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## WATER

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deplete the aquifer considerably, possibly affecting drinking water supplies and ecosystems, especially in times of drought. Also, as the aquifer recharges from surface water sources, contaminants could be drawn into the aquifer, the lawsuit says.

There has never been such a large-scale export from the aquifer, the lawsuit says.

Large-scale withdrawals in the past have been primarily by Corning Inc. and Dresser-Rand for cooling purposes in their facilities, but much of that water was later

returned to the local water supply. However, the water Painted Post is selling will be shipped off to another state and never return, the lawsuit notes.

Also, the project will involve trains with 42 tanker cars regularly filling up at the loading station being built on the old foundry site.

That means trains moving through streets in the heart of the village will tie up traffic, and will create noise and air pollution for the neighbors who live near the water loading station, the petitioners say.

Similar impacts will occur in Wellsboro, where the tankers will be

unloaded into a storage facility, and trucks will come fill up and take the water to well sites across the Northern Tier, the lawsuit notes.

Judge Joseph Latham is set to hear the case July 23 in Supreme Court, Steuben County.

The lawsuit seeks to annul the water sales agreement as well as the village's arrangement to lease the land where the loading station is under construction. The lawsuit also calls for the environmental review process to be done again.

Richard Lippes, a Buffalo-based attorney who specialized in environmental litigation, is

representing the plaintiffs, with the assistance of Rachel Treichler, a Hammondsport attorney and environmental activist.

The documents associated with the lawsuit are posted at [http://newyork.sierraclub.org/gas\\_drilling.html](http://newyork.sierraclub.org/gas_drilling.html)

Painted Post Mayor Roz Crozier said Thursday that he was not aware of the lawsuit, and said he wouldn't comment until he had reviewed it with the village attorney and village board.

The village has a five-year deal in place to sell the water.

## Lawsuit filed against PP bulk water sale project

BY DERRICK EK  
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**PAINTED POST** | A lawsuit challenging Painted Post's plan to sell bulk water for fracking operations in Pennsylvania has been filed in state Supreme Court.

The lawsuit was filed by three environmental groups – The Sierra Club, People for a Healthy Environment, and the Coalition to Protect New York – as well as Painted Post residents John Marvin, Therese Finneran, Michael Finneran and Virginia Hauff, and retired Corning geologist Jean Wosinski.

It was filed against the Village of Painted Post, which plans to sell up to a million gallons of water per day; SWEPI LP, which plans to buy the water for fracking in Pennsylvania; and Wellsboro and Corning Railroad, which is building a filling station in Painted Post and would transport the water.

The lawsuit challenges

the environmental review conducted by the village prior to approving the project.

The impact assessment form prepared by the village as required under the state Environmental Quality Review Act contained "many inaccuracies and inadequacies," the lawsuit alleges.

Village officials found the project would have no "significant adverse environmental impact" and decided that a more extensive review called an Environmental Impact Statement was not needed.

But according to the lawsuit, village officials failed to properly consider the impact that withdrawing such large amounts of water would have on the Corning aquifer, one of 18 primary aquifers in New York. The aquifer supplies several municipalities, not just Painted Post.

The withdrawals could

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