

PUBLIC HEARING
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT
SULLIVAN WEST HIGH SCHOOL
LAKE HUNTINGTON, NEW YORK
JUNE 30, 2011
7:00 O'CLOCK P.M.

Robert Hantman, C.S.R.
P.O. Drawer 2012
So. Fallsburg, New York 12779
Tel.: (845)434-4404

APPEARANCES:

WHITMAN OSTERMAN & HANNA, L.L.P.
Attorneys for DGEIS
1 Commerce Plaza
Suite 1900
Albany, New York 12260
Tel. (518) 487-7600
BY: DAVE EVERETT, ESQ., of Counsel

SULLIVAN COUNTY DIVISION OF PLANNING
& ENVIRONMENTAL MANAGEMENT
Government Center
100 North Street
Monticello, New York 12701
(845) 807-0529
BY: ETHAN COHEN, Chief Planner

DELTA ENGINEERS, ARCHITECT
& LAND SURVEYORS, P.C.
860 Hooper Road
Endwell, New York 13760
(607) 231-6600
BY: STEVE MESSMER, Highway Engineer

1 MR. EVERETT: Good evening, everybody. We're going
2 to get started. My name is Dave Everett. I'm an attorney
3 with Whitman, Osterman & Hanna, Albany, New York representing
4 the Task Force, and the way that I was proposing we handle the
5 public hearing tonight is that I'm going to introduce Ethan
6 Cohen, who is with the Department of Planning, who is going to
7 introduce members of the Task Force who are in the audience
8 tonight; then introduce Steve Messmer of Delta Engineering,
9 who is going to go through and describe the proposed road
10 preservation program. After Steve's presentation, we'll then
11 open up the floor for members of the public to receive public
12 comment on the Draft Generic Environmental Impact Statement
13 which has been prepared in connection with the proposed Road
14 Preservation Program, and for those folks who may not be aware
15 of it, the Draft Generic Environmental Impact Statement,
16 otherwise referred to as the GEIS, evaluates the proposed
17 potential environmental impact of the local Road Preservation
18 Program. It is a required component of the adoption of the
19 Program that is required to proceed via the Environmental
20 Quality Review Act which is a DEC regulation, so with that
21 brief introduction we're going to proceed by introducing the
22 Task Force members and then we'll proceed. Thanks.

23 MR. COHEN: Just for background I'm going to go through
24 who the towns are that are involved in the Multi-Municipal
25 Task Force which is the sponsor, the collective sponsors and

1 co-lead agents, if I have that correctly, for the SEQRA
2 process and for the Road Preservation Program. The Task Force
3 has been meeting since back in 2008. Some towns joined since
4 then, 2009 some, but it's been a collaborative effort. It
5 started with input of our office through the County Division
6 of Planning, and funding grant support initially from the
7 Upper Delaware Council, so that's kind of where we came from
8 in 2008 to '09 and then the groups, the towns have continued
9 to meet, eight of them, that I'll run through for about a year
10 and nine months in the second phase and that's been funded
11 collectively through the towns, which in that funding went
12 primarily or exclusively for the consultant Delta Engineers
13 and the law firm of Whitman, Osterman & Hanna, so I'm just
14 going to run through these towns and if your representatives
15 are here, if you just stand up and I'll note who's here and
16 I'll just mention their names and you're from those towns and
17 they'll think your elected representatives are here, so the
18 lead town in this and the chair for the last year-and-a-half
19 has been the Town of Tusten and Peggy Harrison, the Supervisor
20 is here; (applause) and Board member Lee (Lisa) Dowling, and
21 anyone else here? Ed Jackson, Chairman of the Planning Board
22 for Tusten; (applause) Town of Highland, we have I see Fred
23 Bosch, I believe, Council member; (applause) and Amanda
24 Scully, Council member; (applause) The highway superinten-
25 dents also from all the towns that have been involved in this

1 process heavily in the beginning in developing the road
2 assessment of the existing conditions, so anyone else here
3 from Highland? Okay. Town of Delaware, Supervisor Jim
4 Scheutzow. (applause) Any Council members? John Gain from
5 Town of Delaware Council; (applause) Town of Rockland, Ed
6 Weitmann, Supervisor; (applause) Glen Carlson, Councilman,
7 Town of Rockland; (applause) Town of Lumberland, Jay Shafer
8 or his representative, is he here? Okay. Anyone here from
9 Lumberland tonight? Okay. So Jay and Nadia Rajsz have been
10 representing -- Nadia Rajsz, Supervisor, representing
11 Lumberland Task Force; and then Callicoon, Tom Boise,
12 Supervisor is here; (applause) and Chris Scullion, Highway
13 Superintendent; (applause) Howard Fuchs, Council member;
14 (applause) and Dave Kuebler, right? (applause) Town of
15 Bethel, Dan Sturm, Supervisor, is here; Denise Frangipane,
16 Coucilwoman; Vicky Simpson, Councilwoman; and Deputy
17 Supervisor, Bob Blais; (applause) Town of Cochection, Gary
18 Maas is here; (applause) Cochection Supervisor, Eddie Raum;
19 Larry Richarson, Councilman; and Anna Story, Councilwoman;
20 (applause) Andy Boyar, Supervisor, Town of Highland.
21 (Applause) Did I miss any towns? Alright, I think I covered
22 it, everyone, unless I hear otherwise. Alright, thank you.

23 MR. MESSMER: Hi, I'm Steve Messmer from Delta
24 Engineers. I just think back and three years ago when I sat
25 in a room first with I think it was seven highway supervisors

1 at the time and it was a very interesting experience
2 (inaudible) and it's been really quite an adventure and I want
3 to put to the very last slide because this is a group of
4 people that have really been tenacious and stuck through an
5 incredible process over the last three years and it's had a
6 lot of (inaudible). I'm going to push through to the last
7 slide and show you what I mean by that and then I'll go back
8 to the start. That map right there represents all the places
9 in the southern tier that this process, which was pioneered by
10 this group of people right here and it's proliferated since.
11 It's the Sullivan County Task Force, but we've been spreading
12 this system all over the state and it has gained a lot of
13 momentum, so it's an accomplishment that's not only been
14 really successful here, but it's setting precedence all over
15 the place, so I would give everybody a round of applause for
16 that. (applause) Now let's just flip back to the start here,
17 and I hope I'm going to cover a lot of the questions people
18 typically have about this program. That's just myself, I've
19 been the Project Manager with the Task Force since it started.
20 Bob Harner is our Director that's overseen this project for
21 the last year-and-a-half and also just present throughout the
22 state that I showed you. Delta is a fairly sizeable firm.
23 We're located in Endwell, New York. We have a hundred plus
24 folks on the staff and three offices, so we're well-equipped
25 to deal with this situation process southern tier. I don't

1 think I'll get into too much of this general stuff. I want to
2 get more to the meat of it to use the time as best as
3 possible.

4 This just kind of gives a picture of the situation with
5 roads in New York State. That's what we call our risk pyramid,
6 and as you can see from this pyramid there's levels of risk
7 associated with various roads out there and starting at the
8 top, DOT roads are by and large fairly sound structurally and
9 they're not super at risk in terms of short term, high volume,
10 heavy traffic. They're pretty much built for that. There's a
11 few that aren't. County roads are a mixed bag. A lot of
12 county roads can handle the type of traffic that gas drilling
13 generates or other large scale construction with ease.
14 However, there's some county roads that are also quite vulner-
15 able and it varies a lot from town to town, but of course the
16 real issue is just why we're in this room today is town and
17 local roads and town and local roads stand to be completely,
18 and I'm not exaggerating, they can be devastated by this type
19 of traffic to the tune of hundreds and hundreds of thousands
20 of dollars, which ultimately will go back to the taxpayers and
21 if you haven't seen this type of situation, it's a short drive
22 over the border and you can see it firsthand. So it's the
23 real issue and it's an issue that we were facing and three
24 years ago the Task Force set out to deal with this issue.

25 One of the points I want to point out here is that one

1 of the mandates that we've tackled from day one and which was
2 specified by the Task Force was a nondiscriminatory system.
3 This is not a program developed -- the emphasis has been the
4 prospect of Marcellus Shale, but that's not the technical
5 basis. In fact, it's really a mathematical problem and roads
6 can be destroyed by any type of activity that generates
7 traffic over and above what a road can handle, so this system
8 is truly nondiscriminatory. It just focuses on traffic
9 loading conditions on the in situ structural capacity of a
10 road relative to its normal daytime traffic. So, you know,
11 that's one of the questions we faced all the time when we're
12 talking about this system because, you know, we're drilling in
13 especially Marcellus Shale and that type of (inaudible)
14 environment. The whole spectrum is there from pro to con, but
15 the way I like to put it in perspective is, we were just
16 talking before here, it's just a simple thing. Whether you're
17 on the side that doesn't want gas drilling, you still want to
18 drive on roads. If you're on the side that does want gas
19 drilling and roads are devastated, you don't feel like putting
20 your new (inaudible) into (inaudible), so it's really not a
21 gas pro/con issue, it's just a road issue. Everybody needs
22 safe roads. We have to deal with safe roads, so that's what
23 the system was designed to do.

