

RESOLUTION NO. 153-20090603

RESOLUTION – OTSEGO COUNTY COMMENT ON ITEMS NOT
ADDRESSED IN THE NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION *FINAL SCOPE FOR
DRAFT SUPPLEMENTAL GENERIC ENVIRONMENTAL IMPACT
STATEMENT (dSGEIS) ON THE OIL, GAS, AND SOLUTION
MINING REGULATORY PROGRAM FOR THE MARCELLUS SHALE*

DUBBEN, FOURNIER, MCCARTY, STAYTON

WHEREAS, compared to other fossil fuels, natural gas is a relatively clean, relatively low-impact source of energy that could replace the use of coal and other fuels that emit more greenhouse gases in a transition to a more sustainable energy future; and

WHEREAS, full development of New York State natural gas resources may only meet energy needs for a limited period of time that will be measured in years or decades, yet environmental damage could be permanent; and

WHEREAS, ultimately we need to develop capacity to deliver safer, cleaner and fully renewable energy sources; and

WHEREAS, there has been gas drilling in New York State for more than 100 years in deposits that can be recovered by conventional means, but recent advancements in technology and increases in the price of energy have now made the extensive natural gas reserve in the Marcellus Shale potentially recoverable; and

WHEREAS, gas production from the Marcellus Shale is expected to be done using horizontal hydraulic fracturing (“fracking”), a technique that requires pressurized injection of millions of gallons of water containing certain proprietary chemicals into the underground shale to release the gas, but the sweeping 2005 Energy Policy Act

exempted hydro-fracking from monitoring and regulation under the Safe Drinking Water Act; and

WHEREAS, if done in an environmentally responsible manner, development of the gas resources of Upstate New York could be of great economic benefit to landowners, municipalities, and New York State; and

WHEREAS, during the summer of 2008, Governor Paterson directed the New York State Department of Environmental Conservation (NYSDEC) to supplement the existing 1992 Generic Environmental Impact Statement governing drilling to specifically address the specific techniques used to tap the natural gas in the Marcellus Shale; and

WHEREAS, on February 6, 2009, the NYSDEC Division of Mineral Resources, Bureau of Oil and Gas Regulation, released the *Final Scope for Draft Supplemental Generic Environmental Impact Statement (dSGEIS) 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*; and

WHEREAS, the Final Scope for the dSGEIS notes inspection and enforcement staffing concerns related to fracking as well as public disclosure of fracking fluids as topics not included in the Final Scope (Section 8.0); and

WHEREAS, adequate staffing and enforcement are essential to ensure each aspect of fracking regulation is adhered to; and

WHEREAS, the current State budget crisis may inhibit NYSDEC's inspection and enforcement ability; and

WHEREAS, Otsego County and its municipalities have a responsibility to preserve and protect our natural resources, water resources, highway infrastructure, and quality of life for our residents; now, therefore, be it

RESOLVED, that the comment period following promulgation of the dSGEIS be extended to at least sixty (60) days; and be it further

RESOLVED, that since adequate regulation and oversight of New York State Department of Conservation will cost significant State funds, New York State should enact a severance tax and adequate permit fees on gas drilling companies to pay the costs of such regulation and oversight; and be it further

RESOLVED, that New York State require that all substances intended to be introduced into wells be identified and the information be made public, with special notification to local emergency response personnel and health care providers, before use of such chemicals is permitted; and be it further

RESOLVED, that a copy of this resolution shall be sent to Governor David Paterson, Senator Malcolm Smith, Senator James Seward, Assemblyman Sheldon Silver, Assemblyman William Magee, Assemblyman Marc Butler, Assemblyman Peter Lopez, Chair of Senate Committee on Environmental Conservation Carl Marcellino, Chair of Assembly Committee on Environmental Conservation Robert Sweeney, Attorney General Andrew Cuomo, US Senator Charles Schumer, US Senator Kirsten Gillibrand, Congressman Michael Arcuri, and New York State Association of Counties.