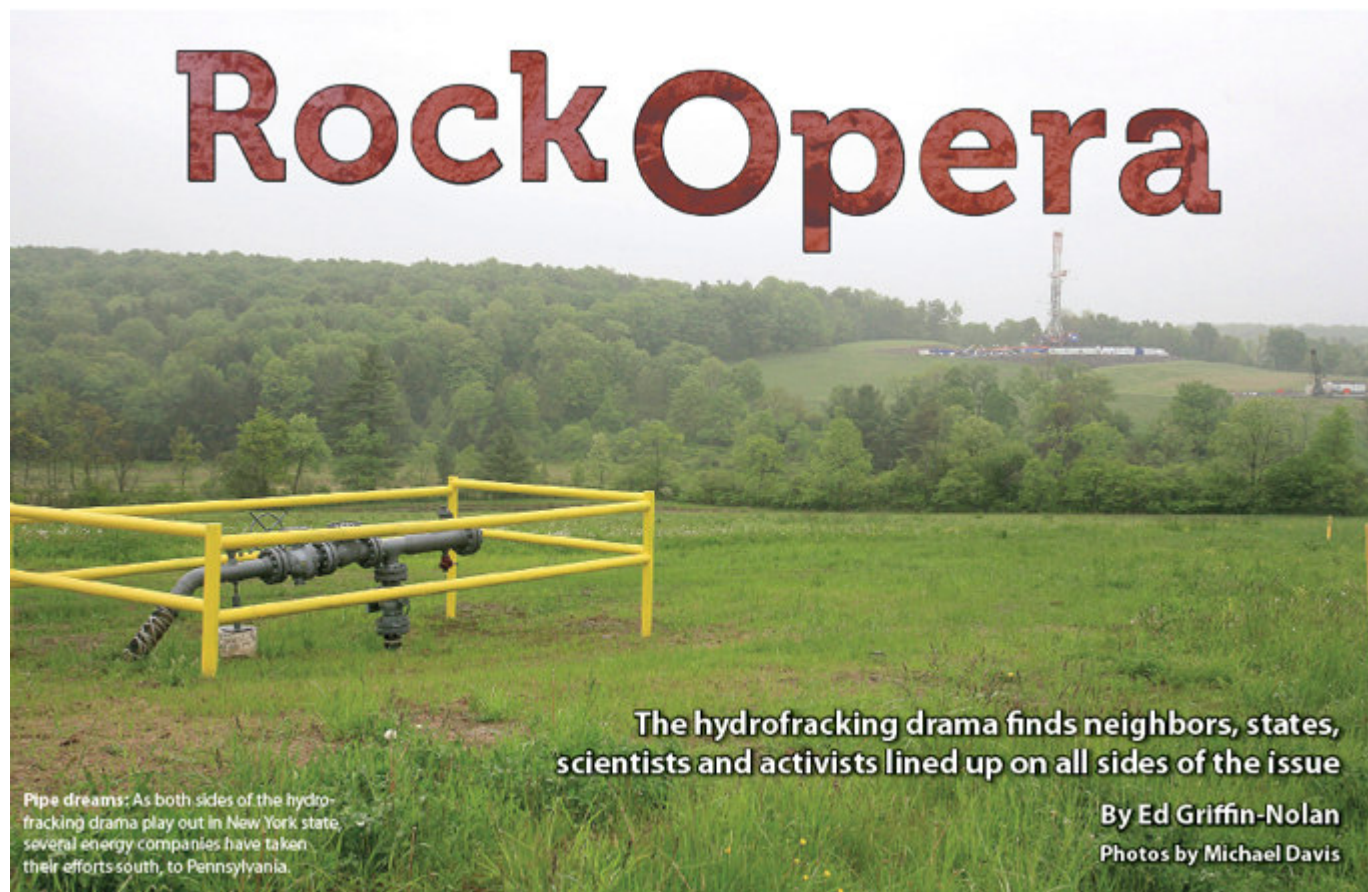


# Rock Opera

Written by Staff



The hydrofracking drama finds neighbors, states, scientists and activists lined up on all sides of the issue

By Ed Griffin-Nolan

Photos by Michael Davis

Pipe dreams: As both sides of the hydrofracking drama play out in New York state, several energy companies have taken their efforts south, to Pennsylvania.

Geologist David Palmerton believes that natural gas drilling in the Marcellus shale could be the nation's bridge to a future of sustainable energy and lead an economic revival for upstate New York.

Chemist Don Hughes thinks hydrofracking in the geological beds to the south of Syracuse would be the worst environmental catastrophe since Europeans arrived and clear cut the old growth forests centuries ago.

Retirees Ed and Joan Kenhart were just hoping they could get their driveway resurfaced.