24 Basically, the system that we envision and that I
25 should say was developed over three years, evolved into a dual

1 system that comprises local law, as well as engineering and
2 that's all for a purpose, because the whole intent is that we
3 don't want as far as possible to have any optional situation
4 that leaves towns at the end of the day bearing the burden of
5 damaged roads. We want a safe environment where there's
6 reasonable legal recourse to recap losses due to this type of
7 traffic, so the loss component is bundled with the engineering.
8 On the other side of the equation, it's often a case in the
9 past that road use agreements have been abused, but they've
10 been abused without adequate engineering. We see it all the
11 time where there's even road use agreements offered up by
12 industry, for example. In some towns in various places in the
13 state that we've been familiar with, have signs road use
14 agreements offered by the industry and that's all well and
15 good until at the end of the day, you know, when the damages
16 occur, now the questions start to be asked, "Well, what was
17 the condition of the road before they used it? What was the
18 condition of the road after they used it? Did they really
19 cause the damage? Did somebody else cause the damage?" and so
20 road use agreement all by itself is not capable of answering
21 those questions, and so they typically get answered in some
22 form of negotiation. Sometimes it ends up in litigation and
23 it doesn't always or even frequently end up in the town being
24 made whole, so the whole issue is, you have to have adequate
25 information data, baselines and preimposed conditions

1 established by verifiable science in order to demonstrate
2 that, in fact, a road was damaged and quantify how much that
3 damage cost, so that's what the whole Delta Program is all
4 about. This is kind of a graphic that illustrates that. The
5 road use agreement is sort of like the queen bee and the
6 worker bees and everybody else serve that road use agreement,
7 so the road use agreement is not just a stand-alone thing that
8 is signed between the industry and the municipality. In fact,
9 it's supported by a whole process of engineering and by local
10 law and by accountable negotiations between the parties. So
11 that's what this illustrates, so we can't just have a road use
12 agreement, we have to have a whole system and that's what the
13 Task Force pretty much understood from day one and when they
14 put forth the specifications that ultimately ended up in the
15 system, that's what we were aiming at.

16 I just want to talk a little bit about the general
17 mechanics of how this system will work, and this is a simple
18 illustration of a hypothetical scenario where we go through
19 basically four check processes when we look at haul routes
20 that are being planned for use for a high type traffic,
21 concentration traffic scenario, so in this case the hypo-
22 thetical we have this project site up there in the left top
23 corner and if we're imagining that this might be a gas well or
24 whatever we're hauling in many, many, many trucks, hundreds of
25 thousands actually trucks of water for that site, and so on

1 the bottom right we have a pump station down there in the
2 river or whatever or water source, so the scenario is one of
3 the haul routes affiliated with that location, you know, maybe
4 this waterfall. Then there will be other haul routes affil-
5 iated with that project. This is just one of them, so natur-
6 ally it's gonna be the shortest route, you know, shortest
7 distance from A to B; it's the middle way there, the red line
8 past the school, the village and up to the project, so the
9 first thing we're going to do is, we're going to look at this
10 haul route from the perspective of safety, public safety.
11 Does the haul route traverse any sensitive areas, like for
12 example, the school or maybe there's a hospital or some other
13 situation there where we don't want that type of traffic
14 impeding normal operations, so in this case we will say
15 hypothetically, okay, the school is a safety concern, so we
16 don't go back and necessarily say that we can't use that
17 route, but we're going to say, look, that's unsafe, it doesn't
18 meet our requirements so let's look at some alternatives
19 because it's not the only route, so the next thing we're gonna
20 do is look at the route down around the left there over a
21 bridge and all the way around to the left over a culvert and
22 up the yellow route, so on the yellow route there's no safety
23 issues, so we're gonna look at things like geometry and
24 structure, so geometry is just basic; is the road wide enough
25 for the traffic? Are there any curves or grades in this road

1 that preclude the type of traffic we're talking about, and are
2 there any bridges or culverts that would be overloaded by
3 these heavy vehicles? So in our hypothetical, you know, maybe
4 the road's too narrow, we have to widen the road, it's too
5 costly, we're not gonna undertake that, or the bridge is
6 substandard, can't handle the load, we're not going to
7 undertake it, so we look at another route and this time we go
8 around the green route to the right there and no safety
9 issues, no geometric concerns, no structural problems. The
10 last thing we look at is what we call the ESAL capacity, which
11 I'm going to delve into more, because that gets into some of
12 the other key questions about who does this law impact and who
13 does it not impact, but the ESAL capacity is simply how much
14 traffic can this road handle before we break its back? Is the
15 capacity high enough for these loads or not? If the road is
16 assessed to be incapable of handling the traffic without a
17 catastrophic failure during the first season of use, then
18 we're going to have to look at upgrading the road and that's
19 very typically what's going on in Pennsylvania. Some of the
20 early encounter they had over there was, they weren't
21 upgrading the roads to meet the traffic initially; they let
22 the activity occur, roads were damaged, and there were interim
23 problems due to everyday traffic when, you know, the road
24 failed, so after awhile they changed their system and one of
25 our people was at a PENN-DOT meeting down there and they

1 changed their policy and they said, okay, we're going to start
2 upgrading roads before they're damaged, so we have a lot to
3 catch up for failure underneath, so if the road is structur-
4 ally incapable of the traffic in the system that we're talking
5 about, it would have to be upgraded before it's used to
6 prevent catastrophic failure and safety compromise and
7 inconvenience to the normal traveling public, so that's what
8 we mean by ESAL capacity. There's also a scenario where the
9 road would not necessarily experience catastrophic failure
10 under use, but it can experience excessive fatigue failure,
11 which would prematurely shorten the pavement life, but not
12 necessarily lead to catastrophic failure. Well, that premature
13 fatigue failure of the road simply means the town has to shell
14 out another twenty, fifty percent for the cost of that road
15 over and above its normal designed life and those are the
16 types of damages that we're going to capture in the system and
17 the activity would be responsible for it. So that's kind of
18 an overview of how a haul route is generally evaluated under
19 the conditions of the system. Part and parcel of this is that
20 activities that generate traffic that hits a certain threshold
21 will submit traffic declarations and haul route declarations
22 to be evaluated in order to conduct this evaluation.

23 I want to get down to a little bit of the science here
24 in a simple way to try to illustrate how this works. One of
25 the key concerns that has been dealt with exceedingly in

1 intense detail of the map of this system, which is quite
2 complex in many states, it's all based on ASHTO highway design
3 standards, which is another requirement set forth by the
4 coalition from day one. They said, "We don't want a home
5 grown system, we don't want, you know, anecdotal system, we
6 want a system that's based on national -- some sort of
7 recognized standard" and that standard is ASHTO. ASHTO stands
8 for the American Association of Safe Highway Transportation
9 Official. They (inaudible) the bible on highway design.
10 ASHTO highway design is widely used across the country as a
11 design standard for highways of all levels, including local
12 roads, so all of the math behind this system is based on ASHTO
13 theory, ASHTO equations and further application of those
14 equations with customized mathematics to apply to the
15 situation, so what I wanted to start off by saying is, one of
16 the fundamental problems that we had to solve is, how do we
17 deal with traffic and how do we isolate and identify traffic
18 that actually damages the road versus traffic that doesn't
19 damage the road? And what it boils down to, is that the first
20 thing that comes to people's mind is about the weight of the
21 vehicle, so there have been many attempts to deal with this
22 problem based on overweight vehicle concepts. Overweight
23 vehicle methods are in the current law. DOT has overweight
24 vehicle limits. Many towns have overweight vehicle limits.
25 The problem in this equation that everybody knows, is that the

