

Planning, Development, and Environmental Quality Committee

Special Meeting Minutes

Tuesday, May 18, 2010 5:00 PM

Tompkins County Courthouse

Present: P. Mackesey, Chair, W. Burbank, F. Proto, P. Pryor
Excused: C. Chock
Staff: K. Fuller, Deputy Clerk
Legislators: M. Robertson, Chair; D. Kiefer
Guests: S. Shackford, The Ithaca Journal

Approved July 7, 2010

Call to Order

Chair Mackesey called the meeting to order at 5:02 p.m.

Resolution (DOC ID: 2012): Calling on the Governor and Legislature of New York State to Ban Hydraulic Fracturing Pending Further Independent Scientific Assessments to Determine the Risks, Greenhouse Gas Emissions, and Social and Economic Costs Associated with Hydraulic Fracturing, and in Support of A.10490/S.7592

It was MOVED by Mr. Proto, seconded by Ms. Pryor, to amend the resolution and add language within the WHEREAS paragraph following the bullets to read "...methane ("natural" gas) is 72 times more potent than carbon dioxide in heating the planet according to the **Intergovernmental Panel on Climate Change (2007)**"; and to indicate that "...natural gas is **most likely** not "cleaner" than other fossil fuels."

Ms. Kiefer had provided members with a resolution with proposed amendments. She said the original resolution was too long and did not have references to the bills. Shortening the resolution was accomplished by removing the bulleted list and adding it as an attachment, which was referenced in the fifth Whereas paragraph.

Ms. Pryor stated she agrees to amend the referenced paragraph to include Intergovernmental Panel on Climate Change but not the "most likely" reference. She believes it is stronger statement without that amendment. Mr. Burbank agreed with Ms. Pryor. Ms. Robertson said scientist Bob Howe provided the information on preliminary estimates and information and he qualified he did not have all of the data in. She believed it could be accurate either way. Ms. Pryor suggested it be amended to "...likely not "cleaner"...."; Mr. Proto accepted the suggestion.

A voice vote on the amendment to read: "...methane ("natural" gas) is 72 times more potent than carbon dioxide in heating the planet according to the **Intergovernmental Panel on Climate Change (2007)**"; and to indicate that "...natural gas is **likely** not "cleaner" than other fossil fuels.", resulted as follows: Ayes – 4; Noes – 0; Excused – 1 (Legislator Chock). MOTION APPROVED.

A discussion followed regarding the suggestions being made by Ms. Kiefer. Ms. Robertson said she revised her original resolution to reflect many of the recommendations, however, feels it is important to leave the bulleted list within the resolution. She said the list assists as an educational tool and will most likely be taken with Legislators to Albany next week. Ms. Kiefer said if the draft was sent to others it may not reflect what will be passed by the Legislature. Ms. Robertson clarified it had clearly been marked a draft and that what is passed by the Legislature would be carried to Albany and sent to others. Ms. Kiefer then said having the bulleted list at the end as an attachment would not take away from the intent of the resolution.

Mr. Proto said the bulleted list should stay within the resolution; it provides the individual reading it information on what concerns are present.

The Committee briefly reviewed the resolution, noting which items had been revised by Ms. Robertson as a result of Ms. Kiefer's suggestions. The Committee agreed to add the date in the first WHEREAS, and that any other amendments be made on the floor of the Legislature.

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Frank Proto, Member
SECONDER:	Pat Pryor, Member
AYES:	Pamela Mackesey, Will Burbank, Frank Proto, Pat Pryor
EXCUSED:	Carol Chock

WHEREAS, on September 30, 2009, the New York State Department of Environmental Conservation (NYSDEC) issued a draft Supplemental Generic Environmental Impact Statement (dSGEIS) on high volume, slickwater hydraulic fracturing (HVSWHF) with horizontal drilling as proposed for the Marcellus Shale, and more than 14,000 comments on the dSGEIS were submitted, many pointing out significant defects and a reliance on incomplete or flawed studies, and

WHEREAS, New Yorkers' concerns include questions about the ability of the NYSDEC, with its current staffing levels and its proposed regulations, to protect our natural resources and prevent permanent damage to our environment, and

