



Tompkins County Council of Governments

320 North Tioga Street
Ithaca, NY 14850

Meeting: 12/20/12 03:00 PM
Department: Tompkins County Council of Governments
Category: Environmental
Functional Category: Gas Drilling

DOC ID: 3919

ADOPTED

RESOLUTION NO. 005-2012

Requesting an Extension of Time for Review of the Revised Regulations for High Volume Hydraulic Fracturing

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has filed a Notice of Continuation with the Department of State to extend the rulemaking process by 90 days in order to give New York State Commissioner of Health Dr. Nirav Shah time to complete his review of the draft *Supplemental Generic Environmental Impact Statement (dSGEIS) on the Oil, Gas, and Solution Mining Regulatory Program: Well Permit Issuance for Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low-Permeability Gas Reservoirs*, and

WHEREAS, NYSDEC has established a 30-day public comment period on the revised draft regulations from December 12, 2012 through January 11, 2013, and

WHEREAS, the documents released for public review by NYSDEC number 338 pages including the revised regulations 6 NYCRR Parts 52, 190, 550 - 556, 560, 750.1, and 750.3; a summary and assessment of public comments; and additional analyses and impact statements, and

WHEREAS, Dr. Shah is providing a review, in consultation with outside experts, of whether NYSDEC has adequately addressed potential impacts to public health, and the release of the proposed regulations and the 30-day comment period prohibit inclusion of the results of the independent review of potential impacts to public health in the formation of the regulations as presented for public review, and

WHEREAS, many substantive comments on health issues were included among the thousands of public comments on NYSDEC's dSGEIS and it is unclear if the "outside experts" have been given sufficient time to consider these comments as part of their review, and

WHEREAS, the 30-day review period is completely inadequate for a thoughtful and thorough public review of the released documents and encompasses a period of time with major religious and national holidays, and

WHEREAS, the Tompkins County Health Department and other local health departments will be directly or indirectly affected by the proposed regulations, but due to Open Meetings Law requirements for advance public notice of agendas and supporting materials, the 30-day comment period essentially eliminates or severely hinders the ability for the Tompkins County Board of Health and similar regulatory or advisory organizations to review the released documents and draft, approve, and issue comments, now therefore be it

RESOLVED, That the Tompkins County Council of Governments urges that:

1. The NYSDEC should extend the public comment period on the revised regulations to a minimum of 90 days, and
2. The NYSDEC should also allow public comment on the results of the independent review of potential public health impacts during the same 90-day period, and
3. No final decision whether to allow fracking in New York State should be made without full consideration of said public comment on the regulations, the health impact review, and the revised SGEIS as well.

RESOLVED, further, That a certified copy of this resolution be sent to: Governor Andrew Cuomo; New York State Department of Environmental Conservation Commissioner Joe Martens, New York State Department of Health Commissioner Nirav Shah, New York State Association of Counties, New York State Association of Towns, New York State Association of State County Health Officials (NYSACHO), Tompkins County Board of Health, New York State Conference of Environmental Health Directors, Tompkins County Planning Department, Tompkins County Health Department, Tompkins County Water Resources Council, Tompkins County Environmental Management Council (EMC), Tompkins County Council of Governments (TCCOG), and the Tompkins County Soil and Water Conservation District (TCSWCD)
