

November 14, 2011

NYS DEC, Attention dSGEIS Comments  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12223-6510

Dear Sir,

The draft SGEIS that was put out to the public this fall does not adequately deal with the impacts on local communities of the transportation involved in high-volume hydraulic-fracturing for natural gas. The impact of trucking in shale gas extraction will profoundly disrupt rural communities. There are no prohibitions in place, no mitigating factors, and no offset for the cost of damage to roads and bridges. Chapter 6 of the dSGEIS describes the transportation involved in high-volume hydraulic fracturing, in the building of well pads, the transportation of millions of gallons of water per well pad, the trucking of chemicals (many of them toxic) to well pads, the delivery of fracturing equipment, etc. The impacts will be felt by local communities in many areas: local road destruction, noise and air pollution, spills into local groundwater of toxic chemicals, and many others. The estimates in the dSGEIS for one way truck traffic to a well pad are 3,950 for heavy trucks and 2,840 for light trucks. (Section 6.11.1.1)

A recent memo from the New York State Department of Transportation (June 2011) sums this up:

“The potential transportation impacts are ominous. Assuming current gas drilling technology and a lower level of development than will be experienced in Pennsylvania the Marcellus region will see a peak year increase of up to 1.5-million heavy truck trips, and induced development may increase peak hour trips by 36,000 trips/hour. While this new traffic will be distributed around the Marcellus region this Discussion Paper suggests that it will be necessary to reconstruct hundreds of miles of roads and scores of bridges and undertake safety and operational improvements in many areas.

“The annual costs to undertake these transportation projects are estimated to range from **\$90 to \$156 million for State roads and from \$121-\$222 million for local roads. There is no mechanism in place allowing State and local governments to absorb these additional transportation costs without major impacts to other programs and other municipalities** in the State.”

It is commendable that DEC will require a Transportation Plan, to include a baseline survey and road condition study. Section 7.1.11.1 indicates that “No permit should be issued until the Department and the NYSDOT are satisfied that the Transportation Plan is adequate to ensure that the traffic associated with the activity can be conducted safely and would reduce the impacts from truck traffic on local road systems to the maximum extent feasible”. This Section further indicates that “if the road condition study concludes that the well operator would double the existing heavy truck traffic..... then the operator would be **required** to have an agreement in place to pay for the work required to repair or prevent the road deterioration.”

The subsequent sections 7.11.1.2 and 7.11.1.3 describe municipal control over local road systems,

and road use agreements, indicating that only local municipalities have control over local roads, but uses language that is very weak. For example, in section 7.11.1.3 (Road Use Agreements) it states:

“As stated above in Section 7.11.1.1, local governments have the authority to enter into road use agreements with well operators, which identify where an operator may or may not drive trucks, weight limits, times of day, etc. Therefore, the owner or operator should attempt to obtain a road use agreement with the appropriate local municipality; if such as agreement cannot be reached, the reason(s) for not obtaining one must be documented in the Transportation Plan. ...

When there is no agreement, the applicant should nevertheless be guided by Environmental Conservation Law (ECL) section 23-0303(2)...”

Danby is a small, rural community located several miles outside of Ithaca, New York, in Tompkins County. We have 72.3 miles of roads under our jurisdiction, 42.5% of them dirt or gravel. We have already seen the impact on these kinds of roads in Bradford County, Pennsylvania, and the gas industry has only begun their work there. The Town Board of Danby believes that it is their responsibility to protect the taxpayers and citizens of this town from the negative impacts of this kind of traffic, and we will not allow the gas companies to put the expense of maintaining and repairing our roads onto the taxpayers, most of whom do not benefit in any way from this industrial process. We have contracted with an engineering firm and have spent a great deal of our town money to survey our roads, and to write a draft road use law, in addition to a road excavation law.

The dSGEIS mentions that the DEC would like gas companies to have road use agreements with local communities, but **does not mandate this for every permit approval**. We urge the DEC to require a road use agreement before permits are issued to drill. And we think that the DEC should state that it will not issue a drilling permit without proof of compliance on the part of the drilling companies to local road use laws. It is unconscionable that this highly lucrative industry should be able to profit from natural gas extraction while externalizing the costs of gas drilling onto the local communities, who derive nothing positive from this industry, but only reap the negative impacts.

Sincerely,

The Town Board of the Town of Danby:

FREDRIC DIETRICH  
Town Supervisor

LESLIE CONNORS  
Councilperson

KATHY HALTON  
Councilperson

DAN KLEIN  
Councilperson

DYLAN RACE  
Councilperson