



**Public Health**  
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# CATTARAUGUS COUNTY BOARD OF HEALTH

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*Andrew Klaczynski, MD, President*

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*Sondra Fox, RN*

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*James Lapey*

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*James Snyder*

## MINUTES

October 3, 2012

The 808<sup>th</sup> meeting of the Cattaraugus County Board of Health was held at St. Bonaventure Clubhouse Restaurant, Route 417, Allegany, New York on October 3, 2012.

The following members were present:

Joseph Bohan, MD

Richard Haberer

Joseph Eade

James Lapey

Sondra Fox, RN

James Snyder

Also present were:

Kevin D. Watkins, MD, MPH, Public Health Director

Kathleen Ellis, Administrative Officer

Thomas Brady, County Attorney

Karen Manners, Secretary to Public Health Director

Eric Wohlers, Environmental Health Director

Raymond Jordan, Sr. Sanitarian

Susan Andrews, Director of Patient Services

Gilbert Witte, MD, Medical Director

Paula Stockman, County Legislator

Donna Vickman, County Legislator

Linda Edstrom, County Legislator

Carl Edwards, County Legislator

Howard Van Rensselaer, County Legislator

Susan Labuhn, County Legislator

David Porter, Hearing Officer

### **Guests:**

John Ames, Ischua Valley Fire Department

Ken Farnham, Little Valley V.F.W.

Barbara Killock, Rough Kutts, South Dayton

Laurie Adams, Program Director, Tri County Tobacco Free Program

Hillary Clarke, American Cancer Society – Buffalo

Dan Klice, CARES

Crystal Page, American Cancer Society – Olean

Jennifer Sullivan, American Cancer Society – Buffalo

Lindsay Ball, Tri County Tobacco Free Program

**Guests (continued)**

Erica Sebastian, Southern Tier Health Care System

Donna Duckworth, Tri County Tobacco Free Program

Jon Chaffee, Reality Check Program, ACASA

The meeting was called to order by Dr. Bohan. The roll was called and a quorum declared. Mr. Eade made a motion to approve the minutes of the September 5, 2012 Board of Health meeting. It was seconded by Mrs. Fox and unanimously approved.

Dr. Watkins stated that representatives from three establishments were present to request that the Board repeal their decision made at the September 5, 2012 meeting to discontinue the Clean Indoor Air Act smoking waivers that will expire in December 2012.

Dr. Watkins introduced Laurie Adams from the Tri County Tobacco Free Program. She stated that the group with her today was here to commend and support the Board's decision to protect the citizens in Cattaraugus County from harmful second hand smoke by not renewing the smoking waivers. She handed out an educational booklet on preventing tobacco use among youth and young adults from the Centers for Disease Control. Ms. Adams introduced Hillary Clarke from the American Cancer Society Buffalo office. She works with many groups across the State helping to protect people from the burden of tobacco.

Ms. Clarke thanked the Board on behalf of the public health community for rescinding the waivers that were previously granted to establishments under the Clean Indoor Air Act. She stated that the Clean Indoor Air Act took effect in July 2003 and it gave boards of health the ability to allow waivers under two circumstances: an undue financial hardship or other factors that would make compliance unreasonable. The merits of each waiver application must be assessed individually, taking into account the particular circumstances of each facility. They do not believe that the ventilation systems are an adequate substitution and do not agree that implementing this law causes any undue financial, safety or security hardship as defined in the law.

Ms. Clarke went on to say that the position of the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) is that the health risk associated with indoor exposure to smoke can only be effectively eliminated by banning smoking activity. She also cited a study from Roswell Park Cancer Institute that shows that the ventilation system in a smoking room in an establishment was ineffective in removing harmful secondhand smoke.

In conclusion, Ms. Clarke stated that there are counties in New York State that never issued waivers and there are other counties that have rescinded waivers. It is the feeling of these groups that the Board of Health is charged with acting in the best interest of the health of the community and they urge the Board to stick to their decision and rescind the waivers for these establishments.

