

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

HYDRAULIC FRACTURING TOWN HALL

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August 24, 2010

Start: 5:33pm

Recess: 9:00pm

HELD AT: Borough of Manhattan Community
College

B E F O R E:

JIM GENNARO
Chairperson

COUNCIL MEMBERS:

Speaker Christine C. Quinn
Council Member Margaret Chin
Council Member G. Oliver Koppell
Council Member Brad Lander

A P P E A R A N C E S (CONTINUED)

Elizabeth Krueger
State Senator
New York State Senate

Carter Strickland
Deputy Commissioner for Sustainability
New York City Department of Environmental Protection

Maya Kremen
Congressional Staffer
Office of Congressman Jerry Nadler

Steve Corson
Policy Analyst
Office of Manhattan Borough President Scott Stringer

Jessica Noon
Environmental Planner
Office of Bronx Borough President Ruben Diaz

Josh Fox
Documentary filmmaker
"Gasland"

Johanna Dyer
Attorney
Natural Resources Defense Council

James Simpson
Senior Attorney
Riverkeeper

Wes Gillingham
Program Director
Catskill Mountainkeeper

Matt Davis
Research Fellow
Environmental Defense Fund

Alan Bortnick
Concerned citizen

A P P E A R A N C E S (CONTINUED)

Joe Levine
Co-Founder/Chair and Co-Founder
Damascus Citizens/NYH₂O

Stephanie Lowe
SCAC Gas Drilling Task Force member
Sierra Club

Brian Cavanaugh
Assemblyman
New York State Assembly

Ray Olson
Citizen
Windham, New York

Brianne Murphy
Representative
Landowners of Broome County

Matt Wallach
Hudson Valley Program Coordinator
Citizens Campaign for the Environment

Shannon Ayala
Representative
Frack Action

James Barth
Member
Damascus Citizens for Sustainability

Jim Vogel
Media Advisor
Office of State Senator Velmanette Montgomery

David Ferguson
Director
CWCWC

A P P E A R A N C E S (CONTINUED)

Lise Strickler
Board Member
Environmental Advocates of New York

Jennifer Grossman
Vice President for Land Acquisition
Open Space Institute

Arden Down
Director
Women's City Club

Gail Goode
Candidate for U.S. Senate

Buck Moorhead
Member
New York H₂O

Owen Crowley
Member
United for Action

Tom Syracuse
Member of Manhattan Local
Green Party

Carl Arnold
Member, Gas Drilling Taskforce, Atlantic Chapter,
Sierra Club; Member, Sea Dog

Mav Moorhead
Member
New York H₂O

Ron Moroson
Concerned citizen

Jane Cyphers
Member
Damascus Citizens for Sustainability and New York H₂O

A P P E A R A N C E S (CONTINUED)

Nancy Nolan Tien
Concerned citizen

Frances Kuryaza
Concerned citizen

Denise Katzman
Concerned citizen

Alan Smith
Concerned citizen

Marjorie Westin
Concerned citizen

Dan Jacobi
Organizer
Democracy for New York City/Democracy for America

Ronald Mussels
Concerned citizen

Debra Zoon
Concerned citizen

Marjorie Shad
Concerned citizen

Susan Chu
Representative
Clean Water New York

Sheila Milandowsky
Concerned citizen

C.T. Laney
Concerned citizen

Peter Killan
Executive Director
Bayridge Consumer Federation

A P P E A R A N C E S (CONTINUED)

Stephen Bloomenfeld
Student
Yale University

Mary Ellen Cromley
Member
United for Action

Ann Russ
Candidate for State Senate
Green Party

Elizabeth Adam
Concerned citizen

Jim Forat
Member
Executive Committee of - - Democrats

Matthew Falber
Concerned citizen

Belle Gonzalez
Concerned citizen

Jonathan Rubin
Vice President
New York City Friends of Clearwater

Judie Leer
Member
Gray Panthers

Kevin Chattam Stephens
Pediatrician
Mount Sinai Hospital

Jeanie May
Concerned citizen

A P P E A R A N C E S (CONTINUED)

Linda Eskanos
Staten Island Watch for a Green Way Committee
Community Board One, Chair

Julie Willibrand
Candidate for State Comptroller
Green Party

Robert Casala
Concerned citizen

Alice Joyce
Member
Park Slope Food Co-Op and United for Action

Trina Samorelli
Concerned citizen

Lucy Koten
Member, Central Brooklyn Independent Democratic Club,
Sierra Club and NRDC

Ling Cho
Member
United for Action

Larissa Dyrszka
Concerned citizen

David Gould
Doctor, Concerned citizen

Jim Stratton,
Former Chair of Community Board One, lower Manhattan
Former District Leader

Johan Nesiam
Landowner
Concerned citizen

A P P E A R A N C E S (CONTINUED)

Dave Publow
Member
United for Action

Annie Wilson
Member
Sierra Club

Etheline Honig
Concerned citizen

Claire Sandberg
Representative
Frack Action

Mary Elizabeth Rupich
Concerned citizen

Julia Lamens
Attorney
White & Luxembourg

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2 SPEAKER QUINN: I'm the Speaker of
3 the New York City Council. [applause] And--I
4 want to recognize some of the other folks we have
5 with us. We have someone who really, this may
6 sound like one of those overblown introductions,
7 but it doesn't even actually capture all of this
8 work. The Chair of our Environmental Committee,
9 Environmental Protection Committee, Jim Gennaro, I
10 think really was one of the first people in New
11 York to start organizing and speaking out against
12 hydro fracking. He's one of the leading voices in
13 the country against hydro fracking. [applause,
14 cheers] He--I can--I can say, without question,
15 without question, the Council would not have
16 passed a resolution if it wasn't for Jim. And if
17 the Council didn't pass a resolution, I don't
18 think, with all due respect to the State Senate,
19 the State Senate would have [laughter] moved as
20 quickly as they did. So, in a lot of ways, we owe
21 the progress we've made in New York to Jim, and I
22 just really wanted to make sure, taking nothing
23 away from anybody else, that he really got the
24 credit he is due tonight. So thank you so much,
25 Jim. [applause] I also want to thank and

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2 recognize Council Member Margaret Chin whose
3 district we're in, so when you leave, be quiet and
4 don't litter, or she'll find you and be really mad
5 at you. [laughter] Also, Council Member Brad
6 Lander of Brooklyn, and our colleague from the
7 Senate, Liz Krueger, and I want to--she deserves a
8 big round of applause [applause]--you know, the
9 Senate and Liz would not disagree, rightly and
10 many times, gets criticized. But the Senate has
11 not, in my opinion, gotten really any of the
12 credit and praise it should have gotten, for being
13 the first legislative body in the country to pass
14 a law moving for a hydro fracking moratorium. And
15 that wouldn't have happened [applause] you can
16 rest assured, you know, the Council wouldn't have
17 acted without Jim, and this wouldn't have happened
18 in the State Legislature, in really the final
19 hours, without Liz Krueger, so thank you so much,
20 Liz, for being here. [applause] We also have
21 staff from our Public Advocate, Bill De Blasio,
22 and staff from Congress Member Jerry Nadler's
23 office. We want to thank everybody at Keeny
24 [phonetic] and BMCC and recognize the President of
25 BMCC, Dr. Antonio Perez, who is with us tonight,

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2 and thank them for hosting us. We also--Let's
3 give BMCC a round of applause. [applause] I just
4 want to note and thank them for being here, that
5 we have two representatives of the United States
6 Environmental Protection Agency with us tonight.
7 They're going to be listening to all of the
8 testimony, and I think it is a really good sign
9 that they decided to come and listen. I think it
10 is the first time we've had federal level
11 officials come and do this. So I want to thank
12 and recognize them. The Chief of Drinking Water
13 and Municipal Infrastructure, Anita Thompkins, and
14 the Chief of Drinking Water and Ground Water
15 Protection, Luis Cazalaka [phonetic], I want to
16 thank them for coming. We also, let's give them a
17 round of applause. [applause] We also,
18 representing the Bloomberg Administration, have
19 the Deputy Commissioner for Sustainability, Carter
20 Strickland with us, and he's going to give
21 testimony, as well. [applause] And then also,
22 too many environmental groups to recognize and
23 thank, but thank you all for being here. And I
24 just want to apologize in advance, I'm going to
25 have to, won't be able to stay till the end, but

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2 you'll be in the much more able hands of Jim
3 Gennaro after I leave. And let me just add my
4 thanks before I make a few opening comments to the
5 staff of the City Council, the staff of the
6 Speaker's Office, and the Environmental Protection
7 Committee for organizing tonight's meeting, where
8 we have a great turnout pretty late in August, so
9 that speaks to how full the room is, how much of
10 an issue of concern this is. So thank you
11 everybody on the staff, but most importantly,
12 thank you all for coming tonight. [applause] You
13 know, in November, the Council passed a resolution
14 calling on the State to ban hydro fracking in our
15 watershed. Since then, as I said, the Senate has
16 passed legislation that would require a moratorium
17 on hydro fracking, but it's still waiting to go
18 before the Assembly and then to move on to the
19 Governor's desk to be signed into law. So I would
20 urge folks to send a message to the Assembly about
21 how important this is. Permitting hydro fracking
22 in our watershed could lead to the contamination
23 of our drinking water, which will be, if that ever
24 happened, irreversible, and clearly, unacceptable.
25 History has shown us, as recently as in the

1 present, the consequences of putting the
2 acquisition of fossil fuels ahead of environmental
3 concerns, or pushing forward with untested
4 practices before you really know or understand the
5 impact, or have any idea how to deal with them.

6 We simply can't afford to jeopardize the health
7 and wellbeing of New Yorkers, by allowing the
8 national, natural gas industry, which as Liz could
9 tell you, has pumped a lot of money in Albany, to
10 allow the natural gas industry to undertake large
11 scale development and drilling in our watershed.

12 A watershed, by the way, which we have
13 appropriately so, spent hundreds of million
14 dollars of your taxpayer money to protect and
15 acquire the land around to keep our watershed
16 safe. If this goes on, that will mean we would
17 have potentially wasted all of your money, as it
18 relates to our watershed. And that, too, is
19 unacceptable. [applause] So we look forward to
20 tonight's hearing, you know, and hearing from all
21 sides, if there's other opinions in the room.
22 That--maybe not, but if there are, you're welcome,
23 too. The purpose of tonight's meeting is to
24 collect testimony from those who would be directly
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1 affected by hydro, hydraulic fracturing.