Whether you view Marcellus shale natural gas as the promised land or an environmental nightmare waiting to happen, the raging debate over hydrofracking that has spread across New York may soon be placed on the back burner. While New Yorkers continue to argue over the wisdom or folly of extracting the trillions of cubic feet of natural gas that may well sit under the state's Southern Tier, leading drilling firms have already begun to abandon the state. The gas is there, all right, but they can't say for sure just how much.



**Frack house:** Some Southern Tier residents welcome hydrofracking, and the monetary boost it will provide them. Among those are Fred Mayer, who shares his \$28,000 royalty check with his daughter, and Ed and Joan Kenhart, who welcome Fortuna Energy's interest in the natural gas underneath their Tioga County property. In Dimock, Penn., a family has placed gallon jugs of water in their front yard, representative of the source water they say hydrofracking has polluted.

Canadian-based Talisman Energy is canceling its leases in southern New York to focus on drilling in a place where they find it less of a hassle: Pennsylvania. According to Talisman attorney and spokesman Mark Scheuerman, his company, which has leases on 600,000 acres, has concluded that, for the foreseeable future, developing the Marcellus shale "is not possible in New York state."

The company with the largest land holdings in the Marcellus

shale, Oklahoma-based Chesapeake Energy, just sold 25 percent of their leasing rights to pay off some debt. Chesapeake calls itself “America’s Champion of Natural Gas,” but not here in New York, where natural gas drilling was pioneered in Fredonia in 1821.

The question “to frack or not to frack?” touches on most of the hot button issues facing Central New York, New York state and the nation. Energy security, global warming, state-federal relations, environmental protection and the proliferation of social media have all played their part. These forces may already have combined to make sure the prospect of drilling for gas in New York dims, leaving some to celebrate while others wonder if democracy New York-style has lost its ability to balance competing societal needs and solve complicated problems.

## Rural Roots

All of that seems far removed from the rolling hills of the town of Candor in Tioga County, an area dotted with dairy farms and modular homes, silos and crumbling barns, and the occasional red and black sign with the words FRACK crossed out. If you leave the highway south of Newark Valley and cross over Owego Creek, a turkey hunter can direct you to the 62-acre plot of land where Joan Kenhart lives on the edge of a pond she and her first husband Howard Potts dug shortly after moving there in 1968.

Her four-bedroom ranch home shows signs of both an earlier prosperity and her hard work struggling to keep up against the tide of economic decline. Just up the road sits the in-ground pool and fenced-in tennis court where dozens of great-grandchildren still like to come and swim. The dock that reaches into the now-silted pond where her children and grandchildren used to swim and skate is getting ready to tumble into the water.



**Chemist Don Hughes, sitting in front of the catch basin at Barry Park:** “With every one of these procedures, there is a failure rate. The more wells you do, the greater the impact would be.”

For years Kenhart ran a garden store in Vestal. Her second husband Ed (Howard passed away in 1991) worked as a produce manager for Grand Union supermarkets, including a two-year stint at the former Syracuse store in Shop City. On a still chilly spring morning, Joan and Ed sit on their porch near the wood-burning stove with coffee and homemade coffee cake and talk about the gas they had hoped would change their lives.

Their Pomeranian Fredo yaps at a visitor. Swallows, finches and the occasional cardinal dart in and out of the trees as the sun burns off a late morning fog that has wrapped up the

entire valley since daybreak.

A manila folder on the table contains the lease Kenhart signed in June 2008 with Fortuna Energy, netting her a check for \$32,160. “It was a real boost to us at the time,” she recalls. “We live on Social Security, and a lot of that gets eaten up in taxes. We were able to take care of a few things and pay off some debts.”

Back in 1999, recalls her husband, representatives of drilling companies “just showed up at our doorstep, trying to secure properties. They offered you a couple hundred dollars once a year {to secure eventual drilling rights}.”

“The first guy who came around was very nice,” adds his wife, a pleasant-looking woman who appears younger than her 78 years. “I probably would have signed anything. I didn’t care to involve a lawyer.” That agreement, which lasted 10 years, was with Fairman Drilling, which later was bought up by Fortuna and, more recently, Talisman Energy.

Talisman has been the largest producer of natural gas in New York state and the leading developer of the Trenton-Black River shale, which sits south and west of Seneca Lake, underneath a good portion of Steuben, Schuyler and Chemung counties. It is just west of the Kenharts’ land, and the couple has heard tales of large finds and large checks befalling their neighbors to the west.

“It was a good deal,” says Joan Kenhart referring to her lease, “but then New York state put the crimp on the drilling.” Last year when they observed helicopters flying overhead and trucks on the road, they thought that drilling was soon to begin. Recently their hopes were dashed. Joan received a letter from Talisman saying that they were not going to extend their lease, due principally to the delay in obtaining permits from New York state.

