



The League of Women Voters of New York State
62 Grand Street, Albany, New York 12207
Phone: 518-465-4162 Fax: 518-465-0812
www.lwvny.org E-Mail: lwvny@lwvny.org

THE LEAGUE
OF WOMEN VOTERS
of New York State

June 9, 2011

Commissioner Joseph Martens
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-1011
joemartens@gw.dec.state.ny.us

Attn: dSGEIS Comments
Bureau of Oil & Gas Regulation
NYSDEC Division of Mineral Resources
625 Broadway, Third Floor
Albany, New York 12233-6500
dmnsgeis@gw.dec.state.ny.us

Dear Commissioner Martens:

We are writing to supplement our comments submitted with respect to the draft SGEIS on December 30, 2009. These additional comments are submitted in response to research that has been announced subsequent to the last day for comment. While we would not normally seek to submit further testimony, we believe the results of this research have such direct and important impact on the matters to be considered by the DEC that they cannot in good faith be ignored in consideration of the environmental impacts of hydraulic fracturing in the Marcellus Shale deposits.

On October 25, 2010, the University of Buffalo announced at <http://www.buffalo.edu/news/11885> that researchers have found hydraulic fracturing also causes uranium that is naturally trapped inside Marcellus shale to be released, raising additional environmental concerns.

This research, spearheaded by Assistant Professor Tracy Bank, was presented at the annual meeting of the Geological Society of America in Denver on November 2, 2010. The article, quoting Bank, states, "Marcellus shale naturally traps metals such as uranium and at higher levels than usually found naturally, but lower than manmade contamination levels." Bank and

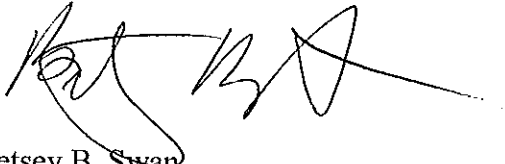
her colleagues addressed the question of whether drilling and pumping millions of gallons of water into underground rocks would force the uranium into the soluble phase and mobilize it. They further investigated whether uranium would show up in groundwater. Bank and her colleagues "found that uranium and the hydrocarbons [read 'natural gas'] are in the same physical space;" "We found that that they are not just physically—but also chemically—bound." The article addresses the study methodology which mapped precise locations of uranium; it also notes that when "the millions of gallons of water used in hydraulic fracturing come back to the surface, it could contain uranium contaminants, potentially polluting streams and other ecosystems and generating hazardous waste." Bank goes on to state, "Even though at these levels, uranium is not a radioactive risk, it is still a toxic, deadly metal."

In 1983, New York state, recognizing that mining of uranium might pose a significant danger to public health, safety and welfare and the environment, prohibited mining of uranium within the state. Environmental Conservation Law, Article 22. Of particular relevance in the legislative findings, at Section 22-1030, is the declaration that mining of uranium could pose a significant danger to public health, public safety, public welfare and the environment in that: (and we paraphrase) such mining activities could pose a significant threat of contamination and depletion of the state's drinking water supplies, including surface and subsurface waters, the danger of release of airborne radioactive particulates, which could endanger the health of residents and the value of livestock and dairy products;. The findings recognized that: no adequate method currently existed for storing wastes created as a result of uranium mining; abandonment of a mine site could result in significant clean-up costs forced upon individuals or state or local government, which could harm their fiscal integrity; abatement of hazards associated with uranium mining would require technology or administrative techniques not yet extant, reliable, or economically feasible; activities associated with uranium mining could detract from scenic qualities, reduce property values, tourist revenues, and generally degrade quality of life in the affected areas. The legislature therefore found "that particular caution is needed in determining public policy pertaining to the mining of uranium and the prohibition of this activity is necessary at this time to ensure the protection of the public health, safety and welfare.

The League congratulates the DEC on its caution thus far, as New York contemplates how to move forward into the uncharted territory of unconventional drilling in a region so blessed with bountiful aquifers, rich farmland, the famous Finger Lakes wineries, tourist havens, colleges and universities and above all, peoples' homes. By this letter, we ask your office to consider on or before the issuance of the Supplemental Generic Environmental Impact Statement, the apparent inconsistency between the scientific determination that New York has levels of uranium at higher levels than usually found naturally and that natural gas hydrocarbons and uranium are chemically bound and the express prohibition from the New York legislature against mining of uranium within our state pursuant to Article 22 of New York's Environmental Conservation Law, on the one hand, and New York's potential embrace of this high volume horizontal hydraulic drilling, on the other hand.

We thank you for consideration of this issue and would be happy be to meet or speak with you.
We look forward to your response.

Sincerely,



Betsey B. Swan
President
LWVNYS



Elisabeth N. Radow
Chair, Committee on Hydraulic Fracturing
LWVNYS

Cc: Mr. Thomas Congdon: Thomas.congdon@exec.ny.gov

Mr. Robert Rosenthal, Esq.: Robert.rosenthal@exec.ny.gov

Attorney General Eric T. Schneiderman
Office of the Attorney General
The Capitol
Albany, New York 12224-0341
Peter.washburn@ag.ny.gov