

***CWCWC* Comments at the
11/10/2009 Hearing in NYC
on the**

**Draft Supplemental Generic Environment
Impact Statement**

**On the Oil, Gas and Solution Mining
Regulatory Program**

**Well Permit Issuance for Horizontal Drilling
And High-Volume Hydraulic Fracturing to
Develop the Marcellus Shale and Other
Low-Permeability Gas Reservoirs,
September 2009**

**New York State Department of Environmental Conservation, Division of
Mineral Resources**

DEC's mandate, as displayed on their website, is:
"Conserving, improving and protecting New York
State's natural resources and environment".

The 803 pages of the dSGEIS on permitting fracking in NYS is nothing but a departmental guide for obtaining a permit to use high-volume, hydraulic fracturing in New York State.

It serves as a permitting tool for the driller to exploit a NYS resource while, at the same time, doing irreparable harm to NYS's natural environment.

It tells the driller that if some, not-too-onerous criteria are met, a permit will be issued.

Why should we not be surprised? In retrospect, the Governor's Executive Order #25 that facilitates the permitting process and the cutting of staff, together with the recently issued NYS Draft Energy Plan that would quote "encourage development of the Marcellus Shale natural gas formation with environmental safeguards that are protective of water supplies and natural resources" - here leave no doubt that the Marcellus Shale is for sale.

The "environmental safeguards" are thrown in for good measure but, if you manage to dispense with the verbiage in the 803-page dSGEIS, you will note that these safeguards do not really protect the environment or the public against the massive impacts of fracking.

In fact, the DEC has not offered any new rules

specifically tailored to fracking even though its potential environmental impacts are many times greater than those from standard drilling techniques.

New regulations should be promulgated, tested and approved prior to any fracking applications even being considered. In addition, an independent review team of experts should examine effects on air, water, wildlife and scenic viewsheds plus effects on neighboring lands and economies. On-the-ground field review must be done prior to leasing of lands for hydrofracking and definitely prior to permits being issued.

Fracking requires the use of hundreds of chemicals, organic and inorganic, many of them known to be harmful to health and a threat to life. Many of the compounds remain trade secrets. These chemicals are added to the millions of gallons of water that are sent into the wells to fracture the shale and release the natural gas. Lists of these chemicals have been supplied to DEC by Halliburton and Schlumberger, among others.

In order to protect NYS's environment and natural resources and before any permit is given, DEC and the public must have full knowledge of all chemicals and their compounds, including trade secrets.

There is also the danger of contamination by these chemicals of neighboring wells, aquifers, lakes, stream and reservoirs because of the unpredictable way in which fissures may open up from the fracking, and underground blast tests. Therefore, all wells within a range of 2 miles from the edge of the spacing unit should be tested for chemical content prior to any blasting or fracking. If a well becomes contaminated, the burden of proof must rest with the fracking company.

Despite DEC's clear mandate to protect the state's natural resources, there is no mention of impacts on endangered or threatened species through the cutting of roads through forests, the incessant noise, the clearings for spacing units that can measure up to one square mile, the storage of dangerous chemicals in above-ground open pools, the possible depletion of groundwater and stream levels through drawdown of millions of gallons of water needed for fracking.

It is stated that the access roads will be narrow, yet the pictures show considerably more damage since wide swaths on either side of the road are laid bare. We can foresee a landscape where once, healthy and vast extents of forests, are fragmented and pockmarked with drilling units - a sure way to destroy forest health and viability. Forests are our best producers and protectors of clean water and

clean air. Destroying them also destroys unequalled sources of clean, healthy water and leads to air pollution.

DEC concedes that air pollution from fracking is a serious problem and that exceedances of national air quality standards will occur at so-called receptor points in areas near the operations. DEC's solution is straightforward. Don't make the company decrease its air pollutants. Simply tell the public to stay away.

The dSGEIS, in its present form, is nowhere near adequate to protect either the public or the environment from the destructive impacts of fracking.

With no real safeguards, there should be no fracking allowed in NYS.