



August 23, 2011

Mr. Richard A. Cairo, Esq.
General Counsel
Susquehanna River Basin Commission
1721 N. Front Street
Harrisburg, PA 17102-2391

RE: Proposed Rulemaking for Unconventional Gas Development (July 23, 2011)

Dear Mr. Cairo:

Otsego 2000 is an environmental and historic preservation organization situated at the headwaters of the Susquehanna River on Otsego Lake in Cooperstown, New York. Otsego Lake is the largest lake in the Susquehanna River Basin and comprises nearly 30% of the total "lake acreage" of the Susquehanna River Basin. We have worked for more than thirty years to protect the Otsego region, these historic headwaters and the trout streams, tributaries, ground and surface waters that support them. Otsego 2000 is a founding member of the Coalition Against Unsafe Drilling, which includes more than 45 local neighborhood groups and organizations, many of which have signed on to this letter as well.

Recently we have been involved in reviewing industry plans to convert our historic landscape and the Upper Susquehanna River Watershed to heavy industrial use for natural gas extraction. We are concerned that such operations, which under current technology and industry plans will require massive amounts of water for permanent consumptive use, will over time place an undue and deleterious burden on the Susquehanna River Basin ("SRB"). This, coupled with the generation of fracturing fluids and flow back wastes containing carcinogens, endocrine disruptors and NORM which are dangerous to human, aquatic and animal health and for which treatment facilities do not now exist, presents unacceptable risks to the safety of the citizens who rely on the waters of the SRB for drinking water, agricultural, recreational and other protected uses.

To pollute Lake Otsego and the Upper Susquehanna River Watershed would be a huge setback for efforts to reclaim Chesapeake Bay and would gravely weaken the entire SRB. Given the enormous risks involved, we feel strongly that the SRBC is acting prematurely in issuing the proposed rulemaking for unconventional gas development before a full life cycle cumulative impact analysis of these proposed operations in the SRB is completed. As you must be aware, the State of New York and several environmental groups, including Delaware Riverkeeper, National Parks Conservation Association, and the Hudson Riverkeeper, have recently sued the Delaware River Basin Commission¹ under the National Environmental Protection Act ("NEPA") for failing to conduct cumulative impact analysis prior to permitting unconventional gas drilling in the Delaware River Basin. The same arguments are directly applicable to the SRBC, which provides drinking water for more than 6 million people, and comprises almost half of the endangered Chesapeake Bay's drainage area. Until the litigation against DRBC is resolved, any rule changes proposed by SRBC based on the same omissions as those at issue in the DRBC proceedings are unconscionable.

¹ <http://www.delawareriverkeeper.org/resources/Comments/FrackingComplaint.pdf>

The need for a full life cycle study of the cumulative impacts on health, water and the environment was one of the key findings of the draft report issued August 11, 2011 by the U.S. Department of Energy (“DOE”) Shale Gas Advisory Subcommittee, charged with developing measures to reduce the risks of gas extraction.² The DOE draft report confirms that life cycle studies are necessary, recognizes that effective regulation is essential, and calls for best management practices, which do not yet exist, to be developed. In light of the DOE’s stated conclusion that regulations, best management practices, and life cycle studies should be undertaken to understand the effects on drinking water sources, the proposed rulemaking should be stayed until such studies are completed.³

Trout Unlimited, along with 29 environmental organizations and numerous concerned elected officials, has also noted the dire need for cumulative impact studies of an industry that, if fully built out as that industry predicts, will have an industrial “footprint” exponentially greater than any other activity heretofore pursued in our river basins.⁴ The build out analysis prepared for the Town of Middlefield by Greenplan Inc. confirms the drastic impacts which can be anticipated in our watershed.⁵ The data emerging from states where unconventional gas development has been occurring for the past decade suggests significant adverse health and environmental impacts, including highly elevated ground level ozone in rural areas, airborne toxins and fine particulate matter, and industrial accidents and chemical spills.⁶ Until a scientifically sound, peer-reviewed cumulative impacts analysis has been completed for the Upper Susquehanna River Watershed and the entire SRB, providing a “fast track” to the oil and gas industry in the SRB is clearly improper.

