

November 18, 2011

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

Dear Sir,

As a Planning Board we find it incongruous that we could be in a situation where we can recommend against someone turning a building into a private school or building a garage but we cannot prevent a gas company from constructing and operating a heavy industrial site in one of our neighborhoods.

The residents of our town, Danby New York, have chosen zoning. We own our homes with the understanding that zoning will protect our health, our property values, and our desire and right to live in a peaceful and rural environment.

Our state government should not be able to pre-empt our zoning for the benefit of a small minority and large-scale, high impact industry. The SGEIS and the rdSGEIS do not address this issue in a satisfactory manner. There is a vague statement in section 8.1.1.5, *Local Planning Documents*, about how the gas industry has to show that they abide by local laws to get a permit, but it does not spell out how this should happen. Neither does it clarify that a permit will not be issued if local municipalities find that the heavily industrialized practice of hydrofracking is incompatible with their local zoning law.

The Town of Danby Planning Board firmly believes that local governments, especially towns, villages, and counties, are the closest to the local residents of any level of government. Local town board members are neighbors, and their homes and businesses are known to people in the community. They are the last bastion of direct democracy in New York State, and their knowledge of their local community, and the attitudes and experiences of its residents is vast.

All of the water available to residents in our town is from unfiltered sources and much is from wells which are in unconfined aquifers very vulnerable to surface spills, intentional applications, and other contamination. By granting the New York City and Syracuse watersheds special protections, the New York DEC is implicitly admitting that this process is inherently unsafe and denies many New Yorkers

equal protection of the law.

Nothing in the SGEIS or rdSGEIS protects or provides relief to residents from the catastrophic loss of all or most of the equity in our homes due to a contaminated water supply. Despite the blanket statements from the industry that they have never caused contamination, both the Duke University study [Methane Contamination of Drinking Water Accompanying Gas-Well Drilling and Hydraulic Fracturing: Osborn, Vengosh, Warner, and Jackson] and the recent EPA study in Wyoming [www.propublica.org/article/epa-finds-fracking-compound-in-wyoming-aquifer] show that the issue of aquifer contamination is far from clear.

Sincerely,
The Planning Board of the Town of Danby:

ROBERT ROE
Board Chair

NAOMI STRICHARTZ
Deputy Chair

ANNE KLINGENSMITH
Board member

TED MELCHEN
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