WHEREAS, recent disasters in West Virginia's coal mines and at the drilling rig in the Gulf of Mexico highlight the dangers inherent in extractive mining, with particular concern about the possible role of methane (the main component in natural gas) in these events, and

WHEREAS, the Tompkins County Legislature has passed resolutions stating its concerns about gas drilling on December 2, 2008 (Resolution No. 252-08), May 19, 2009 (Resolution No. 84-09), and December 15, 2009 (Resolution No. 250-09), and

WHEREAS, based on experience in other states where this drilling has been underway for years, the concerns include but are not limited to:

- air pollution (ground level ozone and smog) at and near drilling sites;
- threats to groundwater and surface water supplies from accidents on the surface, as well as subsurface failures of casings and the hydrofracking process itself;
- depletion and degradation of New York's lakes, rivers, streams, and wetlands;
- long-term consequences from infusion of potentially toxic chemicals into the ground;
- dangers from drill cuttings and flowback water, which may be unsuitable and unsafe for disposal in New York's landfills and wastewater treatment plants;
- deleterious effects of noise and light from 24/7 drilling on the natural habitat of our region and our residents' health and quality of life;
- significant damage to roads and bridges, resulting in loss of mobility and economic activity even if drilling companies eventually rebuild the damaged infrastructure;
- fragmentation of our landscape, with loss of vital habitat for wildlife and significant increase in "edge" habitats which stimulate growth of invasive species;
- damage to existing economic sectors, including agriculture, hunting and fishing, tourism, and higher education;
- social disruption, including increase in crime rates and demand for emergency medical services, and greater disparity between high- and low-income households;
- economic costs to residents and local governments, including higher inflation, increased pressure on housing and consequent homelessness, and precipitous drop in property values; and

WHEREAS, in addition to these concerns, methane ("natural" gas) is 72 times more potent than carbon dioxide in heating the planet according to the Intergovernmental Panel on Climate Change (2007). Therefore when all greenhouse gas emissions related to HVSWHF are calculated, including emissions from extraction, distribution, and use, natural gas is likely not "cleaner" than other fossil fuels and may be more damaging than coal, and

WHEREAS, rigorous scientific investigations of these issues are just beginning, including a study of the full life-cycle emissions of shale gas, the social and economic costs and benefits of the industry, and the federal Environmental Protection Agency's (EPA) study of potential relationships between hydraulic fracturing and water resources, and

WHEREAS, New York State has acknowledged the dangerous potential for negative impacts with its determination that individual environmental assessments will be required for any wells in the

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New York City and Syracuse watersheds, and

WHEREAS, New York State has so far not committed itself to a course of action with respect to shale gas drilling in the Marcellus Shale or the Utica Shale, and

WHEREAS, in April 2010 companion bills (A.10490/S.7592) were introduced in the New York State Legislature to establish a moratorium on hydraulic fracturing for natural gas or oil until 120 days after the EPA issues its report on the effects of hydrofracturing on water quality and public health. The moratorium will sunset 120 days after the issuance of a new Environmental Protection Agency report, which is intended to allow the state agencies and state residents the opportunity to review and make use of the Environmental Protection Agency's new report, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature hereby urges New York State to ban HVSWHF operations pending further independent scientific assessments, including the EPA study, research on the life-cycle greenhouse gas emissions of shale gas, and the social and economic impacts of the industry,

RESOLVED, further, That the Tompkins County Legislature hereby supports passage of A.10490/S.7592 (Englebright/Addabbo, attached) titled "An act to establish a moratorium upon conducting hydraulic fracturing pending the issuance of a report thereon by the federal Environmental Protection Agency",

RESOLVED, further, That at the very least, the same standards should be applied to all of New York State that the DEC has indicated it will apply to the New York City and Syracuse watersheds,

RESOLVED, further, That copies of this resolution will be sent to Governor David A. Paterson, Congressman Michael Arcuri, Congressman Maurice Hinchey, Assembly Speaker Sheldon Silver, Senate Leader John Sampson, NYS Health Commissioner Richard Daines, DEC Commissioner Peter Grannis, New York State Department of Agriculture & Markets Commissioner Patrick Hooker, the NYS Association of Counties, State Senators James Seward, George Winner, Michael Nozzolio, Antoine Thompson, Joseph Addabbo, Darrel Aubertine, and George Maziarz; Assemblymembers Barbara Lifton, Kevin Cahill, Steve Englebright, Robert Sweeney, and James Brennan; and Attorney General Andrew Cuomo.

