The audience included homeowners and municipal representatives who participated in the lively Q&A that followed. (For more information: www.darksky.org.) Nassau and Suffolk county students in grades 9-12 are participating in our energy research competition. They will submit proposals for developing an alternative source of energy that can be implemented on Long Island. The goal is to create awareness for the need to develop renewable energy sources.

Winners will be announced in January.

**Bill Stegmann**

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**Iroquois**

*Art galleries provide opportunity for outreach about fracking*

Our anti-hydraulic fracturing efforts took a new turn recently. A local art gallery solicited local work for an exhibit, “A Sense of Place,” about the impact of humans on our natural landscape. Pictures covered the effects of mining of all kinds, including one of a lovely meadow, titled “Hydrofrackin’ Site.” The gallery is in a community with many leases and the gallery owner put together a program of local town planners and community leaders and asked our Group to send a speaker. We sent two, Jack Ramsden and Martha Loew. The meeting room filled, and the interest was great. This was the first audience in some time that was not very aware of the Marcellus gas “play,” so it was really worthwhile.

This is the second art gallery that has been really helpful in the Syracuse area, and it may be a venue others would like to look into.

We are planning a big push for the “Save the Water” campaign in support of a county plan to avoid building any more sewage treatment plants by keeping storm water out of the sewer system. We will be meeting to plan more in February.

The local offshore of Shaleshock ny. Shaleshock cny, is very active and meeting monthly. So all the work of the past year and a half is now a program of its own.

Albany staffer Roger Downs presented one of our best events with his analysis of the state and federal elections. The program was co-sponsored by the Syracuse League of Women Voters. Despite a windy rainstorm, turnout and response were terrific.

**Martina Loew**

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**Lower Hudson**

*Political action, showing of ‘Gasland’ yield good returns*

In the past few months, we concentrated on the NY Senate and Assembly elections. Our crack political team gathered for an endorsement of four Senate candidates and seven Assembly candidates. We worked actively for three of the Senate candidates, calling Sierra Club members in the districts, and, in two cases, mailing postcards as well. In the end, one lost and three won. In the Assembly races, all seven of our endorsing won.

Beyond the elections, we worked on the fracking threat with the Croton Watershed Clean Water Coalition and other local groups by holding a screening of the film “Gasland,” followed by a panel and reception, from all of which we garnered a new crop of activists on the fracking issue.

**George Klein**

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**Fracking is literally a ‘dirty bomb’**

Continued from page 1

The proposed DEC regulations offer no protection for the lake or its watershed. They pose a threat to all water wells, creeks, rivers and lakes in the Southern Tier.

As proposed, New York’s regulations are the worst in the country. Unlike in other states, there is no direct tax on the gas produced, so the state reaps no direct benefit from production. Unlike other states, New York tasks its regulatory agency—the DEC, with the issuance of drilling permits—thus compromising the DEC’s mission as environmental watchdog. Unlike other states, New York can compel a landowner to participate in drilling a well—even if the landowner has not signed a lease; this practice is known as “compulsory integration,” which is illegal in other states.

New York represents a dramatically different drilling regime than other states where horizontal hydraulic fracturing of shale has been developed. For example, Texas is about the size of France, but it has only one natural lake (Caddo). All other surface water sources are impoundments (man-made reservoirs) and all of them are either owned or controlled by a municipality for drinking water, or by the Corps of Engineers. If Cooperstown were in Texas, Lake Otsego would be a reservoir owned by the townspeople and county. Whether to drill next to the lake or fracking under it would be a municipal decision, not a property right.

New York’s proposed regulations treat New York City and Syracuse differently from other municipalities with respect to drinking water sources. The DEC, puts a gloss on its reasoning for such disparate treatment but, not is not likely to survive a court challenge. Otsego County residents should have the same protections as New York City residents—and every Texan.

The proposed DEC regulations should be scrapped. The state should wait for the EPA to issue its new guidelines on horizontal hydraulic fracturing of shale gas wells. And the state should wait for Congress to close the “Halliburton loophole” in the Clean Water Act, so that such wells are once again brought under federal jurisdiction, as they were before the 2005 Energy Act exempted them from regulation.

James Northrup of Cooperstown was in the energy business for 30 years. He has been an independent oil and gas producer in Texas and New Mexico and has owned onshore and offshore drilling rigs in Texas, Louisiana, Oklahoma, West Africa, Brazil and the South China Sea. This article expands on his comments at a public forum on natural gas drilling, organized by the Otsego County Board of Representatives.