GALE A. BREWER
COUNCIL MEMBER, DISTRICT 6
MANHATTAN

DISTRICT OFFICE
563 COLUMBUS AVENUE AT 87TH STREET
NEW YORK, NY10024
(212) 873-0282
FAX (212) 873-0279

CITY HALL OFFICE
250 BROADWAY, SUITE 1744
NEW YORK, NY10007
(212) 788-6975
FAX (212) 513-7717

gale.brewer@council.nyc.gov
www.council.nyc.gov

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PUBLIC COMMENTS ON HIGH-VOLUME HYDRAULIC FRACTURING REVISED PROPOSED REGULATIONS
JANUARY 11, 2013

My name is Gale A. Brewer and I represent the Upper West Side and northern Clinton in the New York City Council. Thank you for the opportunity to comment on the New York State Department of Environmental Conservation's revised proposed regulations on high-volume hydraulic fracturing, or "fracking." Despite the best efforts of the DEC, which faces immense challenges in issuing the draft SGEIS and proposed rules, New Yorkers remain deeply concerned about allowing fracking in our state. I will address those concerns and outline my objections to some of the issues I see with the draft regulations.

First, I want to thank the DEC for soliciting another round of public comments on the rules related to fracking. This is obviously an issue that New Yorkers feel passionately about, and soliciting more public input is always a positive development. I testified before the DEC at their public hearing in November 2011, and many of my concerns from November hold true today.

Our foremost priority must be the protection of the watersheds providing drinking water to nearly 12 million residents of the New York City metropolitan area. There must be no risk to the state's drinking supply. Because the NYC watersheds provide clean, unfiltered water special protections must be provided for them. The proposed 4,000 foot buffer is insufficient and subject to fatal exceptions: it applies only to high-volume hydraulic fracturing, and allows for traditional vertical drilling or low-volume hydraulic fracturing within the boundaries of the watersheds. A larger buffer needs to be created for these areas, and ALL drilling activities should be banned, not just high-volume fracturing.

The proposed 500-foot setbacks from residences and 'places of assembly' are also disconcerting, as this is a very short distance from someone's home, or a public place such as a children's playground for drilling activities to be taking place. The 500-foot setback also applies to residential water supplies and primary aquifers, which raises serious questions about the safety of

water supplies in areas located near drilling sites. Furthermore, the regulations do not seem to include any monitoring requirements by drilling companies to ensure that they are not contaminating nearby water sources, which I believe is a serious mistake. The burden of proof should be squarely on the drilling operators to demonstrate that their activities are not posing a health risk to New Yorkers.

Another area of grave concern is the wastewater created by fracking. By the DEC's own admission, New York State currently has no wastewater treatment plant capable of treating the wastewater created by fracking, and treatment plants in neighboring states have expressed concern about their ability to handle New York's waste. No drilling permits should be issued until a comprehensive wastewater plan is developed and reviewed; aside from drilling, wastewater disposal presents the greatest environmental threat posed by fracking. If the DEC cannot define a 'safe' method for disposing of wastewater created by fracking, than how can we trust drilling operators to do so? This is a serious flaw in the regulations as drafted, as they appear to cover only how and when waste from a site should be removed, not where it ends up.

The DEC should also require a more comprehensive public disclosure of the chemical components used in fracking operations. If the public and medical professionals are unaware of what chemicals are contained in fracking liquids, they will be unable to properly treat anyone who is exposed to these chemicals in an accident. This is a serious health risk that needs to be addressed.

Another area that needs to be further explored is that of the release of gases related to fracking activities when drilling activities take place. The current draft regulations allow for the release of gas while a well is being tested, while it is being prepared for production, while it is being actively fracked, whenever repairs are taking place, and when 'operational requirements' deem it necessary. Those exceptions create an extended period of time during which harmful gases such as methane are leaked into the air. Methane is one of the most harmful greenhouse gases in existence, potentially exacerbating global warming and increasing the frequency of natural disasters such as Superstorm Sandy.

There are also a number of quality of life and tourism-related concerns related to fracking operations that need to be considered. Upstate New York, where the Marcellus Shale is located, is a pristine and picturesque area that is enjoyed by millions of residents and visitors alike. The light pollution, heavy industrial activity, and potentially devastating environmental impact of a chemical spill need to be strongly considered when looking at whether to allow fracking in New York.

Proponents of fracking claim that drilling in New York State will be a huge boon to the economy, especially in economically depressed upstate areas. However, there are serious risks to existing industries such as tourism that must be considered. Furthermore, many studies of job numbers related to fracking have demonstrated that the majority of new jobs created would not go to New Yorkers, but instead to out of state workers. While there may be some ancillary

economic benefits to having new workers arrive in an area, fracking does not appear to be a cure-all for New York's persistently high unemployment.

The State and City of New York are also currently advocating for local sourcing of our food, which means that farmers and purchasers of food work together to offer healthier options for everyone. In fact, I passed Local Law 50 of 2011 which required the City of New York to make best efforts to purchase food that is grown, harvested, or produced in New York State. I also sponsored a very successful tour of upstate farms for the City Council and city agencies. I have also focused on healthier meals for students and seniors, and I support programs that improve meals in the schools and a Food Bag program for older adults. These efforts are coordinated with the Greenmarket and other upstate growers. Numerous chefs who adhere to the purchasing of locally grown food, including the Chefs for Marcellus group, have grave concerns about the potential impact of fracking on local crops, livestock, and water supplies. Any leaks or spills associated with the practice could threaten their ability to procure locally sourced food. This is of great concern to me due to my interest in increasing local sourcing in New York City, and this issue certainly warrants further review.

For all of the reasons listed above, I urge Governor Cuomo and the DEC to reject these proposed rules and maintain a moratorium on fracking until all of the environmental and other concerns are addressed, if that is even possible. The DEC holds the health and well-being of millions of New Yorkers and the viability of the world's most important economic center in its hands. There must be no rush to judgment, and no hurried, politically driven comment period. The DEC must put public safety and health and environmental protection above short term economic or political interests. I urge you in the strongest terms to reflect upon the fact that the costs of remediating the pollution of New York's drinking water would dwarf by many magnitudes any profits claimed by proponents of hydraulic fracturing. In light of that sobering fact, and the many other concerns raised by environmentalists and others, I look forward to your efforts to prevent all harm to our state's well-being. I will continue to work constructively with DEC on this and related issues of human health and environmental safety, and I thank you again for the opportunity to make comments.