1 vast majority of traffic associated with the type of damage
2 we're talking about, for example, it could be a wind farm, it
3 could be a well, a gas well, it could even be a large mall
4 project, but what you're dealing with is many, many, many
5 repetitions of legal loads. All of the loads that go into a
6 project site such as a gas well, they are not overweight
7 vehicles. There's hundreds and thousands of trips of legally
8 loaded trucks, so an overweight approach to regulating this
9 damage doesn't work, because if you try to base it on
10 overweight vehicles, they're not illegal. There's nothing
11 wrong with sending ten thousand trucks down the road based on
12 an overweight vehicle approach. The problem is, that the
13 ASHTO method and the reality I should say, it's not the ASHTO
14 method, it's engineering science reality 101, that it is not
15 an overweight vehicle that ruins the road, it's hundreds of
16 repetitions of vehicles that ruin roads. I will qualify as I
17 say, under the right conditions with spring blowout, a super
18 heavy truck can blow the road, okay, so we'll get that out of
19 the way, but in normal practice it is not the overweight
20 vehicle we're concerned with, so we had to go to do some
21 methodology. We had to deal with the repetition issue and
22 every highway superintendant sitting in this room knows this
23 problem intuitively, so the question is how we deal with it?
24 On the other side of the equation we have the problem of we're
25 not trying to regulate every milk truck, delivery truck, local

1 gravel truck and this system does not do that and the reason
2 it doesn't do it is, we set up what we call a fish net because
3 we're regulating a mathematical combination of weight and
4 repetition. We're not regulating repetition and we're not
5 regulating weight, we're regulating mathematical combination
6 of the two, which is capture in the variable called an ESAL,
7 which is fundamental in the actual map, and the ESAL I'll
8 illustrate here with this graph. I wish I had another
9 paperclip slide. If anybody was at the presentation last
10 Friday, you would have seen this. It's like a paperclip. If
11 you take a paperclip and you bend it at 45 degrees, it will
12 take X number of bends before that paperclip breaks. If you
13 bend the paperclip at over 90, say 130 degrees, it takes less
14 bend for the paperclip to break, so that's how a road is. The
15 more traffic that goes over it, the road flexes. It literally
16 does this, and the number of flexures to failure is a design
17 parameter, so the heavier the truck and the more of these
18 flexures, the quicker the road fails, so that's with an ESAL.
19 An ESAL is one pass of one eighteen thousandth's chip road on
20 one axle over one point on a road, and we quantify those and
21 on the left of this scale here is ESALS and on the bottom of
22 the scale is time and so what we have is a relationship
23 between ESALS and the life of a pavement, and the blue line
24 represents the failure or a strength envelope of the in situ
25 road that we're looking at, so the higher the ESALS on the

1 road, the point on the blue line shows a very short pavement
2 life. Like in this hypothetical 300,000 ESALS equates to the
3 pavement lasting only one year. Now, that would be maybe a
4 half-inch of asphalt or something like that. On the other
5 hand, if I only put 5,000 ESALS on the road in one, it will
6 last ten years, so that's the lower point on the blue line, so
7 the blue line represents the strength envelope of the road.
8 So, there are examples here; the red line, the red horizontal
9 line represents what we call the baseline traffic on that
10 road. The baseline traffic is the normal daily traffic that
11 the road experiences, which we calculate with a traffic
12 counter that you see the tubes across the road, it's a traffic
13 counter which counts the baseline traffic. Then we can
14 convert that to that load equivalency factor which is the
15 ratio of the number of trucks and cars used on the equation,
16 so the red line represents the normal load condition of that
17 road, so under normal load condition our hypothetical example,
18 the road would last five years under that ESAL loading. Now,
19 the important thing to note is that red line includes school
20 buses, the milk truck and all the local traffic on your road.
21 We're not regulating those guys. They're included in the
22 baseline traffic. And then on past analogy it's a lot more
23 complex than this. I'm trying to keep it simple. We actually
24 convert this to weight theories and we compare weights and
25 spikes and frequencies, but anyway, the red line represents

1 baseline traffic. The green line represents an allowable
2 margin over base, so statistically and in reality baseline
3 traffic is never a flat line, it actually fluctuates and has
4 a lot of variations in it, so the red line represents a
5 normalized statistical type average. And then the green line
6 represents an allowable deviation from the norm and we say
7 anything in the hatched area is considered an acceptable
8 deviation from base, and so if a project falls under the red
9 line or within the hatched area, it's not regulated and that
10 hatched area eliminates tons and tons of normal smallfries and
11 what we call a fish net. The small projects, you know,
12 they're not going to be caught because the type of ESALS that
13 ruin the roads are big spikes on the curve and mathematically
14 they're way different, so the black line represents a project
15 where the ESALS way exceed the baseline and the green
16 threshold, they're way above it, and if you follow the last
17 line over and around, it reduces -- that traffic would be
18 capable of reducing the functional life of a pavement by fifty
19 percent in one year and that's the type of mathematical
20 situation we're dealing with here. Normally it would take
21 five to ten years for that damage to occur, but the level of
22 ESAL loading on that road is so high, it would literally
23 fatigue the road to fifty percent of its usable life within a
24 single construction season. That's what we're talking about,
25 so that's how the ESAL concept works and that's all based on

1 very rigorous AASHTO mathematical modeling.

2 Now, the next important concept is, that's this. This
3 is what we use as the mathematical basis for identifying an
4 activity that poses a consequential risk to the road. This is
5 not what we use to calculate the actual damage to the road,
6 because this is a statistical imperical predictive model that
7 is not a mechanistic measurement of actual structural damage,
8 so this is how we assess risk, so if that project exceeds the
9 green line, it goes into what we call a high risk category, so
10 when it's in a high risk category the system doesn't say you
11 pay for the road at this point. It simply says at this point
12 you're high risk, we're going to monitor your activity, and
13 now we enter the prepost testing phase where we're actually
14 going to establish the condition of the road before it's used
15 and the condition of the road after it's used and then we are
16 going to have mechanistic actual distress testing to prove
17 whether the road's actually damaged or not, so the first map
18 simply says it's high risk or it's not. High risk, we're
19 going to look at, so this is how we look at it. The next
20 concept that we use fundamentally from the AASHTO method is
21 what's called the structural number index. The structural
22 number index is a coefficient that represents the relative
23 structural capacity of a pavement. The structural number is a
24 function of the structural layers of the pavement; that means
25 the asphalt, the gravel and the native subgrade soils that

1 underlie the road, i.e. the roadbed, so the structural number
2 of a road is unique to every road. Just like your fingerprint
3 is unique to every person, every road has a unique structural
4 number calculated based upon its physical makeup. Structural
5 number also varies seasonally, which highway guys will tell
6 you, because every spring we have our wonderful spring blowout
7 because our subgrade goes to cracks due to moisture, so the
8 (inaudible) is very seasonal. The system accounts for that,
9 because if we do preimposed testing at the actual time of
10 the project so it's calculated with the seasonal variation
11 included, so the simple formula is, that we calculate the
12 structural number of the road prior to use based on
13 determining the thickness of the pavement and the condition of
14 the pavement, the materials of the pavement. They also go to
15 an actual equation to give me the structural number we get
16 before and then we allow the road to be used for the purpose
17 being proposed and after the road is used, we go out, we do a
18 post-assessment and we recalculate the structural number and
19 we physically inspect the road and we measure the distresses
20 and there's many different ways of measuring the distress,
21 depending on the type of road and the value of the road and
22 all those things are layed out in our manuals and our method,
23 so then we can recalculate the Delta (inaudible), subtract
24 preimposed (inaudible). If there's any statistically
25 significant Delta (inaudible), that means the road is, in

1 fact, degraded under use, so further in the AASHTO method we
2 can go through and we can convert the structural number index.
3 The change in structural number index can be converted
4 directly to inches of paving material, so if the change in
5 structural number was a 1, AASHTO provides methods to
6 determine how much gravel or asphalt we would have to replace
7 on the road to restore the lost Delta (inaudible) of loss. So
8 the way the system works is, the baseline structural number is
9 determined and at the end of the day the developer, the activ-
10 ity is responsible to return that road to that original struc-
11 tural number, so if the structural number was 3 and they con-
12 sumed it to 2 in one season, they would have to put it back to
13 a 3 and that can be done in many different ways and then that
14 comes down to the highway superintendent's choice of how he
15 wants that to occur, so that's the basic theory of the system.