2 Obviously, that is New York City residents, 'cause
3 our water could and would be affected. The United
4 States Environmental Protection Agency is hosting
5 several public hearing throughout the United
6 States, to collect testimony for its national
7 study and we are very glad they are doing this
8 national study. A hearing in New York City had
9 not been scheduled by the EPA, so the Council
10 decided to host and organize its own meeting, so
11 we could collect our own data, to make--and submit
12 it to be part of this nationwide study, 'cause
13 we're going to make sure in every way we can New
14 York City is always heard. Now, we're not going
15 to be able to answer any questions during
16 tonight's meeting, because of time constraints,
17 but all testimony will be, obviously heard by the
18 EPA folks who are here tonight, and delivered and
19 submitted by the City Council and Senator Krueger
20 to the EPA representatives, to be part of their
21 deliberative process. So I want to just thank
22 again everybody for coming, and then turn the mic
23 over to someone who now I hope needs no more
24 introduction, our really terrific Chair and star
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2 of stage and screen as it relates to hydro
3 fracking [laughter] I bring you Sundance's own
4 Chairperson, Jim Gennaro.

5 [applause]

6 CHAIRPERSON GENNARO: Thank you.
7 Thank you, Speaker Quinn. And I want to thank you
8 in a very, very special way for your leadership
9 and making sure that we got the Resolution passed
10 through the Council, by making sure that my
11 committee, and all my colleagues, had their voices
12 heard on this very important issue. As you
13 stated, we have had some success at the State
14 level, with the Governor's Office. And now we
15 have, as you mentioned, the, you know, first in
16 the nation moratorium. I thank Liz and the Senate
17 in a very, very special way for that. And all of
18 the staff that made tonight's meeting possible. I
19 want to thank my own staff, William Murray,
20 sitting to my right, who's done a lot of heavy
21 lifting on this. Yeah, everybody knows
22 [applause]--They call my office but they all want
23 to talk to Bill. [laughter] And so, and the rest
24 of my staff who have worked so hard on this. And
25 my other colleagues in government, and at the

1 federal and state level. Also, have to follow up
2 on what Chris has said, regarding the really great
3 input from the Bloomberg Administration, who last
4 December created a very terrific body of science
5 and put that body of science on the table as part
6 of the State's process, and I think that is
7 certainly a must read for any jurisdiction that's
8 looking at trying to push back against this
9 phenomenon, and bring some sanity to it. The
10 federal EPA, we thank them very much for doing
11 this study, for you know, listening to the
12 Congressional mandate, if we were going to get it
13 done for, you know, writing a very good document
14 that I hope people have gotten a chance to read,
15 because I think this bodes well for the kind of
16 study this is going to be. I had the opportunity
17 to speak to Judith Ink [phonetic] and she's really
18 been terrific. And so, I look forward for good
19 things from EPA. And, all of the advocates that
20 have worked so long and so hard, I really thank, I
21 really thank you for making this issue what it is,
22 particularly I want to thank Josh Fox, who we're
23 going to hear from tonight, who has taken this
24 issue and really kind of seared it into the public
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2 mind. This has been very, very helpful, and
3 that's good. But I want to save my last thank you
4 for, for you guys. I mean, how did this all--how
5 are we sitting here tonight, after just having,
6 you know, first the initial moratorium bill pass,
7 have the EPA about to do this study, to have the
8 Council do some good work and the Bloomberg
9 Administration do some good work, and Members of
10 Congress who are trying to pass the FRAC Act. I
11 mean, this all ultimately, you know, came from
12 you, and this is, this is your government, and
13 this is your land, and these are your water
14 supplies that, you know, we want to work with you
15 to try to protect. And so, without your advocacy,
16 we absolutely would not be here. And what we
17 really need you to do when you go outside these
18 doors, whether you're from New York City or
19 whether you're from upstate, you know, we need to
20 tell, we need you to, you know, tell you local
21 elected officials, and you State officials, and
22 your federal officials, how important this is to
23 you. And you've done a great job so far, and I
24 know going forward you are not going to let us
25 down. Again, I don't want to get, you know, too

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2 much into technical details. I have my own
3 detailed comments that will be submitted to the
4 EPA, but you know, tonight is really more about
5 listening to what you have to say. And I want to
6 talk a little bit about the format of how it's
7 going to work, and then I think my other
8 colleagues may, you know, certainly like to make
9 opening statements, and I welcome that. In terms
10 of the format, everybody gets, you know, two
11 minutes to speak. There was a protocol by way, we
12 had people sign up in advance. That's how we
13 advertised this event. We'll call out a number of
14 names and people can go to the nearest microphone,
15 on either side, and when your name is called, you
16 can start to read your testimony. We do have a
17 two minute limit, so you know, try to keep your
18 remarks within two minutes. And in that way, we
19 can through as many people as we possibly can.
20 And so, that's how we're going to proceed, and
21 without further ado, I think we should probably
22 hear from the host Council Member for the area,
23 Council Member Chin, to be followed by Ms.
24 Krueger, to be followed by Brad Lander. And I
25 thank you all very much for being here, and we're

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2 going to have a, we're going to have a very good
3 hearing tonight, and the EPA is certainly going to
4 get an, plenty of really good information.

5 Council Member Chin.

6 COUNCIL MEMBER CHIN: Thank you,
7 Chairperson. [applause] I just wanted to welcome
8 all of you to District One, and thank you for
9 working so hard on this issue. I remember the
10 town hall meeting or the public meeting that was
11 at Stuyvesant High School was also in District One
12 last year. And it was really exciting to keep the
13 momentum going to protect our drinking water. So,
14 I look forward to hearing your testimony, and
15 we're going to work hard to work together on this
16 issues. Thank you.

17 CHAIRPERSON GENNARO: Yeah, okay.
18 [applause] Thank you, Council Member Chin.
19 Senator Krueger.

20 SENATOR KRUEGER: Oh. Well, thank
21 you very much, I'm glad to be here with my Council
22 colleagues tonight. So, yes, the State Senate did
23 pass a moratorium bill, and as you know, it only
24 gives us a moratorium till May of 2011. So, we
25 believe that is the start of the assignment in no

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2 way the completion of the assignment. I too am
3 very delighted that the EPA is here tonight. I'm
4 telling you the State of New York needs the EPA to
5 give us the right answers, to do the research, to
6 give us the studies, and to make sure that we
7 protect our environment and our water for all 19
8 million New Yorkers. I represent the east side
9 and midtown, but this is an issue throughout the
10 State of New York. We're hearing from throughout
11 the State of New York of their concerns, and just
12 very quickly, my one last piece of testimony. The
13 day we were voting the moratorium, I had lobbyists
14 for hydro fracking tell me, "Well, there are
15 already rivers in New York State that you could
16 light on fire." [laughter] "So, really, what's
17 the difference if there's some additional problems
18 from hydro fracking?"

19 SPEAKER QUINN: And that wasn't
20 compelling.

21 SENATOR KRUEGER: And that wasn't
22 compelling. We have - - we had huge issues
23 already facing us in our environment, and
24 protections of clean water in our communities
25 throughout the State of New York. And we cannot

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2 go forward in New York State and allow anything to
3 put one more person at risk, one more watershed,
4 river or stream at risk, and I never want to hear,
5 "Oh, it's normal for rivers to catch on fire."
6 [applause, cheers] Thank you.

7 COUNCIL MEMBER LANDER: First I
8 want to say a big thank you Speaker Quinn and
9 Chairman Gennaro for their leadership in, in
10 making the Council truly a leader on this issue,
11 and to Senator Krueger for passing that
12 moratorium, and to my colleague Councilwoman Chin
13 for hosting us here. I'm here to listen, I'm
14 thrilled that the EPA is here to listen. This is
15 a risky, unregulated, untested technology, and the
16 fact that the EPA is doing a national study to
17 figure out what those risks are, and how we make
18 sure that our drinking water is protected for
19 generations to come, I'm grateful to our hosts to
20 providing us this bottled water, but in some ways
21 it is also a--

22 SPEAKER QUINN: It was not
23 purchased by the New York City Council [laughter]
24 we don't purchase water in bottles any more. And
25 actually I just emailed the staff, "Why do we have

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bottled water?" So [applause]

COUNCIL MEMBER LANDER: So--

SPEAKER QUINN: Thank you BMCC, but in the future, sans the bottled water.

COUNCIL MEMBER LANDER: The, the Council, under its leadership, has already taken great leadership here. Tonight, we'll use this, though, it's here because it's a reminder and a warning of what a precious treasure our water supply is. And that we're going to do absolutely everything we can to protect it. [applause]

CHAIRPERSON GENNARO: Okay, thank you, thank you. And I certainly can attest, I was watching Chris send out that message, [laughter] and I'm like, "What's the deal with the bottled water?" Now, of course, me, I'm just, you know, trying to drink the evidence, and so [laughter] So, we can drink the water but we won't drink the Kool-Aid on this issue. And, so. [cheers, applause] Okay. And, without further, without further delay, we'll hear from our first speakers. I'd like to call first, he was recognized earlier, my good friend Carter Strickland, who will speak on behalf of New York City DEP. He will be

1 followed by a representative of Congressman Jerry
2 Nadler, Maya Kremen, it looks like. To be
3 followed by Steve Corson, who is representing
4 Manhattan Borough President Stringer, Scott
5 Stringer. And representing Bronx Borough
6 President Diaz, Jessica Noon. So, if those people
7 could make their way to the nearest microphone,
8 and then we would ask Carter to come forward, and
9 the other representatives that I just called, to
10 line up at the mics. And then, we have the
11 Sergeant-at-Arms who has, is going to be
12 controlling the clock. And after two minutes,
13 there'll be a sound that will be heard, and then
14 we would ask, you know, people to summarize and
15 end their testimony at that point. So, I would
16 ask that all witnesses say their name. This, as
17 we said before, is going to be transcribed, and
18 sent to the EPA. So we're going to ask each and
19 every witness to come forward. First thing they
20 do is state their name, and present their good
21 testimony. Carter, the floor is yours.

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23 CARTER STRICKLAND: Thank you, Jim
24 and thank--

25 MALE VOICE: - - against the - -

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2 CHAIRPERSON GENNARO: Well, one
3 thing we're going to have is we're certainly going
4 to have order. If anyone has a question, they can
5 raise their hand, and one of the sergeants, this
6 is America, people are free to come and state
7 whatever views they wish. And by, it would be my
8 hope that of those that have signed up to speak
9 tonight, there are folks from both camps, or from
10 every conceivable camp. This is how this was
11 organized, and the people who signed up to speak
12 are the people who signed up to speak. Everyone
13 in the industry certainly knew that this hearing
14 was going to be going on tonight.

15 MALE VOICE: - -

16 SPEAKER QUINN: Hang on, - - tony,
17 why don't you go over and see if you can help the
18 gentleman.

19 CHAIRPERSON GENNARO: As I said,
20 anyone who has a, anybody who has a question--

21 SPEAKER QUINN: Just get started,
22 and--

23 CHAIRPERSON GENNARO: Can make a
24 signal to one of the sergeants and someone will
25 come over to you. Carter, sorry for the

1 interruption, the floor is yours.