Dr. Watkins introduced Mr. John Ames from the Ischua Fire Department. Mr. Ames read letters from Town Supervisor, Thomas Schaeper; Charles Magee, Secretary/Treasurer, Ischua Fire District; Cliff Lowe, President, Ischua Fire Department and also from himself as Secretary/Treasurer, Ischua Fire Department. All letters requested that the Board reconsider renewing the smoking waiver for the Ischua Fire Department because the revenue from Bingo lessens the burden on the taxpayers to

support the operating supplies of the fire department, and has allowed the Town of Ischua to pay for equipment, buildings and repairs that might otherwise have caused an increase in taxes to residents. Also mentioned in the letters was the fact that if people are not allowed to smoke at the Bingo Hall, they will go to the Seneca Nation to play where they can smoke and Ischua Fire Dept. will lose revenue. Mr. Ames informed Dr. Watkins that he has a petition that was circulated at the Bingo Hall with 162 names, addresses and phone numbers, requesting that the Ischua Fire Hall be granted a permanent waiver for the smoking room.

Dr. Bohan asked Mr. Ames how many years they have had to recoup the investment that they spent for the smoking room. Mr. Ames said that they made that investment 9 years ago so that they could continue receiving revenue from Bingo. Dr. Bohan stated that these establishments were informed that the waivers would not automatically be renewed every year and there has been considerable time to recoup the investment, even though the revenue is going for a very good cause. There is a trend in the country and in the world against smoking in public places. Dr. Bohan thanked Mr. Ames for his presentation.

Dr. Watkins introduced Mr. Ken Farnham from the Little Valley V.F.W. Mr. Farnham stated that he came before the Board a few years ago representing the V.F.W. and nothing has changed since then, other than the attitude of the Board and the public. He also stated that unless you walk into the smoking area, there is no second hand smoke exposure.

Dr. Watkins introduced Ms. Barbara Killock from Rough Kutts Tavern in South Dayton. She also stated that no one is exposed to second hand smoke at the tavern unless they choose to go into the smoking area. The establishment has been in compliance with Health Department/Clean Indoor Air Act requirements since 2004 and she does not understand why they are being denied a waiver.

Dr. Watkins stated that all requests to address the Board regarding their decision to discontinue the waivers for all establishments in Cattaraugus County have been heard. Mr. Haberer made a motion for the Board to go into Executive Session to confer with the County Attorney; it was seconded by Mr. Eade and was unanimously approved.

Mr. Eade made a motion to move out of Executive Session; it was seconded by Mr. Haberer and unanimously approved. Dr. Bohan thanked all of the organizations for their presentations of reasons why they believe their waivers should continue. Dr. Bohan stated that the Board is still gathering information and not ready to make a decision today and will continue the discussion at next month's meeting.

Mrs. Stockman stated that there are two factors to be considered; 1) the health factor which is the reason why the Board decided to discontinue the waivers, 2) the economic factor, which each establishment representative today spoke of an economic hardship. As the Village Clerk of South Dayton, she said they used to have Bingo at the Fire Department until the CIAA amendment was enacted and they lost approximately \$189,000/year in revenue.

Mrs. Stockman also stated that she is concerned with Rough Kutts because if the waiver is rescinded those people will be outside smoking. Park Street in the Village of South Dayton is the main route for people to walk to the Post Office, etc., and if people are outside smoking, there are mothers

pushing baby strollers that will have to walk through a cloud of smoke every day. If people are inside smoking, pedestrians will not have that exposure to second hand smoke.

Mr. Haberer noted that the study that was conducted by Roswell Park was done in 2004 and there have been considerable changes in ventilation systems since then. Mr. Brady pointed out that if there is litigation there would be expert witnesses to testify about the level of infiltration of smoke from one side to the other. Mrs. Fox stated that Roswell Park would let us borrow the meter used in that study to check the air quality. Dr. Bohan asked if the Health Department has access to any machine that is used to measure smoke content in the non-smoking portion of the buildings. Mr. Wohlers stated that he believes the State Health Department has that equipment in Albany and we would have to submit a special request to use it. We can inquire as to what procedures would be necessary. Dr. Watkins agreed to gather studies and send them to the Board members before the next meeting.

