



Cayuga Lake Watershed Network

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David L. Bimber
Deputy Regional Permit Administrator
New York State Department of Environmental Conservation
6274 East Avon-Lima Road
Avon, New York 14414-9516

Re: Proposed Finger Lakes Liquefied Petroleum Gas Underground Storage Facility in Reading, NY (DEC Facility ID 8-4432-00085)

November 14, 2011

Dear David L. Bimber:

Thank you very much for this opportunity to comment on the proposed LPG underground storage facility in Reading NY. I am writing to you as Executive Director of the Cayuga Lake Watershed Network, a 13 year old nonprofit corporation focused on protection of the 860 square mile Cayuga Lake watershed, contiguous with the Seneca Lake watershed on the east.

I am compelled to submit comments because Seneca Lake drains to Cayuga Lake. What degrades Seneca Lake will degrade Cayuga Lake. Further, what degrades Cayuga eventually can flow to and degrade Lake Ontario, negatively impacting the Great Lakes Basin. I submitted comments orally on September 27, 2011. I also submitted written comments earlier this year.

This project appears to be in violation of the Antidegradation section of the Clean Water Act: Antidegradation is the third major required component of a state's water quality standards. New York's antidegradation standards mirror those of federal laws, which provide a three-tiered approach to water quality protection:

Tier I: Protect Existing Use: Permit no activity that would eliminate or interfere with an existing use. (In essence, Tier 1 reiterates and reinforces the requirements for designating uses and developing criteria, establishing the absolute floor for water quality protection.)

Tier II: Maintain "High Quality" Waters: Avoid--or at least hold to an absolute minimum--any lowering of quality of waters that currently meet or exceed standards.

Tier III: Protect "outstanding" waters: Give the most ecologically significant and sensitive, the cleanest, and the most recreationally popular waters the strict protection they need and deserve.

In this instance, Tier I fully applies: DEC must permit no activity that would eliminate or interfere with an existing use. If constructed, this facility will degrade drinking water, farming, recreational, tourism, winery, fishing, and direct and indirect contact uses of Seneca Lake. If accidents, spills, overflows and leaks happen – and they will, in this high-risk situation – the lake’s water quality will be gradually or catastrophically degraded, with potential downstream impacts in Seneca Lake, the Seneca-Cayuga Canal, and water quality and marshland impacts at the north end of Cayuga Lake.

This is an illegally segmented project. It appears to be part of a much larger project, the NiSource Gas Transmission and Storage Inc.’s project to lay 15,000 miles of gas pipelines along with numerous gas development projects.

NEPA (and state law) prohibits project segmentation, which cuts a large project into small “local” ones, to minimize impacts and to disguise the wider project from the public and from regulatory oversight.

I include the map of the NiSource pipeline network, both proposed and underway. It will impact 14 states and no doubt ties in to other equally large-scale, notorious gas and oil transmission networks presently undergoing public scrutiny.

Germane to this particular proposed local LPG storage project, on the map I point out the (proposed) termini at the feet of BOTH Seneca AND Keuka lakes. I advise DEC to work with Inergy to ascertain exactly what the entire project is, of which the so-called “Finger Lakes” LPG storage project is just a small part.

DEC and EPA must come to terms with the larger-scale multi-state impacts, not just those of this “local”, 8-permanent-job project in Reading NY. The immense size and scope of the NiSource project should make this LPG storage project a component of a full-scale multi-state federal US EPA Environmental Impact Study.

I reiterate my February 2011 statements about the proposed brine pond (aka waste-holding pond). Most simply, you do not site a waste-holding pond above a public water supply.

I spent 16 years in Kentucky as an environmental educator, and am aware that there are 240+ coal waste ponds sited at the heads of hollows (Appalachia-speak for tops of watersheds) across coal country in Appalachia. These are filled with millions to billions of gallons of coal slurry and other wastes from strip mining, and are time-bombs waiting to fail and pour this waste down through the creek valleys below.

I was a personal witness to the aftermath of a major slurry pond collapse in Martin County KY in 2000, when billions of gallons of this mousse-like often-toxic grey sludge broke free and poured down two adjacent creek valleys during the night. People awoke to find their houses marooned above a several-feet-deep lake of the stuff, from valley wall to valley wall. All creek life was smothered for many miles downstream; a slug of this stuff travelled all the way down the big Sandy River (border between KY and WV) north into the Ohio River.

The cleanup was a joke, as it was carried out by the Martin County Coal Company instead of by US EPA, which ceded management because MCC said they would pay all costs. As a result, when this stuff was scraped out of the creek beds to be “disposed of safely”, much of it was buried in trenches alongside the creeks, rendering valuable local farmland permanently useless. The creeks were cleaned up to the level of the reclamation the coal companies do for creeks after they have been strip-mined. In other words, the area was permanently degraded and EPA let this happen. Many people moved away from their 100-year “homeplaces” in these beautiful narrow valleys.

I am concerned that if the proposed waste-holding pond failed, a similar scenario would develop with immediate impacts downslope and into Seneca Lake. I note that the LPG applicant was not required by DEC to apply for a dam permit – they state that they would build to DEC dam standards although the proposed structure is not technically by permit a “dam.” Have they dodged this requirement because they want to avoid the liability should their resulting berm fail?

DEC should not permit a waste-holding pond that would be sited directly above a public water supply. Seneca Lake – a public water supply – is situated by very cynical default to receive this waste impoundment’s stormwater overflow and potentially its total contents due to catastrophic collapse. The project’s manager reassured the September 27 hearing audience that the liners and membranes under the pond would never fail. What a ludicrous statement.

Finally, I support comments submitted by Karen Edelstein and others on the topic of omission of or inaccurate evaluation in the dSGEIS of studies and maps referring to faulting and fracking in the vicinity of the proposed LPG storage project (Jacoby and Dellwig, 1974, cited in the dSGEIS; Stone and Webster Engineering Corporation “Regional Geology of the Salina Basin” (Volumes 1-3, 1978-79); and R.D. Jacobi in *Tectonophysics* 353 (2002, pp. 75-113). Note especially in Fig. 4.13, Mapped Geological Faults of New York State, the fault line running along the west side of Seneca Lake). DEC needs to carefully read these reports and integrate them into the cost-benefit analysis for this 8-permanent-jobs project.

I interpret the findings to indicate that the proposed project area is seismically sensitive, with under-researched vertical cracks and fissures in the bedrock strata that could lead to leakage upward to the surface by brines, gas, and other chemicals. Blasting to excavate the brine pond/waste-holding pond, construct modern rail lines and roadways, could further destabilize this faulted area.

I call on DEC to please permanently and fully reject the proposed Finger Lakes Liquefied Petroleum Gas Underground Storage Facility, and withdraw all preliminary approvals and permits.

Sincerely yours,

Hilary Lambert

Dr. Hilary Lambert
Steward, Cayuga Lake Watershed Network



Source: ESRI 2004