

A Report on the WGFD With Regards to the Proposed Crestwood Gas-Storage Facility
a special report from the *No Frack Almanac*
by Jeremy Weir Alderson

As noted in a previous report, I have obtained Freedom-of-Information-Law (FOIL) documents from the Watkins Glen Fire Department. I present here a numbered list of what I have found and not found in them. Where indicated, I have also mixed in information from other sources. This account will be long and detailed, but if you are concerned about safety in the Watkins Glen area or are looking for ideas that might help fight infrastructure projects elsewhere, I hope you will feel your time in reading it has been rewarded. If you do, please circulate it, especially in the Watkins Glen/Schuyler County area. I cannot distribute it widely on my own.

1 - There is almost nothing in the FOIL documents to substantiate claims that the Watkins Glen Fire Department is trained to handle the kinds of gas emergencies that might arise in relation to the proposed Crestwood facility. I FOILED both Schuyler County and the WGFD for records showing that the WGFD has trained for a conflagration involving a ruptured rail tanker carrying propane. This is one of the possible emergencies specifically cited by Schuyler County Legislator Michael Lausell, when he proposed a delay in endorsing the Crestwood project until the county had drawn up a new emergency preparedness plan. I also FOILED for evidence of training to deal with a burning propane tanker truck or geysers of flame from gas migrating underground and springing up in town (as happened in Hutchinson, Kansas after an incident at the salt-cavern gas-storage facility there).

From Schuyler County I received a schedule of trainings for first responders that specifically mentioned the WGFD twice: once, for a course in "Fire Behavior and Arson Awareness" and once for a course entitled "Hazmat Incident Command." "Hazmat Incident Command" training would, indeed, be helpful in preparing for a potential crisis at Crestwood. The fact that personnel from the WGFD took this training is the only evidence I could find of preparation for a Crestwood-type incident.

From the WGFD itself, I received a separate training schedule, covering six trainings from 1/1/09 to 7/10/14. They are all designated as trainings in "Natural and Propane Gas Emergencies." There is nothing in the WGFD FOIL documents to show what, specifically, these trainings consist of. Training to put out a fire in a gas grill is considerably different from training to deal with a fire at a facility where millions of cubic feet of flammable gas are stored. The WGFD *may* have trained for a major gas-related incident, but if it has, there is no evidence of that training.

Similarly, when I met with the WGFD, they insisted that they had "tabletopped" (war-gamed) scenarios related to a major gas incident. If such exercises took place, there is no record of them.

A great deal of training is done in conjunction with the New York State Office of Fire Prevention and Control (OFPC), which, among other things, manages the NYS Academy

of Fire Science in Montour Falls. Back in 2013, I FOILed the OFPC for documents showing that it had helped train Schuyler County first responders for potential emergencies at the (then) Inergy facility. In January 2014, I received the reply that the OFPC had no such documents, meaning that they had not assisted with any such site-specific training.

2 – There is another way to gauge the training of WGFD personnel, and that is to look at their official level of training. In the FOIL packet from the WGFD is a list of 38 departmental personnel, with their levels of training recorded beside their names. Twenty-nine are listed as being trained for "Hazmat Operations," one is trained to the level of "Hazmat Technician," and eight are rated for "Hazmat Incident Command."

I queried the OFPC as to the meaning of these designations. I was referred to OSHA 29 CFR 1910.120(q), which defines the "Hazmat Operations designation this way:

*"First responders at the operations level are individuals who respond to releases or potential releases of hazardous substances as part of the initial response to the site for the purpose of protecting nearby persons, property, or the environment from the effects of the release. **They are trained to respond in a defensive fashion without actually trying to stop the release. Their function is to contain the release from a safe distance...**" [emphasis added]*

In other words, 29 of the WGFD's 38 firefighters are not qualified to take offensive action in a hazmat incident. If a Crestwood-related fire breaks out, until help arrives, the WGFD will be able to battle the blaze with no more than nine qualified firefighters.

Additionally, James Cable, Chief, Special Operations Branch OFPC informed me that, with possible variations for particular incidents, a burning LP tanker truck could generally be expected to rise to a "level 2" incident and a single burning rail car with LP gas in it could rise to a "level 3" incident.

