Tompkins County Legislature
320 North Tioga Street, Ithaca, N.Y. 14850
Telephone (607) 274-5434 Fax: (607) 274-5430
www.tompkins-co.org/legislature

June 19, 2012

Governor Andrew Cuomo
State Capitol
Albany, New York 12224

Dear Governor Cuomo:

Last December, with only one dissenting vote, our bipartisan Tompkins County Legislature voted to call for a ban on high-volume hydraulic fracturing in all of New York State. That resolution is enclosed.

Since then, we have only become more concerned about the impacts of hydrofracking: seismic activity around injection wells being used for the wastewater; increased reports of health impacts on local communities; persistent incidents of surface water and groundwater contamination; high levels of radon in Marcellus shale gas; and dangerous air pollution and ground level ozone levels, to name a few.

Your constituents are also worried. Despite a massive advertising campaign by the industry, recent independent surveys (Cornell University Survey Research Institute, 2010 and 2011) found that by a better-than-2-to-1 margin, respondents statewide believe the risk of water contamination outweighs any possible revenues from natural gas drilling.

A plan to allow drilling in "just" five counties does not protect us outside that zone because the environmental impacts do not respect county lines. Nor do the socioeconomic impacts, such as increased demands on local governments, first responders, and law enforcement respect county lines. We are already seeing damage to property values because of simply the *possibility* of drilling. We are worried that our existing businesses will be crowded out for a short-term boom, and our economies and our residents will be worse off when the bust comes. There will be a few winners during the boom, but there will be many more losers.

There is no way the DEC could prevent the destruction of our local community character, if the agricultural towns of the Southern Tier are taken over by multi-national companies and their out-of-state workers. A survey this year (Cornell University Survey Research Institute, 2012) found that a majority of upstate residents expect their overall quality of life to get worse with gas drilling, almost twice as many who think quality of life will improve.

There is so much we don't know about this industrial process, in large part because of industry non-disclosure agreements with homeowners when a contamination claim is settled. Unfortunately, the damage this industry causes will be irreversible.

Steuben, Chemung, Broome, Tioga, and Chenango Counties form a horseshoe in the Southern Tier. Schuyler, Tompkins, and Cortland Counties are in the middle of that horseshoe. As we have said, the negative impacts of hydrofracking cannot be confined.

Therefore we reiterate our call for a ban statewide on high-volume hydrofracking, and oppose any effort to carve out drilling zones. The Southern Tier – like all of upstate New York – needs *sustainable* economic development and jobs. Tragically, one of the casualties of the current glut of cheap gas is the movement to invest in renewable energy. We urge you to take New York past the fossil fuel industry into a future that fosters the true, long-term health of the state's people, economy, and environment.

Respectfully yours,

Martha Robertson, Chair
Tompkins County Legislature

Pamela Mackesey, Legislator
District No. 1

Leslyn McBean-Clairborne, Legislator
District No. 2

Carol Chock, Legislator
District No. 3

Nathan Shinagawa
District No. 4

Pat Pryor, Legislator
District No. 6

Dooley Kiefer, Legislator
District No. 10

Will Burbank, Legislator
District No. 12

Michael E. Lane, Legislator
District No. 14

James Dennis, Legislator
District No. 15

Enclosure: Resolution 2011-245

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320 North Tioga Street, Ithaca, NY 14850
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DOC ID: 3012 A
Department: Planning Department
Category: Environmental
Functional Category:

ADOPTED

Resolution No. 2011-245

Recommending Statewide Ban on High-Volume Hydraulic Fracturing

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has released the Revised Draft Supplemental Generic Environmental Impact Statement (SGEIS) 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 (hereinafter referred to as the "Document"), and

WHEREAS, the Document does not adequately address the cumulative impacts of Marcellus Shale development on a substantial region of New York State:

- *Industrial use.* Gas drilling utilizing high-volume hydraulic fracturing is a heavy industrial land use that fundamentally changes the character of rural areas and potentially undermines the pillars of the rural economy - agriculture, forestry, tourism, and outdoor recreation. It would occur in areas not intended for industrial land uses. Permitted development in Tompkins County could result in a cumulative area of industrial land use equal to or greater than the entire current amount of industrially developed land in Tompkins County. Under municipal land use regulatory authority, existing industrial land use was most often sited after years of careful planning at the municipal level and review of site plans for specific activities and sites. This planning process assured that industrial land uses were located in areas that have infrastructure sufficient to support the activity, including major highways and public water and sewer infrastructure, and that do not conflict with the protection of valued natural resources. Gas drilling, by contrast, is likely to occur in areas that are not designated or suitable for industrial land uses, that have little or no infrastructure adequate to support the activity, and that have not been subjected to a comprehensive planning process to evaluate impacts of this development.
- *Local landscapes.* The SGEIS is based on the premise that local authority to review gas drilling activity has been precluded by the State of New York. The result will almost certainly be the degradation and fragmentation of our natural areas and rural landscape with serious negative impacts on a rural way of life and the function of some of our natural and wildlife resources. Invasive species of plants and animals thrive particularly at the "edges" of forests and fields, and the proliferation of drilling pads and centralized impoundment areas will introduce significantly more land with such edges.
- *Water resources.* Water withdrawals are insufficiently regulated and the cumulative effects of removing billions of gallons of water from the ecosystem, effectively permanently, are barely addressed in the document. The Document acknowledges that impacts on water quality are likely and prohibits drilling in the New York City watershed, the Skaneateles Lake watershed and, on a temporary basis, over primary and principal aquifers. However, other public and private water supplies whether from surface or groundwater sources are not provided this level of protection. Although a US EPA study is underway to assess the impacts of gas drilling on water resources the SGEIS was released without waiting for the results of that study.
- *Air quality.* The document does not sufficiently address threats to air quality and public health from drilling operations, including emissions of nitrogen oxide (NOX) and volatile organic compounds that contribute to creation of ground-level ozone. These and other impacts on air quality and public health must be identified and prevented.
- *Gas processing and transmission.* Pipelines and compression stations are not addressed by the Document. The NYSDEC fails to recognize a responsibility to establish a mechanism to

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coordinate environmental review with the Public Service Commission, including regulating gathering lines that are below the size regulated by PSC, and requiring that cumulative effects of the entire industry are considered together.