Ms. Edstrom, as a smoker, commented that there are always new rules and regulations coming out against smokers which makes smokers feel even worse about themselves just because they are smokers.

**Nursing Division Report:** Mrs. Andrews reported that there is a flu clinic being held today at Jamestown Community College which she has to leave to attend.

Two new Home Care nurses have been hired; one will start on 10/15/12 and the other will start on 10/29/12. Susan Hettenbaugh will be based in the Salamanca office and Gina Andhor will be based in the Olean office. This will leave one position to be filled. The Nurse Practitioner position still remains open. There is a person interested and hopefully will find out more information later today. Next week we will conduct interviews for the two part time home health aide positions that were approved by the County Legislature.

The State conducted their unannounced post Home Care Review. They were at the Health Department for two days and experienced first hand some of the computer problems that the department encounters. We were able to clear some of our deficiencies from the previous survey, but a couple of deficiencies remain. One of them is concerning coordinating care with the therapists because they are all contracted. The auditor did mention that she saw a dramatic improvement in the nursing documentation.

The manufacturer, Sanofi Pasteur, announced a voluntary recall on typhoid vaccine. There is no harm to patients and they are not recommending that people be revaccinated, but there is a potential problem with the potency.

All of the procedures are in place and training will be offered on 10/10/12 or 10/11/12 to begin offering the Hepatitis C testing on 10/15/12. This is a finger stick with results in 20 minutes. The State is having us do the confirmatory and then refer to them for care.

Mr. Porter reported the following enforcement cases for Board action:

**DOCKET 12-018**

**KATHLEEN & ROGER HANLEY, 11441 Route 98, Freedom**

**Violations:** CCSC, Section 16.6.1 Respondents have not fully complied with condition #1 of the 11/4/09 Board of Health Order at the time of the most recent on site visit on 3/29/12 by a health

**DOCKET 12-018 (continued)**

department representative. They are allowing their grey water to discharge to the surface of the ground via their sump pump. Notice of Hearing with no stipulation offered was mailed on 8/17/12. It was received and signed for by Roger Hanley on 8/21/12.

Hearing was adjourned to October 9, 2012 in order for Respondent to have counsel present.

There was discussion on whether Mr. Brady should attend this hearing since Respondent's counsel would be present. Mr. Porter stated that as the Hearing Officer he only makes a recommendation to the Board, the decision on each enforcement case is up to the Board and he feels that it is not necessary to have Mr. Brady present for each case. Mr. Jordan added that Mr. Brady will be available by phone for this case.

**DOCKET 12-026**

**MICHAEL TOMES, PUFFER BELLIES, 3335 Route 16, Hinsdale**

**Violations: 10NYCRR, Article I, Section 5-1.72(c)(1)** Respondent failed to submit complete daily records for the operation of the public water supply for the month of May 2012 to CCHD by the 10<sup>th</sup> day of the following month. **10NYCRR, Article I, Section 5-1.72(c)(1)** Respondent failed to submit complete daily records for the operation of the public water supply for the month of June 2012 to CCHD by the 10<sup>th</sup> day of the following month. Notice of Hearing offering a \$100 civil compromise was served upon Respondent by Mr. Richard Dayton, Public Health Technician, on 8/21/12.

**Administrative Hearing:**

Public Health Sanitarian: Chris Covert appeared for CCHD and was sworn.

Respondent: Failed to appear at hearing.

Enf. 1 was read and affirmed to be correct by Ms. Covert and identified as People's Exhibit #1. P. Ex. #2 is an affidavit of service as proof that the Notice of Hearing was given to Respondent. P. Ex. #3 is a letter dated 7/5/12 to Respondent reminding him of his obligations to CCHD. Ms. Covert stated the following facts:

- 1) Respondent has never submitted a completed daily record for the operation of the non-community water supply.
- 2) Respondent was offered a \$100 civil compromise treating this as his first violation, but there are two violations.
- 3) CCHD does not renew permits to operate until all previous fines/violations are taken care of.