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3 CARTER STRICKLAND: Okay, thanks
4 Chairman, I will try to speed read, in the
5 interests of letting most people speak. Carter
6 Strickland, Deputy Commissioner for
7 Sustainability, New York Department of
8 Environmental Protection. We provide the water
9 for 8.4 million New Yorkers and a million people
10 upstate. So, we have a great interest in this, as
11 do all New Yorkers, in the issue in general, and
12 in EPA studies. So thank you to those EPA
13 members. Gas drilling could have a significant,
14 could have significant consequences for the safety
15 of drinking water delivered to half the population
16 in New York State. The Marcellus Shale, the
17 formation we're talking about, underlies the
18 entire Catskill Delaware Watershed portion of our
19 water supply, which supplies about 90 percent of
20 our water. In much of our associated water supply
21 infrastructure, which is vast--we have six large
22 reservoirs, 167 miles of tunnels and 45 shafts--
23 and right now, Catskill Delaware source waters are
24 well protected by DEP's Watershed Protection
25 Program, which has allowed us to obtain a

1 filtration avoidance determination from the EPA.
2 A few years ago, a year-and-a-half about about,
3 DEP determined to take a balanced, objective
4 assessment of the many concerns over natural gas
5 exploration and drilling. In January 2009, we
6 launched the year long evaluation of the potential
7 impacts to water quality, water quantity, and our
8 water supply infrastructure, three distinct areas
9 that deserve scrutiny. The results are presented
10 in two reports, which were submitted to the
11 Department of Environmental Conservation in the
12 State, are available on our website, and have been
13 submitted to the EPA for consideration and study.
14 To summarize those two reports very briefly, they
15 identify a number of serious risks to water supply
16 and infrastructure. Natural gas drilling is an
17 industrial activity, and hydro fracking drilling
18 operations require seismic exploration, clear
19 cutting of forests, construction of new roads and
20 drilling pads, the storage and use of chemicals
21 (that can include benzene and other carcinogens),
22 the withdrawals of good amounts of water, service
23 impoundments or tanks to store chemicals, and
24 briny flow back liquid extracted from ground
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1 water, many truck trips to hauling water and
2 fracking chemicals, and to haul out waste water,
3 and sophisticated equipment to treat that waste
4 water, which doesn't exist in sufficient capacity
5 in all areas. In addition, exploration drilling
6 and fracturing with pressurized solution can
7 damage aqueducts and other subservice facilities,
8 causing settling and contaminating groundwater.
9
10 Based on the densities of development in other
11 shale gas formations in the United States, the
12 area of developable land in the Catskill Delaware
13 Watershed in current regulatory spacing
14 requirements by the State, we estimated that
15 between 3,000 and 6,000 gas wells could be
16 constructed in the watershed, in the next two to
17 four decades. The initial road to development
18 would be, could be relatively low, about five to
19 20 wells per year, but could escalate rapidly to
20 100 to 300 wells per year, under favorable
21 economic conditions. And we don't have to look
22 too far to see that kind of development, we see
23 that rate happening in Pennsylvania today. In
24 short, industrialization from gas drilling would
25 cause significant land use changes in the

1 watershed, and would create risks for the quality
2 of our water and water infrastructure. As a
3 consequence, and only one consequence, gas
4 drilling could also affect our ability to maintain
5 filtration avoidance. Our current cost analysis
6 suggests that filtering the water from the
7 Catskill Delaware watersheds could cost more than
8 ten, filtration could cost more than \$10 billion
9 to build and a \$100 million per year to operate,
10 translating to a 30 percent increase in the price
11 of water and the sewer service paid by New York
12 City residents. And that risk is entirely
13 avoidable. Using current technologies and
14 industrial, and industry practices, DEP concluded
15 that horizontal drilling within current spacing,
16 development would pose an unacceptable threat to
17 the water supply, and would be inconsistent with
18 the principles of source water protection and
19 pollution prevention. It may be that natural gas
20 drilling could be conducted safely in other areas
21 under proper regulatory controls, but it's too
22 risk to conduct gas drilling activities with
23 current technology. And we note that the--the
24 Catskill Delaware water supply area only
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2 constitutes six percent of the Marcellus Shale
3 area in New York State, and we think that's a
4 relevant fact. We do note also that in April of
5 this year, 2010, DEC Commission Pete Grannis took
6 a welcome first step by announcing that unfiltered
7 watersheds such as New York City's present
8 distinct issues and would be subject to additional
9 environmental review, beyond the generic
10 environmental review provided by the State. We
11 commend the State for recognizing these issues and
12 making a commitment to work with New York City and
13 other stakeholders to develop those additional
14 protections. As Mayor Bloomberg stated, we are
15 confident that the additional review is now
16 required for any drilling proposal in the
17 watershed, that would lead the State to agree that
18 drilling cannot be permitted in the City's
19 watershed. In closing, a few specific
20 recommendations for the EPA. We strongly support
21 the comprehensive study. We suggest that they
22 look at water quality, water quantity, water
23 supply infrastructure and public health as four,
24 at least four areas of study. They, we suggest
25 they consider limitations of current exploration

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2 and development, technology methods, current and
3 future proprietary fracking solutions, the
4 operating history of hydro fracking wells, and the
5 rigorous sophistication and resources of State
6 permitting and oversight authorities that would be
7 necessary protect public health. Also, in light
8 of the recent events regarding deep sea oil
9 drilling in the Gulf of Mexico, the studies should
10 consider limitations of recovery technology.

11 Finally, and we're glad to see the EPA commit to
12 this, the study should be undertaken with full
13 public participation and transparency. In
14 closing, the need to pursue adequate energy
15 resources and economic development, while
16 protecting natural resources that we already have,
17 is a long term issue that requires thorough study.
18 There are many alternative sources for energy but
19 there's no substitute for clean, safe, reliable
20 drinking water. Thank you. [applause]

21 CHAIRPERSON GENNARO: Thank you.

22 SPEAKER QUINN: Thank you. I just-
23 -Just so folks understand the process, we did not
24 have the timer on Commissioner Strickland, we
25 granted, as we do at the Council public hearings,

1
2 the Mayor's Office the entire time to submit the
3 testimony. Starting with the representatives of
4 the other elected officials, advocates of the
5 public, we'll go to the two minute clock that god
6 willing will work. If, we're going to call names,
7 kind of three on deck at a time. If you don't
8 hear your name, just signal one of the sergeants-
9 at-arms, give them your name, we will check if we
10 have it. You could've registered online, or you
11 could've registered upstairs when you came in. If
12 for some reason your slip is misplaced or
13 whatever, and you want to testify, and the
14 sergeants don't have it, and the staff doesn't
15 have it, the sergeants will get one and give it to
16 you. Okay, thank you.

17 CHAIRPERSON GENNARO: Okay, and the
18 next witness, the representative of Jerry Nadler,
19 Maya Kremen.

20 MAYA KREMEN: Hi. I'm, I'm Maya
21 Kremen, with Congressman Nadler. The Congressman
22 couldn't be here tonight, but I wanted to read a
23 statement on his behalf. "Safeguarding drinking
24 water for all New Yorkers is a critical public
25 health and environmental priority. That is why in

1 recent years, as interest in cheaper and faster
2 methods of drilling for natural gasses in our
3 region has increased, I have worked with
4 environmentalists and those concerned with the
5 integrity of New York's drinking water to oppose
6 hydraulic fracturing for gasses within our
7 watershed. I am also a cosponsor of HR2766,
8 otherwise known as the FRAC Act. The Fracturing
9 Responsibility and Awareness of Chemicals Act of
10 2009 in the House of Representatives, and I
11 support current efforts in Congress to defend our
12 water supply against the dangers of hydraulic
13 fracturing. It has become evident that hydro
14 fracking in the Catskills Delaware Watershed could
15 pose a serious threat, contaminating our water
16 through waste water runoff, chemical seepage, and
17 potential drilling accidents. The adverse
18 consequences could be financial as well as
19 ecological. If the watershed becomes
20 contaminated, New York City and Westchester County
21 might have to advance filtration of the Catskill
22 Delaware water supply. New York City estimated
23 the cost of constructing such filtration
24 facilities at \$10 billion or more in capital
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2 costs, and over \$100 million per year in operating
3 costs. This would inevitably lead to increased
4 water rates for downstate consumers. This is
5 simply unacceptable, especially given the current
6 economic climate and the budget shortfalls facing
7 state and local governments. In December, I wrote
8 to New York State's Environmental Commissioner
9 stating these facts and expressing my strong
10 opposition. I was encouraged by the Department of
11 Environmental Conservation's recognition in April
12 that New York City water supply faces particular
13 threats from hydraulic fracturing." [alarm] Is
14 that it?

15 SPEAKER QUINN: That's it.

16 CHAIRPERSON GENNARO: Thank you.

17 Thank you very much.

18 SPEAKER QUINN: But if you give us
19 your written copy, it'll be submitted in full.

20 MAYA KREMEN: We, we've already
21 submitted the written copy.

22 SPEAKER QUINN: Thank you.

23 CHAIRPERSON GENNARO: Thank you.

24 MAYA KREMEN: And that's, that
25 about sums it up. [applause]

1
2 CHAIRPERSON GENNARO: Next we have
3 the representative of Scott Stringer, Steve
4 Corson.

