



NEW YORK STATE SENATE  
NEW YORK CITY COUNCIL



November 24, 2008

Commissioner Alexander B. Grannis  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233

Dear Commissioner Grannis,

As elected officials representing districts in New York City, we write in support of the requests made by the Natural Resources Defense Council, Sierra Club Atlantic Chapter, Environmental Advocates of New York, Earthjustice and many other environmental advocacy organizations in a November 4, 2008 letter to the New York State Department of Environmental Conservation (DEC) regarding scoping hearings on gas drilling in the Marcellus Shale formation.

Specifically, we request that the State Environmental Quality Review Act (SEQRA) process for the Draft Supplemental Generic Environmental Impact Statement on the Oil, Gas and Solution Mining Regulatory Program (DSGEIS) include both a hearing in New York City and another within the City's watershed, and that DEC retain outside consultants to assist in preparing the DSGEIS.

While we appreciate DEC's dedication to protecting our natural resources, we are deeply concerned that the impending drilling in the Marcellus Shale formation will threaten our City's watershed. As you know, SEQRA §617.8 states that scoping must include an opportunity for public participation. DEC has scheduled six scoping meetings in areas of the State along the Marcellus Shale formation, enabling many residents who live near prospective drilling sites, elected officials and industry representatives to be heard. However, no such meeting is scheduled within either New York City's watershed or New York City itself, where over nine million residents depend on clean and safe water. Given the concerns about such drilling expressed by both environmental advocacy groups and the New York City Department of Environmental Protection, which oversees the City's water supply, it would be prudent to hold a meeting in at least one of the five boroughs and one of the towns within the watershed.

We are pleased to see that DEC has arranged to have a stenographer present at each hearing to record public comments and we further urge DEC to webcast the hearings and make the transcriptions as accessible to the public as possible. A public document including all of the many concerns expressed at the scoping hearings will be invaluable as we work together to assess the risks of permitting high-density horizontal hydrofracturing.

Lastly, we support the advocates' request that DEC seek the assistance of outside consultants when preparing the SGEIS. The department's website states that a majority of wells in the Marcellus Shale will be hydrofractured, a process whereby compounds are added to enormous quantities of water, which is then pumped at high pressure into wells to fracture gas-bearing rock formations and facilitate and prolong access to the gas. The website also states that the department is "assessing the chemical makeup of these additives and will ensure that all necessary safeguards and best practices are followed." We do not doubt the department's integrity or competence. Rather we are concerned that it lacks adequate resources. We agree that an independent, private consultant should be contracted, at industry's expense, to guarantee that the review is sufficiently staffed and conducted by those most specialized in the relevant subjects.

While we emphatically support legislation ("A11527") that has been introduced in the New York State Assembly, which would establish a two-year moratorium on the issuance of permits for the drilling of new wells, we understand that legislative solutions might be delayed as we work to address the current economic crisis. Therefore, in addition to the requests of this letter, we implore DEC to withhold all such permits at least until the SGEIS is complete, and we are fully aware of this drilling method's potential environmental impacts.

We thank you for your continued dedication to preserving our precious natural resources and look forward to your response.

Sincerely,



Thomas K. Duane  
New York State Senate  
29<sup>th</sup> District



NYC Councilmember James F. Gennaro  
Chairman  
Environmental Protection Committee

cc: Steven Lawitts, Acting Commissioner, New York City Department of Environmental Protection