SEQR ACTION: TYPE II-20

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Adjournment

On motion, the meeting adjourned at 5:25 p.m.

Respectfully submitted, Karen Fuller, Deputy Clerk.



Planning, Development, and Environmental Quality Committee

121 E. Court Street
Ithaca, NY 14850

Meeting: 05/18/10 05:00 PM
Department: Tompkins County Legislatur
Category: Legislation/Funding - State and Federa
Functional Category: Gas Drilling

ADOPTED

DOC ID: 2012

RESOLUTION NO.

1 **Calling on the Governor and Legislature of New York State to Ban**
2 **Hydraulic Fracturing Pending Further Independent Scientific**
3 **Assessments to Determine the Risks, Greenhouse Gas Emissions,**
4 **and Social and Economic Costs Associated with Hydraulic**
5 **Fracturing, and in Support of A.10490/S.7592**

6 WHEREAS, on September 30, 2009, the New York State Department of Environmental Conservation
7 (NYSDEC) issued a draft Supplemental Generic Environmental Impact Statement (dSGEIS) on high volume,
8 slickwater hydraulic fracturing (HVSWHF) with horizontal drilling as proposed for the Marcellus Shale, and more
9 than 14,000 comments on the dSGEIS were submitted, many pointing out significant defects and a reliance on
10 incomplete or flawed studies, and
11

12 WHEREAS, New Yorkers' concerns include questions about the ability of the NYSDEC, with its current
13 staffing levels and its proposed regulations, to protect our natural resources and prevent permanent damage to our
14 environment, and
15

16 WHEREAS, recent disasters in West Virginia's coal mines and at the drilling rig in the Gulf of Mexico
17 highlight the dangers inherent in extractive mining, with particular concern about the possible role of methane (the
18 main component in natural gas) in these events, and
19

20 WHEREAS, the Tompkins County Legislature has passed resolutions stating its concerns about gas drilling on
21 December 2, 2008 (Resolution No. 252-08), May 19, 2009 (Resolution No. 84-09), and December 15, 2009
22 (Resolution No. 250-09), and
23

24 WHEREAS, based on experience in other states where this drilling has been underway for years, the concerns
25 include but are not limited to:

- 26 • air pollution (ground level ozone and smog) at and near drilling sites;
- 27 • threats to groundwater and surface water supplies from accidents on the surface, as well as subsurface failures
- 28 of casings and the hydrofracking process itself;
- 29 • depletion and degradation of New York's lakes, rivers, streams, and wetlands;
- 30 • long-term consequences from infusion of potentially toxic chemicals into the ground;
- 31 • dangers from drill cuttings and flowback water, which may be unsuitable and unsafe for disposal in New
- 32 York's landfills and wastewater treatment plants;
- 33 • deleterious effects of noise and light from 24/7 drilling on the natural habitat of our region and our residents'
- 34 health and quality of life;
- 35 • significant damage to roads and bridges, resulting in loss of mobility and economic activity even if drilling
- 36 companies eventually rebuild the damaged infrastructure;
- 37 • fragmentation of our landscape, with loss of vital habitat for wildlife and significant increase in "edge"
- 38 habitats which stimulate growth of invasive species;
- 39 • damage to existing economic sectors, including agriculture, hunting and fishing, tourism, and higher
- 40 education;
- 41 • social disruption, including increase in crime rates and demand for emergency medical services, and greater
- 42 disparity between high- and low-income households;
- 43 • economic costs to residents and local governments, including higher inflation, increased pressure on housing
- 44 and consequent homelessness, and precipitous drop in property values; and
45

46 WHEREAS, in addition to these concerns, methane ("natural" gas) is 72 times more potent than carbon
47 dioxide in heating the planet according to the Intergovernmental Panel on Climate Change (2007). Therefore when all
48 greenhouse gas emissions related to HVSWHF are calculated, including emissions from extraction, distribution, and
49 use, natural gas is likely not "cleaner" than other fossil fuels and may be more damaging than coal, and
50