5 STEVE CORSON: Hi, my name is--
6 overrunning already.

7 SPEAKER QUINN: No, start the clock
8 over.

9 STEVE CORSON: My name is Steve
10 Corson, I'm here to read a brief statement on
11 behalf of Manhattan Borough Scott Stringer, copies
12 of which I'll leave at the table outside the
13 auditorium. "Thank you Speaker Quinn and Council
14 Member Gennaro for organizing this important
15 hearing. It's regrettable that the EPA has not
16 included a public hearing in New York City as part
17 of its scope for the forthcoming coming research
18 study on the relationship between hydraulic
19 fracturing and drinking water. - - the Borough
20 President sent the EPA Regional Administrator
21 Judith Ench earlier this month, he - - New York
22 City residents, the United States' largest
23 concentration of citizens who would be impacted by
24 hydraulic fracturing, the EPA risks severely
25 limiting its own access to insightful stakeholder

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2 input to guide the design of this study. In this
3 regard, the Borough President applauds the City
4 Council for taking the initiative to solicit the
5 views of City residents in a way that the federal
6 government would not. Back in April of this year,
7 the Borough President submitted comments on the
8 scope of this study to the EPA Science Advisory
9 Board imploring them to 'Consider the exceptional
10 impact that hydraulic fracturing in the Catskill
11 Delaware Watershed could have on the eight million
12 New York City residents, workers and visitors that
13 consume some 1.2 billion gallons of unfiltered
14 drinking water from this watershed every day.' I
15 first would reiterate that call to the EPA
16 tonight. By now, most people in this room have
17 probably seen the footage recorded by filmmaker
18 Josh Fox, of Pennsylvania residents igniting water
19 straight from the tap. And you've probably also
20 seen the steady flow of articles and other - -
21 detailing this stream of - - spills,
22 contaminations, explosions and other accidents
23 attributable to hydraulic fracturing in
24 Pennsylvania and elsewhere. - - of these
25 residents, Governor Patterson should be commended

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2 for adding new levels of protection to safeguard
3 the Catskill Delaware Watershed. However, the
4 fact remains that New York City does not yet have
5 an explicit ban on watershed drilling that we need
6 in order to ensure that the environmental
7 degradation witnessed in Pennsylvania will not
8 affect our unfiltered drinking water supply.
9 Drillers and their lobbyists pointing to the - -
10 federal studies would like New Yorkers to believe
11 that hydraulic fracturing in the Catskill Delaware
12 Watershed [alarm bell] will have no impact on
13 unfiltered drinking water. There's more, but you
14 can read it upstairs - - [applause]

15 CHAIRPERSON GENNARO: Thank you.
16 Thank you. And Jessica Noon. And as Jessica's
17 coming forward, Jessica Noon, I'll read out the
18 next three people to let them know that they're on
19 deck. We actually have a slip from State Senator
20 Dan Squadron. I didn't see Danny, but if he's
21 here, or his representative is here. So, Senator
22 Squadron. Next after that, Josh Fox, and after
23 that Johanna Dyer of NRDC. But first we have
24 Jessica Noon on behalf of Bronx Borough President
25 Diaz.

1
2 JESSICA NOON: Thank you. In 2009,
3 Borough President Diaz ex--took a public position
4 expressing his support for a prohibition of
5 hydraulic fracturing throughout the State of New
6 York. This continues to be his position today.
7 At best, hydraulic fracturing, if it's extended
8 throughout the State, and continues at the pace at
9 which it is right now, will lead to isolated
10 catastrophes such as the drilling well explosions,
11 well contamination and chemical spill
12 contamination of surface waters that we've already
13 seen in Pennsylvania, New York, Colorado and
14 elsewhere. At worst, extensive drilling will
15 contaminate large portions of our State's drinking
16 water and surface water systems, endanger the
17 health of numerous residents, and create a
18 situation where costly remediation and filtration
19 must be undertaken by our local, state and federal
20 governments. In either scenario, the Catskill
21 Delaware Watershed which supplies drinking water
22 for The Bronx and for all of New York City will be
23 at risk. In The Bronx, we have witnessed
24 firsthand the colossal investment and community
25 impact of the Croton Water Filtration Facility in

1 Van Cortland Park. Currently price at \$2.8
2 billion, the largest capital construction project
3 in New York City's history, the filtration plant
4 will filter the drinking water for only 15 percent
5 of our State's residents. And can you imagine the
6 efforts and costs required to thoroughly filter
7 and decontaminate all of the drinking water for
8 the rest of these eight million residents. The
9 Bronx Borough President's Office applauds the
10 efforts of the US EPA to study the effects of
11 hydraulic fracturing on water supplies. And
12 strongly suggests that comprehensive filed studies
13 be conducted at actual drilling sites in a variety
14 of geological conditions to determine the
15 potential risks of contamination. In addition, we
16 ask that the EPA include in its scope the effects
17 of industrial development, including road
18 construction, truck traffic and surface spills,
19 which also pose contamination threat to water
20 supplies. Borough President Diaz supports the
21 efforts of the State Legislature to place a
22 moratorium on hydraulic fracturing. It's
23 imperative that every effort be made to determine
24 the contamination risks prior to developing [alarm
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bell] any regulatory processes." In sum, we still support the prohibition of hydraulic fracturing throughout the State at this point. [applause]

CHAIRPERSON GENNARO: Thank you, thank you. - - Wondering if there's a representative of Senator Squadron? Seeing none, we'll move on to Josh Fox, who will be followed by Johanna Dyer of NRDC. [applause] Josh Fox. - -

JOSH FOX: As always, it's really an honor to be able to be address this board, I'm very happy to talk to the EPA as well. I've just returned from, I guess it's the third swing around the country, to see what's happening, tour the film "Gasland" which has now been seen by about three million people--

SPEAKER QUINN: Wow.

JOSH FOX: --on HBO and we'll [applause] we'll continue to tour and we'll continue to go to all the affected areas that we possibly can, starting in September. It's, it's bad out there. I'm not going to--I can't even state what, what has happened. That we shouldn't even be talking about drilling at all in any state, until the federal safety Clean Water Act,

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2 the Clean Water Act, the Clean Air Act and the
3 Superfund are reenacted or are, the assumptions
4 are overturned, because what's happening here is
5 you have states with a fundamental conflict of
6 interest. States are not adequately regulating
7 this process and the suffering around the country
8 is immense. It is my belief that this process is
9 inherently contaminating. The EPA should not only
10 be looking at water, but at air and at soil
11 contamination. [applause] 'Cause the--and in
12 talking about--I'll have to really be brief. My,
13 my recommendation would be that you have to have
14 an EPA inspector on site at every single drill
15 site. Because there is rampant dumping of water,
16 there is, there are spills, there is also, there
17 are also some contamination issues. And
18 everywhere I go, we are, I meet crowds to show the
19 film and they say, "We've been waiting for you, we
20 want to talk to you." They shouldn't be talking
21 to me, they should be talking to the EPA. There
22 should be an EPA site person at every single
23 location where there's more than 100 gas wells,
24 because the citizenry comes to me and they say,
25 "Well, we have these problems with discharge in

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2 our streams, we have these problems with headaches
3 at night, and it isn't going away." So, to really
4 take, first of all, look at the inherent
5 contamination of the entire process, not just the
6 hydro fracking as an industry, defining it, but
7 put people on site, on staff, permanently, or else
8 [alarm bell] there's no way to actually regulate
9 the process. Thank you. [applause, cheers]

10 CHAIRPERSON GENNARO: Thank you.
11 Thank you, Mr. Fox. Thank you. Thank you, Mr.
12 Fox. And next we'll hear from Mr. Dyer who is
13 representing NRDC. And the next people who had
14 asked to come forward and get ready, from,
15 representing Riverkeeper, my good friend Jay
16 Simpson; Wes Gillingham, representing Catskill
17 Mountainkeeper; Matt Davis representing the
18 Environmental Defense Fund. But now we'll hear
19 from the representative from NRDC.

20 SPEAKER QUINN: I just wanted to
21 add two quick things, just for folks who come
22 tonight and don't get a chance to testimony, the
23 full attendance list tonight will be submitted to
24 the EPA, so they know how many folks are here.
25 And also you can still submit testimony online, to

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2 the City Council, and we'll make sure that's part
3 of the full submission to the EPA, as well.

4 CHAIRPERSON GENNARO: Thank you,
5 Madam Speaker.

6 SPEAKER QUINN: Yep.

7 JOHANNA DYER: Good evening, my
8 name is Johanna Dyer, and I'm an attorney with the
9 Natural Resources Defense Council. NRDC is a
10 national, nonprofit, environmental organization
11 that has been active on a wide range of
12 environmental issues, including many in New York
13 State and New York City, since 1970. We're
14 pleased to be here today to comment on the
15 proposed EPA study regarding natural gas drilling.
16 First, of course, we'd like to thank you, Speaker
17 Quinn, and Chairman Gennaro, for your continuing
18 leadership on this issue, and also for convening
19 these hearings so that New Yorkers can have our
20 say. The process to extract natural gas through
21 hydraulic fracturing have raised some of the most
22 serious environmental concerns facing New York and
23 other regions across the country today. There are
24 numerous serious potential impacts to drinking
25 water, ground water, air, land and public health,

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2 for which we lack adequate answers as to whether
3 and how they can best be managed. NRDC will be
4 submitting written, detailed written testimony to
5 EPA, but today I'd like to emphasize two points.
6 First, the EPA study is the first of its kind and
7 should be carried out with the utmost care, to
8 identify measures to prevent negative impacts
9 before they occur. The Draft Supplemental Generic
10 Environmental Impact Statement to be prepared by
11 the New York State DEC, is thus far wholly
12 inadequate. Among other critical deficiencies, it
13 does not properly analyze the potential for long
14 term contamination to subsurface drinking water
15 supplies. There should be no drilling in New York
16 State until we have knowledge of the science
17 involved, and the EPA study is a critical
18 component of that science. In the context of the
19 new euphoria over shale gas, coupled with
20 inadequate scientific analysis and review thus
21 far, it's not an exaggeration to say that all eyes
22 are on EPA, and the nation is depending on EPA to
23 do this study right. [applause, laughter]
24 Second, industry and state regulators in most
25 locations have not adequately examined reported

1 cases of contamination to understand whether and
2 how they were caused by drilling activities [alarm
3 bell] including fracking. Just one second. It is
4 therefore absolutely critical that EPA undertake
5 its own actual field studies across a range of
6 unconventional gas developments instead of simply
7 relying on information from state regulators, and
8 the natural gas drilling industry. [applause]

9
10 CHAIRPERSON GENNARO: Thank you.

11 Thank you.

12 JOHANNA DYER: Thank you very much.

13 SPEAKER QUINN: Thank you.

14 CHAIRPERSON GENNARO: Thank you
15 very much. James Simpson.

16 JAMES SIMPSON: Hi, my name's James
17 Simpson, I'm a Senior Attorney with Riverkeeper.
18 Thank you, Speaker Quinn and Council Member
19 Gennaro, for your leadership on this issue. We
20 were proud to stand with you two years ago on
21 your, outside your district office in Queens to
22 speak--

23 CHAIRPERSON GENNARO: --six months
24 ago on Union Turnpike.

25 JAMES SIMPSON: Exactly, speaking

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2 to three people. [laughter] And I'm very happy
3 to hear that, to see that this issue has grown.
4 It's a very important one, one that we take very
5 seriously. We will be submitting our--

6 FEMALE VOICE: Thanks.

7 JAMES SIMPSON: --detailed
8 comments, but I just want to say briefly that we
9 applaud EPA's intention to analyze how the
10 hydraulic fracturing life cycle impacts drinking
11 water, from water withdrawal to water injection to
12 waste water disposal to gas transmission through
13 pipelines. The precautionary principle, a
14 globally recognized, environmental concept
15 dictates that it is appropriate to respond
16 aggressively to low probability, high impact
17 events. At bottom, the precautionary principle is
18 about decision making. Studying potential impacts
19 to drinking water, using new, untested technology
20 on a grand scale is entirely consistent with the
21 precautionary principal. Riverkeeper therefore
22 supports EPA study. Furthermore, there's good use
23 of case studies within EPA's study. Every day, we
24 hear of new impacts and incidents associated with
25 the life cycle of hydraulic fracturing. We have

1 collected these stories of industrial gas drilling
2 from reporters; so far we're released nine
3 volumes, we just released the ninth last week.

