



## **Comments to the New York State Department of Environmental Conservation**

Regarding Natural Gas Extraction from the Marcellus Shale

Testimony by Dereth Glance, Executive Program Director

November 17, 2008

Binghamton, New York

Hello my name is Dereth Glance and I am the Executive 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 drilling technology in the creation of the Supplemental Generic Environmental Impact Statement (sGEIS). Producing and harvesting new sources of energy is a critical component of addressing New York's energy needs. CCE is committed to protecting New York drinking water quality and our water resources as oil and gas exploration regulations and procedures are developed. **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.

To protect environmentally sensitive and important watersheds including the Great Lakes Basin, Delaware and Susquehanna River Basins, and New York City's watershed, **CCE recommends that the Department require meaningful consultation between the DEC Division of Mineral Resources and the Division of Water.** Further, the Division of Mineral Resources has not recognized the passage of the Great Lakes- St. Lawrence Water Resources Compact in its draft scope, 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 needs 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.

Transporting water outside of its source basin should not be practice or policy of the NYS Department of Environmental Conservation. All steps should be taken to use water within the watershed and return extracted water, upon treatment, to its source watershed. Transporting wastewater to or from a well-drilling site should 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 clean water to the source watershed. Regardless of whether or not the affected watershed has regulations guiding water withdrawal and consumptive use CCE urges the Department to require treated water returned to its source watershed.** This practice will create uniformity across basin lines and provide a uniform regulation that does not conflict with the 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.

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 is concerned with underground injection control of wastewater fluids, as it does not adequately address treatment and return of 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 does not believe 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 in the water used drilling. **CCE also supports a feasibility study of requiring reuse/recycling of fracturing flowback fluids.**

Research by the New York State Energy and Development Authority indicates using nitrogen, as opposed to water, can be more desirable for natural gas extraction, despite its higher cost. **CCE recommends that the Department fully evaluate using nitrogen as an alternative to water for natural gas extraction and include potential implications to the climate, public health, and water quality in its analysis of this alternative.**

Finally, CCE believes New York State should set up a **Public Water Protection Fund**, funded by oil and gas drillers. Public Water Protection Fund should be used to provide for any unforeseen problems with drinking water and natural resource damages associated with natural gas drilling. CCE believes the DEC should require, as condition of the permit, the establishment of a Public Water Protection Fund.

Again, thank you for the opportunity to comment.