



## Tompkins County Water Resources Council

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[www.tompkins-co.org/planning/committees.html](http://www.tompkins-co.org/planning/committees.html)

January 25, 2010

Honorable David Paterson, Governor  
State Capitol  
Albany, NY 12224

Subject: Gas Drilling in the Marcellus Shale

Dear Governor Paterson:

Thank you for your leadership in requiring the New York State Department of Environmental Conservation (NYSDEC) to re-evaluate the impacts of natural gas drilling in the Marcellus Shale prior to issuing permits, and giving the public an opportunity to comment on the Draft Supplemental Generic Environmental Impact Statement (dSGEIS) of the Oil, Gas, and Solution Mining Regulatory Program. The Tompkins County Water Resources Council (WRC) appreciates the tremendous effort required for the NYSDEC to prepare the dSGEIS document, and we provided extensive comments to the NYSDEC on the dSGEIS on December 21, 2009 (<http://www.tompkins-co.org/planning/committees/WRC/index.htm>). We support many of the critical measures proposed in the dSGEIS to limit the environmental impact of shale-gas development in New York State. However, in keeping with our body's role as protector of Tompkins County's water resources, present and future, we feel obliged to raise several crucial issues that are beyond the scope of the dSGEIS as defined by the NYSDEC. We ask you and the State legislature to address these issues before gas drilling permits are issued. These issues are detailed below:

### 1. Cumulative Impacts

**The cumulative impacts of the thousands of projected drill sites and associated piping and compressor stations must be addressed by the dSGEIS.** The dSGEIS specifically excludes cumulative impacts from drilling in the Marcellus Shale. Based on data provided within the dSGEIS, there are thousands of drill sites (multiplied by the number of wells per site) that are projected to be drilled in New York State in the coming decades. Although the current regulations allow horizontal drilling and hydrofracking, the potential order of magnitude increase in these procedures prompted the NYSDEC Division of Mineral Resources (DMR) to develop the dSGEIS currently under discussion. This same 'order of magnitude' increase means that the potential impact to the resources of New York State will be such that the cumulative impact of multiple wells on the State's resources, resources such as, but not limited to, water and wildlife should also be assessed.

## 2. Interagency Cooperation

**We support the recommendation of the USEPA Region 2 that the Public Service Commission (PSC) should become a cooperating agency and that the New York State Department of Health (NYSDOH) join NYSDEC as co-lead agency.** The cumulative impacts of gas drilling will involve many agencies beyond the NYSDEC, NYSDOH and PSC. The Susquehanna River Basin Commission, Delaware River Water Basin Commission, USEPA, New York City Department of Environmental Protection, as well as local agencies, will all be involved in regulating and assessing impacts from gas drilling. **The process for interagency coordination must be developed prior to gas drilling to ensure efficient and sufficient oversight and eliminate overlapping jurisdictions.**

## 3. Division of Mineral Resources Staffing

**The Division of Mineral Resources is understaffed and underfunded. This problem needs to be addressed before drilling begins in the Marcellus Shale.** The additional work required to oversee the more complex drilling and hydrofracking processes required for extracting gas from the Marcellus Shale will require additional staff once full-scale development begins in our region. Broome County alone projects 1,000 new wells in the coming years. Region 7 Division of Mineral Resources currently has no field staff for oversight of gas drilling and relies on two people from Region 8 for field supervision of gas drilling in our region. Region 7 is woefully understaffed to undertake all the potential permitting, oversight, and monitoring efforts required to protect the State's natural environment from the impacts of Marcellus gas drilling in our region.

## 4. Funding for Environmental Oversight

**Permit fees must be increased to cover the entire cost of a regulatory program for environmental oversight of the Marcellus gas drilling.** The State will incur increased costs for 1) DMR personnel to oversee field operations and process the associated paperwork, 2) health department personnel to develop and maintain a database of drinking water quality data collected from groundwater wells near the drilling sites and respond to water quality complaints, 3) NYSDEC personnel to monitor surface water discharges from treatment plants, 4) personnel in the NYSDEC to develop and maintain a database on surface water flows and quality in the areas where drilling is occurring; and 5) other regulatory personnel needed in the NYSDEC Division of Water and Bureau of Hazardous Waste and Radiation Management as well as the DMR to oversee the immense program that drilling in the Marcellus Shale will necessitate. The Division of Budget must perform an economic analysis to ensure the fees are adequate to fund the necessary environmental oversight.

At a recent public meeting in Dryden, a representative of the Independent Oil and Gas Association of New York stated that last year the industry provided \$900,000.00 in drilling fees. This is inadequate in terms of the needs for regulating Marcellus gas drilling at thousands of well sites.

## 5. Funding for Local Government

**Funds will be needed to support local health departments and local municipalities.** Local health departments will have increased costs for reviewing water quality data from private wells near drilling sites and responding to private well contamination and other public health complaints. Local municipalities will need support to cover increased costs for responding to complaints and expanded services caused by drilling activities.

## 6. Data Collection and Analysis

**Proper monitoring and assessment strategies must be in place to protect the State's water resources, and sufficient laboratory capabilities for analysis must be in place prior to drilling.** The state currently does not have a strategy in place for data collection and analysis. Such a strategy is key to developing a comprehensive regulatory process that must be in place prior to drilling. All stakeholders (regulatory personnel, drilling companies, and the public) need to be assured that valid impartial data is being collected and disseminated in a cost effective manner. Currently there are not enough analytical laboratories in the State to analyze the multitude of water samples that will need to be analyzed; and there is a lack of laboratories in the State with expertise to analyze radiological components of water or soil samples.