4 They are readily available on our website.

5 Riverkeeper, I just have two quick, quick points.

6 The first is that we, we would like the study to
7 focus on the life cycle analysis should, should

8 study the impacts of the transportation of water

9 to, to a site and transportation of waste water

10 from a site. Secondly, analyze the impacts of

11 hydraulic fracturing operations on a site-by-site

12 basis, even in the context of a life style, life

13 cycle assessment, has the potential to overlook

14 the cumulative impacts of thousands of miles

15 across a given region. [alarm bell] Thank you so

16 much.

17
18 CHAIRPERSON GENNARO: Thank you.

19 [applause] Thank you, Jay, and we thank

20 Riverkeeper, we thank Riverkeeper for all of their

21 great work. Wes Gillingham of, representing

22 Catskill Mountainkeeper. [applause] Hey, Wes.

23 WES GILLINGHAM: Thank you.

24 FEMALE VOICE: Thank you.

25 WES GILLINGHAM: First again, I

1 would like to thank the New York City Council for
2 doing this and holding these hearings. The
3 proposal to develop the Marcellus Shale and other
4 low permeability shales has the potential not just
5 to change the face of New York, but the whole
6 Alleghany Plateau from here to West Virginia.
7 This is based on industry promulgated thesis that
8 thick, slick water hydraulic fracturing, pumping
9 toxins into the ground, mixing them with naturally
10 occurring hazardous materials and normally
11 occurring radioactive material, taking these
12 chemicals across New York before and after mixing
13 them with millions of gallons of water, does not
14 pose a risk to our communities and our health.
15 That's not what is playing out across the United
16 States where this activity is happening. The EPA
17 needs to look at every aspect of this, this
18 technology and this development, and look at it
19 closely, and take a real, on the ground look at
20 what's happening. I'm going to read from NRDC,
21 Catskill Mountainkeeper, Earth Justice and
22 Riverkeeper's comments on the SGIS. "Fracturing
23 by injecting fluids into the shale, will cause
24 conditions that make transfer of contaminants from
25

1
2 the shale to surface waters, surface aquifers
3 possible." This is a report from our hydro
4 geologists. "The DGIS presents an erroneous
5 analysis that concludes the contaminants in the
6 shale are isolated and cannot reach the near
7 surface aquifers. A simple numerical analysis
8 completed in this - - demonstrated one simple flow
9 pathway that would allow contaminants to reach the
10 overlaying media." And then another line on
11 another page, "The DG--DSGIS basically ignores the
12 potential for leaks, resting its failure to
13 provide any analysis on the assertion that leaks
14 have never been documented from properly
15 constructed wells. How many properly constructed
16 wells are actually happening? That's what I want
17 to know the answer to. [applause] The record and
18 the risk assessment is not playing out very good
19 for industry across the country. [alarm bell]
20 Thank you. [applause]

21 CHAIRPERSON GENNARO: Thank you.

22 Thank you, Wes, and--we thank you for being here,
23 coming a long distance to be here, and we thank
24 Mountainkeeper. Next, we have Matt Davis from the
25 Environmental Defense Fund, but before Mr. Davis

1
2 begins to speak, we'll call the next three names.
3 Alan Bortnick, I would like to call Alan forward;
4 Joe Levine from Damascus Citizens; and Stephanie
5 Lowe from the Sierra Club. That's fine. Please,
6 Mr. Davis, to be followed by Mr. Bortnick.

7 MATT DAVIS: Thank you, Chairman,
8 and good evening everyone, my name is Matt Davis,
9 and I'm represent the Environmental Defense Fund,
10 and environmental advocacy organization
11 representing over 700,000 members nationwide, and
12 headquartered here in New York. Since our
13 founding in 1967, EDF has linked science,
14 economics and law to create innovative, equitable
15 and cost effective solutions to society's most
16 urgent and difficult environmental problems. I'm
17 here today to urge the Environmental Protection
18 Agency to conduct a full and comprehensive study
19 of the environmental and health effects of
20 hydraulic fracturing and to emphasize some
21 particularly important areas of study. EDF's
22 comments on last year's draft environmental impact
23 statement on horizontal drilling in the Marcellus
24 Shale outlined regulations that would minimize the
25 effects of well development on water quality, air

1
2 quality and land use. A truly comprehensive
3 evaluation should - - each of these sources of
4 harm and evaluate the associated risks. Should
5 EPA choose to focus exclusively on the risks of
6 water contamination, however, it is essential that
7 the study examine the full life cycle of well
8 development, use and - - . The past few months
9 have seen a concerted effort from certain industry
10 lobbyists to limit the scope of the study in ways
11 that would render it meaningless. For instance, a
12 widely discussed paper published by a subsidiary
13 Halliburton claims the following: "The concerns
14 around ground water contamination raised by
15 Congress are primarily centered on one fundamental
16 question: Are the created fractures contained
17 within the target formation so that they do not
18 contact underground sources of drinking water?"
19 Now that may sound harmless, but of course direct
20 contact between fractures and underground water
21 sources is not the sole potential cause of
22 contamination; indeed, it's not even the most
23 likely one. EPA's review must examine the
24 potential for surface and groundwater
25 contamination stemming from all stages of

1 drilling, which include but are not limited to
2 faulty cement casing, improper transport, storage
3 and disposal of waste fluid, and accidents such as
4 spills, blowouts and leaks. Neglecting these
5 risks would vastly understate drilling's potential
6 damages. Attached hereto as part of our written
7 testimony are comments that EDF submitted to the
8 Pennsylvania Department of Environmental
9 Protection earlier this year, as well as comments
10 on the New York Department of Environmental
11 Conservation's Draft Supplementary Generic
12 Environmental Impact Statement. Both of which
13 outline our policy recommendations with
14 considerably more detail and specificity. Thank
15 you [alarm bell] everybody [applause] thanks for
16 hosting and for the opportunity to testify.

18 CHAIRPERSON GENNARO: Thank you.

19 Thank you, Mr. Davis, we really appreciate all the
20 work of the EDF. Mr. Bortnick, - -

21 ALAN BORTNICK: Before you start
22 the clock, may I ask the audience one quick
23 question? How many of you here have heard of
24 fracking before today? [applause]

25 CHAIRPERSON GENNARO: Okay.

1
2 ALAN BORTNICK: We're preaching to
3 the choir, so to speak.

4 CHAIRPERSON GENNARO: Please
5 address the panel, thank you.

6 ALAN BORTNICK: Okay. I'm just a
7 little disgusted at times, we're hearing quotes
8 that go that natural gas and uncertainties,
9 respecting the processes employed. I'd like to
10 know what uncertainties still exist. I don't
11 think there are any anymore. [applause] The
12 problem is compounded by the public's lack of
13 knowledge, of what's going on with the drilling,
14 their lack of interest, and a common sense that
15 should be applied to these situations. Mostly,
16 people are not aware of the facts and the numbers,
17 that 90 percent of the population lives on ten
18 percent of the United States land. We are
19 concentrated, 32 of the 48 states where drilling
20 take place, has less than ten percent of the
21 population, and that's why we haven't heard about
22 all of the failures until Josh Fox finally came
23 out and documented this with TV and video and just
24 about everything else you can consider. The
25 driller have offered \$10 billion to get the rights

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2 to do this. That's with a B. If they build a
3 plant for \$10 billion, you can't purify enough
4 water, if it's possible to purify, to satisfy the
5 needs of Staten Island, let alone the rest of the
6 City. It's getting to be worse by the minute,
7 it's not getting to be any better, and we have a
8 problem here in that the Senate has passed the
9 moratorium and now, basically what we have to do
10 is get Mr. Silver on board, and I would very
11 strongly suggest that everybody here, rather than
12 just email, start sending letters. I can erase
13 10,000 emails with two clicks, one to select all
14 and the other says delete, and they don't read it.
15 But mail, they cannot throw it away that easily.
16 Maybe the post office guys will get ruptured, but
17 they're going to get enough letters, and that's
18 what we really should do. [alarm bell] Get off
19 to Silver to pass the moratorium or else we're
20 dead in the water. [applause]

21 CHAIRPERSON GENNARO: Thank you,
22 Mr. Bortnick. And--who--now before we have the
23 next speaker, Joe, before you start, we'll, we'll,
24 I'm very pleased that we're joined by a member of
25 the Committee on Environmental Protection of the

1 City Council, Council Member Koppell, from The
2 Bronx. We are very grateful to have him here.
3 Before he served on the Council, he was Chair in
4 the Assembly of their Committee on Environmental
5 Conservation, has been working in environmental
6 issues for, for many decades. We're happy to have
7 you here tonight, as part of the, part of the
8 hearing, and I've asked him if he'd be willing to
9 make a statement, and it was my hope that he
10 would, he has agreed, and so we're going to hear
11 Council Member Koppell's statement, and then we're
12 going to go to Joe and to Stephanie.

14 COUNCIL MEMBER KOPPELL: Thank you,
15 thank you, very much, Mr. Chairman, and I, I do
16 have a brief statement because I wanted to go on
17 record for myself and my constituents on this
18 matter. I will submit my testimony for the
19 record, and say as you've already indicated, that
20 I have a very long term interest in the protection
21 of our environment. I was Chair way back in the
22 1970s of the Assembly Committee on Environmental
23 Conservation, and one of my concerns in my over 20
24 years in the Legislature was protection of the New
25 York City water supply. And this is something

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2 that I think is of critical importance, both from
3 an environmental point of view and a financial
4 point of view. I think it's important that you're
5 holding this hearing, because it's my
6 understanding EPA is not holding its own hearing
7 in the City, and that this City and the town
8 meeting should be held to allow people to express
9 their views. I want to make it clear that I
10 vigorously oppose drilling for natural gas in New
11 York State's Watershed. I approve [applause] I
12 approve of the decision of the DEC that makes it
13 more difficult for companies to drill in the
14 Marcellus Shale of New York's Watershed; however,
15 I don't believe that the decision goes far enough,
16 and I call upon the State Assembly to pass, and
17 the Governor to sign, the moratorium bill that was
18 approved in the State Senate. And I'm [applause]
19 I might say in that connection that I'm a little
20 distressed that Andrew Cuomo, who I hope will be
21 the next Governor, had not made a full commitment
22 to, in opposition to drilling. [applause] And I
23 hope, I hope that before the end of the campaign,
24 we will hear Mr. Cuomo make such a statement. I
25 will urge him to do so. I am familiar with the

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2 issues of hydro fracking, and I understand that
3 this will pollute, or has a great potential of
4 polluting our water supply. And already in
5 Pennsylvania, Wyoming and New Mexico, ground water
6 contamination has resulted even though there was
7 substantial efforts to try and prevent that kind
8 of contamination. So, you know, if we are not
9 able to protect the quality of water, in addition
10 to the danger that that poses for the millions of
11 people who depend on the water supply, it will be
12 a cost of probably in excess of \$20 billion to
13 provide filtration. And this is something we do
14 not want to even contemplate. And we have to
15 contemplate if we were to allow the possibility of
16 contamination of the supply. So, I think that it
17 is very important that this town meeting and the
18 EPA make it clear that drilling and hydro fracking
19 in the watershed should not be permitted to occur.
20 I'm delighted to see everybody here [applause] and
21 I want to say that this has got to be the
22 cornerstone of an environmental agenda for the
23 future of New York. Thank you.

