



**Preliminary Comments by Hudson River Sloop Clearwater on
NYS DEC dSGEIS for High-Volume Hydraulic Fracturing**

Submitted by Manna Jo Greene, Environmental Director, Hudson River Sloop Clearwater
November 29, 2011 at Loch Sheldrake Public Comment

I bring greetings from Clearwater's founder Pete Seeger, whose wise counsel I share in these comments. I also serve as Councilwoman on the Town of Rosendale Town Board, where many residents and businesses share these concerns, but I am speaking here this evening on behalf of Clearwater.

Hydraulic fracturing or hydrofracking is a highly technical and impactful industrial activity. It is imperative that before any drilling occurs we have a full complete analysis of the impacts to air, land, water and public health. Unfortunately the analysis in the dSGEIS falls far short of this goal.

Failure to address public health: As a Registered Critical Care Nurse for more than 20 years, I frequently observed illnesses and disorders that very likely had an environmental component, one that could have been prevented by more protective practices. New York State has failed to include an analysis of public health impacts or to meaningfully incorporate the State's Department of Health into its hydrofracking review – in spite of the fact that fracking-related air pollution and potential water contamination could have serious effects — especially on the elderly and children, and on communities downwind and downstream of drilling operations. Fracking chemicals are toxic, and include known carcinogens and endocrine disruptors. In addition, many air pollutants emitted during the drilling process are harmful to public health. These impacts must be rigorously studied before any permits are issued.

Disclosure of chemicals: The draft calls for chemicals used in hydrofracking to be disclosed to NYS DEC and to emergency responders, however, this information does not need to be made available to the public or those on whose land drilling would occur. Every New Yorker has a right to know what chemicals are being used for fracking. We are not asking to provide the public with the formula or specific quantities, but rather to clearly identify all chemicals used in any fracking process.

Prohibition of chemicals: Also the Draft does not provide for a list of prohibited chemicals. The chemicals that have been used in fracking fluid in other states are known to be serious carcinogens to humans and animals. Safer alternatives should be required.

Waste: The cuttings from drilling are potentially radioactive, and billions of gallons of flowback water and other wastes from this industry are hazardous. However, neither the dSGEIS nor any other state rule or regulation identifies these wastes as hazardous. This waste must be treated as hazardous waste. Mud cuttings should be tested, and, if radiation is present, this material should only be disposed of in facilities permitted to accept radioactive waste. There are currently no wastewater treatment facilities in NY State capable of handling the liquid waste from this industry. Wastewater treatment facilities discharge effluent into our streams and rivers, which often serve as drinking water supplies. While DEC proposes a tracking system for solid and liquid wastes generated in connection with fracking – similar to that which is required for medical waste – this system will not protect New Yorkers from serious public health threats associated with inadequately regulated hazardous wastes and regulations that are poorly enforced. Injection wells offer no better a solution. **No well permit should be issued unless the operator can prove how the fracking waste will be safely disposed of.**

Drinking Water

The New York City and Syracuse Watersheds: Currently, the Catskill/Delaware system and Skaneateles Lake watershed provide half the state's population with their water. These two areas have earned filtration avoidance determination from the EPA. The dSGEIS provides a 4,000-foot buffer

around these watersheds in which drilling is prohibited; however, because the horizontal portion of the wells can extend at least 5,000 feet, and fractures in subsurface geology may extend further, this buffer is insufficient.

NYC Water Supply Infrastructure: The State is *not* proposing to put this critical infrastructure off-limits to new drilling. These aqueducts, the building of which commenced back in the 1940s, are already in a dilapidated state. Clearwater is concerned about two specific risks from drilling on or around the NYC water supply infrastructure:

- 1) a threat that vibrations and shaking from drilling activities could jeopardize the stability of the aqueducts themselves; and
- 2) a threat that fracking fluids or other contaminants could migrate in and around the vicinity of the drilling rigs and enter the aqueducts via small cracks or fissures in the aqueducts walls – potentially contaminating NYC’s drinking water even if the watershed itself is protected.

NYC DEP had proposed a 7-mile buffer around this sensitive infrastructure. DEC’s proposed 1,000-foot buffer is clearly insufficient. Clearwater recommends that DEC perform a rigorous analysis and expand the area in which it *prohibits* drilling around any NYC water supply infrastructure that falls outside the NYC watershed limits.

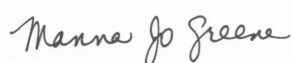
Private Water Wells: NYS DEC is proposing a 500-foot buffer around private wells, but will allow landowners to waive this. The government has a responsibility to protect and ensure clean drinking water for its residents by putting this buffer in place. They should not put landowners in a position of balancing potential economic gain against risking their health and safety.

Open Pits: The State is proposing to require a site-specific environmental review prior to permitting any open pits. While this is an improvement on the proposal in the previous draft to allow open impoundments without review, it doesn’t go far enough. These pits – whether on individual well pads or in centralized locations – should be prohibited. As we are all now keenly aware, this region is subject to flooding, as are other areas of the Marcellus Shale. Floodwaters can mix with the chemicals impounded in open pits and put contaminated water into drinking supplies.

Reconsideration of Buffers: Another troubling issue is that some of the State’s “prohibited” buffer areas (e.g., those around primary aquifers, which serve as public drinking water supplies, principal aquifers, which could serve as public drinking water supplies, and tributaries thereto) include “reconsideration” provisions that would allow the state to consider permitting drilling in buffer zones within 2-3 years of measuring “actual experience and impacts associated with permit issuance.” This wording is vague, and sounds dangerously like an open door to cut back on buffer areas that are, in theory, based on the best available scientific evidence.

New York State must undertake a cumulative impact analysis and a more accurate economic analysis: NY State has spent enormous resources to develop the economy of upstate New York by attracting new high-tech industries, developing tourism, protecting agricultural lands, endangered species, and historic sites, and encouraging land use compatible with these goals. The impact of gas drilling on these investments must be analyzed. The dSGEIS fails to fully account for all impacts to local communities. The DEC’s socioeconomic impact analysis omits critical information about hydrofracking’s fiscal impact on communities in terms of infrastructure, schools, and other costs. It also overestimates job creation, while underestimating loss of property value.

Respectfully submitted,



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