

OPINION

MARCELLUS WATCH | PETER MANTIUS

Salt mine collapse should raise red flags for DEC

Twenty years ago, the roof of the largest salt mine in North America collapsed in the hamlet of Retsof, 35 miles southwest of Rochester. Fresh water from a major aquifer above gushed in to the sprawling mine at the rate of 18,000 gallons per minute. Giant sinkholes formed, one growing to 800 hundred feet across. Highways buckled. Bridges cracked. Methane and hydrogen sulfide gases accumulated in the basements of a hotel, homes and water wells. Other wells went dry across the Genesee Valley. The effects of the disaster linger. Last December, state regulators quietly gave up their long battle to save a second large aquifer under Livingston County that is now being permanently ruined by brine leaking from the flooded salt mine. The ground nearby continues to sink. In the early 1990s — as today — regulators were complacent, non-confrontational, in the thrall of presumed corporate

expertise. And why not? The Retsof mine had operated continuously for a century and had grown nearly as large as the island of Manhattan. In response to early signs of structural trouble in 1993, mine owner AkzoNobel turned to a controversial mine support technique that only accelerated the disaster. Regulators slumbered as minor collapses led up to the big one on March 12, 1994, which registered 3.6 on the Richter scale for earthquakes. Now a new generation of regulators weighs a plan from another corporation that promises that its technology will subdue all geological issues in salt caverns next to Seneca Lake, 70 miles east of Retsof. Houston-based Crestwood proposes to store highly-pressurized natural gas (methane) and liquid petroleum gas (propane and butane), or LPG, in caverns that AkzoNobel once helped drill. The Seneca Lake caverns

are many times smaller than the Retsof mine. But they too are subject to roof collapses that could allow pressurized gas and LPG to escape with disastrous consequences, according to independent geologists. You'd never know that listening to the Federal Energy Regulatory Commission or the New York State Geological Survey. FERC has final authority on Crestwood's bid to expand its gas storage. In May, it approved for storage use a cavern that was once completely reconfigured by a 400,000-ton roof collapse. Houston geologist H.C. Clark called FERC's decision to ignore that geologic event an "incredible error." Shrugging off the criticism, FERC ruled even before it had determined the depth of the rubble pile at the bottom of the cavern. The agency order, which reflected boundless confidence in the company's technological prowess, ran 44 pages. Andrew Kozlowski of the NYSGS required only

two paragraphs to vouch for the structural integrity of caverns that Crestwood plans to use to store LPG. The state Department of Environmental Conservation has the final say on the LPG storage proposal, but the "state geologist" at NYSGS must also provide written approval. "I hereby grant approval ... based on my findings that the project will have no adverse impact on the existing geologic environment," Kozlowski wrote in March 2013. He did not try to support his conclusion or offer any public report addressing the caverns' large rubble piles or the conclusions of other geologists that the rock formations above the cavities were unstable. Kozlowski is the "acting associate state geologist," the highest ranking member of the 14-member staff shown on the NYSGS website. He declined my request for an interview last week. Richard Young, a geologist at SUNY Geneseo who

has extensive knowledge of the Retsof mine disaster, viewed Kozlowski's statement about Crestwood's LPG plan as inadequate and irresponsible. Young emailed him his own 23-page analysis of its geologic risks. Young said last week that Kozlowski never responded. The DEC has been reviewing the LPG proposal for five years. Last week the agency said it would hold an "issues conference" to determine whether "significant and substantive issues" raised by Clark, Young and others call for a formal adjudication procedure. Opponents of LPG storage next to Seneca Lake were elated. Young was more circumspect — for good reason. In 1995, AkzoNobel had proposed a new salt mine at Hampton Corners, only three miles from the collapsed Retsof mine. Young opposed the project, believing that the ground above the mine would give way far more rapidly than the company was

projecting. The DEC held an "issues conference" on the matter, and two administrative law judges agreed that points raised by Young were ripe for adjudication. But in January 1996, then-DEC Commissioner Michael Zagata overruled both ALJs, canceling formal adjudication. He granted the Hampton Corners permit. Earlier this summer, a Cornell researcher who uses satellite radar technology to study ground subsidence emailed Young. In his survey of the entire state, the researcher noted, the greatest amount of ground settling had occurred directly over the Hampton Corners mine. *Peter Mantius is a freelance journalist from Schuyler County who follows shale gas drilling issues. He is a former reporter at the Atlanta Journal-Constitution and former editor of two business weeklies in the Northeast.*

WEEKLY COLUMN | SEN. TOM O'MARA

Cuomo not living up to his promise on mandate relief

On January 5, 2011, at the very beginning of his administration, New York's newly installed governor, Andrew Cuomo, issued an executive order creating a task force charged with finding ways to eliminate unfunded and underfunded state mandates on localities and school districts. As part of the announcement, the governor touted the initiative this way, "Families as well as businesses are leaving New York because they can no longer afford to be here. These unfunded and underfunded mandates are one reason why taxes are so high, and this new Mandate Relief Redesign Team will begin a top-to-bottom review of the system to help bring needed relief to taxpayers." This early promise by the governor to deliver mandate relief was the driving force behind the subsequent enactment, just weeks later, of the 2% local property tax cap. Hard to believe, but all of that took place nearly four years ago. Several weeks ago in Corning, I stood with a group of local officials, business leaders and other organizations, including Unshackle Upstate and the New York State School Boards Association, to once again highlight the state's failure to enact the comprehensive mandate relief that was promised in 2011 to accompany the property tax cap and, most importantly, to make the tax cap as effective as possible for local property taxpayers. And that's the fundamental point: without the promised mandate relief the property tax cap simply will not deliver the scope of property tax relief that's needed, especially Upstate. That was the purpose of the gathering I attended in Corning in late June, to keep sending the message that promised mandate relief hasn't been delivered. Or as Corning City Manager Mark Ryckman put it, "The time for change is long overdue. We need our government to stop the



