



# The TRAILBLAZER

April 2010

Niagara Group of the Sierra Club

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## Paul Schmidt on Mega-Hydrofracking for Natural Gas

by Larry Beahan

On the evening of Tuesday February 23 the Sierra Club's Niagara Group tried a new meeting format. We convened in the upstairs bar of the Steer restaurant, a steak and beer joint on the strip popular with students from the nearby University of Buffalo's South Campus. We invited Attorney Paul M. Schmidt, a Philadelphia lawyer, to speak on his specialty, the problems of hydrofracking for natural gas in the Marcellus shale.

The evening began with a welcome from Bill Nowak representing Senator Antoine Thompson's office and reminding the audience that Senator Thompson was Chair of the NY Senate Environment and Conservation Committee and very concerned about this issue. Nowak handed out inch-thick copies of Senator Thompson's report on the Marcellus.

Richard Lippes, Council to the Atlantic Chapter, introduced Schmidt. They have worked as co-attorneys on Marcellus litigation in Bradford and Damascus, Pennsylvania. Schmidt is uniquely qualified to talk on the subject since he has worked both as a private attorney assisting people who have suffered damage from gas and oil exploration and he has worked in government regulation of it. He has been an attorney for the Pennsylvania Department of Environmental Protection and for the Environmental Office of the Colorado Attorney General.

Our meeting space had a rustic wood paneling and beamed ceiling, a beer-stained floor and an odd collection of tables and chairs. About 60 people were there. We improvised an auditorium with a screen on a table and chairs arranged before it. The crowd was a mixture of Sierrans, students, and citizens, some well-informed, some curious. The event had been publicized in newsletters and on list serves by a variety of sister organizations like the Adirondack Mountain Club and UB Greens. Local public radio carried an announcement of the meeting along with a few words from our speaker. Coincidentally, that morning the station also aired a piece on the internal Sierra Club

debate on hydrofracking with Finger Lakes Group Chair Kate Bartholomew duking it out with Carl Pope.

Schmidt's presentation was an informative, detailed account of the Marcellus shale gas hydrofracking technique, its politics and its problems. No new

ground was covered but those who had been uninformed had the opportunity of going away with a good basic understanding of the situation. Some key points were:

- Two new technologies became available, in the 1980's deep horizontal drilling and in the 1990's the application of hydro fracturing to these deep wells.
- The great quantities of natural gas available in the Marcellus shale underlying New York, Pennsylvania, Ohio and West Virginia.
- The secret energy meetings during the Bush Cheney administration in which arrangements were made to exempt these new technologies from a variety of pollution controls.
- The massive size of these operations in terms of 5-acre well heads, demands for water, unavailability of water purification facilities for the returning radioactive saltwater contaminate with unknown toxic fracking chemicals.
- The ways in which water pollution may occur in the process.

Many questions and comments came from the audience.

Perhaps the most telling of them came from a student who said, "Our UB Student Environmental Coalition discovered that we are neighbors to US Energy Corporation here in Amherst. They were shut down for 300 offenses in Pennsylvania. On April 16 we are demonstrating in front of their office."

A number of audience members crowded around him to get the details in order to join the students in their demonstration.



Paul Schmidt



### Niagara Group Annual Dinner - Monday April 12, 2010

Please join us at the Eagle House Restaurant, 5578 Main Street, Williamsville, as the group presents its annual award to an outstanding local environmentalist. The function will commence at 5:45 pm. All are invited.

If you wish to attend, please make reservations with Bob Ciesielski, 94 Lamarck Drive, Amherst, New York 14226, 716 895-3367 (office), 716 839-0180 (home), or by email at [rmciesie@yahoo.com](mailto:rmciesie@yahoo.com).

## Website and Letters

We have recently added a number of action items and sample letters involving the environment, green jobs and clean energy to our website at [newyork.sierraclub.org/niagara](http://newyork.sierraclub.org/niagara). There are a number of important bills and regulatory changes pending in New York. We are asking all our members to go to our website, choose one or several of the listed items, and write a letter to your NY legislator, the Department of Environmental Conservation, your newspaper or favorite blog. Addresses for your State senators and assembly members are available through the website.

Here are snippets of some of the bills and issues now on [newyork.sierraclub.org/niagara](http://newyork.sierraclub.org/niagara):

- S2175 - Green Energy Jobs Act, based on a Feed in Tariff to guarantee payments to producers of alternate power such as solar and wind. Similar legislation has done much to develop clean energy in Europe and Ontario, Canada.
- S4315 - Climate Change Pollution Act calls for reducing green house gases in New York State by 80 percent by the year 2050. The DEC will monitor progress of the reduction.
- S5886 - Clean Water, Clean Air, Green Jobs Bond Act. To place a \$5 billion dollar environmental bond on the ballot this November. Similar to a bond act passed in Minnesota last year.
- S6700 - Modification of Net Metering Law to ensure that producers of solar and wind energy are paid by utility companies for excess energy fed into the power grid.
- Hydrofracturing for natural gas in Marcellus shale. The DEC is drafting regulations for mega-hydrofracturing in New York. The Sierra Club believes the regulations are inadequate, and that proper protection of water and land must be provided for before hydrofracturing is permitted.

