



June 16, 2011

The Honorable Joseph Martens  
Commissioner  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York, 12233

RE: Expanded Scope of Proposed Supplemental Generic Environmental Impact  
Statement for Oil, Gas, and Solution Mining

Dear Commissioner Martens:

Greetings from Cooperstown, New York. Otsego 2000 is a grassroots organization that has worked for more than 30 years to protect the unique historic, cultural, scenic, agricultural, and environmental assets of the Glimmerglass region and greater Otsego County. This region is home to the Baseball Hall of Fame, the Glimmerglass Festival, Glimmerglass Historic District, Glimmerglass State Park, the New York State Historical Association, the Fenimore Art Museum, and numerous other historic sites of state and national significance.

We are located on the shores of Otsego Lake, which is the headwaters of the historic Susquehanna River, and the largest deep water lake in the Susquehanna River Basin. Otsego Lake supplies drinking water to more than 500,000 thousand visitors and residents each year. The region still reflects a highly integrated historic farming landscape because its assets have been protected from heavy industrialization for generations. Significant private and public investment has been made in preserving this environment and in building an economic base consistent with its historical roots. These include farming, educational institutions, museums, health care services and a strong second home market, which depends on recreational uses, such as hunting and fishing.

Otsego 2000 is also a founding member of a strong local coalition know as the Citizens Against Unsafe Drilling, now numbering more than thirty community groups and representing literally thousands of citizens who are working together to protect our local economy from shale gas industrialization. The local Chamber of Commerce strongly opposes gas drilling in the region and is supported by more than 400 businesses that are also opposed, including Bassett Healthcare Network, The Baseball Hall of Fame, the New York State Historical Association, and Brewery Ommegang.

It has now been almost 18 months since Otsego 2000 submitted detailed comments on the dSGEIS to the Department. At that time, we maintained that the dSGEIS was woefully inadequate, both factually and legally, to support the proposed action. Since those comments

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were submitted at the end of 2009, much more has been learned and many more facts have come to light which have strengthened our concern and demand for caution.

As you know, New York law requires the Department to undertake environmental review before activities that may negatively impact the environment are approved. This includes the conduct of a full cumulative impacts analysis. The importance of cumulative impacts analysis was recently highlighted by the New York State Attorney General Eric Schneiderman, who sued the United States Army Corps of Engineers and others for failing to conduct an independent study of the cumulative impacts of gas drilling in the Delaware River Basin.

We urgently request that you expand the scope of the draft SGEIS to include a full cumulative impact analysis with respect to the entire life cycle of hydraulic fracturing in tight shale formations in both vertical and horizontal wells. This analysis must include scientific study of the anticipated cumulative impacts on human health, the environment, and the economy. It must also take the required “hard look” at all alternatives, including the alternative to prohibit these practices altogether, until better extraction technology is developed. You have said you will take the time necessary to do this right. You must now act on those words.

Having studied the issue in depth, and being familiar with its potential to inflict severe negative impacts on our region, we urge you to consider the following points, which have become apparent since the public comment period closed, in any revision to the dSGEIS:

- 1) The New York State Department of Health (DOH) has recently conducted the first public hearings on the potential adverse health effects of gas extraction through fracturing with massive chemical injection. In light of these hearings, we believe the DOH should become a co-lead agency in this environmental review, and the full record of its proceedings should be incorporated into the dSGEIS. There is growing evidence of health impacts from around the country that warrants additional scientific studies on human and animal health before hydraulic fracturing with chemical injection is allowed to proceed.
- 2) The original 1992 GEIS (which the dSGEIS purports to supplement) is seriously outdated. It was developed before the modern extraction process in tight shale was invented. New technologies that were not considered in the 1992 document, which have a potential negative impact on the environment, cannot be permitted under the generic provisions of the 1992 GEIS. Thus, new practices can only be permitted on the basis of site-specific review. In fact, the 1992 GEIS states that its generic provisions apply only to “standard” wells, defined as wells which do not require the use of “artificial stimulation” to facilitate the recovery of hydro-carbons. Thus, extraction of gas from tight shale through hydraulic fracturing in vertical or horizontal wells was not considered in 1992. The current dSGEIS must be expanded to update the 1992 GEIS in its entirety with respect to vertical and horizontal fracturing in tight shale (see attached memorandum regarding fracturing in vertical wells). These issues are also raised in the Petition for Declaratory Ruling submitted to the Department in May by Advocates for Cherry Valley.
- 3) The dSGEIS would permit a multi-well pad every square mile. This will fragment forests, farmland, and rural communities, and thus have a drastic negative impact on the environment. Recent studies prepared by land use experts document the irremediable damage that will be done. Please see, for example, the build-out analysis prepared by Ted Fink of Greenplan, Inc. for Middlefield, the largest township in Otsego County. This is representative of what would occur in the whole region. The build-out analysis convincingly demonstrates that there will be

catastrophic loss of farm acreage should these extraction processes be allowed to proceed. We urge you to include the study of these impacts in a revised dSGEIS.