24 CHAIRPERSON GENNARO: Thank you.

25 Thank you very much, Council Member Koppell. I'm

1
2 very, very grateful for your leadership. And
3 thank you very much for being here with us
4 tonight. As we said before, the next witness, Joe
5 Levine, representing Damascus Citizens. Thank
6 you, Joe, for being here tonight.

7 JOE LEVINE: Thanks. And NYH₂O, as
8 well.

9 CHAIRPERSON GENNARO: And H₂O. I'm
10 just reading what it said on the slip, and it just
11 said Damascus Citizens, but also NY H₂O.

12 JOE LEVINE: Okay. The EPA study
13 should be as comprehensive as possible. Sound
14 science requires a comprehensive, cumulative
15 impact statement. If the goal is to know what the
16 impacts of hydraulic fracturing could be, then all
17 the, all the possible impacts should be reviewed.
18 Extensive work on this subject has been performed
19 by a community of scientists from around the
20 country. Hope this scoping phase gives full
21 respect to their work. In our own backyard, New
22 York City DEP has led the way with the Hazen and
23 Sawyer Impact Assessment Study, the New York City
24 Watershed Inspector General's Report, and dozens
25 others now have come to the conclusion that this

1 is not safe. This is unfortunate, there is
2 unfortunately abundant evidence that this is the
3 case. There are too many potential impacts to
4 mention in two minutes, so many impacts, so little
5 time. But cumulative impact, but here are some of
6 my favorites. Cumulative impacts. Simply measure
7 all impact cumulatively, the industry model of
8 well development has been established. The wells,
9 the compressor stations, the gas separators,
10 gathering lines, containment ponds, on and on,
11 that comprise this activity. Don't measure the
12 impacts one well pad at a time. There'll be tens
13 of thousands of wells in the upper Delaware basin
14 and the southern tier of New York. Don't limit
15 this just to Marcellus. There are many other
16 targeted formations. These are being drilled in
17 upstate New York right now because the moratorium
18 includes only Marcellus. Aggregation policy.
19 Don't allow for submentation of operations when
20 they're part of the same industrial activity, even
21 though they are spread out around the landscape.
22 This is a scheme that has been devised so it
23 appears that the impacts are compliant.
24 Assimilation capacity. Don't allow for the
25

1
2 adjustment of trace chemical standards to be
3 modified so that chemical contamination levels
4 which did not conform yesterday, conform today.
5 Pathways to exposures to toxins, including
6 analysis and potential contaminant pathways: air,
7 groundwater, streams, - - all of them. This isn't
8 just about the water. This mapping--[alarm bell]

9 CHAIRPERSON GENNARO: Thank you,
10 Joe, thank you very much. [applause] We
11 appreciate and thank you, Joe. Okay, oh and the
12 last, whoops, I got my slips a little mixed up.
13 The, the next witness--

14 STEPHANIE LOWE: Stephanie Lowe.

15 CHAIRPERSON GENNARO: Stephanie
16 Lowe, from the Sierra Club, but before you start
17 to speak, Stephanie, I'm going to call the next
18 group of three. Representing Green County
19 Landowners, Ray--

20 RAY OLSON: Olson. Olson.

21 CHAIRPERSON GENNARO: --Olson.
22 Yes, okay, sorry, I couldn't read that, from Green
23 County Landowners. Next, David Braun, from the
24 United for Action. And Brianne Murphy
25 representing the landowners of Broome County.

1
2 Those will be the next three speakers, but first
3 we have Stephanie Lowe, I believe the Sierra Club,
4 thank you for being here, Stephanie.

5 STEPHANIE LOWE: Thank you, thank
6 you for this opportunity to speak. The members
7 I'm about to mention tell us how much New York
8 State, what are the industry plans to take, and
9 use in mining for natural gas. A media - -
10 consulting firm to industry and government says,
11 using a very conservative estimate - - spacing we
12 anticipate 81,000 wells will be drilled in
13 completed in the Marcellus and Utica Shales.
14 Here's how the water adds up. Each well requires
15 two to nine million gallons of fresh water per
16 frack, averaging 5.5 million gallons of fresh
17 water per well, per frack. Each well can be
18 fracked up to 20 times. At these rates, fracking
19 81,000 wells will produce more than eight trillion
20 gallons of highly contaminated water. Now, New
21 York City, for example, uses 1.1 billion gallons
22 of water daily. Eight trillion gallons of water
23 represents more than two-and-a-half years of water
24 the City would give to the gas industry, that
25 would otherwise be available drinking, bathing or

1 water - - business food, and other businesses.
2
3 Other considerations aside, how would that affect
4 our water rates? But far more important, where
5 are we going to put more than eight trillion
6 gallons of dangerous water? Once the water
7 [applause] thank you. Once the water is given to
8 the gas industry and used, there's no way to get
9 rid of it. Pittsburgh Monongahela River is used
10 by one million people, but parts of it now have a
11 river flow less than half of what is usually is,
12 this time of year. In today's Pittsburgh Tribune
13 Review, a - - with the Pittsburgh Water and Sewer
14 Authority said, "My colleagues who have worked on
15 the Monongahela have not seen these low flow
16 levels in 20 years. This is not normal." The gas
17 industry uses millions of gallons of water from
18 Monongahela, which means the water has, the river
19 has less water to dilute pollutants. If New York
20 State follows Pittsburgh's example, water levels
21 will be the least of our worries. We could expect
22 the same environmental and health damage that's
23 occurred where any of this technology is
24 permitted. Water shortages and contamination,
25 cancer clusters, endocrine disruption, - - and

1
2 nervous disorders, even death. [alarm bell] We
3 must continue to stand together and do whatever is
4 necessary to save our water and our lives.

5 [applause, cheers]

6 CHAIRPERSON GENNARO: Thank you,
7 Stephanie. Before we start to hear from the next
8 panel, which I've already called, so I'd ask the,
9 the next three folks that I have called to go to
10 the microphone, but first just an issue that
11 raised I guess how we're going to proceed. We
12 have probably more speakers now than we can
13 actually here tonight, so we're going to be
14 closing registration at 6:45, which is a couple of
15 minutes from now. Anyone who signs up now, we
16 don't know that we'll be able to get you on, so
17 we're going to be closing registration. And we're
18 joined by one of my colleagues in government,
19 Brian Cavanaugh from the New York State Assembly,
20 he represents districts in Manhattan. He has
21 taken the time to be here tonight. I want to
22 recognize his presence, thank him, and give him
23 the opportunity to make a brief statement.

24 [applause]

25 BRIAN CAVANAUGH: Thank you. Given

1
2 the time constraints, I'll just be very brief and
3 say, you know, I represent a district on the east
4 side of Manhattan. I serve on the Assembly
5 environmental conservation committee, and this is
6 an issue we've spent a great deal of time in the
7 Assembly, working on. We start--we had hearings
8 for many, many hours hearing expert testimony and
9 also testimony from people who would be affected
10 by this, not only here in the City but across the
11 State. And, you know, I just want to thank the
12 City Council, the Chairman Gennaro and the members
13 of the Council, and my colleague from the Senate,
14 Liz Krueger's shown tremendous leadership on this,
15 and you know, I'm really, I really compliment all
16 of you for being here and making sure that our
17 voices here in New York City are clearly heard by
18 the DEC and the EPA, and everyone else who's going
19 to decide, help to decide our fate on this. Thank
20 you. [applause]

21 CHAIRPERSON GENNARO: Thank you,
22 thank you, Assemblyman Cavanaugh. Mr. Olson,
23 please.

24 RAY OLSON: I'm Ray Olson from
25 Windham, New York, one of the 40 town on the

1 watershed. I want to first of all correct the
2 misstatements that you made, Councilman Gennaro,
3 also Councilman Koppell and Councilman Quinn.
4 There are a million acres in the watershed.
5 900,000 of those are privately owned. It is not
6 your watershed, and it is certainly not your
7 water. It is ours. The oil and gas industry is
8 currently offering us \$10,000 an acre as a sign-up
9 bonus and an additional 20 percent royalty per
10 year. The land that I own as the third largest
11 landowner in Windham, would provide \$5 million to
12 me, initial payment. All the people in Windham,
13 \$2.5 billion. All the people in the watershed,
14 \$900 billion. Now, we'll get our money one way or
15 another, because you can't confiscate mineral
16 rights without compensation. New York City cannot
17 afford to pay \$900 billion. \$10 billion, which is
18 the figure that you quote for the filtration, or
19 \$20 billion that Mr. Koppell quoted, is a bargain.
20 That will create enormous employment in New York
21 City, which we desperately need. [background
22 noise]

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24 CHAIRPERSON GENNARO: - - Let him
25 speak.

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RAY OLSON: The opportunity--

CHAIRPERSON GENNARO: [gavel] - -
speak, please. Courtesy.

RAY OLSON: Thank you, if you could extend. The opportunity for New York to become the first energy independent state in the world is irresistible. If Governor Alfred E. Smith were still alive and still Governor, the man who gave us the name "The Empire State," and the Empire State Building, he would be proud. There's enough gas in the Marcellus Shale so that New York City need never purchase another drop of gasoline, fuel oil or electricity. There's enough land upstate where the unemployment rate is over ten percent, to create electrical generating plants to send electric to New York City, greatly reduce the cost of living in our town, and unfortunately, due to the misinformation that you three councilmen have given to the public, you are deceiving them from what is an extraordinary economic opportunity.