## The Green Bible

The Green Bible, published by Harper Collins, is a great new asset for environmentalists!

This new offering, which uses the highly regarded New Revised Standard Version translation of the Scriptures, highlights in green all of the passages with environmental implications.

Perhaps the best feature of the book, however, is the many essays and helps that are provided in the front and back pages. For instance, there are many pages of quotations from notable leaders advocating care of the environment as a spiritual duty. A few samples follow:

Midrash Psalms 117, second century: The sending of rain is an event greater than the giving of the Torah. The Torah was a joy for Israel only, but rain gives joy to the entire world, including animals and birds.

Augustine, 354-430: Some people, in order to discover God, read books. But there is a great book: the very appearance of created things. Look above you! Look below you! Read it. God, whom you want to discover, never wrote that book with ink. Instead, He set before your eyes the things that He had made. Can you ask for a louder voice than that?

## An Author to Be Commended

Our Executive Committee member Larry Beahan writes for various purposes. Sometimes he writes informative and hard hitting letters to public officials in our behalf. Often he writes letters to the editor to alert the public to environmental concerns. He has also authored several books

Now we see his picture and articles frequently in the Buffalo News as he writes on matters of human interest. Recently there was a intriguing article about the trolleys of days gone by, and how much they are missed. While the article was nostalgic, it also was environmentally sensitive, reminding us of the better life we had when public transportation was more available.

St. Francis of Assisi, 1181-1226: If you have men who will exclude any of God's creatures from the shelter of compassion and pity, you will have men who will deal likewise with their fellow men.

Ecumenical Patriarch Bartholomew, 1940-: How we treat the earth and all of creation defines the relationship that each of us has with God... To commit a crime against the natural world is a sin. For humans to cause species to become extinct and to destroy the biological diversity of God's creation...for humans to degrade the integrity of Earth by causing changes in its climate, by stripping the Earth of its natural forests, or destroying its wetlands...for humans to injure other humans with disease...for humans to contaminate the Earth's waters, its land, its air, and its life, with poisonous substances, these things are sins.

Essays appear written by Archbishop Desmond Tutu, Pope John Paul II, Barbara Brown Taylor, and many others.

Lists of environmental organizations are found, along with practical suggestions that individuals or groups can take.

This Bible is a great aid to those who want to combine their spiritual lives and environmental activism in documented and practical ways.

## Earth Day Plans

The Sierra Club has agreed to participate in a week activities concerning peace and the environment. The Peace Education Fund is providing an umbrella so that many events, sponsored by many organizations, can be coordinated and publicized.

Earth Day is April 22 and the week of activities will run from April 17 with a Riverkeeper Cleanup through April 24 and a Lizzard Ball.

Walter Simpson will be a keynote speaker. There will also be a large exhibit in Galleria Mall. Many events will take place at the Birchfield Kinney Art Museum on Elmwood Avenue in Buffalo. Senator Antoinne Thompson is helping with the efforts, as well as Riverside Salem Church on Grand Island.

More information will follow.

## Letter from Bob Baxter

Several weeks ago an acquaintance introduced me to the phrase “creation care.” I learned this referred to the growing awareness across the country within religious communities that they should take an active stance regarding the natural world, that its protection and restoration is an important part of living a spiritual life. This concept arose from within the religious communities themselves, perhaps from those who already had an interest in the environment, camping, hiking, bird-watching, and so on.

You may already be involved with creation care. I’m writing to offer you an opportunity to take a small step that would be very important to us here on the Niagara Frontier. Please go to [www.niagaraheritage.org](http://www.niagaraheritage.org) to learn about efforts to remove a highway along the unique Niagara gorge rim & to restore natural landscapes there with hiking and bicycling trails. If you are convinced and want to help--please sign the online petition in support. Every vote counts as we try to demonstrate to political leaders and others the value of this small part of the natural world, which is, after all, only on loan to us. Ask family members and friends to sign as well.

The very best to you in the new year and beyond. Please email me any questions you may have about the proposal to remove this road.

Take care,  
Bob Baxter, [erbaxter@aol.com](mailto:erbaxter@aol.com)

## CWM Problems in California Too!

*by Charles Lamb (Information from The World Link)*

In California, Governor Schwarzenegger has ordered the State Environmental Protection Agency and the California Department of Public Health to launch an investigation into the many birth defects that center in a Kettleman City, a farmworker community there.

A protest outside U.S. EPA headquarters evidently got the Governor’s attention. An investigation will include interviews with residents, reviews of soil samples and medical records.

CWM is trying to expand its hazardous waste facility there, which is the largest hazardous waste facility managed by CWM. The people are protesting, worried about the health of their families. The Kings County Board of Supervisors would not listen to public demands to stop CWM expansion, so there is great relief that the Governor is taking action.

Problems with CWM have been going on there for 20 years, when Waste Management planned to build an incinerator.