16 The last thing I want to talk about a little bit is how
17 we implemented the system. It's a three phase process. In
18 order to implement this, we have to establish a baseline
19 survey of the highway network in each town, so we have to
20 understand the general structural nature of the town roads,
21 so we do a road rating assessment. We have to understand also
22 the typical treatments that the highway department uses in
23 their repair and maintenance and construction programs, so we
24 obtain from the highway departments their typical treatment
25 methods and we also get all their unit costs for their labor,

1 equipment and materials and all the reports are based on
2 survey data base, and the reason we have all that information
3 is because when it comes to assessing the damage done to a
4 road, we use the actual methods, materials and cost and in
5 that particular town to develop the damage assessment that the
6 activity is liable for, so we're not using, you know, numbers
7 -- we're trying to keep those numbers as close to the source
8 as possible to keep your system fair and objective to what
9 actually occurred on the ground, so all that information goes
10 into the baseline survey, that's what phase one is. We
11 undertook the baseline survey for the coalition in the first
12 year, in 2008 I guess it was, and we completed that and in the
13 past year two new towns joined us, Bethel and Rockland, and
14 we've completed that and we're closing that up now, the phase
15 one part for the two new towns. Phase two is where we
16 provided the law. Dave and his crew provided the model law
17 and of course the DEIS process that we're now doing solves the
18 legal components of the system that have to be evaluated and
19 implemented in the towns and that's phase two, so right now
20 basically we're wrapping up phase two is what we're doing
21 right now. Once phase one and phase two are complete, the law
22 is in place and the system is off and running so-to-speak.
23 Then when activity occurs in any town that, you know, exceeds
24 those thresholds we talked about earlier, then the system
25 would be applied and preimposed assessment to the activity and

1 so forth, so that's kind of a prepaid process and that brings
2 me to the last slide that we started with.

3 MR. EVERETT: Thanks, Steve. Now we move to the public
4 comment portion of the meeting. Just quickly before I do
5 that, the purpose of this meeting as I had said at the
6 beginning, was to receive public comments on this program and
7 on the Generic Environmental Impact Statement which is this
8 document and the document in the binder there which evaluates
9 the potential environmental impacts under this program. The
10 way the legal process works, is that this document has been
11 prepared, it's now open for public comment. We'll receive
12 public comment tonight. There's also written public comments.
13 If you don't feel comfortable speaking tonight, you want to
14 send an e-mail or you want to send your comments in writing,
15 you can do that and what we will do is, receive your
16 comments tonight, as well as your written comments. The Task
17 Force is required by law to respond to all those comments in
18 writing and then all of that is put into what's called a Final
19 Generic Environmental Impact Statement. Once that is
20 finalized, it will be complete by the Task Force, they will
21 then go ahead and adopt under the law called findings and
22 after the findings have been prepared, each municipality which
23 has participated in the Task Force is then free to go ahead
24 and adopt the local law and essentially effectuates that which
25 carries out this program. The municipalities cannot adopt the

1 law until this Environmental Impact process is complete, so
2 with that I'd like to open it up to the public. Please come
3 down, if you want to speak, come down to the microphone. I
4 would ask that you state your name and please identify what
5 town you live in and then just provide whatever comments you
6 can or you want to. This is not a question and answer public
7 hearing, this is a public hearing for the Task Force to hear
8 the comments and then the Task Force takes all the comments
9 back and prepares written responses and, you know,
10 contemplates them and discusses them and deliberates on them,
11 so right now the purpose of the hearing is for us to accept
12 any comments that members of the public wish to have, so with
13 that, I'd like to open up the public hearing and you folks
14 feel free. (an audience person asked a question) You have to
15 come down to the microphone, ma'am, and you have to identify
16 each of your names for the record.

17 MR. LUNDGREN: My name is Steve Lundgren. I reside in
18 the Town of Delaware and I got just a couple of days ago I
19 opened up on the computer the 538 page PDF document. I don't
20 know when this was first available to the public that I'm
21 aware that the written comment period I think is July 18th or
22 something like that. It seems to me that this is for such a
23 complicated issue, the documents, you know, the complex legal
24 foundation for it, as well as the traffic engineering and all
25 of that, I think that it's prudent and reasonable to request a

1 longer period for public written comments and I want you to,
2 you know, give that your strong consideration. The other
3 thing, the first thing that came to mind is, I tried skimming
4 through this was, it seems like there are a lot of additional
5 responsibilities, financial as well as, you know, just a task
6 that the individual towns and their highway superintendents,
7 the town board members are all going to have to assume and I
8 haven't been able to see clearly where the towns, you know, or
9 the individual workers say that the town highway superin-
10 tendent whose responsibilities are going to increase greatly
11 if -- are they going to be compensated for this? And the
12 baseline testing that you've talked about, first I do need to
13 say that from what I've seen is, you've done -- you know, have
14 been very conscientious and doing a very thorough job; at
15 least it appears that way. You know, I can't tell because,
16 you know, I'm not an expert in this, so I'm not suspicious of
17 your motives or your methods or any of that stuff, but it
18 seems to me it's not very clear to me how, if the towns are
19 going to be required to establish these baselines, you know,
20 it appears to be like a task on the individual taxpayers in
21 the town that we've got to apriori, you know, establish the
22 baselines and, you know, how do we know, what guarantees do we
23 have that the end consumers or users are going to pay every
24 single penny of additional cost that the towns are going to
25 have to absorb? Thank you very much. (applause)

1 MR. EVERETT: Thank you.

2 MR. FERGUSON: Bruce Ferguson, the Town of Callicoon.

3 (A lady from the audience spoke)

4 I share Steve's concern about costs, which I'll get to
5 in a minute, you know, so I agree that the public comment
6 period should be extended. This is too complicated to get
7 through in a matter of weeks. I don't think we've even been
8 given a full month to look at this. I'll be submitting
9 written comments, but a few points I want to highlight. One
10 is, this is a very important procedure and a very important
11 document. In the document, the GEIS should try its best to
12 paint an accurate picture of what we can expect as this
13 process goes forward and I think it falls short in a number of
14 ways. For example, there's no mention of the amount of truck
15 traffic that a well would bring to the towns. I did the math
16 earlier today and when you count sand, the proppants, fluids
17 coming in, coming out, you get anywhere, depending on the size
18 of the truck and the amount of fluid in a well, anywhere
19 between 600 and 2000 truck trips per well. If you got a well
20 pad with six wells on it, you're talking about 3,600 to 12,000
21 truck trips to that one site. This kind of information should
22 be reflected in the GEIS and it's completely missing. Another
23 thing I found troubling was the appendix that talked about the
24 material safety data sheets. It gave sample chemicals used in
25 the process. There are a great many known chemicals and

1 products that will be used in Marcellus wells. You can
2 inquire them like I did from the DEC. There's no pieces that
3 give a sample list of what chemicals we're going to be dealing
4 with. They should all be included in the GEIS insofar as
5 possible. Another area where the GEIS really falls way, way
6 short of what I think what's required to paint the picture of
7 what's going to happen here is, when it talks about community
8 impact. There's no mention of all of the things that are
9 known to happen when transient workers and an extractive
10 industry comes to town. I'm talking about the increase in
11 crime, prostitution and drug use, etc.; I'm talking about the
12 boom and bust cycle that typically leaves towns worse off
13 before the drillers came than they are after. None of this is
14 even referenced in there. There are economic studies out
15 there. These should be at least referenced in some way I
16 think; they're completely missing. Another concern is
17 hazardous waste. There's no mention in the GEIS, the draft
18 GEIS, that under New York State law hazardous waste from
19 drilling is not considered hazardous waste. In other words,
20 there's a loophole in ECL 23 that permits this industry alone
21 in this state to transport hazardous waste that is considered
22 industrialized merely on the basis of the industry that
23 produces it. This has to be in the GEIS and has to be
24 referenced in the mitigation plans and it has to be there to
25 protect first responders for one thing, because if you see a

1 truck going down the road with waste fluid and you think it's
2 merely industrial waste, you don't know what you're getting
3 into if you go to respond to a spill or an accident. This
4 must be in the GEIS. And finally, getting back to Steve's
5 point, the all important question of cost. This is not really
6 -- we don't get a complete picture of who's paying for the
7 cost. Like Steve said, our town boards and zoning officers
8 and highway superintendents are going to do a great deal more
9 work than they have to do now. They may even need further
10 education than they have. Some of this stuff gets very
11 complicated. I don't know how many people have understood
12 this presentation. Thank God I don't have to deal with it,
13 but people will have to deal with that and I think there may
14 have to be costs associated with education for these people.
15 I think we should recoup the cost for this Task Force itself,
16 that cost, I don't know how many tens of thousands of dollars
17 to our town. This is part of the cost of doing business. All
18 of these need to be included and picked up and I don't see any
19 evidence that's going to happen. The other areas where costs
20 comes in is in mitigation and enforcement. For example, you
21 talked about the air quality problems that we all know that
22 we're going to have when we have tens of thousands of trucks
23 on the road, diesel trucks idling and emissions and so on,
24 who's paying for the enforcement? Is this going to fall on
25 the towns? All of this needs to be carefully specified. We