Hearing Officer Finding: Respondent is in violation of 10NYCRR, Section 5-1.72(c)(1) – failure to submit complete daily records for the operation of the non-community water supply for the months of May and June by the 10<sup>th</sup> day of the following month.

Recommendation: That Respondent pays a \$200 fine to be received by CCHD on or before 10/31/12. Failure to pay the \$200 fine by 10/31/12 will result in a \$10 per diem fine and possibly prevent renewal of operating permit.

Mr. Lapey made a motion to accept the Hearing Officer's recommendation; it was seconded by Mr. Eade and unanimously approved.

**DOCKET 12-026 (continued)**

Board Ordered: That Respondent pays a \$200 fine to be received by CCHD on or before 10/31/12. Failure to pay the \$200 fine by 10/31/12 will result in a \$10 per diem fine and possibly prevent renewal of operating permit.

**DOCKET 12-027**

**VICTOR FARR, JR., 1702 Andrew Street, Olean**

**Violations: CCSC, Section 16.2.2** Respondent has failed to abandon the use of an onsite sewage disposal system when public sanitary access became available. The Respondent was notified that connection is required on 5/4/12. Notice of Hearing was sent to the Sheriff's Department on 8/17/12 to be served. Stipulation was offered with no civil compromise amount. Notice was served to Respondent on 8/28/12.

**Administrative Hearing:**

Public Health Technician: Rich Dayton and Eric Wohlers, Environmental Health Director, appeared for CCHD and were sworn.

Respondent: Victor Farr appeared at hearing and was sworn.

Enf. 1 was read and affirmed to be correct by Mr. Dayton and identified as People's Exhibit #1. P. Ex. #2 is a copy of Section 16.2.2 of the Cattaraugus County Sanitary Code that requires connection to an available sanitary sewer system. P. Ex. #3 is a copy of a letter dated 5/9/11 regarding property transfer from Nancy Wheeler to Victor Farr informing Mr. Farr that a sewer project is imminent and will be served by the Town of Olean. P. Ex. #4 is a copy of a letter dated 5/2/12 regarding the completion of the Town of Olean sewer extension that will service Mr. Farr's residence and that he is mandated to hook up by 7/1/12 or CCHD will initiate enforcement action. P. Ex. #5 and #6 are copies of proof of service for the administrative hearing and 5/2/12 letter.

Mr. Farr's testimony was as follows:

- does not like the location of the sewer line
- there is nothing wrong with his system
- does not want another bill

Mr. Wohlers responded:

- sewer systems are cost effective, i.e., replacement, repair, pump
- no fine, just compliance
- increase value of home
- private systems in the area of Mr. Farr's residence are going to be obsolete

Hearing Officer Finding: Respondent has not abandoned his private septic system and connected to the public sewer system. Respondent has agreed to connect to the public sewer system by 5/1/2013. The reason for the delay is financial. Mr. Farr has just returned to work after surgery and will need a few months to obtain funds for the permit and actual hook up.

Recommendation: CCHD to follow up on 5/1/13 to see that Mr. Farr is in compliance by connecting to a public sewer system that is available. There will be no fine, just monitor for compliance.

**DOCKET 12-027 (continued)**

Mr. Haberer made a motion to accept the Hearing Officer's recommendation; it was seconded by Mr. Lapey and unanimously approved.

Board Ordered: CCHD to follow up on 5/1/13 to see that Mr. Farr is in compliance by connecting to a public sewer system that is available. There will be no fine, just monitor for compliance.

**DOCKET 12-030**

**ARTHUR PETERSON, 1701 Andrew Street, Olean**

**Violations: CCSC, Section 16.2.2** Respondent has failed to voluntarily abandon the use of an onsite sewage disposal system when public sanitary sewer access became available. Respondent was notified that connection is required on 8/13/12. Notice of Hearing was sent to the Sheriff's Department on 8/17/12 to be served. Stipulation was offered with no civil compromise amount.