[background noise] Thankfully, Governor Cuomo [alarm bell] is a great friend, Governor-to-be Cuomo, is a great friend of the gas industry, and we look forward to having the Governor and the

1
2 upstate legislators, particularly Jim Seward
3 [phonetic] enact legislation to benefit the entire
4 State of New York. Thank you. [background noise]

5 CHAIRPERSON GENNARO: Thank you,
6 thank you. Okay, let me just make a statement. I
7 gave Mr. Olson a couple of extra moments because
8 he was interrupted. And we really can't afford to
9 have that happen again. So, we would ask that
10 everyone here tonight give everyone the proper
11 respect and let them say in peace whatever they
12 came here to say. And so, thank you, Mr. Olson.
13 We'll move on to the next witness, David Braun,
14 representing United for Action. Mr. Braun.

15 DAVID BRAUN: - - Hi, there, I'm
16 talking, I'm here to talk about the prostitution
17 of Mother Nature and the money that's being made
18 off of it. [applause] In, in my land, I have the
19 study that is commissioned by the City of New
20 York, the City, the New York Department of
21 Environmental Protection. It is estimated that
22 approximately 400,000 pounds of toxic chemicals
23 mixed with water and sand are injected into the
24 ground per well. 400,000 pounds. It is also
25 estimated that about 20 percent of this toxic

1 mixture that is actually, there's only going to be
2 20 percent toxic mixture, which will be removed
3 from the ground. That's going to leave about
4 325,000 pounds of chemicals, to remain in the
5 ground in perpetuity. These chemicals do not
6 biodegrade. The DG, DSGIS estimates that there
7 are going to be 30,000 wells in New York State.
8 Multiply that number by the estimated 325,000
9 pounds of chemicals per well, equals a total
10 4,875,000 tons of chemicals that will remain in
11 the ground after the drilling has stopped. Now,
12 in the United for Action flyer, we have a
13 rendering of how these chemicals travel through
14 fault lines and enter our water supplies, into our
15 lakes, into our rivers, our streams. As Wes was
16 discussing, this is for real. It doesn't stay in
17 the ground, it comes up. Now, in comparison with
18 those tons that I just discussed, it's estimated
19 that the equivalent of the rate of over 13 Empire
20 State Buildings worth of toxic chemicals will
21 remain in the ground and underground waterways in
22 New York State alone. Let me repeat that again.
23 13, the equivalent of, the weight of 13 Empire
24 State Buildings of chemicals. [alarm bell] It's
25

1
2 unconscionable, this practice must be stopped.

3 Thank you. [applause, cheers]

4 CHAIRPERSON GENNARO: Thank you.
5 thank you, Mr. Braun. And representing the
6 landowners of Broome County, Brianne Murphy. I
7 would like to ask everyone here to make sure that
8 Ms. Murphy is given the proper respect and allowed
9 to deliver her statement without any kind of
10 interruption. Ms. Murphy, please.

11 BRIANNE MURPHY: Thank you. My
12 name is Brianne Murphy, and as I was introduced, I
13 represent some of the landowners in Broome County.
14 This debate has been often mischaracterized as one
15 between environmentalists and gas companies,
16 overlooking the interests of the landowners.
17 Upstate New York and Central New York, as
18 landowners we're uniquely situated stakeholders
19 and are well positioned to appreciate the risks
20 and benefits of responsible drilling. As owners
21 or lessors of the mineral rights in question,
22 these landowners has a strong financial interest
23 in drilling and the potential economic growth that
24 comes from drilling. However, as residents, they
25 have an equal if not greater interest in

1
2 protecting their drinking water. Technological
3 advances come with inherent and often unknown
4 risks, and hydro fracking is no exception.
5 Nevertheless, we cannot allow fear mongering and
6 unfounded, grossly exaggerated concerns to dictate
7 policy. To-date, there's no scientific evidence
8 that, done correctly, hydro fracking poses any
9 risk to contamination of drinking water. That
10 said, landowner recognize that done incorrectly,
11 hydro fracking poses heightened, unknown risks,
12 and accidents do happen. As such, we believe that
13 rather than banning hydro fracking, transparency
14 and oversight are the cornerstones of a sound
15 safety culture. While we cannot legislate away
16 risk, we should focus on regulatory policies and
17 procedures essential to ensuring environmental
18 responsibility and accountability. Thank you for
19 your time, and I know it's an unpopular position,
20 so I appreciate [applause]

21 CHAIRPERSON GENNARO: Thank you,
22 Ms. Murphy. Thank you. Next three witness are
23 Matt Wallach, representing Citizens Campaign for
24 the Environment; Shannon, Shannon Ayala,
25 representing Frack Action; James Barth, also

1
2 representing Damascus Citizens. That's what it
3 says on the slip, but maybe it's also NYH₂O. But
4 as that, that's what it says on the slip. So, and
5 those are the next three witnesses, so I'd like to
6 ask Mr. Wallach to come forward. Hi, I'm Matt
7 Wallach, Program Coordinator for Citizens Campaign
8 for the Environment. CCE is an 80,000 member,
9 non-partisan, not-for-profit advocacy
10 organization, which protect public health and the
11 natural environment. CCE thanks Councilman Jim
12 Gennaro and the whole Council for hosting this.
13 CCE will submitting formal written comments, but
14 for the purpose of today, I will offer the
15 following comments. CCE encouraged the EPA to
16 look at water treatment needs from hydraulic
17 fracturing. The work faces a 74.2 billion
18 drinking water and waste water treatment deficit
19 for current uses. How will aging and failing
20 water treatment systems impact a community's
21 ability to protect its water? Will additional
22 treatment be required for waste water and drinking
23 water systems? The EPA has chosen proximity to
24 treatment systems as a site selection criteria.
25 While CCE agrees that reviewing sites close to

1 treatment plants is valid, CCE is concerned about
2 capacity of treatment facilities, feasibility of
3 transport waste and threats posed by transporting
4 waste. CCE encourages the EPA to look at the
5 threats from storage, transport and spills of all
6 liquid waste including, but not limited to
7 produced water and frack fluids. In general, CCE
8 agrees with the case study approach as a way to do
9 detailed analysis of particular sites. Case
10 studies should look at the watershed as a whole,
11 including impacts to drinking water and
12 recreational uses, as well as impacts to larger
13 water sheds and connected watersheds.

14 Additionally, CCE encourages the EPA to evaluate
15 air pollution, as an impact as well. Finally, in
16 regards to moderating and testing, CCE encourages
17 the EPA to do monitoring and testing in case study
18 watersheds on fish and mammals as well as water,
19 especially in areas where there is a long history
20 of hydraulic fracturing and large concentrations
21 of hydro fracked wells. CCE encourages the EPA to
22 collect empirical data on its own and work with
23 NGOs, neighbors and follow up on allegations of
24 water contamination. CCE is hopeful that the EPA
25

1 [alarm bell] will make a comprehensive study.

2 Thank you again for my time. [applause]

3 CHAIRPERSON GENNARO: Thank you
4 very much, Mr. Wallach. And for Frack Action,
5 Shannon--

6 SHANNON AYALA: Ayala, Ayala.

7 CHAIRPERSON GENNARO: Ayala.
8 Difficult to pronounce your name, I'm sorry.

9 SHANNON AYALA: Okay.

10 CHAIRPERSON GENNARO: Okay.

11 Please--

12 SHANNON AYALA: - -

13 CHAIRPERSON GENNARO: Please start.

14 SHANNON AYALA: All right.

15 Appreciate this, as I love New York water, it's
16 same thing that ten-fifteen people were in front
17 of the DEC, in the middle of June, when we - - to
18 DEC a great - - to the fracking industry. So, I'm
19 from a group called Frack Action, which really
20 started in June, and since then we've met tons of
21 people from around the State and in Pennsylvania
22 and the country, and especially new people like me
23 who are extremely worried about his issue. And
24 since I graduated in May, I've been fighting
25

1 specifically fracking. Also, I've been to Ithaca,
2 New York where I met people, many people, from,
3 from Baltimore, from - - Pennsylvania, I'm going
4 to go there, and pointed to a brown lake and said,
5 "This is what my, this is what my faucet water
6 looks like." So, and, I also met people from
7 Pennsylvania that are my age, more or less, and
8 they're a group of friends, and they just
9 explained how their community is transforming by,
10 by the industry coming in, coming in and
11 transforming it from, people from all over the
12 country. So, I see a generational gap, and that's
13 what I really want to say. Because the industry
14 has lied to a lot of people, and I think it's
15 incredibly cruel that they have turned people
16 against the environmentalists, and against their
17 own communities, like this - - . But the
18 transitional fuel argument does not work with my
19 generation. We see right through that, we know
20 that, there's no transitional fuels, there's only
21 [applause] there's only a just transition to real
22 sustainable society, which we need right away.
23 [applause] We can't be playing around--we can't
24 be playing around, 'cause advertisements and - -
25

1
2 starting to, to the people in the rural
3 communities that have, been put in this situation.
4 Thank you. [applause]

5 CHAIRPERSON GENNARO: Thank you,
6 sir. Thank you, sir. Next we'll hear from James
7 Barth, but before Mr. Barth starts to speak, we'll
8 call the next three witnesses. Jim Vogel,
9 representing State Senator Montgomery from
10 Brooklyn; David Ferguson, who I haven't seen in a
11 long time, who represents CWCWC, and a good
12 friend, I look forward to hearing from him; Reese
13 Strickland, from Environmental Advocates of New
14 York. Mr. Barth, when you're ready, I would ask
15 you to commence. Thank you very much for being
16 here.

17 JAMES BARTH: Good evening, James
18 Barth, Damascus Citizens for Sustainability. In
19 1996, - - water fluid was introduced. In 2000,
20 the first horizontal rail was drilled into shale.
21 In 2002, multistage hydraulic fracturing was first
22 performed. The process I just listed is a new
23 technology, that has a history of eight years, not
24 60. Only this new process and wells drilled using
25 this new process are relevant to the EPA's

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investigation and evaluation. The Groundwater Protection Council, and industry based group, stated than water and sand make up over 98 percent of the fracture fluid, with the rest consisting of various chemical additives. At a concentration of two percent, in a 5,000 foot horizontal, multistage fracture, would release five million gallons of freshwater mixed up with 840,000 pounds of various chemical additives. Many of these chemicals bio-accumulate. New York State law permits a - - to 16 gas wells; Pennsylvania law does not set a limit. A gas well may be fractured multiple times. Well pads may be positioned within a few hundred feet of multiple homes, as I have seen on - - and Dimock, Pennsylvania, where drinking water wells are private and filtered and are contaminated over a nine square mile area. In Pennsylvania, three million people are dependent upon their private drinking water wells. If allowed, the industry would drill thousands of gas wells in the New York City watershed, and then tens of thousands each in the Delaware, Susquehanna and Ohio River basins that supply drinking water to multiple millions of citizens in

1
2 New York City, Philadelphia and Pittsburgh. This
3 is a photograph of - - hand holding a glass jar of
4 his drinking water, after drilling and hydraulic
5 fracturing were performed near his family's
6 residence in Hickory, Pennsylvania. This
7 extraction process is a grave and present danger
8 to the health and welfare of millions of
9 Americans. We, millions of citizens, are counting
10 on the EPA to do whatever is necessary to protect
11 our water and air. Thank you. [applause]

12 CHAIRPERSON GENNARO: Thank you.

13 Mr. Vogel from, representing State Senator
14 Montgomery. [background noise] Okay, thank you
15 for being here, Mr. Vogel.