1 had the Town of Cochection here when they put the Millenium
2 pipeline through, we had about a million dollars worth of road
3 damage that they never recouped from the Millenium pipeline.
4 We do not want to see this repeated here. Everything that has
5 to do with this entire process, including the cost of
6 conducting this meeting, should be paid for by the permitted
7 users. Thank you. (applause)

8 MR. EVERETT: Thank you.

9 MR. ALLISON: I'm Jeff Allison from the Town of Bethel
10 and I thought it was a Q and A session, so most of these are
11 in the form of questions that I'll try to turn them into
12 comments. One, related to the cost and what would be the
13 annual cost to each town for this kind of process to be admin-
14 istered? The second one dealt with the resolution itself in
15 the road use agreement. The proposed town resolution talked
16 about the definition of construction activity and concentrated
17 traffic, and yet in the road use agreement it only talks about
18 construction activity. What would happen if the activity
19 happened in another town? Yet they were using our roads to
20 come and go, and the way the road use agreement reads to me, a
21 layman, and I could be misreading it, is that the construction
22 activity has to occur in the town. That's why I think that
23 the proposed road use agreement needs to contain both refer-
24 ences to construction activity and concentrated traffic.
25 Another question that I had is, if additional resources such

1 as staff are needed to manage the process, who's going to pay
2 for them? Can we use the application fee that is in the
3 agreement? Can we set it high enough to recover some of those
4 resources or can we initiate our own local impact fee to pay
5 for that kind of thing? Article 6 of the Resolution says that
6 an applicant shall have the option of entering into a road use
7 agreement with the town. Why would it ever be optional? Why
8 wouldn't it just be required? Can we mitigate noise, odor
9 emissions, pollution dust, etc., all those impacts through
10 this agreement, or do we need to do it through zoning
11 processes? Can we incorporate more of the impacts into this
12 agreement? In Article 9 of the Resolution it talks about
13 "exempting a business from the local law." Why would we
14 exempt anyone from the local law? I understand the exemption
15 for between the red line and the green line and the hatch-
16 marks, I understand that, but why would we otherwise exempt
17 any business from this law? If a local bridge is falling down
18 and you cannot travel across it, but that's the only route,
19 would they build that bridge? Would they be responsible for
20 rebuilding that bridge before they enter into this process or
21 afterwards? Can we have an agreement where they pay up front
22 rather than the town? Cash flow is a problem. Can the per-
23 mitted user actually pay up front, rather than we pay and then
24 they reimburse? And my final question really is not a ques-
25 tion, it's a comment. I think that if Delta has taken this

1 Multi-Municipal Task Force and spread it around the state, I
2 think we deserve a commission. (laughter & applause)

3 MS. McFADDEN: Hi. I'm Lori McFadden and I'm from the
4 Town of Cochection and I'd first like to thank all the towns,
5 Town of Cochection, and everyone else for the time they put in
6 on this. I also thought this was a Q and A, so mine are
7 probably more in the sort of questions. It seems to me in the
8 presentation that there are two basic assumptions that have
9 been made. One assumption is that everyone here is a good
10 planner. The other assumption is, that they're going to use
11 our roads whether we like it or not and whether the residents
12 want it or not, so my first question when you mentioned
13 alternate routes was about the safety issue and you pointed
14 out a school as an example as a safety issue. I'm assuming a
15 school is a safety issue because it's filled with children.
16 Well, at the end of the school day those children go home and
17 those homes are dispersed everywhere, so I would also suggest
18 that all the homes in which those children and other people
19 live are also safety issues, so what I'm requesting is the
20 definition of a safety issue. Is it a concentration of
21 people? Is it a concentration of people under a certain age?
22 If my home is damaged, to me that's a safety issue, so that's
23 a question. The other question I had was about the term
24 upgrading the road; that if a road is not sufficiently robust
25 for this activity, that it will be upgraded, and my question

1 is, can it be upgraded by the industry by right or can a town
2 say that that road cannot be used? Now, I think the term
3 "upgrade" depends on which side of the road you might be on.
4 I live on a small rural road. It's, you know, blacktopped,
5 there's no yellow line. To me, if that road were widened and
6 I think to other residents on the road with the yellow line,
7 that would not be an upgrade to anybody but the industry, it
8 would be a downgrade to me. A basic question is, all of this
9 is about what will happen when they say is it in your view?
10 Is a town through zoning or otherwise able to say that this
11 heavy traffic is not permitted on any road? My other question
12 is, we're talking about assessing damage and liabilities.
13 Others have mentioned, if the first phase is the inventory,
14 well, this sort of activity doesn't all start at one day.
15 There's a company coming here, a well there, a well there.
16 Are they required to redo this inventory everytime a new
17 activity is begun, which would be an incredible, you know,
18 cost to the town unless it's the permitted users that are
19 going to pay it. There are also not just one corporation
20 that's conducting this business, but many. Are they going to
21 be held jointly and severally liable for this and damage meted
22 out on a prorata usage or are they going to argue amongst
23 themselves that it was this truck or that truck that did it,
24 but it certainly wasn't our trucks that did it; and again, the
25 Cohecton situation with Millenium pipeline, it's fine to say

1 that whoever causes the damage will pay for it, but we all
2 know that's the course of litigation deciding who caused
3 damage. I'm also asking who monitors? Is that also the town
4 and is that a cost? Does there have to be more people? And
5 what is monitoring involved and what is the standard of
6 monitoring? Again, this is assuming everyone is a good
7 player. Thank you. (applause)

8 MS. ROTH: Good evening. I'm Jane Roth of Cochection.
9 I have grave concerns about the inadequacy of the DGEIS.
10 There are statements of impacts and mitigation that this isn't
11 related at all to what we know is probably going to be the
12 biggest covered activity under this law, which is gas
13 drilling. And as a previous speaker has mentioned and as also
14 the presenter mentioned, the volume of truck traffic is
15 enormous. You know, 4,000 drive-bys for one well translates
16 into 20,000 drive-bys for one well tag; with five wells,
17 enormous. I'm going to submit written comments. I'm just
18 going to give you some examples of things that I object to in
19 terms of the inadequacy of the statement which is in the
20 DGEIS. First of all, the land impact is described generally
21 or most frequently as being temporary; that the land impact
22 will be temporary, and that they will be mostly limited to
23 previously disturbed or developed areas. I don't see how
24 that's possible. And once you upgrade a road, that is not
25 temporary, that is permanent; and upgrading these roads in our

1 rural towns, basically, you're moving towards the industrial-
2 ization of a rural area. Impact of noise, which will be
3 incredible with, you know, 2000 trucks driving by in whatever
4 period of time; and the mitigation method measures are just
5 unrealistic. It says "Widening roads in order to increase the
6 setbacks between residences and the truck traffic." This
7 isn't even going to be possible. The road I live on, if it's
8 widened, it's going to be in my living room. I mean, you
9 know, it just doesn't make any sense. Other things saying
10 "Use of electric or natural gas powered vehicles." There are
11 no substitutes for diesel trucks that I know of these days. I
12 think one of the things I object to greatly in the DGEIS in
13 terms of mitigation is a list of measures that in no way are
14 going to be used in our towns, and in some instances there are
15 things that are said are used elsewhere that are prohibited;
16 using fracking fluid or well ground water or well return water
17 or anything, that can't be used. I mean, for mitigation of
18 things to discuss, it should not be in this document. I think
19 the DGEIS should just identify those things which realistic-
20 ally may be used so that we can evaluate whether this is
21 actually possible or not. The impact of emissions, I mean,
22 again, this number of trucks, it just doesn't seem like it's
23 going to be -- I can't imagine what possible mitigation
24 measures there are for it, but in any case, there should be
25 something that is just a little bit more realistic statement

1 of this in the -- and I think probably the growth and
2 character of the community which has already been alluded to
3 by a previous speaker and which whatever one might say about
4 what may come in with gas drilling in terms of increased
5 crime, so on and so forth, one thing is for sure, the
6 character of these communities will be changed and that is not
7 nothing. I mean, it's truly something that should be seen in
8 the DGEIS, I mean, really clearly described and I think the
9 reason all of this should be in the DGEIS in much better
10 descriptive fashion is because the law then has to respond to
11 that and if it doesn't, then something has to be done about
12 the law, something has to be changed; and one of the things,
13 of course, that could have been done in this law and which I
14 think might possibly still be done is that certain roads could
15 not be used. The residents will not agree to upgrades, not
16 the corporation or the gas driller or whomever else, but the
17 people who live on the road will say "We do not want a road."
18 (applause)

19 MR. EVERETT: (Inaudible)

20 MS. ROTH: No, I don't (inaudible)

21 MR. EVERETT: Okay, thank you.

22 MR. JOHNSTON: Good evening. My name is Charles
23 Johnston. I'm a resident of the Town of Callicoon. I have
24 properties in the Town of Rockland. I'm a large landholder in
25 the Town of Fremont. My business is in East Branch, New York.

