

Nariman & Virginia Mistry

November 29, 2011

Comments on the DEC draft SGEIS on Hydrofracking

Dear Sir,

The primary charge to the NYS DEC is to "conserve, improve and protect New York's natural resources and environment and to prevent, abate and control water, land and air pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well-being". We consider this charge to be in direct conflict with the DEC's issuance of permits for horizontal gas drilling (hydrofracking), which is potentially extremely harmful to the health, safety and well-being of the people of NYS. Further, we believe the experience & culture of the DEC is geared towards issuing individual permits smoothly, without the great scrutiny required in this case, particularly on the cumulative impact of multiple wells drilled in any one region.

It is extremely disturbing that other NYS Departments (e.g., Dept of Health, Dept. of Transportation, Fish & Wildlife, etc.) that will be critically affected and which will have to be intimately involved in managing and mitigating the probable serious consequences of widespread hydrofracking operations were not intimately involved in the issuance of the proposed SGEIS. The financing and staffing of these departments has not been thoroughly considered in the SGEIS and neither is the staffing and financing of the DEC itself except very belatedly.

The above considerations lead us to call for the withdrawal of the SGEIS documents & regulations as insufficient to protect the health and welfare of the people of NY State.

The following paragraphs detail some of our objections to the issuance of any permits for hydrofracking in NY State:

- There is no detailed analysis of public health impacts despite the potential for serious air & water contamination. There is growing evidence of negative health impacts related to gas extraction in other states. The NYS Dept of Health has not participated in the sGEIS review process. Moreover the problems associated with shale gas development near residential areas and farms have only recently been documented and have not been adequately studied.
- The NYC and Syracuse Watersheds have been granted special protections denied to other New Yorkers without adequate justification, as demanded by "Equal Protection of the Law". The distinction that these watersheds constitute an unfiltered water source is spurious. Most rural New Yorkers use unfiltered water from individual wells. The proposed gas well setback of 500 feet from a water well is not adequate. Municipal water filtration systems are not equipped to remove the range of contaminants in typical hydrofracking water that may infiltrate drinking water. Thus "filtered" supplies are not immune! We demand equal protection.
- The DEC has failed to present a comprehensive, focused plan to review and analyze the consequences of the cumulative impact of a full drilling program in a single region. As proposed, the DEC staff will review the well applications one at a time. We have repeatedly asked for a review of the cumulative impact.
- The hundreds of miles of pipelines and compressor stations required to get the resulting gas to market will be reviewed by a different agency (The Public Service Commission) under a different process. Without an accounting of such impacts, New York's environmental assessment is incomplete and the full impacts of hydrofracking have not been assessed.

- The SGEIS acknowledges that local land use ordinances (zoning) must be taken into a consideration for the siting of wells during the permitting process. **This is the single most important consideration in siting gas wells** as the SGEIS is a *de facto* industrial land use plan for much of NYState. **The DEC must make this explicitly clear as a legal requirement, that Town zoning regulations take precedence.**
- The economic impact on flourishing economies of upstate NY: tourism, wineries, family farms and agriculture in general, which depend crucially on the purity and beauty of the local environment has been dismissed with a casual acknowledgement, without detailed study.
- The benefits to NY State from the gas-drilling bonanza are by no means clear. In recent weeks, Dominion Gas which handles gas delivery infrastructure, has requested permission to export gas obtained from the Marcellus region *overseas*. The petition states "the glut of domestic natural gas and the low price of domestic natural gas" as the reason for such relief! This puts the lie to the urgent need for drilling in the Marcellus shale and the imminent benefit to New York State and to the USA. The only obvious benefits are for the gas companies, and the disastrous consequences will be left for the citizens of NY State to handle and live with for decades.

Sincerely,

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