**Administrative Hearing:**

Public Health Technician: Rich Dayton and Eric Wohlers, Environmental Health Director, appeared for CCHD and were sworn.

Respondent: Arthur Peterson appeared at hearing and was sworn.

Enf. 1 was read and affirmed to be correct by Mr. Dayton and identified as People's Exhibit #1. P. Ex. #2 is a copy of Section 16.2.2 of the Cattaraugus County Sanitary Code that requires connection to an available sanitary sewer system. P. Ex. #3 is a copy of a memorandum dated 8/13/12 regarding visit to Respondent's home. P. Ex. #4 is a copy of the affidavit of service of Notice of Administrative Hearing.

Mr. Wohlers gave the following information to Mr. Peterson:

- a) CCHD did not have control over who did and did not receive grants from lateral sewer hook-ups.
- b) It is cost effective to have a public sanitary system.
- c) CCHD role in aiding the Town of Olean in getting the additional public sewer system.
- d) Why mandated

Hearing Officer Finding: Respondent has not abandoned his private septic system and connected to the public sewer system. Respondent has agreed to connect to the public sewer system by 10/31/12.

Recommendation: CCHD to follow up on 10/31/12 to see that Mr. Peterson is in compliance by connecting to a public sewer system that is available. There will be no fine, just monitor for compliance.

Mr. Haberer made a motion to accept the Hearing Officer's recommendation; it was seconded by Mrs. Fox and unanimously approved.

Board Ordered: CCHD to follow up on 10/31/12 to see that Mr. Peterson is in compliance by connecting to a public sewer system that is available. There will be no fine, just monitor for compliance.

**DOCKET 12-031****MICHAEL TOMES, PUFFER BELLIES, 3335 Route 16, Hinsdale**

**Violations: 10NYCRR, Article I, Section 5-1.72(c)(1)** Respondent failed to submit complete daily records for the operation of the public water supply for the month of July 2012 to CCHD by the 10<sup>th</sup> day of the following month. Notice of Hearing offering a \$50 civil compromise was mailed 8/23/12.

**Administrative Hearing:**

Public Health Sanitarian: Chris Covert appeared for CCHD and was sworn.

Respondent: Failed to appear at hearing.

Although this is the Respondent's second offense for the same violation, it will be treated as a first offense because the first docket has not been heard by the Cattaraugus County Board of Health. Enf. 1 was read and affirmed to be correct by Ms. Covert and identified as People's Exhibit #1. Respondent was served by first class mail and told verbally by Mr. Richard Dayton, an employee of CCHD, while he was serving the Hearing Notice for Docket #12-026 that Docket #12-031 would also have an administrative hearing scheduled on 9/11/12. Hearing Officer is satisfied that Respondent was aware of the hearing and opted not to appear.

Respondent was offered a \$50 civil compromise. Ms. Covert testified also that Respondent has never submitted a complete daily record for the operation of the non-community water supply.

**Hearing Officer Finding:** Respondent is in violation of 10NYCRR, Section 5-1.72(c)(1) – failure to submit complete daily records for the operation of the public water supply for the months of July, 2012 to CCHD by the 10<sup>th</sup> day of the following month.

**Recommendation:** Respondent pays a \$100 fine to be received by CCHD on or before 10/31/12. Failure to pay the \$100 fine by 10/31/12 will result in a \$10 per diem fine and possibly prevent renewal of operating permit.

Mr. Lapey made a motion to accept the Hearing Officer's recommendation; it was seconded by Mr. Eade and unanimously approved.

**Board Ordered:** That Respondent pays a \$100 fine to be received by CCHD on or before 10/31/12. Failure to pay the \$100 fine by 10/31/12 will result in a \$10 per diem fine and possibly prevent renewal of operating permit.