1 I formerly had a sawmill. Now I take care of timberland for
2 people, manage my own lands. Some basic concerns, although I
3 must compliment the group in the effort that's being put forth,
4 obviously in Pennsylvania you have both sides of the coin
5 where roads get overbuilt and you have whether pro-gas or
6 anti-gas people where they're unhappy with either the timing
7 of repairing roads that have had damage to them or having the
8 criteria as you're setting forth for going about doing it.
9 I'd like to comment, and I honestly just got this document
10 today. I went to the Town Hall and I see it's this thick,
11 it's not available, so I'm going to have to go and read it
12 more closely on-line and prepare written comments, but
13 initially off the top of my head some things hit home. The
14 first thing is in the definition of Section 3 of "What is
15 construction activity?" That's an extremely vague description
16 of who might be implicated on this, especially where you start
17 talking about any kind of land disturbance or improvement of a
18 parcel. If you connect that with your definition of construc-
19 tion of concentrated traffic, there's really no specified
20 number of minimal uses on an interim basis on a road where a
21 person, for example, who is doing some timber harvesting for a
22 landowner, would he be required to then go to the town imme-
23 diately? Whether there's a logging permit or not in the town,
24 is it his requirement, then, under the statute if it's
25 approved as proposed, to go in and say "I'm going to go take

1 three loads a week; I don't own a truck of my own, but I sell
2 to a gentleman who has an R permit," and is it going to be a
3 requirement on his part to go and ask this engineering company
4 for the survey as to the road that he's gonna use, whether
5 what these limitations are that you just showed us in the
6 formula? It's a pretty open-ended thing and I don't think
7 it's properly discussed. I'm more concerned -- obviously, I
8 want to see the -- I'm very happy about the prospect of
9 having the road agreements where they're done properly and
10 where some of the language that I read in your document
11 where you basically after five days if they haven't performed
12 you're going to shut them down, put them in jail, do whatever
13 you're gonna do, but I'm really concerned about the other side
14 of it where you're gonna have small contractors who live in
15 these towns who occasionally may want to haul heavy equipment;
16 they may have neighbors that don't like it, and in this
17 document going further, you have an indication that there is
18 recourse under the NEPA Act. What in God's name do you need
19 the NEPA Act in a town law for? This is not federal activity
20 on the part of running these trucks up and down the road.
21 The NEPA Act is the same kind of issue that you have where the
22 Attorney General just sued the DRVC alleging that a compact
23 suddenly has federal diversity. Once you introduce federal
24 diversity in your towns, every disgruntled person, whether
25 they're pro-gas or anti-gas, is going to be suing you and the

1 gas company as a deterrent not to have activity in the town.
2 It works to the detriment of both parties, both in legal costs
3 and otherwise. The NEPA Act, then, definitely should be
4 removed. The second thing is or the next thing is, in Section
5 11 I'm a little confused about the open-endedness of the
6 statement that the consultants have no time limit to act on
7 any decision, and I presume in looking at your report, which
8 I'm going to try and do in detail or hire experts to help me
9 look at it to make sure that the aspect of if you have all
10 these town road evaluations, if you have those documents in
11 place or did you just do cursory evaluations looking at them
12 basically to see what they were, what's it going to take to do
13 this? Does it start from scratch everytime you have a town
14 road? Because in most of the town roads in taking southern
15 Sullivan County and looking during the middle of the winter
16 and you're talking about seasonal differences with spring
17 breakup and the like, if you're in the Town of Wawarsing,
18 spring breakup is February 15th when the sun hits the warm
19 side of the hill. A lot of the roads in those towns thank God
20 they're not in the Marcellus, have no base, and so people that
21 have any kind of heavy activity are immediately forced off the
22 highways. The school buses, the milk trucks and everybody
23 else on the roads, they get destroyed and the towns that go
24 farther north here in the 35 years that I've been in business
25 in the area and mostly in Delaware County and Sullivan and

1 Ulster, you know, if you're responsible you'll go see the
2 highway superintendent and they'll tell you when it's
3 springtime to get off the road and you stop. In the situation
4 we have here where you're gonna have a road agreement, what
5 criteria are you going to have for that intermittent type
6 activity that maybe because they just all have to get off the
7 road during that time or are we going to be building these
8 roads in advance to specs that are going to allow say what
9 Cabot is doing in Dimock where they built the road that
10 exceeds specs and they can run up and down, it doesn't matter
11 what the weather is. Practically speaking, if you're going to
12 be on a lot of these back roads and in the Town of Hancock is
13 a better example, they're all dirt, so it's really not going
14 to matter what happens, they all get posted. It becomes a
15 problem, though, for the small independent who may be having
16 any kind of business in the area, how he's going to be able to
17 access that and do business. It becomes impossible to the
18 landowners if they can't get their money or they have to go
19 hire someone else that, you know, has a permit or has to go
20 through this. Small contractors don't have the time or money
21 in this kind of economy to address all the criteria that's
22 going to be coming down through the guys that really have to
23 have it with the gas companies. The other thing, and I didn't
24 have time to look at it today, is there a way to get ahold of
25 which the company's program and tech manual is, to have it

1 evaluated and how the system works or is that just something
2 you're going to do as you go after the law is adopted? Why
3 wouldn't it be made part of the law, frankly, and before the
4 towns are going to vote on it? Is it in there? And let's
5 see, in terms of making a judgment with regard to the map you
6 showed about a town, why wouldn't there be a system if we're
7 getting organized this way, where certain roads were document-
8 ed that this is what they have to be used for regardless at
9 certain times of the day? We always think about it in terms
10 of school. It's probably impractical, but how are you going
11 to have a delineation for the town highway guys and for the
12 domestics and for the gas company? The lawsuit that's going
13 on right now in Chesapeake and PENN-DOT, which is basically
14 the reverse in some of this in many ways, because of ten ton
15 limits it's created an unbelievable problematic situation for
16 subcontractors who are doing work, not necessarily related to
17 activities related to gas, because of the timing factor of
18 getting permits and to getting into operation. Time is money.
19 How much money is there in all these things right now? Unless
20 you're working in the gas business, people are really having a
21 hard time, so I think these kind of things need to be worked
22 out and to be more specified, so if you're going to -- because
23 local people can't work by the wink of an eye in terms of
24 being exempt from the law. All the categories that you listed
25 on the top of page 2, very few people are involved in this, so

1 it's pretty obvious it's directed completely at the gas
2 company, so you really have to make some sort of specific
3 statement either in your definitional change of the criteria
4 for it or some other type of way of saying, and I like the
5 chart that you were looking at with regard to having the graph
6 to judge the baseline and the area where it is. Well,
7 typically in a town road, a rural town road with limited
8 housing on it, if you're doing a timber harvesting job, many
9 of the problems don't tend to be the issue of the ability of
10 the town road to stand an overweight load periodically, it
11 tends to be the issue of whether the base extends -- where the
12 extension of the pavement is, because a lot of the towns that
13 pave are far wider than the actual base of the roads are, but
14 the real problem is more in the seasonal issues with spring
15 breakup and the like, so if you take this as a given and that
16 there is truth to it, I think you need to address it more
17 formally so that local traffic -- and this includes small
18 contractors, even if they don't have tractor-trailers. If
19 they have to rent a bulldozer, if they have to get concrete
20 trucks in, people who don't want drilling, they can't run
21 concrete trucks down the road, you're going to have a lot of
22 unhappy people and ultimately destroy your tax base. Thank
23 you. (Applause)

24 MS. BASTIAN: My name is Linda Bastian. I live in the
25 Town of Delaware. When can we get answers to these questions?

1 and where?

2 MR. EVERETT: The law requires all questions be asked
3 in writing and (inaudible)

4 MS. BASTIAN: So there's a written document that's
5 going to be distributed to everyone here, or --

6 MR. EVERETT: It's going to be a written document
7 prepared on file with all the municipalities (inaudible) and
8 be available on the internet, so if you want to see how the
9 questions are answered, you can go and take a look. It's
10 going to take awhile to answer all these questions. It's
11 typical of how this process works.

