



LEE COUNTY ENVIRONMENTAL AFFAIRS BOARD

Serving Lee County, City of Sanford and Town of Broadway
Post Office Box 3729, Sanford, North Carolina 27331-3729

10 February 2012

Select Committee on Energy Independence and Alternative Fuel

NC General Assembly

Att: Rep. Mike Hager (Chair), Rep. Kelly Hastings (Chair), Rep. William Brisson, Rep. Beverly Earle, Rep. Mitch Gillespie, Rep. Pricey Harrison, Rep. Pat McElraft, Rep. G.L. Pridgen, Rep. Fred Steen III, Rep. Mike Stone, Senator Robert Rucho (Chair), Senator Harris Blake (Chair), Senator Thom Goolsby, Senator William Rabon, Senator Michael Walters

Legislative Office Building

16 West Jones St.

Raleigh, NC 27603-5925

Re: Consideration by the NC General Assembly Relative to Hydro Fracking

Honorable Representatives and Senators of the Select Committee:

It is my privilege and responsibility to extend this communications to you as **Chair of the Lee County Environmental Affairs Board (EAB)**. Please note that the Lee County EAB is an advisory Board appointed by the elected bodies of Lee County, Sanford and Broadway to advise on issues relating to environmental issues affecting our respective and collective communities. We are a citizen board representing a variety of interests and expertise sharing a common desire to serve the best interests of our communities in preserving the natural environment.

Over the past 14 months (consistent with our normal and customary responsibilities) we have been addressing the issue of hydro-fracking as it might affect Lee County's current and long term interests. Since our very first meeting on this issue we have been diligent, deliberative and attentive of the need to address a broad range of perspectives dealing with this potential activity and its far-ranging impacts. I might also add that we have made every effort not to engage in preconceived notions and/or inflammatory perspectives. During our meetings we have been interested in the potential economic, fiscal, community, land use, energy and infrastructure considerations that also relate to this issue. In essence, we have been focused on many of the same areas that we expect you will.

As you might imagine our attempts to gain a comprehensive understanding of hydro-fracking and how it might affect Lee County have raised as many questions as answers. We would like to share some of these questions and concerns with the Select Committee with the expectation that you will help us to gain greater understanding as we seek to advise our county and municipal officials.

1. What will be the role of county and city governments in the process?
 - As a city and county will we be given any oversight responsibility?
 - Can a local government require full disclosure of all chemicals used in the fracking process?
 - Will we be able to maintain the integrity of local land use policy and regulations (including the Lee County Unified Development Ordinance)?
 - Will local governments have a say in where the water comes from?
 - Can local governments establish requirements for wastewater storage and treatment?
 - Can we prevent and/or regulate the storing of wastewater into deep wells?
(Some companies have stored waste water in deep wells which in several states has caused seismic activity. Lee County is near Shearon Harris Nuclear Plant and the Jordan Lake *Dam*).
 - Can local governments require set-backs: gas wells so far from highways, homes, existing water wells, streams, rivers, ponds, etc.
 - Can we restrict any type of dumping in our streams?
 - Will we have any authority about location of a pipe line?
 - Can we prevent gas wells in city limits?
 - Does the county have an option of making environmental ordinances more stringent than the state?
 - Where will the funds come from to repair or replace infrastructure damaged in the process?
 - Where will funds come from for additional training and equipment for all emergency response groups?
2. What type of oversight will the state provide? Who will do it and will they have the necessary resources?
3. Will the state require strict well casing standards?
4. Is there a written plan of how to dispose of any hazardous waste generated by fracking?
5. Would the state consider funding one location to treat all waste water from several counties?
6. Will the Legislature involve Lee County Governments in formulating any laws and regulations concerning hydro-fracking?

In addition to these questions there are several areas of concern that involve our desire for more detailed understanding and/or process involvement. These questions and concerns include the following.

- Lee County needs a lot of base line data established now. We need to test water wells, streams, rivers and take soil and air samples. The testing should be done in dry and wet seasons to see if there is a difference.
- The shale in Lee County is at a depth of 2,500 feet or more in many places. However in areas near Deep River the shale is near the surface and at the surface in spots. The water table in the area is about 250 feet. How far below the water table should the shale be to prevent fissures from the cracking process reaching the water table? Can we restrict fracking to this depth?
- The public will be given an opportunity in March to react to a draft of the DEHNR report on fracking. How will the County have input after that?
- If natural gas is extracted from shale rock in North Carolina then Lee County will be at the epic center. The County Environmental Affairs Board strongly believes county and city officials and the EAB should be heavily involved in all decisions concerning this process.

- If drilling is approved and permitted will there be fiscal mechanisms for our local governments to derive revenues to offset impacts to public facilities and benefit the local public needs?

Be assured that we understand the complexity of this issue and the difficult task that the Select Committee on Energy Independence has at hand. We are confident that you are also concerned and sensitive to impact on the local communities as we are. It is our understanding that Lee County is at the epicenter of this issue for North Carolina. For those reasons we are most desirous of written and authoritative responses to our questions and concerns.

We are also hopeful that as we move forward that every effort is made to be collaborative with our local jurisdictions and communities. The Lee County Environmental Affairs Board is very much looking forward to your response as we endeavor to deliberate and advise.

I remain

Most Respectfully,



Jimmy W. Foster, Ed. D.
Chairman

Copies transmitted to:

Linda Shook, Chair
Lee County Board of Commissioners

John Crumpton, County Manager
Lee County

Mayor Cornelia Olive
City of Sanford

Hal Hegwer, City Manager
City of Sanford

Mayor Don Andrews
Town of Broadway

Bob Stevens, Town Manager
Town of Broadway

Senator Atwater

Lee County Environmental Affairs Board