51 WHEREAS, rigorous scientific investigations of these issues are just beginning, including a study of the full

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52 life-cycle emissions of shale gas, the social and economic costs and benefits of the industry, and the federal
53 Environmental Protection Agency's (EPA) study of potential relationships between hydraulic fracturing and water
54 resources, and

55
56 WHEREAS, New York State has acknowledged the dangerous potential for negative impacts with its
57 determination that individual environmental assessments will be required for any wells in the New York City and
58 Syracuse watersheds, and

59
60 WHEREAS, New York State has so far not committed itself to a course of action with respect to shale gas
61 drilling in the Marcellus Shale or the Utica Shale, and

62
63 WHEREAS, in April 2010 companion bills (A.10490/S.7592) were introduced in the New York State
64 Legislature to establish a moratorium on hydraulic fracturing for natural gas or oil until 120 days after the EPA issues
65 its report on the effects of hydrofracturing on water quality and public health. The moratorium will sunset 120 days
66 after the issuance of a new Environmental Protection Agency report, which is intended to allow the state agencies and
67 state residents the opportunity to review and make use of the Environmental Protection Agency's new report, now
68 therefore be it

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70 RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That
71 the Tompkins County Legislature hereby urges New York State to ban HVSWHF operations pending further
72 independent scientific assessments, including the EPA study, research on the life-cycle greenhouse gas emissions of
73 shale gas, and the social and economic impacts of the industry,

74
75 RESOLVED, further, That the Tompkins County Legislature hereby supports passage of A.10490/S.7592
76 (Englebright/Addabbo, attached) titled "An act to establish a moratorium upon conducting hydraulic fracturing
77 pending the issuance of a report thereon by the federal Environmental Protection Agency",

78
79 RESOLVED, further, That at the very least, the same standards should be applied to all of New York State that
80 the DEC has indicated it will apply to the New York City and Syracuse watersheds,

81
82 RESOLVED, further, That copies of this resolution will be sent to Governor David A. Paterson, Congressman
83 Michael Arcuri, Congressman Maurice Hinchey, Assembly Speaker Sheldon Silver, Senate Leader John Sampson,
84 NYS Health Commissioner Richard Daines, DEC Commissioner Peter Grannis, New York State Department of
85 Agriculture & Markets Commissioner Patrick Hooker, the NYS Association of Counties, State Senators James
86 Seward, George Winner, Michael Nozzolio, Antoine Thompson, Joseph Addabbo, Darrel Aubertine, and George
87 Maziarz; Assemblymembers Barbara Lifton, Kevin Cahill, Steve Englebright, Robert Sweeney, and James Brennan;
88 and Attorney General Andrew Cuomo.

89 **SEQR ACTION: TYPE II-20**

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A 10490 Englebright (MS) Same as [S 7592](#)
ADDABBO
 Environmental Conservation
 TITLE....Establishes a moratorium on conducting hydraulic fracturing for the extraction of natural gas or oil until 120 days after federal EPA issues report thereon
 04/02/10 referred to environmental conservation

S7592 ADDABBO Same as [A 10490](#) Englebright (MS)
 ON FILE: 04/26/10 Environmental Conservation
 TITLE....Establishes a moratorium on conducting hydraulic fracturing for the extraction of natural gas or oil until 120 days after federal EPA issues report thereon
 04/23/10 REFERRED TO ENVIRONMENTAL CONSERVATION

ENGLEBRIGHT, MENG, DINOWITZ, SKARTADOS, LIFTON, COLTON, GOTTFRIED, ROSENTHAL, CHRISTENSEN, GUNTHER, TITONE, CASTRO, MILLMAN, CRESPO, GLICK, M. MILLER, BARRON, JAFFEE, MARKEY, JACOBS, FIELDS; M-S: Bing, Lentol, Magee, Nolan, Pheffer, Scarborough, Thiele, Weisenberg
 Establishes a moratorium on conducting hydraulic fracturing for the extraction of natural gas or oil until 12 days after federal Environmental Protection Agency issues a report on the effects of hydraulic fracturing or water quality and public health.