## 7. Pipeline Construction Impacts

**An Environmental Impact Statement must be performed by the PSC to assess the cumulative impacts on water resources, community infrastructure, and quality of life (such as noise, road damage and degraded air quality) that would result from the building of additional pipelines and compressor stations necessary for transporting gas from thousands of individual well pads to regional pipelines. The current segmentation of the environmental impact assessment makes it difficult for decision makers and the public to adequately assess the total environmental impacts anticipated from gas drilling activities.**

A compressor station will be needed for each hundred wells, with pipelines from each well to the compressor station, and additional pipelines from the compressor station to the main transmission line. However, the dSGEIS did not address the impacts of the pipelines or compressor stations necessitated by well drilling operations. The impact of the vast network of access roads, pipelines and compressor stations must be addressed by the dSGEIS. The dSGEIS identifies the Public Service Commission (PSC) as the responsible agency to oversee construction and protection of the environment for pipeline construction. Fees for the pipelines and compressor stations should be assessed to provide for the revenue for personnel to oversee the statewide assessment and construction of the many compressor stations and thousands of miles of pipeline that will need to be constructed to bring the gas from the individual wells to market.

## 8. Local Government Notification

**Local Governments need to be involved and informed in all aspects of the drilling process and a procedure for this needs to be in place before drilling begins.** NYSDEC should classify all local governments as **INVOLVED** agencies. Each municipality should receive copies of gas drilling permit applications, including parcel tax map numbers, for their comment and review before any permits are issued by NYSDEC. The NYSDEC should also be required to provide each local municipality and county government with 1) accurate Environmental Inspector contact information for permit coordination between agencies as well as emergency and spill response coordination, and 2) written notification to each municipality of location of each well plugging permit application, including tax map parcel number and mapping coordinates.

### SUMMARY

**The overriding concern of the Tompkins County Water Resources Council is that the importance of retrieving this natural resource (shale gas) for the benefit of the State and Nation should not overshadow or relegate other State resources to a lesser status.** Article XIV, Section 4 of the New York State constitution states "The policy of the state shall be to conserve and protect its natural resources and scenic beauty" and goes on to state "The legislature, in implementing this policy, shall include adequate provision for the abatement of air and water pollution and of excessive and unnecessary noise, the protection of agricultural lands, wetlands and shorelines, and the development and regulation of water resources." In taking your oath of office to uphold the New York State Constitution, we trust you will ensure that our valuable natural resources are protected by having the NYSDEC and PSC develop, implement and enforce strict regulations concerning drilling in the Marcellus Shale. Without effective management and oversight, gas drilling procedures and technologies could fail to perform as designed, and efforts to protect the public health, the environmental health, and the quality of life within the community will be compromised. Effective management of all gas-drilling operations is key to ensuring that a responsible and consistent level of public and environmental health protection is achieved and the overall quality-of-life is maintained for any community. Given the extent and scope of the comments provided by the Water Resources Council of Tompkins County (and many other organizations) to the NYSDEC on the dSGEIS, the time it will take for the NYSDEC to address these comments, and the congressional mandate for the USEPA to perform a study on gas drilling, we believe the State should develop a second draft SGEIS based on the comments received, with a second comment period for the new draft SGEIS and consider delaying the final SGEIS until the USEPA study is concluded.

Any questions or comments concerning this letter can be addressed to Elizabeth Cameron, Chair, Gas Drilling Committee or Frank Proto, Chair of the Tompkins County Water Resources Council.

Respectfully,



Frank P. Proto, Chairman  
Tompkins County Water Resources Council

cc:

*Pete Grannis, Commissioner, Department of Environmental Conservation,  
DEC Division of Mineral Resources, Bureau of Oil & Gas Regulation,  
NYS Senator Skelos,  
NYS Senator Malcolm Smith,  
NYS Senator Pedro Espada,  
NYS Senator George Winner,  
NYS Senator James Seward,  
NYS Senator Michael Nozzolio,  
NYS Senator Carl Marcellino, Chair of the Environmental Conservation Committee,  
NYS Senator Darrel Aubertine, Chair of the Energy and Telecommunications Committee,  
Chair of the Senate Committee on Local Government (via Andrea Stewart-Cousins),  
Chair of Senate Committee on Health (via Robert Gottfried),  
Speaker of the Assembly Sheldon Silver,  
Assemblywoman Barbara Lifton,  
Assemblyman Robert Sweeney, Chair of Assembly Environmental Conservation Committee,  
Assemblyman Kevin Cahill, Chair of the Assembly Energy Committee,  
Chair of Assembly Committee on Local Government (via Sam Hoyt),  
Chair of Assembly Committee on NYSDEC Oversight (via Adam Bradley),  
Chair of Assembly Committee on Science and Technology (via Francine DelMonte),  
Chair of Assembly Committee on Toxic Substances and Hazardous Waste (via Mike Spano)  
Chair of NYS Assembly Committee on Water Resources Needs of NYS and Long Island,  
Attorney General Andrew Cuomo,  
U.S. Senators Schumer,  
US Senator Gillibrand,  
Representatives DeGette,  
Representative Salazar,  
Representative Arcuri,  
Representative Hinchey,  
New York State Association of Counties,  
New York State Association of State County Health Officials (NYASCHO),  
Tompkins County Board of Health,  
Town Supervisors and Clerks,  
Tompkins County Legislature,  
Town of Ithaca Conservation Board,  
City of Ithaca, Mayor Peterson,  
City of Ithaca Conservation Advisory Council,  
President David Skorton, Cornell University,  
President Thomas Rochon, Ithaca College,  
Tompkins County Agriculture and Farmland Protection Board, Rachel Crispell*

*Electronic copies to:*

*TC Planning, TC Health Department, TC Board of Health, EMC, TCCOG, TCSWCD,  
Ithaca Journal, Ithaca Times*