One person commented, “We want what everyone in every town wants: health and safety.” Sound familiar?

## Helpful Web Addresses

Check out the following website for Sierra Club information and information from some other environmental groups!

- Niagara Group of the Sierra Club: [www.newyork.sierraclub.org/niagara](http://www.newyork.sierraclub.org/niagara)
  - Our statewide organization: [www.newyork.sierraclub.org/](http://www.newyork.sierraclub.org/)
  - For our national webpage: [www.sierraclub.org/](http://www.sierraclub.org/)
  - Our allied environmental group fighting against expansion of Chemical Waste Management, Residents for Responsible Government: [www.rrgwny.com/](http://www.rrgwny.com/)
  - Our special webpage against bringing more toxics here: [www.stopdumpingonus.org/](http://www.stopdumpingonus.org/)
  - You might also be interested in the Niagara Heritage Partnership, which favors returning the Niagara Gorge to its original grandeur: [www.niagaraheritage.org/](http://www.niagaraheritage.org/)
  - The Buffalo Niagara Riverkeeper: [www.bnriverkeeper.org/](http://www.bnriverkeeper.org/)
- There are many others which we will list in future issues.

## Regulate Coal Ash!

*By Jessica Helm, Atlantic Chapter Conservation Chair*

Please contact your Congressional representatives asking them to urge EPA to move forward with strong, federally enforceable coal ash regulations.

As you know, a battle is going on right now over how to regulate coal ash (coal combustion waste).

The federal EPA is expected to announce new proposed rules on coal ash soon. The coal industry is fighting hard, holding dozens of meetings with high ranking and elected officials, to prevent any meaningful federal coal ash regulations.

I want to share some interesting feedback one of the Illinois Groups received from their Congressperson after writing a letter about coal ash. The message they received was that the Congressperson is compiling information from all parts of their district regarding this issue, and our letter was a warm welcome since they often hear from Sierra Club’s national organization, “but not often from state-based groups.” I think we can remedy that!

Please send or hand-deliver a letter to your members of Congress asking them to urge EPA to move forward with strong, federally enforceable coal ash regulations.  
Background information:

There are more than 580 coal ash ponds all over the US, many without basic safety protections, like liners. The massive coal ash spill in Tennessee in December of 2008 made us all aware of the threats posed by dam failures. Equally great is the risk coal ash poses when toxins from the ash, like lead, arsenic and mercury leak into nearby streams and drinking water (most coal fired power plants store their combustion waste on site, usually next to the body of water it uses for the plant operation). These toxins pose serious health risks.

Sierra Club has information resources on coal ash here, including a national map of the 584 wet storage ponds and online take-action opportunity : [www.sierraclub.org/coalash](http://www.sierraclub.org/coalash).

**Visit our website for more articles!**  
<http://newyork.sierraclub.org/niagara/>

# Incredible Decision Concerning West Valley

By Charles Lamb

John C. Kelly, Program Manager for NYSERDA, has issued the decision regarding the wastes stored at West Valley. In the final environmental impact statement, the various alternatives were summarized and a recommendation was made.

One alternative was that all facilities would be removed and all environmental media would be decontaminated or shipped off site, and all radioactive, hazardous, and mixed wastes would be characterized, packaged as necessary, and eventually shipped off site.

In another alternative, most of the facilities would be closed in place. Residual radioactivity in facilities with larger inventories of long lived radionuclides would be isolated by specially designed closure structures and engineered barriers.

A third alternative called for decommissioning in two phases. Phase one would include removal of the Main Plant Process building and some other sections. In Phase two a decision concerning next steps would be made within 10 years.

A fourth alternative was to take no action at all, but just to continue management and oversight.

Recommended action? No action! This is the preferred alternative by the Department of Energy and NYSERDA! The decision was supposedly made in response to comments received during the public comment period. I am sure almost all the comments called for action. What was the point of public comments? The Sierra Club had recommended complete removal, due to the danger of leakage into the Great Lakes.

The statement says the first three alternatives could result in some level of environmental impact, such as contaminant release, transportation accidents, and danger to workers during disposal.

There is a note that NYSERDA is not in complete agreement with certain aspects of the approach used in the final EIS, because of concern relative to the long term impacts of in place closure.

NYSERDA is located at 9030 Route 219, West Valley, NY 14174, phone 716 942 9960 ext 4435.

The final EIS statement may be requested.

If you have information you wish to share or copy for use in the Trailblazer, please send it to Charles Lamb at 335 Walnut Lane, Youngstown, NY 14174 or [clamb9@roadrunner.com](mailto:clamb9@roadrunner.com) or call 716-745-7037. Deadlines for the year are as follows: March 1, June 1, September 1, and December 1.

The Niagara Group of the Sierra Club meets on the 4th Tuesday of every month at 7p.m. at Daemen College, Dunn Scotus Hall, room 222. All Sierrans are invited!

*More important news on our webpage:  
[newyork.sierraclub.org/niagara](http://newyork.sierraclub.org/niagara)*

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