The very definition of a level 2 incident, as acknowledged in the WGFD's own procedural guidelines is one that requires a "limited evacuation" and the involvement of "two or three jurisdictions." A level 3 incident requires "major community evacuation" and "State and Federal involvement." By definition, **these are types of incidents the WGFD cannot fight alone.** And, it must be noted, these types of incidents involve relatively small amounts of gas and could be dwarfed by the scope of an incident at the Crestwood facility itself.

3 –I did not make a FOIL request for a description of exactly what "Hazmat Incident Command" training entails in Schuyler County, but a notice for the same training in Orange County is posted online, and as the course is taught by the OFPC, we may assume that this training is standard in New York State.

The Orange County course includes training in "site-specific pre-incident emergency planning." Similarly, the Watkins Glen Emergency Manager's job description calls for "mitigation planning both pre- and post-disaster work as required by state OEM [Office

of Emergency Management] guidelines. Additionally, the Schuylers County Emergency Services, in a statement posted on the Schuylers County website, assures the public that its "mission is accomplished through... Comprehensive all hazards pre-disaster planning... [and] Pre-disaster mitigation planning."

Yet, when it comes to Crestwood, there would appear to be no evidence whatsoever that any pre-disaster planning has been done.

4 – The FOIL documents provided by the WGFD contain the WGFD's operational guidelines for various types of incidents.

The "Watkins Glen Fire Department Standard Operating Guideline" for "Propane Emergencies" mentions the possibility of an incident involving a propane tanker. It states, "If a LPG tanker has been involved in an accident with significant damage or rolled over the relief valve may be inoperable." It further notes that "the controlled burning of escaping LP Gas (which cannot be shut off by closing a valve) is commonly accepted firefighting practice... If gas flow cannot be shut off, do not attempt to extinguish the fire. Allow fire to burn itself out."

Here, the WGFD acknowledges, *internally*, that there are some gas-related fires that it cannot fight, but the guidelines go further than that, also stating, "For uncontrollable fires and/or when flame is impinging on container, withdraw all personnel and evacuate vicinity immediately... Remove all ignition sources in the hazardous area. This may mean closing roads and highways."

These local guidelines are in keeping with the guidelines in the 2012 Emergency Response Guidebook published by the U.S. Department of Transportation, a copy of which was given to me by the WGFD. This guidebook states that, when dealing with flammable gases, "If tank, rail car or tank truck is involved in a fire, ISOLATE for 1600 meters (1 mile) in all directions; also consider *initial* evacuation for 1600 meters (1 mile) in all directions." [emphasis added].

The instructions in the DOT guidebook are reflected in actual practice. Here are excerpts from a 2012 CBS report out of Ottsville, PA: "An overturned truck carrying hazardous material caught fire in Bucks County Monday morning... Authorities say the propane tanker delivery truck flipped onto its side and caught fire... Homes and businesses within a mile of the scene have been evacuated."

What would it mean if such an incident were to occur in the Watkins Glen Fire District? Depending on the type and location of the incident, a one-mile radius of evacuation could encompass the Watkins Glen International race track at a time when thousands of people are in the stands, or downtown Watkins Glen on a day with busy vehicular and pedestrian traffic.

How, exactly, the WGFD, in conjunction with the sheriff or whomever, would be able to evacuate such areas (while, in some scenarios, keeping roads and highways closed) is a

topic not addressed in any of the FOIL documents provided by the WGFD. In fact, **there are no evacuation plans in the documents at all.**

When I met with the WGFD, I told them they ought to tell the truth to the public, the truth being that, if the Crestwood facility expands, there could be scenarios in which their only recourse would be to evacuate the area and wait for help. They said I was asking them to "take sides," and they refused to do this, even though what they are refusing to publicly acknowledge is precisely what is in their own procedural guidelines.

It is the duty of the WGFD, as it is the duty of all firefighters, to address potential hazards proactively. That's why firefighters routinely conduct dry brush inspections, give advice on installing children's car seats, and tell us to change the batteries in our smoke alarms. **On the WGFD's website, there are warnings about the potential hazards of portable heaters and clothes dryers, but not one word about the potential hazards from a plan to store millions of cubic feet of flammable gas in unstable salt caverns that will be connected to pipelines, compressor stations and fleets of gas-carrying trucks and trains passing through town. Does this make sense?**

5 – The explanation for the WGFD's silence may be found, perhaps, in the most peculiar document in the WGFD's FOIL packet, a document as notable for what it is as for what it says. It is a letter addressed to me and signed by Jim Adesso, director and chief financial officer of the WGFD. It begins, "Per your June 11th, 2014 email... in that you request records of all donations or other monies received by the WGFD or its firefighters' organization from TEPPCO, Texas Eastern, U.S. Salt, Inergy and Crestwood over the past five years,' I submit the following information..."

