

STATE OF NEW YORK
SUPREME COURT : COUNTY OF STEUBEN

In the Matter of the Application of the SIERRA CLUB;
PEOPLE FOR A HEALTHY ENVIRONMENT, INC.;
COALITION TO PROTECT NEW YORK; JOHN MARVIN;
THERESE FINNERAN; MICHAEL FINNERAN;
VIRGINIA HAUFF; and JEAN WOSINSKI,

Petitioners,

For a Judgment Pursuant to Article 78 of the Civil Practice Laws
and Rules

-against-

THE VILLAGE OF PAINTED POST; PAINTED POST
DEVELOPMENT, LLC; SWEPI, LP; and
WELLSBORO AND CORNING RAILROAD, LLC,

Respondents.

AFFIDAVIT IN OPPOSITION
TO RESPONDENTS' MOTION
TO DISMISS AND/OR FOR
SUMMARY JUDGMENT

Index No. 2012-0810CV

Justice Alex R. Renzi

State of New York,
County of Schuyler, ss.:

JACK OSSONT, being duly sworn, deposes and says:

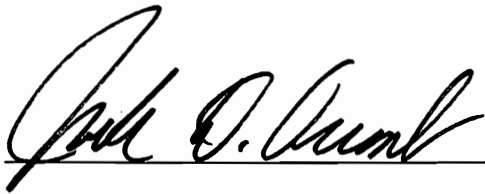
1. I am a founding member of the Coalition to Protect New York (CPNY).
2. The Coalition to Protect New York is a coalition of local environmental groups in the Finger Lakes – Southern Tier area, and as such, is an unincorporated association. The members of Coalition to Protect New York work together to promote the health and vibrancy of our land and our resources, and to oppose the harms that will be caused by the hydrofracking and drilling of gas wells. The protection of water resources and water rights from the damaging effects of water withdrawals for hydraulic fracturing for gas drilling is a key focus of the work of the Coalition. Certain of the member organizations of the Coalition, and their membership, obtain

their drinking water from water supplies that may be adversely affected by the actions complained of in this Petition.

3. People for Healthy Environment, Inc. (PHE) is one of the member organizations of CPNY. The membership of PHE is centered in the Elmira, New York area. Of the 60 members of the PHE, 14 live in the City of Elmira, 15 live in the Town of Horseheads, two live in the Town of Big Flats, and two live in the City of Corning.

4. As noted in the affidavit of Ruth Young, the President of PHE, the majority of PHE's members live immediately downriver from the Corning aquifer and damage to the Corning aquifer may damage their drinking water supplies. The drinking water for many PHE members is supplied by the Chemung River and the Elmira-Horseheads-Big Flats aquifer. If the drinking water sources supplying PHE members were to be diminished or contaminated, it could affect their health and make it difficult for them to continue living in their homes. It could also reduce the value of their property. Their neighbors and residents of the entire area served by the Chemung River and the Elmira-Horseheads-BigFlats aquifer could experience the same effects, which could have a negative effect on the overall economy of the area.

I have personal knowledge of all facts set out in this affidavit.



Sworn to before me this ^{18th} day of December 2012.



Notary Public, State of New York

RACHEL TREICHLER
Notary Public, State of New York
No. 02TR5058999
Qualified In Steuben County
Commission expires 04/22/2014