



League Testimony on Department of Environmental Conservation Regulations: Drilling in New York State

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Good evening. I speak tonight on behalf of the City and the State Leagues. Thank you for giving us this opportunity. The League is premised upon the principle of active and informed participation of citizens in government. In view of the vast turnout tonight and the passionate concerns which have been raised, it is evident that citizens want their voices heard. We urge the Department of Environmental Conservation (DEC) to extend its comment period through the end of January 2010 so that all our voices can be heard.

I will comment briefly on six issues concerning the impact of drilling on water quality and quantity. These issues have been addressed by many tonight. We hope that the cumulative effect of our concerns will cause the DEC to review its evidence, rethink its conclusions and rewrite its draft supplement re gas drilling in the Marcellus Shale. It is crucial that the draft be written as regulations, not recommendations, with sufficient staff to enforce regulations.

Withdrawals: Huge amounts of water, up to three million gallons per fracking, could lead to "stream flow and groundwater depletion, loss of aquifer storage capacity, and water quality degradation" according to the draft environmental impact statement. Is the use of this large a quantity of water sustainable and the best use of a precious resource?

Stormwater Runoff: "All phases of gas well development...have the potential to cause water resource impacts....if stormwater is not properly mitigated." Stormwater carries contamination from spills, equipment, pit leaks or failures, poor well construction, accidental release of fracturing fluids, and flowback fluid. There are sixteen pages of opportunities for contamination from stormwater runoff, and we doubt all can be properly monitored and controlled.

Wastewater Disposal: Recovered fluid contains up to 15,000 gallons per fracking of chemical additives, brines, heavy metals, radionuclides, and organics forced out of the shale. There is no good way to dispose of this waste. The US Geological Survey says it is questionable if wastewater treatment plants can adequately treat this type of waste. Underground injection could contaminate aquifers, and dehydration beds do not seem

practicable in this area. Specifically, the US Geological Survey stated that we need a "better understanding of the impacts of drilling and wells on water supplies and a clearer plan for wastefluid disposal."

Chemical Additives: Industry considers these proprietary so there is poor information on what is being injected into the ground or contained in the wastefluid. Thus, there has been no analysis of these chemicals for their effect on our water and most critically on public health. Reports have shown contamination of drinking water in several states.

Drinking watersheds: It is inconceivable to us that this activity would be allowed in any drinking watershed, much less in the New York City water supply. There are no protections for infrastructure and no regulations that address gas drilling in drinking watersheds. The DEC is relying on the Watershed Rules and Regulations for this even though these do not regulate industrial gas drilling. No gas drilling should be allowed within one mile of drinking watersheds.

Aquifers: The statement concedes "The primary concern regarding groundwater withdrawal depletion is aquifer depletion that could affect other uses, including nearby public and private water supply wells." There is also the threat of contamination as well as cross-contamination of aquifers from released fracking fluids migrating through groundwater, according to EPA reports. The League calls for no gas drilling within one mile of primary aquifers.

Gas extraction may have an economic benefit to individuals, communities and governments, but any benefits must be balanced against environmental and social costs. These costs should be evaluated by considering the cumulative impacts of multiple wells rather than per well pad since each well pad can accommodate up to sixteen wells.

Thank you once again for the opportunity to be heard. It is our responsibility as citizens to speak out on the issues. It is government's responsibility to listen to its citizens. This is essence of the democratic process which is at stake in coming to resolution of gas drilling in the Marcellus Shale.

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