Here, Adesso *explicitly* acknowledges that, even though I requested "records," he is providing, instead, only what he describes as "information." The critical difference between the two (aside from that one is responsive to my request and the other isn't) is that the one constitutes real evidence and the other is just the WGFD's story with nothing to substantiate it. This raises two questions:

First, **how did the WGFD manage to receive financial contributions from Crestwood without generating any verifiable records of these transactions?** This is especially remarkable, because, when they took one contribution, the WGFD gave Crestwood the opportunity for a big publicity photo op. Here is a report on the event from the Odessa File, an online news source for Schuyler County:

"This industry," [Crestwood CEO Robert] Phillips said to [former WGFD chief Dominick] Smith, "is one that is focused on giving back to the community. We understand and appreciate how dedicated you are. We are happy to be able to help you."

The former chief responded by saying the money "is going to good use. This will help put us in the right direction" in purchasing technology equipment that "will be a large part of our training and safety efforts."

"Good," said Phillips. "I hope we're being a good neighbor, and I hope we are for another 100 years.

"Also on hand from the fire department were Jim Adesso, new Chief Judson Smith, and Byron Thompson, who also works at U.S. Salt. Judson Smith said Dominick, his brother, accepted the check because Dominick had, assisted by Adesso, requested the donation before stepping down recently as Chief."

According to the Odessa File, this contribution was one the WGFD had actually *solicited* from Crestwood. So how would it be possible for this money to have been solicited, handed over in a public ceremony and then deposited somewhere, without producing a single page of correspondence or any verifiable record at all? What business could possibly run this way?

The WGFD's failure to document its financial dealings with Crestwood doesn't just defy common sense. It is also defies the law. According to Mark Johnson, deputy press secretary for the New York State Comptroller's Office, "In New York State, general municipal law requires fire districts to file annual financial reports (known as AUDs) [Annual Update Documents] with our office. Gifts and donations should be reported as a revenue in the AUD." On the other hand, if the WGFD really does have the records but failed to turn them over, what are they hiding?

And while we're on the topic of these undocumented donations from Crestwood, we might ask: what is it when your fire department gives a public relations platform to the CEO of the company that has outraged a great many local citizens? Isn't that a matter of taking sides? How can the WGFD's supposed restriction against taking sides allow them to appear in a photo op with Crestwood's out-of-town CEO but prevent them from telling the people they are supposed to protect the truth about the dangers Crestwood will bring?

Another question connected with Adesso's letter is why he wrote it in the first place. If the WGFD is going to just issue statements instead of providing the public records they are mandated to provide, why aren't they issuing statements about their limitations when it come to combating potential fires connected with the Crestwood facility? And why didn't they issue statements responding to the many FOIL requests I made that they completely ignored (as detailed below in points six, seven, and eight)?

What Adesso's letter actually *says* is that, in 2010, either Texas Eastern or Tepco donated \$500 to the WGFD and in 2013, one of them donated \$750. And in each year from 2010 to 2013, U.S. Salt donated \$500. **The scale of contributions changed when Inergy bought U.S. Salt. In 2011, Inergy donated \$5000 and then, in 2014, Crestwood donated \$10,000, a contribution that, as previously noted, was directly solicited by the WGFD.**

Again, we have no way of knowing if Adesso's figures are correct, but *if* they are, what do they mean?

One possible interpretation is that, as CEO Phillips said, Crestwood just wants to be a "good neighbor." This interpretation is undercut, however, by Crestwood's behavior when it isn't donating money to the fire department. Among other things, Inergy/Crestwood tried to sell us their project by saying that salt caverns are the "ideal" places to store gas when, in reality, they're the most dangerous; by the e-mail distributed by a Crestwood executive calling for a boycott of any local business that didn't support the company; and, more recently, by Crestwood's veiled threat to close U.S. Salt and throw people out of work, if it doesn't get its way on gas storage.