Had the drilling actually begun on their property, the Kenharts stood to earn another \$90,000, nearly half the assessed value of their home and land. They had hoped to supplement their income, catch up on repairs and get that driveway, which runs more than a quarter-mile from the nearest paved road, resurfaced.

But, says Ed, “they couldn’t get agreement from New York state and they {the company} pulled out of the lease. After the aspect of the environment got involved, it got all blown up—people got all concerned about their wells.”

Unlike many environmental activists working to ban or regulate hydrofracking, Joan isn’t worried about her water or her land. “We have woods here and a pond, and it’s just beautiful.” Is she concerned about what the process of drilling might do to her land? “No, we went to meetings. They had things under control as far as appearances. It actually would be better: They’d put in road, fences, they’d do clearings for us.”

In fact, a review of the Kenharts’ lease shows that its terms obligate the company to test their water before and after drilling and to take all necessary steps to ensure its quality. It also gives her the right to veto company requests for placement of fences, roads and the drilling rig itself.

### Gas Attack

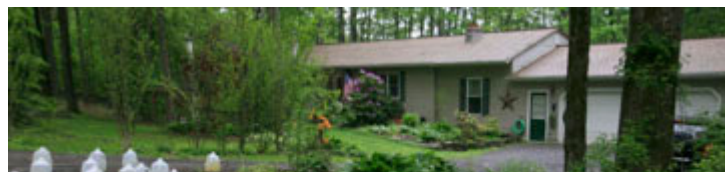
The Kenharts live just a few miles over the hill from Fred Mayer. A disabled Vietnam veteran and father of three, Mayer claims his creek and his well have been permeated by gas shaken loose by Fortuna’s testing. He says he can light the water from his kitchen faucet on fire. His story, repeated in numerous press accounts, evokes a similar episode depicted in the Josh Fox documentary *Gasland*, popular at anti-fracking meetings and teach-ins.

On the day we visit his home the Marine Corps’ Semper Paratus flag is flying outside but Mayer’s faucet won’t produce a flame. He says it’s because he has done the laundry and run the shower, venting the gas from the pipe. First thing in the morning, he says, the blast of gas from the faucet will “blow a coffee cup right from your hand.” The bubbles he says come out of his creek only show up when the water level is low.

(While there has been no drilling on Mayer’s land, should the company exercise its option, the lease his father signed allows them to drill within 200 feet of his house. New York state is unlikely to let them come closer than 1,000 feet from his well).

Neither the state Department of Environmental Conservation nor Talisman fix the blame for Mayer’s problem on gas drilling—in fact, no hydrofracking has taken place in the area. Mayer, an avid drinker, smoker and deep-sea fisherman who travels to Costa Rica each year in search of marlin and roosterfish, earned \$28,000 in royalties from his gas lease last year. He is waiting for this year’s check in the same amount to arrive any day now. He splits it with one of his daughters.

Mayer is not willing to spend the thousands required to get his water tested, and won’t pay a lawyer to file a claim against the drilling company. The gruff old Marine’s solution to the gas in his water? “I want them to get drilling and get that gas the hell out of there so it doesn’t bother my well.”



The Kenharts and Mayer are among the thousands of New Yorkers under some form of contract permitting companies to drill for natural gas under their land. Many of the existing gas



wells, such as those in the Trenton-Black River shale, lie to the west of Mayer's house and are vertical, drilled straight down thousands of feet, through the water table, into the shale. Some turn horizontal, spreading tentacles beneath the earth to harvest a larger field of gas.

The Trenton-Black River wells do not need to be stimulated in order to produce gas. The Marcellus shale will not yield its gas without coercion which comes in the form of hydraulically

fracturing, meaning that the gas company blasts holes in the horizontal portion of the well bore and injects the cavity with highly pressurized water, sand and a cocktail of chemicals. The volume of fluid being contemplated in the Marcellus shale, sometimes millions of gallons per well, is on a scale never before tried in New York state.

It has generated enthusiasm among landowners like the Kenharts, gas company executives and politicians including Gov. David Paterson. Paterson was so hopeful at the prospect that he included revenues from natural gas drilling in his budget for the coming fiscal year. Supporters hope to see thousands of jobs, millions in spending and many millions in tax revenues from what they call the biggest new industry to come along in New York in decades.

It has also led to alarm among environmentalists and residents of rural areas who fear the impact of the drilling rigs on the environment and the Southern Tier lifestyle. Grass-roots groups have sprung up throughout the Finger Lakes and the Southern Tier. Legislative bodies across the state, including those in New York City, Onondaga County and, most recently, Tompkins County, have passed resolutions calling for a ban, partial ban or moratorium on high-volume hydrofracking.