TOM O'MARA

continued shift of costs to local governments." It's a straightforward responsibility, in my view. Governor Cuomo pushed the No. 1 priority of his administration in 2011 -- the local property tax cap -- with a promise to localities and school districts to roll back the heavy burden of unfunded state mandates. There have been some important mandate relief actions since 2011, including long-term pension reform and the takeover of the growth in local Medicaid costs. These actions have been significant, but not enough to mark a true transformation of the state-local partnership -- or a truly meaningful change for Upstate New York's local property taxpayers. Most recently, a decision by the Cuomo administration impacting upcoming tax cap calculations will permit localities and school districts to receive credit for tax savings achieved through shared services and consolidations going back to 2012. Many localities, including more than a few across the Southern Tier and Finger Lakes where shared services have been a staple of local government for many years prior to 2012, argue that they should be given credit for all of these past efficiency efforts. I agree. The fact is we still have a long way to go to lift the existing burden of state mandates on local governments and local property taxpayers. I've sponsored legislation, for example, to immediately put an end to any future unfunded state mandates. This legislation proposes a straightforward first step. It says that the state will no longer pass the buck to counties, cities, town, villages or school districts.

If the state mandates a program or a service, the state should pay for it. That would be one common sense beginning to reform. I've also co-sponsored legislation, together with area Assemblymen Phil Palmesano and Chris Friend, to fully eliminate the local share of the cost of Medicaid, which counties have long identified as the most devastating unfunded mandate of all. Nearly four years after it was highlighted as a state priority, mandate relief remains a state commitment that's gone unfulfilled. Localities, school districts and local property taxpayers still have their hands tied -- and their budgets busted -- by too many unfunded state mandates. It's a crushing burden. It's unfair. And it's largely been a broken promise. Not nearly enough has been achieved since 2011 to once and for all shake off the state's habit of shifting the burden of unfunded mandates and other costs onto the backs of local property taxpayers. Governor Cuomo never said the goal in 2011 was to cap local property taxes and walk away. The goal was a future defined by property tax cuts. But for that to ever take place requires a true turnaround in private-sector economic growth -- and no more unfunded state mandates. Upstate citizens, counties, school districts, manufacturers, small businesses and industries across the board are overburdened with far too many unnecessary state mandates, rules and regulations. Looking ahead to the next legislative session, it's time to get rid of the costly red tape that keeps the Upstate economy going nowhere, keeps New York's business climate one of the worst in America and keeps weighing down far too many property taxpayers. *State Sen. Tom O'Mara, R-Big Flats, represents New York's 58th Senate District, which includes Steuben, Chemung, Schuyler and Yates counties, and part of Tompkins County.*

OBITUARY Mark F. Petty

Munroe Falls, Ohio | Mark F Petty, age 67, of Munroe Falls, OH, died August 12, 2014. Born in Poughkeepsie, NY. he was an Eagle Scout and earned his Wood Badge as an adult. He was both a Cub and Boy Scout Leader and worked at the District level for many years. Mark was also a long time member of St Matthews Episcopal Church, Horseheads, NY where he served on the Vestry, was a Chalice Bearer, Lay Reader, and the Church Treasurer. Linda and he for many years led Episcopal Marriage Encounter Weekends throughout the eastern US and he is presently a member



of Holy Trinity Anglican Church in Hudson. Mark was a graduate of the University of Nevada-Reno and retired in 2004 after 35 years with Corning Inc. in Corning, NY. He was married 48 years to wife Linda and

is also survived by two children: Kimberly Hoopingarner (Joseph) and William Petty (Leslie) 6 grandchildren: Megan, Brooke, Brittany, Alex, Claire and Lauren, Sister Linda Sharbono (Ron) and half-sister Cindy Herrick. The Rev. Dr. Joseph Boysel will conduct a memorial service Tuesday, Aug 19, 10 am at Holy Trinity Anglican Church, 55 Atterbury Blvd, Hudson, OH. Interment St Mary's Cemetery, Hudson. In lieu of flowers, donations may be made to the Melanoma Research Foundation, P.O. Box 759329, Baltimore, MD 21275-9329.

DEATH NOTICES Lawrence D. Foster

Lawrence D. Foster, 81, of Hammondsport, died Friday, Aug. 15, 2014 at home. Arrangements are incomplete with LaMarche Funeral Home in Hammondsport. **Averil May Zyla** Averil May Zyla, 88, of Bath, died Friday, Aug. 15, 2014 at Taylor Health Center in Bath. A memorial service will be held at 1 p.m. Wednesday at Fagan's Funeral Home in Bath. Burial will be in Holy Sepulchre Cemetery in Bath.

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Angie, Thank you for everything you've done for us. It's great to know we have a friend like you at times like this.

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