The other possible explanation, one that better fits the evidence, is that, through long experience, Crestwood has learned how to take the edge off the protective spirit that might otherwise be found among local first responders. This theory would explain both why Crestwood donated money to the WGFD, and why the WGFD has subsequently refused to inform the public about the dangers Crestwood poses. This theory is given further credence by the obvious possibility that the WGFD retains the hope of getting more money from Crestwood in the future.

And again, how is it possible that the WGFD has had repeated intercourse with Crestwood over financial matters but has no documentary record whatsoever of any such contact?

6 – Cheif Smith told me that, if a document wasn't in the FOIL packet, he didn't have it. Here are three FOIL requests I made of the WGFD for which they provided no documentation or statement of any kind:

- "Records of any correspondence between your fire department and the management of the Crestwood facility, relating to the safety of the facility or preparedness in the event of an accident."
- "ALL correspondence with and documents pertaining to Inergy or Crestwood, or any of their related companies and/or subsidiaries (e.g. U.S. Salt) from 2009 to the present. By 'ALL,' I mean all documents and not merely those related to safety as in my previous requests."
- "All maps in your department's possession of the Crestwood facility, including diagrams of shut-off valves, escape routes and all other relevant safety information."

How could the WGFD have prepared for possible Crestwood-related emergencies without ever corresponding with Crestwood about anything whatsoever and without even possessing a map of the facility or diagram of its shut-off valves? How is it possible that there is not even a record of any code enforcement or safety inspection of any kind being made at either the Crestwood facility or U.S. Salt?

It must be remembered that the Crestwood facility is already operating. The issue is over its possible expansion. **How can we rely on the WGFD to keep us safe in relation to a**

possibly expanded gas-storage facility, when there is no evidence it has ever performed any kind of safety check on the facility we have now?

7 – Here are five more FOIL requests I made of the WGFD that they completely failed to respond to. They are presented here without comment, because the implications are obvious:

- "Records of any correspondence between your department and any other outside party relating to the safety of the Crestwood facility or preparedness in the event of an accident."
- "Any assessment in your records, made by your department or by anyone else, of the relative risks and dangers presented by salt-cavern gas storage facilities like Crestwood's Reading facility."
- "The records of any purchases made specifically to better equip your department to meet an emergency related to the Crestwood facility."
- "Any analysis of the costs involved in securing special equipment to address a potential emergency directly or indirectly related to the Crestwood facility and analyses of whether these purchases could or could not be fitted into the County budget."
- "All area-wide maps of escape routes, ambulance routes, triage points, staging areas, road blocks and other designated map points in preparedness for a possible emergency related to the Crestwood facility."

8 – Here is one more FOIL request to which the WGFD did not respond:

- "Any document pertaining to the question of from where your department would get the water to fight a fire at the Crestwood facility."

In this case, though, I was able to obtain information from another source. An article in the US Federal News from July 31st of this year contains the announcement that Watkins Glen is in line for a \$285,000 Assistance to Firefighter grant from FEMA. This grant is to enable the WGFD to buy a new water tanker, which will be a huge upgrade, because, as the article notes, the previous "decrepit tanker... stopped working last year." The old tanker, reportedly, could pump 125 gallons per minute (gpm), while the new one will be able to stream out at least 750 gpm.

That's the good news. The bad news in the article is this: "The fire district of Watkins Glen, New York is 58 square miles. Only some 20 percent of their area – roughly 12 square miles – is equipped with fire hydrants, posing a major challenge..." That is to say, it poses a "major challenge" in the comparatively benign environment of Watkins Glen today. If tomorrow's Watkins Glen includes a huge expansion of gas storage, constant gas transport by truck and rail, and an ever-increasing volume of gas being pumped

through pipelines and compressor stations, what is already a "major challenge" must become significantly greater.

To put it another way, **if a major gas incident occurs in the Watkins Glen Fire District, there is an 80% chance that it will occur in a place without hydrants, a swath of 46 square miles that includes the massive Crestwood facility itself. Unless there is a pond or stream nearby, the WGFD will be able to rely only on one new tanker truck capable of pumping 750 gallons per minute. At 750 gpm, even a large tanker truck carrying 5000 gallons of water will be able to sustain firefighting operations for less than seven minutes.**

In the event of an emergency connected to Crestwood, the WGFD would have to wait for aid from fire companies in our surrounding area. It is an open question, though, how those fire companies will feel about being dragged into an inferno for which they, too, may be ill-equipped and unprepared. And, of course, assembling and coordinating diverse personnel and pieces of equipment takes time.