**DOCKET 12-032****PORKY'S BAR, ANDY J. MICHAEL, 2983 Rogers Road, Hinsdale**

**Violations: 10NYCRR, Article I, Section 5-1.72(c)(1)** Respondent failed to submit complete daily records for the operation of the public water supply for the month of July 2012 to this office by the 10<sup>th</sup> day of the following month. Previous violations, Docket #11-065, #12-016, 12-021. Notice of Hearing offering a \$200 civil compromise was sent to the Sheriff's Department on 8/23/12 to be served.

**Administrative Hearing:**

Public Health Sanitarian: Chris Covert appeared for CCHD and was sworn.

Respondent: Andy Michael appeared at hearing and was sworn.

Enf. 1 was read and affirmed to be correct by Ms. Covert and identified as People's



**DOCKET 12-032 (continued)**

Exhibit #1. P. Ex. #2 is a copy of the affidavit of service of the Notice of Hearing. P. Ex. #3 is a letter dated 10/19/12 explaining requirements per Section 5-1.72(c)(1).

Open meeting between Ms. Covert and Mr. Michael about compliance, reporting, methods, fines, appeals, permit renewals, etc. Ms. Covert explained in great depth how easy the CCHD has made reporting the daily operation records of the non-community water supply to the Health Department.

It was made apparent that the co-owner of Porky's Bar and Grill is keeping information from him and not performing the delegated duties of co-owner.

Hearing Officer Finding: Respondent is in violation of 10NYCRR, Section 5-1.72(c)(1) – failure to submit complete daily records for the operation of the public water supply for the month of July, 2012 to CCHD by the 10<sup>th</sup> day of the following month.

Recommendations:

- 1) Respondent pays a \$200 fine to be received by CCHD on or before 10/31/12. If not paid by 10/31/12 a \$10 per diem fine will be due until paid.
- 2) Porky's Bar and Grill is open three days/week; Thursday, Friday and Saturday. The establishment is co-owned.
- 3) The permit to operate will expire in October 2012 and CCHD has a policy not to renew operating permits when the establishment has outstanding fines.
- 4) At the present time, Mr. Michael has \$600 in fines due to CCHD by the end of September 2012 and now a proposed \$200 fine due in October 2012 for a total of \$800.
- 5) Previous commitments by Mr. Michael to be in compliance by submitting water operation reports have not been successful.

Mrs. Fox made a motion to accept the Hearing Officer's recommendation; it was seconded by Mr. Eade and unanimously approved.

Board Ordered: Respondent pays a \$200 fine to be received by CCHD on or before 10/31/12. If not paid by 10/31/12 a \$10 per diem fine will be due until paid.

**Other Board Action:**

**Docket 12-016, Andy J. Michael, Porky's Bar** – On 9/5/12 the Board ordered Respondent to pay a \$200 fine by 9/28/12 for failure to submit complete daily records for the operation of the non-community water supply with a \$10 per diem fine if \$200 fine was not paid by 9/28/12. A Notice of Appeal was received from Respondent on 9/18/12 stating that the water report was faxed and he was unaware that it was not received by CCHD.

**Docket 12-021, Andy J. Michael, Porky's Bar** – On 9/5/12 the Board ordered Respondent to pay a \$400 fine by 9/28/12 for failure to submit complete daily records for the operation of the non-community water supply with a \$10 per diem fine if \$400 fine was not paid by 9/28/12. A Notice of Appeal was received from Respondent on 9/18/12 stating that the water report was faxed and he was unaware that it was not received by CCHD.

Mrs. Fox made a motion to deny the appeals from Mr. Michael for Docket #12-016 and Docket #12-021; it was seconded by Mr. Eade and unanimously approved.

Dr. Watkins informed the Board that the Coldspring Volunteer Fire Company has not complied with the Board of Health Orders (see dockets below), therefore, their permit to operate will be denied. Mr. Brady stated that the Board of Health Orders are self-executing and the permit will be revoked for non-compliance unless the Board would like to make another recommendation.