Attachment: bills A10490 and S7592 (RES-2010-67 : Gas Drilling - Ban Hydrofracking)

STATE OF NEW YORK

10490

IN ASSEMBLY

April 2, 2010

Introduced by M. of A. ENGLEBRIGHT, MENG, DINOWITZ, SKARTADOS, LIFTON, COLTON, GOTTFRIED, ROSENTHAL, CHRISTENSEN, GUNTHER, TITONE, CASTRO, MILLMAN, CRESPO, GLICK, M. MILLER, BARRON, JAFFEE, MARKEY -- Multi-Sponsored by -- M. of A. LENTOL, MAGEE, NOLAN, PHEFFER, SCARBOROUGH, THIELE, WEISENBERG -- read once and referred to the Committee on Environmental Conservation

AN ACT to establish a moratorium upon conducting hydraulic fracturing pending the issuance of a report thereon by the federal Environmental Protection Agency; and providing for the repeal of such provisions upon the expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. (a) Notwithstanding any provision of law to the contrary,
2 there is hereby established a moratorium upon the conducting of hydrau-
3 lic fracturing in the state. The purpose of such moratorium shall be to
4 afford the state and its residents the opportunity to review a report to
5 be issued by the federal Environmental Protection Agency on the effects
6 of hydraulic fracturing on water quality and public health.
7 (b) For the purposes of this section, "hydraulic fracturing" shall
8 mean fracturing of rock by man-made fluid-driven fracturing techniques
9 for the purpose of stimulating natural gas or oil well production.
10 § 2. This act shall take effect immediately, and shall expire and be
11 deemed repealed on the one hundred twentieth day after the federal Envi-
12 ronmental Protection Agency issues a report on the effects of hydraulic
13 fracturing on water quality and public health. Provided, that the
14 commissioner of environmental conservation shall notify the legislative
15 bill drafting commission upon the issuance by the federal Environmental
16 Protection Agency of the report on the effects of hydraulic fracturing
17 on water quality and public health referred to in subdivision (a) of
18 section one of this act in order that such commission may maintain an
19 accurate and timely effective data base of the official text of the laws
20 of the state of New York in furtherance of effectuating the provisions
21 of section 44 of the legislative law and section 70-b of the public
22 officers law.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD16567-02-0

Attachment: bills A10490 and S7592 (RES-2010-67 : Gas Drilling - Ban Hydrogracking)

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A10490

SPONSOR: Englebright (MS)

TITLE OF BILL:

An act to establish a moratorium upon conducting hydraulic fracturing pending the issuance of a report thereon by the federal Environmental Protection Agency; and providing for the repeal of such provisions upon the expiration thereof

PURPOSE OR GENERAL IDEA OF BILL:

This bill seeks to place a moratorium upon the activity of hydraulic fracturing until such time as the environmental protection agency has released there report on the effects of hydraulic fracturing on ground-water and freshwater supplies.

SUMMARY OF SPECIFIC PROVISIONS:

Establishes a moratorium on conducting hydraulic fracturing for the extraction of natural gas or oil until 120 days after federal environmental protection agency.

JUSTIFICATION:

On March 18, 2010 the EPA announced that it will be conducting a comprehensive 2-year research study to investigate the potential adverse impact that hydraulic fracturing may have on water quality and public health, including the potential impacts the hydraulic fracturing mixture may have on water quality. Hydraulic fracturing is a process that involves vertical and horizontal drilling and fracturing of underground formations to facilitate withdrawal of natural gas or oil, from shale and other geological formations. In general, the process involves injecting fresh water, fracturing fluids and sand into the formation, withdrawing the gas and separating and managing the leftover waters. The fracturing fluid itself is made up of dozens of chemicals that act as a lubricant for the sand. These chemicals can include potentially dangerous petrol compounds. Millions of gallons of water, sand and fracturing fluid are needed to fracture a natural gas well. New York State must continue to be vigilant where questions of water quality and public health are concerned and must have all available information before allowing a questionable practice such as hydraulic fracturing to take place without fully knowing the potential dangers. My legislation will place a moratorium on such activity until the EPA study has been completed and the results know to the public.

PRIOR LEGISLATIVE HISTORY:

New bill.

Attachment: bills A10490 and S7592 (RES-2010-67 : Gas Drilling - Ban Hydrogracking)

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

Immediately.