According to an article in "Fire Engineering" entitled, "Fire Protection and Response for LPG Bulk Storage Installations," published in 2005, "most LPG fires originate as smaller fires that become increasingly more dangerous... LPG fires can escalate quickly, and a lack of manual activities by the fire department can lead to vessel failure." Though this article refers, specifically, to LPG, we may assume that the need for a speedy response also applies to natural gas fires. Time is precisely what the WGFD won't have in the event of a gas emergency.

The same article advises that, to facilitate an emergency response, firefighters should have "an up-to-date and complete emergency response/pre-incident plan" which includes, among several other things, "Map of facility," "Hoselays and lengths required," "scenarios for both unignited and ignited leaks." The WGFD has none of these things.

9 – The most intriguing item to me in the WGFD FOIL documents is this line in the WGFD's Standard Operating Guidelines: "The Watkins Glen Fire Department will maintain a file of all reports received under State Law 209u concerning the presence of hazardous materials at various locations within the fire district."

I had never heard of this law, but what it requires is that the WGFD (and similar departments elsewhere in the state) must maintain a file in which hazardous materials are registered every year or else the file must contain an exemption from such registration updated annually by the fire chief. I made a separate FOIL request for access to this file.

My FOIL request read as follows:

"By this e-mail I would like to request copies of all of the forms filed with the Watkins Glen Fire Department over the past five years under the requirements of State Law 209u."

The WGFD *did not comply*, giving me, instead, only a batch of documents from 2013. The packet contained documents from U.S. Salt, but no documents from Crestwood. There are only three potential explanations for this:

- 1 – There are no hazardous materials at the Crestwood facility.
- 2 – The WGFD has negligently failed to demand 209u compliance from Crestwood.
- 3 – The WGFD has received 209u documents from Crestwood and is concealing them.

Possibility number one seems unlikely, because of what's listed in the Arlington Storage Company, LLC Seneca Lake Compressor Station Emergency Action Plan. Arlington is a subsidiary of Crestwood, and the compressor station -- the site where I and 14 other have been arrested committing civil disobedience in protest against Crestwood's expansion plans – is just one part of the Crestwood complex.

Under "Possible Sources of Leaks," this plan lists methanol (can cause blindness, coma and death) and ethylene (a central nervous system depressant that can cause difficulty breathing). Under "Major Fire Hazards" it lists natural gas, methanol, lubricating oil/grease and unspecified "solvents."

It would, thus, appear that either the WGFD has never sought 209u documents from Crestwood or it has received them and is concealing them from the public.

10 - Though the WGFD may not have prepared for an emergency connected with Crestwood, it has definitely prepared for the aftermath of such an incident. According to the WGFD's "Standard Operating Guidelines," "A post incident critique will be held as soon as possible to evaluate the response to the incident... No media representation will be allowed at the critique." This may be standard procedure, but what it means is that we won't be likely to get straight answers from the WGFD after an incident, just as we aren't getting straight answers now, before an incident has taken place.

11 – The WGFD's lack of preparedness for a Crestwood-related emergency should have been known to Schuyler County Legislature chair Dennis Fagan when he voted against legislator Michael Lausell's motion to delay endorsing the Crestwood project until a new emergency plan was prepared. Fagan is listed as a member of the Schuyler County Emergency Planning Committee. George Lawson, publisher of the Watkins Glen Review & Express, is also listed as a member of this committee as a media representative. In contrast to Fagan, Lawson was concerned enough, he says, to e-mail Bill Kennedy, the Emergency Management Committee chair, suggesting that the committee have a county-specific emergency preparedness plan "for the types of businesses that are looking to expand in the county."

12 – A 2009 Inergy Form 10-K filing with the Securities and Exchange Commission states, "**our insurance may not be adequate to protect us from all material expenses related to potential future claims for personal injury and property damage.**" So who will be expected to pay for an accident?

During the public comment period before the June 9, 2014 vote by the Schuyler County Legislature to endorse the Crestwood project, I asked if the county might not be incurring liability by inviting the Crestwood facility, without making any preparations whatsoever to ensure the safety of citizens once it opens.