**Docket 12-015, Coldspring Vol. Fire Company** – On 9/5/12 the Board ordered Respondent to pay a \$250 fine by 9/28/12 for failure to submit complete daily records for the operation of the non-community water supply. Respondent also was ordered to provide an acceptable written protocol to assure compliance with 10NYCRR, Section 5-1.72(c)(1) by 9/28/12. If fine and protocol were not received by 9/28/12 Respondent's permit would be revoked every month thereafter until received.

**Docket 12-024, Coldspring Vol. Fire Company** – On 9/5/12 the Board ordered Respondent to pay a \$250 fine by 9/28/12 for failure to submit complete daily records for the operation of the non-community water supply. Respondent also was ordered to provide an acceptable written protocol to assure compliance with 10NYCRR, Section 5-1.72(c)(1) by 9/28/12. If fine and protocol were not received by 9/28/12 Respondent's permit would be revoked every month thereafter until received.

**Director's Report:** Dr. Watkins wanted everyone to be aware that October is Breast Cancer Awareness Month and we will encourage women to take advantage of the preventive measures that are available.

Dr. Watkins announced that the Health Department received a \$450,000 grant to implement an evidence based strategy to reduce childhood obesity. The Department is very excited about this new initiative and will be working with school superintendents, local municipalities and county legislators to enact some of the recommended strategies to reduce childhood obesity.

**Environmental Health Division:** Mr. Wohlers reported that the final draft of the County Sanitary Code will be submitted to the New York State Health Department. After we receive comments from the State, we will make any suggested changes and then submit it to the Board for adoption.

Mr. Wohlers said that last week they completed a public water system operator training that was well attended. We are sponsoring and facilitating another operator training in a few weeks in Springville and is being put on by the New York State Chapter of the American Waterworks Association.

Mr. Wohlers also reported that the New York State Department of Environmental Conservation announced that they are not going to issue any permits for new gas wells in Marcellus Shale and it will probably be at least another year before they allow the high volume hydraulic fracturing until

the State conducts a public health assessment. They received over 80,000 comments on the supplemental draft environmental impact statement. Initially they were going to issue the first 10 or 12 permits in Broome, Tioga and Steuben counties, where the Marcellus Shale is thickest, but that is postponed for at least another year.

Mr. Snyder asked why northern New York State cities, such as Buffalo, are opposing the drilling in Marcellus Shale when there is no Marcellus Shale there. Mr. Wohlers stated that there are well organized environmental groups in those areas and right now the focus is on Marcellus Shale and because it's deeper, the way to get it out is through high volume hydraulic fracturing. Once they have exploited all of the Marcellus Shale, there is another layer of shale below that called the Utica Shale and that extends farther north.

Mr. Wohlers stated that we have been struggling for years to get the Amish community to comply with state and county regulations and get permits for their privies and grey water systems. Recently he has had meetings and discussions with representatives of a new community of Amish that moved into the Farmersville area from Ohio last year. They submitted applications and we designed a system for their grey water so that it is not discharging on the ground and we are very close to issuing those permits. We are working with the State Codes Regional Engineer from Buffalo, who is also the code enforcement officer in Conewango.

Mr. Wohlers informed the Board that the State is going to conduct a cancer incidence study in Little Valley in the area where there was TCE contamination. This was brought about by the incident involving the students in Leroy. There was a big spill of TCE in that area that caused a big groundwater contamination plume across three counties, so they have this special registry looking at cancer incidence and how it might be linked to exposure to TCE. The State has opted to do more investigative studies of the links between cancer and TCE and have selected 5 sites around the State where they are looking at cancer rates especially around areas where they have TCE contamination in the groundwater. One of the sites chosen is located in Little Valley. This study will be going on for probably a couple years.

There being no further business to discuss, Mr. Eade made a motion to adjourn. It was seconded by Mrs. Fox and carried to adjourn.

Respectfully submitted,



Kevin D. Watkins, M.D., M.P.H.  
Secretary

KDW/km

All correspondence read at the Board of Health meeting are available upon request by contacting the Cattaraugus County Health Department at 716-701-3398. No Freedom of Information (FOIL) request is necessary.