- *Thresholds.* There is a recognition in the Document that thresholds of activity would be needed to set limits that the environment could sustain without permanent damage. However, it is unclear how such limits could or whether they actually would be established. In the Document, the spacing unit is the only limiting factor on development. The Document fails to establish a pace and level of development that the human and natural environment could tolerate.
- *Social and Economic Impacts*. The Document does not adequately address the potential negative impact on other sectors of the economy that depend on our existing environment, clean water, and viewsheds. In Tompkins County these sectors include higher education, high-tech spin-off industry, grape growing and wine production, agriculture, and tourism, each of which receives costly New York State economic development support. Nor does the document address the serious long-term adverse effects of a boom and bust economy, to issues of equity in that the economic benefits of gas drilling will accrue to a relatively few and the negative impacts will impact many including those least able to absorb those impacts. The document goes to great lengths to estimate and quantify the purported economic benefits of gas drilling but makes no such attempt to quantify the numerous negative impacts.
- *Failure to consider impacts on other State plans*. The Document toes not address how gas drilling would impact priority protection areas identified in the New York State Open Space Plan or whether it would be consistent with the State of New York's goal to reduce greenhouse gas emissions by 80% by 2050. These failures alone require that permitting of wells using high-volume hydraulic fracturing not proceed, and

WHEREAS, these failings make it clear that the risks and known impacts of high-volume hydraulic fracturing using current technology and methods outweigh any positive economic benefits that may accrue from the industry in New York State, and

WHEREAS, in spite of thousands of comments of the first draft SGEIS, many pointing out the pending US EPA study of the risks of hydrofracturing to our water and air and requesting that the SGEIS be deferred to incorporate the results of that study, the Document was released prior to obtaining this critical information, and

WHEREAS, the only conclusion that can be drawn from the Document is that there are no measures that the State of New York is willing or able to require that would sufficiently mitigate the serious, severe negative impacts of Marcellus Shale drilling on the environment, public health, and socioeconomic conditions in affected regions of the State that would be sufficient to allow drilling in the Marcellus Shale to occur, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature finds that given the many continuing flaws in the Document, including failure to assess the wholesale industrialization of our rural landscapes, the life cycle analysis of greenhouse gas emissions from natural gas, and cumulative socioeconomic impacts of a boom and bust extractive economy, as well as a recognition in the Document that horizontal drilling and high-volume hydrofracturing pose significant risks to our water resources, that horizontal drilling and high-volume hydrofracturing should be banned in New York State,

RESOLVED, further, That copies of this resolution shall be sent to Director Bradley J. Field of

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the New York State Department of Environmental Conservation Division of Mineral Resources, Governor Andrew Cuomo, NYSDEC Commissioner Joe Martens, New York State Department of Environmental Conservation Executive Deputy Commissioner Marc S. Gerstman Chair of the Senate Committee on Environmental Conservation Mark Grisanti, Chair of the Senate Committee on Energy and Telecommunications, George D. Maziarz, Senate Majority Leader Dean Skelos, Deputy Senate Majority Leader Thomas W. Libous, Senate Minority Leader John Sampson, Deputy Minority Leader Neil D. Breslin, New York State Senators James Seward, Michael Nozzolio, Thomas O'Mara, Liz Krueger, Thomas Duane, Bill Perkins, New York State Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader Brian Kolb, Chair of the Assembly Committee on Environmental Conservation Robert Sweeney, Chair of the Assembly Energy Committee Kevin Cahill, Assemblywoman Barbara Lifton, Attorney General Eric Schneiderman, United States Senate Committee on Energy and Natural Resources Chair Jeff Bingaman, United States Senate Subcommittee on Energy, Water, and Power Chair Jeanne Shaheen, United States Senators Charles Schumer and Kirsten Gillibrand, United States Representatives Energy and Water Development and Related Agencies Subcommittee Chair Rodney P. Frelinghuysen, Subcommittee on Environment and the Economy Member Diana DeGette, United States Representatives Maurice Hinchey, and Richard Hanna, and the New York State Association of Counties, the New York Association of Towns, and the New York Conference of Mayors.
SEQR ACTION: TYPE II-20

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RESULT:	**ADOPTED [14 TO 1]**
MOVER:	Pamela Mackesey, Member
SECONDER:	Carol Chock, Member
AYES:	Burbank, Chock, Dennis, Luz Herrera, Kiefer, Lane, Mackesey, McBean-Clairborne, McKenna, Pryor, Robertson, Robison, Shinagawa, Stein
NAYS:	Frank Proto

STATE OF NEW YORK)
) ss:
COUNTY OF TOMPKINS)

I hereby certify that the foregoing is a true and correct transcript of a resolution adopted by the Tompkins County Legislature on December 20, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Legislature at Ithaca, New York, on June 19, 2012.

, Clerk
Tompkins County Legislature