The next speaker, Brian Gardner, Schuyler County's deputy emergency management coordinator, rose to answer me:

"I'll take exception to everything you just said. To make the statement that this county is not prepared is wrong. I have been a trainer for the emergency responders in this county for ten years. Do we have a plan for that facility? No. [Laughter from the crowd] Let me speak, please. Do we have a plan for an event that will happen there? Absolutely. As first responders, as firefighters, we can't train in every individual house in here if your house catches fire. Do we know how to put the fire out in that house? Absolutely, because we have training [inaudible]. We train on propane trucks. The New York State Fire Academy is located in Montour Falls. They have a flam gas workshop. Many of our first responders have been there, trained on propane emergencies, transport vehicles, train vehicles, over-the-road trucks. We've trained on that. We've done scenarios. Have we done scenarios exactly for Crestwood? Absolutely not, as he [referring to me] requested in his FOIL request, but we run drills, we've done mass casualty drills at the hospital with the ambulance service, the fire departments. These first responders are trained, so you guys [gesturing towards the legislators] have a tough vote tonight. I'm not here to say one way or another against that, but to say that the first responders of this community are not ready to handle something like that is totally wrong."

I truly believe that Gardner was speaking from his heart, but nonetheless, I do have some problems with his remarks. First of all, there is a rather obvious difference between training to fight house fires and training to fight a fire at the Crestwood facility. There are lots of houses but only one Crestwood facility. Even if you throw in the other gas storage facilities in the county, regardless of their nature or design, it is a small group and not at all impossible to prepare for in exactly the detailed way it is impossible to do for every house in the Watkins Glen fire district.

Second, there is nothing more anyone can do to be fair to Gardner, the WGFD and other Schuyler County first responders than to give them the chance to prove their claims. If, in response to my FOIL requests, they had provided copious documentation of their preparedness, this report would read very differently. But **they cannot back up their claims with any solid evidence, and the evidence they do provide contradicts their claims.** As residents whose lives may be threatened by Crestwood, we don't have to just

take their word for it. We have a right to see proof that we'll be safe, and the legislature should have demanded it, but to its discredit, it did not. As it is, the evidence would seem to demonstrate that Gardner misled the legislature right before the crucial vote.

Gardner avoided any reference to the issue of liability by insisting that there could be no such issue on account of how well prepared they are. But someday somebody other than me might ask them to produce some real proof -- in a court of law.

These are excerpts from an Associated Press report from July 28, 2014:

WACO, Texas -- Two fertilizer companies [that were] sued following a deadly Texas explosion are claiming the small town deserves blame for failing to properly train volunteer firefighters and first responders, who made up most of the 15 people killed by the blast. El Dorado Chemical Co. and CF Industries argued in a state district court in Waco that the city of West, which has about 2,800 people, had insufficient protocols in place to battle the April 2013 blaze at West Fertilizer Co. that triggered the explosion. The fertilizer suppliers are now seeking to have the city designated as a responsible third party in lawsuits filed against the companies, the Waco-Tribune Herald reported Saturday.

The Texas State Fire Marshal's Office concluded in a report published in May that members of the West Volunteer Fire Department arrived at the scene that day unprepared for the dangers. The Texas State Fire Marshal also determined that strategies and tactics utilized by the WVFD were not appropriate for the situation and unnecessarily exposed the firefighters, many of whom have brought claims against the CF defendants in this matter, to extreme risks, CF Industries says in the motion...Even as some first-responders expressed misgivings about the size of the fire, the firefighters did not pull back, according to the report.

It is too early to tell whether or not the fertilizer companies actually will be able to place legal responsibility on the city. In the best-case scenario, West, a city only a little bigger than Watkins Glen, will probably have to spend a fortune defending itself from attacks by well-heeled corporate lawyers. In the worst-case scenario, the city will be held financially liable and will face multiple lawsuits from, among others, the aggrieved families of its own firefighters killed in the line of duty.

The tragedy is that these brave firefighters didn't pull back even when they had misgivings. What went wrong that day wasn't in their hearts, but in their orders. Being good souls and true didn't keep them from paying the ultimate price for a lack of preparation and training. Here in Schuyler County, we too can be done in by our own folly.