



The City of New York

# **Manhattan Community Board 1**

Julie Menin CHAIRPERSON | Noah Pfefferblit DISTRICT MANAGER

**The New York City Council Committee on Environmental Protection  
Oversight Hearing on  
The Continued Examination of Hydraulic Fracturing including  
The New York State Department of Environmental Conservation (NYSDEC)  
And Delaware River Basin Commission (DRBC)**

**Testimony by Jeff Galloway,  
Planning & Community Infrastructure Committee Chair,  
Manhattan Community Board 1**

**Tuesday, March 1, 2011 at 1 p.m.  
49-51 Chambers Street**

Good morning. I am Jeff Galloway, Chair of Manhattan Community Board 1's Planning & Community Infrastructure Committee. Thank you, Chair James F. Gennaro and Committee Members for the opportunity to testify on behalf of the Community Board regarding the use of hydraulic fracturing to drill for natural gas in New York State.

Our Community Board has passed numerous resolutions regarding this issue. On May 26, 2009, we first passed a resolution calling on the New York State Department of Environmental Conservation (NYSDEC) to prohibit the use of hydraulic fracturing in the New York City watershed. Our concern then and now was that hydraulic fracturing involves the injection of carcinogenic chemicals into the earth at extreme pressures. The composition of these chemicals is not publically disclosed, and there has not yet been sufficient public review of the effects these chemicals can have on public drinking water. Without more information, we are greatly concerned that hydraulic fracturing in the New York watershed poses a serious risk of contamination to drinking water of millions of residents in the greater New York City area.

A New York State legislature bill (A08748 and S6244 in the Assembly and Senate, respectively) co-sponsored by State Senator Daniel Squadron was introduced with the aim of amending Environmental Conservation Law to protect the New York City watershed by prohibiting drilling for natural gas within five miles of the watershed boundaries and in the Delaware River watershed, and by increasing regulation of hydraulic fracturing in general. Community Board 1 passed a resolution strongly in support of the passage of this bill on November 24, 2009. At the time, we recommended broadening the legislation to include (italics denote suggested amendments): "Natural gas drillers, *gas aggregators and gas companies* are responsible for *any and all damages, including, but not limited to property and environmental damage* which occurs in the process of drilling *and transporting* natural gas. DEC *shall* require financial security to ensure that landowners are protected from any contingent liability." We still strongly believe the passage of such a law is essential to the protection of one of New York State's most vital natural resources, its clean, gravity-fed, drinking water.

The U.S. Environmental Protection Agency (EPA) Region 2 submitted comments the day before the comment period ended on December 30, 2009. The comments stated the need for the dSGEIS report to include a broader consideration of the impacts of hydraulic fracturing projects significantly proximal to the New York City watershed. At the time, the EPA also suggested that the New York State Public Service Commission (PSC) and the New York State Department of Health (DOH) needed to become more involved in evaluating the public safety implications of hydraulic fracturing. The EPA expressed strong reservations about the potential impacts the natural gas extraction process could have on human health and the environment.

In response to the EPA's comments we passed resolutions on February 23, 2010 and on April 27, 2010 calling for the Governor and the DEC to withdraw the dSGEIS. We feel the DEC still has yet to adequately address the safety issues associated with hydraulic fracturing, and we are strongly disappointed that hydraulic fracturing is being considered without properly addressing the safety of hydraulic fracturing.

One of the main concerns has been that hydraulic fracturing can generate millions of gallons of carcinogenic wastewater. This past weekend, the *New York Times* reported ("Regulation Lax as Gas Wells' Tainted Water Hits Rivers," *New York Times*, February 26, 2011) that internal EPA documents now show that the dangers associated with contamination are real, and perhaps even greater than previously thought. The reporting shows that many critical issues were excluded from the scope of the SGEIS, most notably how to manage the massive quantities of contaminated gas drilling wastewater.

According to the documents, studies (some previously confidential) by both the EPA and by the drilling industry conclude that wastewater from hydrofracking in Pennsylvania may be more radioactive than the treatment plants can handle and that the drilling waste now threatens Pennsylvania's public drinking water. And because drilling in Pennsylvania has been generating more waste than Pennsylvania's water treatment plants have the capacity to treat, some of the waste has been trucked to New York State, including to plants that discharge into Southern Cayuga Lake near Ithaca and into Owasco Outlet near Auburn.

Manhattan Community Board 1 has strongly advocated for green energy solutions, environmentally friendly construction and living, and for decreased reliance on fuels in our own district that most significantly contribute to pollution. At the same time, we recognize that the long-run interests of the economy require extensive fossil-fuel extraction. And it is true that in the coming decades, the country and the city will need diverse sources of energy. However, our pursuit of energy must not come at the cost of public health and safety. There is so much more that must be established about (1) the likelihood of fluid spills (2) the difficulty of protecting against and compensating for spills, and (3) the emphasis on a high level of driller self-regulation before we can possibly accept the risk of horizontal drilling in protected areas. For now, it is clear that government regulations have not kept pace with the development of hydrofracking and that the scope of the dSGEIS should be expanded to include waste water concerns, as well as other fracking hazards that only recently came to light.

Community participation is an important part of reviewing hydrofracking. We ask you, members of the Council, Governor Andrew Cuomo, EPA Regional Administrator Judith Enck

and DEC Commissioner Nominee Joseph Martens to support the establishment of a Citizens and Technical Advisory Committee to assist DEC to revise the dSGEIS. As a community that has been rebuilding after the terrorist attacks of September 11, we have known the impacts of toxic contamination firsthand for the past decade, and we do not want it to happen again.

One of the other lessons learned from the contamination due to 9/11 was the need to consider the cumulative impacts of toxic exposure on public health. Therefore, we ask you to consider updating DEC's 1992 GEIS to require individual EIS reviews for horizontal hydrofracturing permits for hydrofracturing, deepwell injection and wastewater treatment.

In addition, to make sure that public concerns are addressed, we ask that there be at least a 30 days public comment period to identify additional issues to be included in the dSGEIS scope.

Water that is clean, safe and affordable is in the interest of every New Yorker. New York City is one of the few world-class cities that does not get its water from the nearest river; the city water system is one of mankind's great achievements in civil engineering, turning rainwater and gravity into the very lifeblood of our metropolis. Hydrofracking in the NYC watershed is an unnecessary, unconscionable risk.

Thank you for the opportunity to testify today.