



CONFIDENTIAL: CONTAINS REFERENCES TO PROTECTED MATERIALS

May 18, 2018

VIA ELECTRONIC MAIL

Hon. Basil Seggos
c/o Hon. Louis A. Alexander
NYS Dept. of Environmental Conservation
625 Broadway, 14th Floor
Albany, NY 12233-1010
louis.alexander@dec.ny.gov

Re: *Matter of Finger Lakes LPG Storage, LLC*, DEC No. 8-4444-00085, OHMS No. 201166576

Dear Commissioner Seggos:

We write on behalf of Gas Free Seneca, a petitioner for party status in this proceeding, in response to the letter submitted to you yesterday by Kevin Bernstein. In his letter, Mr. Bernstein acknowledges that Well 64 “may be in communication with either Gallery 10 (which consists of wells 18, 52 and 57) and/or other nearby wells (including those also being solutioned by US salt and other wells such as well 17 or 29).” Mr. Bernstein also admits that “it is known that well 61 is in communication with wells 60 and 62.” To ascertain whether Well 64 has developed an unexpected connection with the other wells indicated in his letter, Finger Lakes LPG, LLC (“FLLPG”) proposes to conduct pressure tests of Gallery 10 and to add monitoring points at wells 17, 29, 61, and 64. FLLPG also “will install a pressure monitor on well 44, which is one of the wells accessing Finger Lakes Gallery 1.” Gallery 1 is proposed for liquid petroleum (“LPG”) gas storage.

Through the expert analysis of Dr. H.C. Clark, Gas Free Seneca has been arguing for years that

[REDACTED]

Dr. Clark also pointed out that well 17 previously had been abandoned because of lost circulation at the Camillus shale (the rock supposedly preventing leakage from the wells). *See id.* at 21. Plainly, as Dr. Clark consistently has maintained, the connections between wells at the facility site and potential cavern integrity flaws have been inadequately disclosed in the permit application at issue in this proceeding. [REDACTED]

As FLLPG’s Gallery Map shows, [REDACTED]

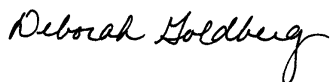
[REDACTED] Mr. Bernstein’s letter—which recognizes

the need to install a pressure monitor on well 44—therefore suggests that the integrity of Gallery 1 may be compromised. The inadequately described conditions that prompted the letter—most likely, undisclosed pressure changes in one or more of the wells—are grounds enough for denying FLPPG’s application for underground storage of LPG.

At the very least, FLLPG should be required to disclose to Dr. Clark (and the independent experts retained the Seneca Lake Pure Waters Association) all studies of the wells at the site, including those conducted by US Salt and other entities affiliated with FLLPG, that have been conducted in the past five years and were not included in the record of this proceeding. For example, all pressure tests and other downhole monitoring results, subsidence measurements, and sonar studies conducted since 2013 (the date of the last sonar study depicted in the vertical sections of the galleries) should be released for independent examination.¹ FLLPG also should be required to disclose other reported observations of conditions that prompted the need for additional testing that may appear in e-mail, text messages, or other media. Only by submitting all of this information for independent third-party review (and potential examination at an adjudicatory hearing), can the Department of Environmental Conservation provide the residents of the Finger Lakes with any confidence that their concerns about cavern integrity are receiving serious, unbiased evaluation.

Thank you for your consideration of our request. Should you have any questions, you may reach me at 212-845-7377 or dgoldberg@earthjustice.org.

Respectfully,



Deborah Goldberg
Counsel for Gas Free Seneca

cc: All counsel who have executed Confidentiality Agreements

¹ Dr. Clark and the other experts have executed confidentiality agreements in connection with the issues conference and will conduct their analyses in compliance with the terms of those agreements.