

## Village to change wastewater treatment rules to accept drilling wastes

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 Wastewater may not have met standards  
 Cayuga Heights says there was no violation  
 By Krisy Gashler . kgashler@gannett.com . Staff Writer . April 29, 2009

Cayuga Heights may have violated its own law in accepting gas-drilling wastewater that exceeded standards established to protect its treatment plant and Cayuga Lake.

Meanwhile, a regional engineer from the state Department of Environmental Conservation told the village it was OK to continue accepting the waste without a completed study of what kinds of wastewater came to the plant. DEC policy - reaffirmed in a December 2008 memo - requires such analyses before a plant accepts gas-drilling waste.

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Walter Hang, whose company compiles such information and obtained the data, said Cayuga Heights' experience shows that the understaffed DEC has not been enforcing its own regulations. "This whole program has been a backwater," he said. "No one has paid attention to it."

Mayor Jim Gilmore and Superintendent of Public Works Brent Cross responded that the gas-drilling wastewater was 3 million gallons of 540 million processed during the period. Monthly tests showed no violations of the village's DEC permit while accepting the waste, Cross said.

Gilmore emphasized the village's desire to protect Cayuga Lake, noting the \$2 million phosphorus-removal project to be online by year's end.

Cayuga Heights began accepting wastewater from conventional, vertical gas-drilling operations in May and temporarily stopped March 31 to complete the loading analysis. A January 2009 sample of drilling brine water found chemical oxygen demand at 6,880 milligrams per liter and total suspended solids at 884 milligrams per liter, more than 30 percent higher than 600 milligrams per liter village law allows.

Cross said the village's law was written when the plant accepted only residential sewage and may need to be changed.

Municipal wastewater plants are required to conduct loading studies every five years or whenever they consider a new source of wastewater, said Joe DiMura, director of the DEC Bureau of Water Compliance in Albany. DiMura's bureau oversees enforcement of water quality standards related to state pollution discharge permits.

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 Cayuga Heights should have completed its study before taking the drilling wastewater and required the drilling operation to disclose its the chemicals and characteristics, DiMura said. If a company is reluctant to fully disclose its drilling chemical mixture, the DEC likely wouldn't require the company to disclose the chemicals to the public, but they must still be

shared with the DEC, DiMura said.

"If you can't tell us what's in the wastewater, you're not going to get approved," DiMura said.

This guidance was reiterated in a Dec. 8, 2008 DEC memo to all wastewater plant operators, but in a March 19, 2009 email between Cross and DEC regional engineer Fred Gillette, Cross explained the headworks study was not complete and asked if it was "still OK to keep accepting" drilling wastewater.

Gillette responded, "Yes, it's OK." The e-mail was provided in response to a FOIL request from the Journal.

DEC spokeswoman Lori Severino said the guidelines "are not new." but Cross said that was not his impression.

"That only came into existence as a guideline by the DEC as a directive from them to all (wastewater plants) in a letter dated Dec. 8, 2008. Prior to December 8 of '08 they had no such policy," he said.