- 4) Several towns in our region have now adopted laws and ordinances that prohibit heavy industrial practices. The dSGEIS repeatedly informed the public that mitigation would be required with regard to local road use, noise, wetlands protection, flood plain protection, agricultural district protection, historic site protection, sensitive site protection, safety and emergency response and other issues. However, the dSGEIS was utterly silent with respect to enforcement procedures and did not clearly state that applications for drilling permits must be in compliance with all applicable local laws. This has led to considerable confusion about the rights of local governments to act to protect their citizens and communities. Any revised dSGEIS should specifically clarify that home rule will be respected in New York State and that permits will not be issued which are inconsistent with local zoning, police power, and/or land use laws.
- 5) The recent release of documents by the *New York Times* also demands further study and the expansion of the scope of the dSGEIS. The documents disclosed by Mr. Ian Urbina in his series of articles published this spring reveal that neither New York nor neighboring states have facilities to treat the billions of gallons of hazardous wastewater containing radioactive materials and known human carcinogens that will flow back after a gas well is fracked. The facilities currently being used simply dilute the hazardous waste products before releasing them into rivers that are then used as a source for drinking water. How many billions of gallons of such contamination can our water systems absorb before serious negative effects on health will be manifest, and what will the clean up costs be? The dSGEIS must be expanded to answer these questions before it is submitted for further public comment.
- 6) The dSGEIS was presented for public comment based on the assertion that a “generic” set of rules would apply throughout the State. After the public comment period closed, the Department, without notice to the public or any supporting data, reversed course and granted special protections for the New York City and Skaneateles watersheds. The public must be informed about why this change was made, must be given access to the scientific data on which this decision was based, and must be allowed a period of full public comment on this alteration. Further, any evidence that the New York City or Skaneateles watersheds can in fact be protected if massive fracturing is occurring just outside their borders must be included in any revised dSGEIS.
- 7) The dSGEIS contained another serious error that misled the public and tainted the entire public comment process. The draft, on its face, stated that there have been no incidents of groundwater contamination attributed to hydraulic fracturing anywhere where the process has been tried. These statements were made based on testimony from other states. However, they were inaccurately reported as they did not refer to the life cycle of the drilling process. See, for example, the attached comments Otsego 2000 submitted to the EPA in September 2010. Based on developing data, compiled since the public comment period closed, we now know that there are serious, documented claims of contamination of drinking water throughout the country where these practices have been used. The scope of the draft SGEIS must be formally expanded to analyze this data.
- 8) The scope of the draft SGEIS must also be expanded to address the actual projected economic impacts on the state. Evidence is mounting that the gas industry transforms the economy from existing economic uses to an extraction economy. If tourism, agricultural, and recreational uses

of the land are destroyed, what economic impact will this have on the state? It has also recently come to our attention that gas drilling threatens the housing market because many banks will not underwrite loans if there is a gas lease on the land, or on adjoining parcels of land. If people cannot obtain mortgages and insurance because of gas drilling, how much will the state lose? Finally, the true costs of future environmental clean-up and health care expenses must be factored in.

Whatever instructions the Department may have received to complete the revised draft on a particular schedule, the truth is that the Department must be allowed to work on a schedule that is reasonable in light of the developing factual and scientific record. Any scientific endeavor must adjust its plans based on newly discovered facts and evidence. Please take immediate action to expand the scope of the dSGEIS, before releasing any further revision.

Respectfully submitted,



Nicole A. Dillingham  
President, Board of Directors

Attachments: Petition for Declaratory Ruling filed by Advocates for Cherry Valley  
Otsego 2000 Memorandum re: Vertical Wells  
Land Use Analysis for Town of Middlefield, Greenplan Inc.  
Otsego 2000 Comments to the EPA, September 2010

cc: The Honorable Judith Enck  
The Honorable Kirsten Gillibrand  
The Honorable Charles Schumer  
The Honorable Richard Hanna  
The Honorable James Seward  
The Honorable Marc Butler  
The Honorable Peter Lopez  
The Honorable William Magee  
The Honorable Joseph Boan