12 MS. BASTIAN: Thank you.

13 MR. NEARING: Hello. I'm Dennis Nearing, a Cochecton
14 businessman in Cochecton. The fellow who was up here just
15 before me covered most everything. He did a good job. The
16 other thing is, I'm glad for preservation of the roads,
17 because it's not overdone to the gas companies. You know,
18 the happy medium, sometimes it's like people smashing a car
19 up. First thing they want, to overdo the insurance company
20 and that's what I'm afraid is going to happen to these towns.
21 There's only so much money the gas company can pay (laughter)
22 and then other thing I have to say is this young fellow back
23 here said, "Why are we limited to the gas companies only, not
24 private industry?" Well, let me tell you, one pass, a truck
25 pays more taxes in one year than he probably does in ten. If

1 it wasn't for trucks going up and down the road, people
2 wouldn't have a road. This young fellow here who spoke before
3 said, "Why just do it with the gas company, why don't you do
4 it with the private industry?" Well, this young fellow
5 doesn't realize that one tri-axle truck pays more taxes in a
6 year than he does, I'm sure, in five years on the roads. You
7 know, we start out, we pay EG tax to buy a new truck, 11
8 percent, \$10,000. You go to Monticello, you pay the tax on
9 the truck. You go to Albany, tax for this, tax for the
10 overload permit. It's on continually, so his statement is way
11 out of hand, and like I said about before, you understood
12 about the towns and so that's all I have to say. (applause)

13 MR. EVERETT: Thank you, sir. Anybody else wish to
14 speak? Yes, sir.

15 MR. PAVESE, JR.: My name is John Pavese, Jr. from the
16 Town of Thompson. I know we're not involved in this as far as
17 new jobs are concerned, but I work for an engineering company
18 locally and I understand a lot of what you guys said and
19 applaud the strong criteria you had to go through in order to
20 -- I appreciate the strong criteria you had to go through,
21 especially according to the ASHTO standards to be developed
22 how you're going to regulate these industries. Again, like a
23 gentleman before me said, a really strong concern needs to be
24 initiating as to the industries that are going to be impacted
25 by that small -- obviously the small construction industries

1 don't become impacted by this and that the, you know, the
2 towns don't become too overzealous as to who they're going to
3 apply this to, so very strong nongray area type grading rule
4 book should be implemented; and then also a standard to which
5 a primary and secondary tertiary roads would be evaluated.
6 Obviously you have, but then the way that they're going to be
7 restored should be very, very stringent. It shouldn't be left
8 to individual highway superintendents who don't have
9 engineering background or a lengthy background as highway
10 goes, sometimes that they get their elected officials, that
11 they should be strongly guided by your document, by your laws
12 as to how those roads should be restored and that should not
13 be to any minimum standard; that they should be restored to,
14 you know, the before guidelines, but that they should be
15 restored to, you know, an above average restoration, so that's
16 it. Thank you. (applause)

17 MR. EVERETT: Thank you. Anybody else? Yes, sir.

18 MR. BORDER: Good evening. My name is Dave Boyer
19 from the Town of Highland. The first thing I'd like to do is
20 to thank all these people who served on the Task Force for
21 this enormous job and hearing the presentation certainly was
22 difficult for someone like myself to follow and the fact that
23 they have taken the time to try and understand is a privilege
24 and I also want to thank all the speakers. It makes me proud a
25 small town in America to hear so many inciteful comments

1 having been made. The first thing I'd like just to comment on
2 is, I'd like to make it clear that support of the measure
3 regulating a heavy industrial use is not to be taken as an
4 endorsement of the underlying heavy industrial use. The
5 second thing I'd like to go on record is, in opposition to the
6 use of processed water for dust control. I think carcinogens
7 should not be vaporized, spread out on the roads, put in the
8 rivers, even if partially treated, and I have to say that
9 dilution of hazardous substances is not a solution. So the
10 third item I want to talk about is the use of the language
11 about processed water in the plan and I feel strongly that the
12 processed water should be categorized and handled as hazardous
13 substance and the failure of state and federal regulators to
14 recognize this must not be taken as an accepted fact. I think
15 we should be more careful with the language in the plan not to
16 endorse judgment errors that have been made by our regulators.
17 That's all I really wanted to talk about, but I've since
18 become aware that the Governor and the Commissioner will be
19 releasing a plan tomorrow and there are two items in there
20 that are very important to me and also to this group, one of
21 which they do deal with roads and road problems, so I think
22 that before you can make a final judgment as to what we need
23 as to local law, we should look to see what the state has done
24 and we're going to need more than 18 days to do that. The
25 plan that comes out tomorrow, I think it's going to be 1300

1 pages or something like that and to study that, to evaluate it
2 and then integrate it with this plan is going to take a little
3 time; and the other thing that at least the press release
4 talks about is, that it appears there's going to be
5 recognition of the processed water as if not a "hazardous
6 material", that it should be tracked and treated as medical
7 waste, so that's a really wonderful thing and that would help
8 alleviate a lot of concerns. Again, I want to thank the
9 members of this Task Force for the terrific job they've done.
10 Thank you. (applause)

11 MR. EVERETT: Thank you, sir. Yes, sir.

12 MR. CHOJNICKI: My name is Michael Chojnicki. I'm
13 from the Town of Delaware and the first two comments I had is,
14 what the gentleman from Delta did a direct presentation and he
15 mentioned something about upgrade of road to avoid catas-
16 trophic failure, and when would that upgrade be done, before
17 an industry user comes in to avoid that when you anticipate
18 the potential and who would obviously, if it's done before,
19 would probably lie on the cost burden of the taxpayer, so I
20 didn't quite understand that when that would be done. The
21 next comment, there wasn't anything about bridges. There are
22 hundreds of small bridges here and you talked about the road
23 and the condition of the road and the category of the road,
24 but what about the bridges? I mean, how are they figured into
25 the whole road use agreement that's going on, so that was it;

1 and then also one other thing, the safety. You talked about
2 the school which is a great, you know, analogy as far as
3 routing of traffic and what about school bus routes during
4 when they're pickup and dropoff? I mean, if there's a
5 substantial increase of truck traffic during those times and
6 the routes that are mapped out by the school districts, they
7 should be considered also when road use agreements are put
8 into place. The other thing is, you know, I have not looked
9 at the whole 539 pages of the DGEIS, but you know, it seemed
10 woefully lacking in predictions of how much an industry can
11 cause and I've been at other public hearings and question and
12 answer they said that "Well, how can we figure out that? We
13 don't know how many wells, how many times that well is going
14 to be fracked," but I'm an architect and I have to follow a
15 law that predicts, that reasonably predicts how much snow is
16 going to fall. We have no idea how much snow is going to fall
17 in 2012 or 2014, but they make a worst case scenario predic-
18 tion of what they want of floor loading. We don't know how
19 many people are going to be in the house, we don't know how
20 many -- you know, so these things can be predicted and, you
21 know, I'd like to point the committee to, you know, to someone
22 like Professor Ingrassia from Cornell, he took industry
23 standards of how much profit they plan to make, how much the
24 cost of each well and work backwards from that, using actually
25 and industries -- from their industry magazines and working

1 back to predict how many wells can potentially be here and
2 that's what, you know, a worst case scenario do project and
3 that's what, you know, code agencies do use in order to assess
4 the value, so that's a reasonably educated prediction can be
5 made if, you know, you would really look at it, so those are
6 my comments there. Thank you very much. (applause)

7 MR. EVERETT: Thank you, sir.

8 MR. RUBIN: My name is Alan Rubin from Cocheton. I
9 appreciate that you spent a lot of time and everybody worked
10 really hard. This is an engineering document and you crunched
11 a lot of numbers. My reaction is, I'm wondering if you took
12 into account other kinds of numbers, like the number of times
13 that the gas industry will lie at what they -- by saying
14 they're going to do something when they actually do something
15 else? Can you figure that into an engineering document? The
16 number of times they'll cheat; they'll say they may indicate
17 a certain number of truck trips on certain roads, but they'll
18 actually go on that other road at 3:00 o'clock in the morning,
19 stay awake, come back, make two, three, four trips when they
20 said they only made one on a different road. These are
21 documented things that happened. I wonder if you figured that
22 in those kinds of numbers, and I wonder if you figured in the
23 number of times that they corrupt the very officials that are
24 there to monitor and regulate them, so that they can lie and
25 cheat and get away with it; and is there any way to figure

1 that into a road use agreement? What I fear is that with the
2 best intentions, you created a document that only exists in
3 the world of fantasy and in reality you really can't protect
4 the roads or people who use them when you're dealing with
5 people who put money and profit ahead of honesty and integrity
6 and I wish that there was some way to put that into an
7 engineering document. Thank you. (applause)