The concerns expressed by environmentalists are legion, but chief among them are: Danger of contamination of the water table; chemical spills into waterways; aesthetic damage from too much trucking and ugly equipment; migration of gas into drinking water supplies; and treatment of contaminated water that comes up from the well after it's fracked.

"You're talking New Jersey-style industrial development in what was an agrarian landscape," says Hughes, who worked until recently for the Onondaga Environmental Institute. "Gas wells, pipelines, slurry ponds. It changes the landscape, and not for the better. There's more to life than money."

According to Palmerton, an environmental consultant whose firm has contracts with the oil and gas industry, the Kenharts have little reason to worry. Palmerton has spoken in a number of public forums on the issue and has grown increasingly frustrated with what he calls the refusal of environmentalists to look at the science behind hydrofracking. "Tens of thousands of wells have been developed all over New York state, most of them in Chautauqua County. Chautauqua County is one of the most attractive tourist destinations in the state," says Palmerton, who shares Joan Kenhart's faith that things will be set right once the drilling is completed.



### **Well: A Deep Subject**

In April, just days after the Deepwater Horizons oil rig fire in the Gulf of Mexico, the state DEC announced that the New York City and Syracuse watersheds would be exempted from a process called the Draft Supplemental Generic Environmental Impact Statement (dSGEIS). It exempts a company or an individual from having to conduct a site-specific study, on the theory that following the outlines prescribed in the generic study will suffice to protect the environment. Political pressure from New York City and Syracuse-area politicians led to the decision, which most observers believe effectively ended the prospect of drilling in this area any time soon.

New York state had regulated gas drilling under a GEIS that dates back to 1992. In July 2008 Paterson determined that

the high-volume hydraulic fracturing was enough of a departure from previous practices that a new draft was needed.

The study (note to insomniacs: the full document is available at the DEC's website, [www.dec.ny.gov](http://www.dec.ny.gov)) spills across 800 plus scintillating pages and has drawn more than 13,000 public comments, which DEC is now considering. As the process drags on now into its third year, public opinion is turning based on the Gulf spill, and natural gas prices are in a slump. Talisman sees no hope for a timely resolution to the problem, and is pulling up stakes.

"The prime cost component is time," says Scheuerman. "It takes 400 days under perfect conditions to do a site specific EIS. We've had a 30- to 40-day turnaround in the Trenton-Black River. If we are forced to do a site-specific EIS in the Marcellus it is not feasible."

Kate Sinding is an attorney with the Natural Resources Defense Council and an opponent of hydrofracking. In a recent interview she expressed the hope that the delay in permitting would lead to more stringent regulation of hydrofracking, so that New York can avoid problems that have cropped up in Pennsylvania, Texas and elsewhere. She expects that drilling, if and when it does occur, will be limited to the Southern Tier. She believes the Catskills should be out of bounds. "There is no acceptable level of risk to the New York City watershed," says Sinding.

But Palmerton believes the concern is misplaced. "Every vertical well in the state goes through the water table," he notes. "If they are properly cemented and cased there is no contact with the groundwater. If you were talking about oil it would be a different situation, but there's not anything that could be caused by a gas-drilling operation that would cover a big enough area to be called catastrophic. Each well is an island. Even if you spilled frack fluid into a reservoir it would be like a grain of sand in an ocean of sand."

Groundwater is found between 400 and 800 feet below the surface, and gas production is at least 2,000 feet below that, and typically many thousands of feet further. Palmerton, like several other geologists contacted for this article, could not think of a realistic scenario that would allow gas to migrate into groundwater. According to the Ground Water Protection Council, an organization of state officials involved in water protection, the chances are about one in 200 million—if the drilling is done properly.

Unfortunately for the gas companies, the weak link in drilling is the cementing process, and a failure to cement properly has been mentioned as a contributing factor in the oil disaster in the Gulf of Mexico. Other environmentalists conclude that there are just too many unknowns and too many dangers for high-volume fracking to ever be considered a safe technology. "The danger is not from one catastrophe," says Hughes. "It's more cumulative. With every one of these procedures there is a failure rate. The more wells you do, the greater the impact would be."

For the moment the environmentalists have gotten what they asked for. Sinding agrees with the DEC's April decision, but insists that it does not go far enough. Market forces and the slow pace of New York's decision making may have pushed the drill craze south of the border possibly for a long time.

For Joan Kenhart, as the hydrofracking ship slips over the horizon, it's the chance to put a little shine on her retirement home that she'll miss the most. "It's such a crying shame," she says. "Our state just doesn't seem to get it right."

*Read part two of this special report in the June 2 Syracuse New Times.*

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