



Testimony to the New York Department of Environmental Conservation
On the Supplemental Generic Environmental Impact Statement on Natural Gas Drilling
Comments by Brian Smith, Western New York Program Director
Allegheny, NY
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Hello my name is Brian Smith and I am the Western New York Program Director for Citizens Campaign for the Environment (CCE). Thank you for the opportunity to comment today and CCE will be submitting formal written comments at the end of the public scoping comment period.

CCE commends the Department for addressing new technology in the creation of the Supplemental Generic Environmental Impact Statement. Energy production is without a doubt necessary to address New York's rising energy demand. **CCE commends the Department's proactive approach for soliciting public comment and review.** CCE also commends the Department for recognizing the increasing interest in drilling in areas not covered by the GEIS.

The proposed drilling in environmentally sensitive and important watersheds including the Susquehanna River Basin, the Great Lakes Basin, the Delaware River Basin, New York City's watershed, and the Catskill Park, will require effective inter agency cooperation and collaboration. In that regard **CCE recommends**

- **The DEC Division of Mineral Resources engage and work with the Division of Water as it has promised to do with specifically the Susquehanna and Delaware River Basins.** These watersheds are essential to public health and the public's right to clean water.
- The Division of Mineral Resources' draft scope does not recognized the passage of the **Great Lakes- St. Lawrence Water Resources Compact**, which sets limits on water withdrawals, prohibits water diversions out of the Great Lakes basin, and requires the return of water to its source watershed. **This omission underscores the fact that the public and the Great Lakes need interagency cooperation to protect our water resources.**

CCE further recommends that careful consideration be made when drilling occurs near Class A waterbodies, 303d List waterbodies, and sole source aquifers.

The amount of water to be used for high-volume hydraulic fracturing in the previously mentioned watersheds is of course the subject of great debate. **Regardless of whether or not the affected watershed has regulations guiding water withdrawal and consumptive use CCE firmly asserts that the Department makes a policy of returning water to its source watershed.** This practice will create uniformity across basin lines and provide a uniform regulation that does not conflict with any of the major watersheds mentioned.

CCE agrees that water withdrawal standards should include impacts to public water supply, potential denigration of a stream's designated best use, potential impacts to wetlands, fish and wildlife, and strong preventative measures to guard against the transfer of invasive species.

In regards to transporting water outside of its source basin, this should not be practice nor policy of the NYS Department of Environmental Conservation. All steps should be taken to use water within the watershed and returned to that watershed. Transporting wastewater either to or from a well-drilling site should finally result in that water returning to its watershed. **On the issue of wastewater, brine, and fracturing fluid CCE believes that the Department should implement stringent requirements for treating and returning water to the source watershed.**

The Department has solicited comments on fluid handling and removal at the well site. **CCE agrees that pit liner specifications should be detailed and believes that steel tanks should be required for drill pads near Class A and 303d List waterbodies as well as sole source aquifers.** CCE commends the Department for requiring all waste fluids are removed before pits are reclaimed. **CCE adamantly disagrees with underground injection control of untreated wastewater fluids, as this does not address treatment of this contaminated waste and return of the water.**

CCE supports the Department's decision to collect the information from operators regarding volume and composition of the spent fracturing fluid. **CCE advocates the Department also discloses this information to the public.** CCE is opposed to the position that the Department should allow confidential/proprietary information to keep the Department from publicly disclosing what chemicals are used for hydraulic fracturing. The public has a right to know what is being used in its soil and near its water, as well as, empowering the public to proactively protect themselves by testing for these chemicals. CCE also supports a feasibility study of requiring reuse/recycling of fracturing flowback fluids.

CCE supports the Department's decision to determine if Normally Occurring Radioactive Materials (NORMs) are contained in cuttings, spent fracturing fluids, or production water. CCE believes the Department should go further and disclose what NORMs are found around well sites and in what quantities to allow the public to be fully informed. Furthermore, CCE believes the Department should take a more proactive approach in testing around drill sites and recommends regular testing of water and soil for NORMs

and other chemicals associated with the drilling process and disclose these results to the public.

CCE believes it would be prudent and good public policy for New York State to establish a Community/Water Protection Fund, funded by oil and gas drillers. This new fund should be explicitly used to offset the price of land reclamation and ensure that any unforeseen hazards from oil and gas drilling are able to be used expediently to remedy this event effectively on behalf of the public.

Again, thank you for the opportunity to comment today and for opening this process to the public.