8 MR. EVERETT: Thank you, sir.

9 MS. WEINER: Hi. I'm Jill Weiner from the Town of
10 Callicoon and I have some concerns about, you know, I saw your
11 map that you put up in front, that's the first map that came
12 up, and we don't have any roads that look like that around
13 here. Most of our roads go like this and like this and they
14 have very strong angles. So have you taken into consideration
15 in this document the angles of the roads and are some of those
16 roads that have the strongest angles prohibited from use? I
17 also have really deep concerns about the produced water and
18 mud being categorized by a legislative loophole as industrial
19 waste and not hazardous. When it goes into the ground, these
20 are hazardous chemicals. When they come out of the ground,
21 they are really not industrial waste, even though that's the
22 definition of them, so how are our emergency responders going
23 to be dealing with these wastes which are going to be, in
24 fact, very dangerous; and what will the cleanup procedures be
25 for waste going in as opposed to waste coming out? Are they

1 going to be different? There's also been a very recent white
2 paper that's come out of the business insurance community that
3 says that insurance companies, business insurance companies
4 are not going to cover the gas industry and gas activities
5 that are involved with the gas industry and I think that
6 that's probably very concerning, because if we're looking from
7 the towns to now the gas companies or the individual trucker
8 to come in and remediate the town and let's say they're going
9 to look to their insurance companies and the insurance
10 companies are not going to be paying, so I think we may have a
11 problem there. I'm also concerned about the construction
12 activity and the concentrated traffic being separated. Those
13 really need to be hooked way back together; and I'm also
14 really concerned about the burden that's going to be put, the
15 financial burdens that are going to be put on the town by
16 having to monitor and fix and put money out up front and hire
17 new personnel and train personnel, so thank you. (applause)

18 MR. EVERETT: Thank you. Anybody else wish to speak?
19 Yes, sir.

20 MR. LONDON: How are you doing? Jan London from
21 Narrowsburg, New York. I understand on the upgrade the roads
22 I was wondering if the document addresses upgrading emergency
23 responders to cover the additional traffic? I just learned,
24 well, we had a town (inaudible) that we're in a crisis right
25 now. This area is based on volunteers and we're having a real

1 problem finding volunteers still driving an ambulance, fire
2 and if we're going to increase traffic, we're going to
3 increase accidents, we're going to increase emergencies at
4 well sites and this is going to become not -- we won't be able
5 to do this, but a volunteer fire department and ambulance and
6 that's a cost that will greatly increase taxes and that's
7 something that I just wanted to see addressed.

8 MR. EVERETT: Thank you. (applause)

9 MR. LACEY: My name Bob Lacey from Bethel. I want to
10 know how we can have one public hearing for eight towns,
11 nothing about the road situation, but how can we have one
12 public hearing for eight towns or seven towns in the coalition
13 and go back and make a local law? You know, once it comes
14 back and pass a local law, do we have to have a public hearing
15 in our town or is this one going to be the only one on this
16 job for this local law? Just a question; how do we go back to
17 our town and tell them we did have a public hearing on the
18 road use agreement and this is the only one we're going to
19 have, right?

20 MR. EVERETT: That legal procedure is going to be up to
21 each individual town after the SEQRA process is complete and
22 there's no other SEQRA public hearing on the local law and
23 they proceed as they deem appropriate.

24 MR. LACEY: So each town is going to have their own
25 public hearing on the sites and each one is going to have to

1 do a SEQRA or a (inaudible) negative site or a positive site?

2 MR. EVERETT: This is the SEQRA process for the
3 adoption of the local laws.

4 MR. LACEY: So every town has to agree on whether it's
5 a positive or a negative?

6 MR. EVERETT: No. We're having the SEQRA process now,
7 so when the final statement is done, the SEQRA process is
8 concluded and each municipality is free to adopt a local law
9 as it deems appropriate and follow the normal legal procedure
10 for adopting the local law with regards to a public hearing.
11 Some municipalities may adopt the law, some may not, some may
12 need changes. It's going to be up to those towns how they
13 deal with the local law.

14 MR. LACEY: Thank you, because I wasn't sure how the
15 process was for each town and we became a town of eight or
16 seven, so we have to go back to our towns and redo this whole
17 process, right? I mean, to make a local law in your own town?
18 I'm just asking, I don't --

19 MR. EVERETT: (Inaudible) We're in the SEQRA process
20 now. Anybody else wishes to speak? Yes, sir.

21 MR. LEVY: I'm Ed Levy from Hortonville and I live on a
22 road where there are huge logging trucks already using that
23 road and I wonder if you considered not just how many trucks
24 are probably going to be using the road, but if it's even
25 possible for that kind -- for these drilling trucks to

1 co-exist with these logging trucks. It's like a hairpin turn
2 right around there. Lots of children are right around there.
3 You can't pass a logging truck in your car if it's coming by
4 if you have an observer car, let alone if you have a gigantic
5 tanker or drilling truck. Thank you. (applause)

6 MR. EVERETT: Thank you. Yes, ma'am?

7 MS. PIERCE: Hi. I'm Sue Pierce from the Town of
8 Cochecton. There's just something I don't understand and I
9 haven't been with this from the very beginning, although I
10 have spent hours in reading the document on line. What I
11 don't understand is that we are zoned agricultural. We are
12 not zoned industrial. I don't see that that's ever going to
13 happen. (Applause) And I understand and I appreciate
14 everything all the towns, you know, the supervisors and the
15 town board and everybody spent -- the time they spent doing
16 this and the job that you guys did, but why put the money into
17 it? What is it that I'm not seeing, because we're not -- I
18 just spent some time in Brooklyn in an industrial area and I
19 saw the roads and the trucks and those roads were in this
20 industrial area in Brooklyn down by the docks were made so
21 that these trucks can be on these roads and yet they were all
22 busted up and it looked like hell town. That's not why I'm
23 living in Lake Huntington. Why are we doing this? (Applause)

24 MR. EVERETT: Thank you, ma'am. Anybody else wish to
25 speak? Yes, ma'am?

1 MS. DYRSKA: My name is Larysa Dyraska. I'm a retired
2 pediatrician from the Town of Bethel. I'd like to thank the
3 Bethel Town Board for joining the Multi-Municipal Task Force
4 and I commend everybody for participating in this and I looked
5 at the EIS as a retired physician and my concern is that the
6 public health issue hasn't been addressed adequately and I
7 thought part of the SEQRA process if you look at public health
8 impacts and I was wondering if the Department of Health was
9 consulted, whether the County Health Department was consulted?
10 So the lack of health risk assessment, considering that
11 Sullivan County is number 61 in the state -- the county is
12 61st in the state out of 62 counties in health outcomes. I
13 think that's something that should be considered to take the
14 baseline of the health into account. So the aggregate affects
15 of the increased air pollution should be taken into account,
16 the overproduction, you did spend some important -- made some
17 important mitigation suggestions for noise, but there's also
18 light; you also addressed spills, but I think you should also
19 consider more seriously what one of the other speakers
20 mentioned, was the spilling the material as a dust control
21 measure, that should absolutely be forbidden. Health
22 infrastructure should definitely be considered and we really
23 have a problem in Sullivan County with inadequate health
24 provisions and emergency response, so that in addition to
25 psychological factors and socioeconomic affects all need to be

1 taken into account, which would be part of something called a
2 health impact assessment which apparently wasn't done, but
3 that would be a suggestion as a complimentary study under this
4 EIS. And just one last question; what's the address where
5 people can send their comments to?

6 MR. EVERETT: I'm going to give that at the end of the
7 comments. Thank you. (Applause) Anybody else wish to speak?
8 Anybody else? Going once, twice. Okay, I want to thank
9 everybody for coming and thank all the speakers for some
10 excellent comments. As I had mentioned, all those comments
11 are required by law to be responded to in writing and the Task
12 Force will go ahead and we've got all the comments here
13 through the stenographer and your written responses and that
14 will take a number of weeks to put together. All those
15 responses will be compiled into a final document called an
16 FEIS and which will then be considered by the Task Force and
17 after that document is accepted as complete, the Task Force --
18 what that means, if the Task Force is comfortable with all
19 those comments that have been properly addressed, they can
20 accept it after asking that they adopt findings and then move
21 forward with adopting local laws as they deem appropriate.
22 The deadline for written comments currently is set for July
23 18. I know a number of speakers have requested that that
24 deadline be extended. I assume that's something that the
25 Tasks Force will be considering and we'll make a decision at