The engineering firm Hazen & Sawyer came to the same conclusions more than 18 months ago in their report produced for the New York Department of Environmental Protection.⁷ The work of Hazen & Sawyer was instrumental in securing a prohibition against drilling in the New York City watershed ordered by the New York State Department of Environmental Conservation. However, the same reasons for protecting the New York City watershed apply equally to the portion of the Upper Susquehanna River watershed located in Otsego County. For example, the water treatment plant located on the Susquehanna River serving Cooperstown cannot remove dissolved chemicals in fracking and production waste streams. Moreover, the massive additional industrial activity which gas development will bring to the region will severely burden this small publicly owned water treatment plant. Like New York City, the Cooperstown community does not have the resources to build a new treatment facility that can remove the contaminants that will be generated.^{8,9} All water treatment facilities in our region are subject to the same constraints. This should be a major concern to all downstream users of water drawn from the Susquehanna River, including those relying on water from the Chesapeake Bay.

Finally, we are very concerned about the proposed rule that would allow the transfer of fracking and production water wastes from other basins into the SRB through out-of-basin diversions to out-of-basin treatment plants, as well as inter-basin transfer of fluids from well pad to well pad. The proposed rules suggest this will be done in a fashion so as to keep the waters isolated from basin water without explaining what such procedures might be and how the movement of such contaminated fluids will be tracked. The prospect of massive amounts of flow back and fracking wastes being sent into the SRB from well pads in other fracking states and/or basins is disturbing on several levels and should not be permitted without further

² Secretary of Energy Advisory Board, [Shale Gas Production Subcommittee 90-Day Interim Report, 8/18/2011](#)

³ [Otsego 2000 Comments Submitted to DOE](#) on Shale Production Subcommittee 90-Day Interim Report, 8/15/2011

⁴ Maclin, Elizabeth et al., Comments submitted on behalf of Trout Unlimited and its New Jersey, New York, and Pennsylvania Councils, to the Delaware River Basin Commission on its Draft Natural Gas Development Regulations, Article 7 of Part III – Basin Regulations, April 15, 2011

⁵ [Land Use Analysis: Heavy Industry and Oil, Gas or Solution Mining and Drilling](#), report prepared for the Town of Middlefield, Otsego County, NY by Ted Fink, Greenplan, Inc., May 10, 2011

⁶ <http://garfield-county.com/public-health/battlement-mesa-health-impact-assessment-draft2.aspx>

⁷ [Final Impact Assessment Report: Impact Assessment of Natural Gas Production in the New York City Water Supply Watershed, Hazen & Sawyer Engineering, December 2009](#)

⁸ McIntyre, Win, “Gas Drilling in Drinking Water Watersheds,” published at http://www.otsego2000.org/documents/10sep21_McIntyre-DrinkingWaterinWatersheds.pdf. Accessed 8/18/11.

⁹ [Otsego Lake Watershed Supervisory Committee, “Comments on the Draft of Supplemental Generic Environmental Impact Statement for Gas Drilling,”](#) submitted to the NYS DEC October 2009.

clarification of the precise circumstances and the number of gallons of such waste, where they will be treated, and how.

For all of these reasons we are opposed to the proposed rulemaking and ask that it be stayed pending a cumulative impacts analysis of the full life cycle of unconventional gas development in the Upper Susquehanna River Watershed and the entire SRB.

Very truly yours,

Nicole Dillingham
President, Board of Directors
Otsego 2000, Inc.

Lynn Marsh and Andrew Minnig
Advocates for Cherry Valley

Harry Levine
Advocates for Springfield

Larry Bennett
Brewery Ommegang

Robert Eklund
Butternut Valley Alliance

Erin Heaton
Chenango Community Action for Renewable
Energy (C-Care)

Joe Levine
Citizens for Water

Concerned Citizens of Otego

Barbara Arrindell
Damascus Citizens

Nadia Steinzor
Earthworks Oil & Gas Accountability Project

Maureen and Fred Culbert
East Springfield

Norm Farwell
Carol Ralbag
Friends of Butternuts

Albert Crudo
Friends of Sustainable Sidney

Kris Federov
Maryland Residents Against Drilling

Kelly Branigan
Middlefield Neighbors

Barb Monroe
Milford DOERs

Nancy Moen
New Lisbon Neighbors

Buck Morehead
NYH2O

Peter Hudiburg
Plymouth Friends of Clean Water

Otto Butz
Residents of Crumhorn Mountain

Allegra Schechter
ROAR Against Fracking
(Roseboom Owners Awareness Response)

Kathy Klopchin
Sanford/Oquaga Area Concerned Citizens

William Elsey, Town Supervisor
Springfield, NY

Adrian Kuzminski
Sustainable Otsego

Johanna Tiemann
Unadilla Township Community Advocates

Susan Huxtable and Jeffrey Reynolds
Lorraine McNulty
Upper Unadilla Valley Association

James Dean, Trustee
Village of Cooperstown

Elizabeth Perry
Westford Neighbors