



The League of Women Voters Of St. Lawrence County

A Voice For Citizens, A Force For Change

JANUARY 5, 2012

COMMENTS ON THE dSGEIS, Horizontal Drilling and High-Volume Hydraulic Fracturing

Mr. Joseph Martens, Commissioner
Department of Environmental Conservation
625 Broadway
Albany NY 12233-1011

Dear Commissioner Martens,

The St. Lawrence County League of Women Voters has sponsored a number of information sessions for citizens in our area on hydraulic fracturing. The Executive Committee is submitting this letter as part of the public comments record.

The DEC in partnership with other state agencies has produced a voluminous dSGEIS on Horizontal Drilling and High-Volume Hydraulic Fracturing, as is needed given the intense interest in this gas production method and its impacts on both specific areas of and the entire State. The process could affect every part of N.Y.S. through many activities related to this drilling method.

We are concerned and ask that the review of the dSGEIS take the responsibilities we note below into serious consideration before any fracking permitting is contemplated.

Responsibility 1

Each drilling company should be mandated, at the time of permitting, to put a unique tracer into the fracking fluids used for each well. This unique tracer would be critical to assigning the responsibilities described below to the specific drilling operation, both with respect to the impact on water and air at the drilling site and the area, since the path of aquifers can be widespread. The tracer would also be used in assigning responsibility re waste product disposal.

Responsibility 2

A requirement for any permit for drilling must be sufficient bonding by the energy company. This would ensure that any adverse impacts of the drilling operation, including proper closing of a well and return of a drilling site to a condition acceptable to the landowner, will be paid for by the drilling company. Without such bonding efforts to obtain financial remuneration by residents or communities could be tied up in years of costly negotiation.

Responsibility 3

As energy companies approach landowners for drilling rights it must be mandated that there be independent pre and post testing of air and water quality. The agreements reached must be very transparent for landowners so that, if post testing demonstrates degradation of air and/or water quality, the responsibility for remediation or appropriate compensation is clearly the responsibility of the energy company.

Responsibility 4

When the State grants drilling permits to energy companies ALL of the chemical components of the fracking process must be made public. While the dSGEIS sets certain parts of the State outside the area where fracking permits would be allowed due to concern about negative impacts on water, hence indicating that degradation is likely, how can ANY area be left unprotected? It is the responsibility of your agency, on behalf of the residents of N.Y.S., to protect everyone equally. The dSGEIS says the NYC watershed is protected because its water is 'unfiltered'. Does the State, in meeting its responsibility to protect all residents, know for sure WHAT must be filtered out to protect the livelihoods and businesses of the State?

The Executive Summary of the dSGEIS states that fracking will use *much larger volumes of water and additives...* and that it *requires chemical additives, some of which may pose hazards when highly concentrated. ... The Department has collected compositional information on many of the additives proposed for use.* Your report says the DEC knows only "many" of the additives, but not ALL of the additives. Responsible permitting must require complete, public, and thorough identification of chemical additives. The responsibility to protect the residents and businesses of N.Y.S. can NOT be met with partial information.

If the additives used in the fracking process require filtration does the kind of filtration exist that would protect farmers, their livestock and produce, rural residents, and small communities? If the filtration does exist we believe it must be mandated in the permitting process that energy companies provide the financial support needed to put that filtration into place BEFORE drilling begins. If the filtration does NOT exist permitting cannot be responsibly done.

Responsibility 5

Agreements between energy companies and landowners must address the issue of property devaluation due to drilling and must put the responsibility for such loss clearly on the energy companies. An independent pre and post evaluation by a licensed realtor is needed, and agreement for remediation or compensation specifically assigned to the drilling company. This would generate a sincere partnership between the energy company and landowners. It is the responsibility of State agencies to put these protections in place before any permitting is done.

Responsibility 6

Similarly, energy companies must be held responsible for negative impacts on villages, towns and counties. Increased costs due to drilling for highway maintenance, fire and police protection, or other services must be the responsibility of the energy companies. An independent pre and post evaluation by planning professionals must be required, and agreement for remediation or compensation specifically assigned to the drilling company. Taxpayers in our communities are already shouldering enormous burdens: drilling cannot be allowed to increase these.

Responsibility 7

Fracking produces issues of disposal which must be addressed before permitting is done. A full impact review of the materials that are to be disposed of and the methods to be allowed must be done, and the responsibility for such disposal and any collateral damage must be clearly the responsibility of the drilling company. As with responsibility #4, local communities cannot be left with financial needs caused, but left behind, by drilling companies.

Responsibility 8

The impact on the health of residents of the State is a very important one for the agencies who have developed the dSGEIS. Pre and post analysis of health indicators, such as the incidence rates for asthma, allergies, and respiratory or other health conditions must be done so that the responsibility for negative impacts is unarguably assigned to the drilling process. Studies in other communities show noticeable increases in certain health conditions, increases that are believed to be adverse impacts of fracking. In these communities sufficient pre analysis is not available to be certain of responsibility. The safety of the residents of N.Y.S. could be compromised without this analysis. Why does the gas industry need exemption from coverage by the federal Safe Drinking Water Act if fracking is safe?

Responsibility 9

Catastrophe is never welcome, but it can happen. Certainly your agency and the residents of N.Y.S. hope to never face a catastrophe caused by fracking – but JUST IN CASE the permitting process must be very clear about the responsibility of the drilling company in addressing any catastrophic events. The responsibility must be very definitively assigned: responsibility for the Gulf of Mexico Deep Water Horizon oil spill is still being debated between the drilling company and the larger energy company. Meanwhile the communities and citizens wait ... It is the responsibility of the government of N.Y.S. to protect its communities, businesses, and residents from shirking of responsibility by the energy companies involved.

The concerns expressed regarding fracking highlight many other areas of responsibility that must be addressed (i.e. the economic impact on tourism; how drilling will affect current mortgages or future financing; the full economic impact of fracking as the USA becomes an energy exporter; how an increase in gas production in the USA will affect domestic prices).

We urge you to take the leadership role for your agency and State government in addressing these responsibilities.

Further, we urge you to use the influence of your office in communicating with Governor Cuomo.

Sincerely,

Executive Committee
St. Lawrence County League of Women Voters