16 JIM VOGEL: Thanks for having me.

17 This is Senator Montgomery's statement. First she
18 wants to thank you for holding this, and she looks
19 forward to when we get to do it in our own
20 borough. "During the past session, the New York
21 State Senate passed a moratorium on the use of
22 hydro fracking within New York State. In my
23 opinion, the bill that was passed is deficient
24 because it only halts the use of this
25 controversial technique until the beginning of

1 next summer, and not until a complete
2 environmental review of this technique is
3 completed. This leaves the outrageous possibility
4 that hydro fracking may start to be used before it
5 has been found to be safe, or more frighteningly,
6 unacceptably dangers. [applause] I am committed
7 to protecting the people of New York City and New
8 York State from environmental dangers. The
9 procedure available to us for determining these
10 dangers is the environmental impact statement.
11 When the draft for the hydro fracking GEIS was
12 proposed, I wrote the Commissioner of the
13 Department of Environmental Conservation to state
14 I found the proposed study seriously flawed and
15 too narrow in scope. This review must address the
16 full spectrum of questions being raised across the
17 country about hydro fracking, and it's short and
18 long term effects; not just the proscribed results
19 of a local New York State study, as is currently
20 directed by regulation. These regulations must be
21 amended to allow for an EIS which accurately
22 reflects the dangers and benefits being posed to
23 our State. The current moratorium provides time
24 for legislative action to ensure the accuracy,
25

1
2 thoroughness and impartiality of the GEIS.
3 Nothing else will be accepted. We will use the
4 time to the fullest advantage. I'm a proud member
5 of this community, I proudly represent this
6 community, and I will proudly stand with the
7 community to preserve the safety of our upstate
8 watershed and New York City's water supply, and
9 the safety of our upstate citizens, as well.
10 [applause]

11 CHAIRPERSON GENNARO: Thank you.
12 Thank you, Mr. Vogel. We thank the Senator for
13 her statement. Next witness is David Ferguson,
14 and for full disclosure, as I said before, David
15 Ferguson is a friend of mine. [laughs] And he
16 goes back to the days when I was staff member for
17 the City Council. He testified quite a bit. And
18 because I'm acting as Chair tonight, I haven't
19 sort of made, you know, my own feelings known
20 about this issue. Here tonight, many people, you
21 know, know where I stand on this and what I'm
22 trying to do, but it'll serve my purposes best as
23 Chair if I just let other people speak. So,
24 that's for full disclosure that, for both that
25 David's my friend, and I'm kind of, you know,

1
2 keeping my powder dry on the issue for the
3 evening, so that I can be a good Chair in the
4 meeting. So, as I said, my, the next witness, my
5 friend David Ferguson.

6 DAVID FERGUSON: Well, thanks, Jim,
7 and I am happy that you're holding this hearing
8 for sure. And I hope sometime we'll be meeting on
9 better circumstances. This is, I represent the
10 Croton Watershed Clean Water Coalition, which is a
11 coalition of 50 groups in Westchester, Putnam and
12 New York City, fighting for our water supply.
13 This is a intergalactic email from a concerned
14 alien. [laughter] "Why are we continuing to
15 waste our limited resources, monitoring these
16 self-destructive earthlings. It should be clear
17 by now how far they've come to undermine their
18 planet's viability, injecting toxins into the
19 shale beneath their water supply; wasting untold
20 quantities of precious water in the process, under
21 pressure far exceeding that of bombs beneath their
22 aquifers; carving roads for heavy machines that
23 pollute the air; flatten forests and farmland into
24 checkerboards of compacted soil sprouting rigs,
25 compressors, equipment and supplies; cutting

1 through the beauty of the very trees and streams
2 sustaining them for a network of pipes; all for
3 gas to light the night with silly sounds. They
4 call, the call it lifestyle, there's money, they
5 say, to be made. Humanoids apparently are free to
6 poison their neighbor's well by selling the right
7 to drill on land they own, even though the aquifer
8 under that land [applause] also supplies their
9 neighbors. Humanoids with more of this money that
10 others can spend it to get laws preventing such
11 encroachments repealed. Corporations, as they're
12 named, have been allowed to grow at the expense of
13 the larger body of which they are a part. Like
14 what earthlings call cancer, thriving till they
15 die with the body that they occupy. I know you
16 still hold out hope for that, that immune system
17 of these humanoids will somehow still reject this
18 insanity [alarm bell] but those governing this
19 process will come to see those revenues that hover
20 like a fountain in the desert of debt, where in a
21 matter of time, will inevitably, irretrievably
22 under the blaze of devastated real estate. While
23 I respect the hope you hold for humanoids, as
24 earthlings say, "Good luck with that."
25

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2 CHAIRPERSON GENNARO: Thank you,
3 David. [applause] Thank you, David. Let's do
4 the next one, all right? Okay. Representing - -
5 Advocates is Strickler.

6 LISE STRICKLER: Lise Strickler,
7 yes.

8 CHAIRPERSON GENNARO: Thank you,
9 Lee, thank you.

10 LISE STRICKLER: Good evening. I
11 serve on the Board of Directors of Environmental
12 Advocates of New York. As a 35 year old advocacy
13 organization with boots on the ground in Albany,
14 we monitor the State government, evaluate proposed
15 laws and champion policies and practices that will
16 ensure the responsible stewardship of our shared
17 environment. Thank you, Speaker Quinn, and
18 Councilman Gennaro, for holding this town hall
19 meeting. It's critical the New Yorkers have the
20 opportunity to come together and share our
21 concerns about the use of hydraulic fracturing by
22 the oil and gas industry, and the proposed EPA
23 study. How we decide to regulate fracking from
24 natural gas is one of the most important
25 environmental issues we face in New York. The

1
2 water and chemical intensive processes of
3 hydraulic fracturing threaten our drinking water
4 supplies, air and water quality, wildlife habitat,
5 public health and overall quality of life. EPA's
6 study is greatly needed as New York State does not
7 have the capacity or the expertise to undertake a
8 comprehensive study on the potential effects of
9 hydraulic fracturing. However, the EPA's study as
10 currently proposed is too narrow. By focusing
11 only on the effects of drinking water supplies,
12 the EPA is neglecting the wide range of
13 environmental impacts that have devastated
14 communities in Pennsylvania, Colorado and Wyoming.
15 We recommend that the EPA examine storm water
16 runoff impacts from the fracturing process,
17 contaminated runoff from well pads must be
18 considered as it could ruin New York City's water
19 quality if it is not assessed and prevented, could
20 force New York City to build multi-billion dollar
21 filtration systems. In addition to this critical
22 study, the EPA must propose real actionable
23 solutions. We are concerned that the State's
24 current assessment efforts will not effectively
25 protect our national resources. And the agency

1
2 responsible for overseeing hydraulic fracturing,
3 the Department of Environmental Conservation, is
4 understaffed and unable to take on the challenges
5 that overseeing hydraulic fracturing presents. As
6 a result, we need real action from the EPA. Thank
7 you again for holding this meeting, the EPA's
8 study couldn't be more timely, as the oil and gas
9 industry sets its sites on New York State, this
10 study's results will be of critical importance to
11 our most valuable resources, water. [alarm bell]
12 [applause]

13 CHAIRPERSON GENNARO: Thank you.

14 We thank Environmental Advocates. The next three
15 witnesses--oh, leave that over here, because - -
16 shoot me--Jennifer Grossman, representing the Open
17 Space Institute; Arden Down, representing the
18 Women's City Club of New York; and representing
19 People for Gail Goode for the U.S. Senate, we have
20 Gail Goode. Okay, so, Jennifer Grossman will be
21 our first witness.

22 [background noise]

23 JENNIFER GROSSMAN: Hi, thank you
24 and good evening for inviting the Open Space
25 Institute to provide testimony this evening on one

1
2 of the most critical environmental issues now
3 facing New York State. My name is Jennifer
4 Grossman, I am the Vice President for Land
5 Acquisition at OSI. We are a private, not-for-
6 profit land organization. We have been operating
7 for four decades throughout the northeast
8 corridor. We preserve landscapes of significant
9 historic, recreational and agricultural
10 significance. Our work is based on thorough study
11 and review to establish what our priorities are,
12 and how we can preserve very critical, important
13 natural resources. To date, we've protected over
14 two million acres, from the northern forests in
15 Maine down to the southern Appalachians. In New
16 York State alone, we've acquired 100,000 acres
17 through more than 560 real estate transactions.
18 In the Catskills alone, we've preserved 30,000
19 acres, which is as we all have talked about
20 tonight, is the watershed we all rely upon. And I
21 set all this out to establish OSI not essentially
22 as an advocate, but as someone who understands the
23 lay of the land and impact on landscape, on
24 communities, and the people, the two people we
25 heard tonight on communities that are suffering.

1
2 People are needing to make choices of giving up
3 and losing their land, or signing leases. So
4 there's a role that we all need to play to come up
5 with a solution. We've partnered with states'
6 entities, federal government entities, local
7 entities; we work with landowners to accomplish
8 these goals. It all requires partnership. And
9 today, what we need to face now is how we can
10 prevent government being pitted against
11 government, neighbor against neighbor. One thing
12 that we all know today that is very clear is that
13 more information is required. We could use
14 information on every level of what DEC is doing,
15 designing, implementing, enforcing a regulatory
16 matrix, to permit gas drilling. EPA as we know is
17 pursuing a two year review to determine whether or
18 not it's even safe to begin to go 8,000 feet below
19 the earth's surface, to access this reserve.
20 Local governments and community groups are meeting
21 all throughout the Marcellus Shale communities, to
22 discuss the impacts, not only from a possible
23 eight million gallons of water per day, in this
24 well fracking process, but as we heard [alarm
25 bell] resulting truck traffic and waste. So, I, I

1
2 implore all of us to not only look at our
3 communities, but at the industry, as well.
4 Industry has technology, expertise and resources
5 to help us find solutions. Let's do it together.

6 CHAIRPERSON GENNARO: Thank you
7 very much. [applause] And I thank OSI for all
8 their great work. Arden Down, representing the
9 Women's City Club.

10 ARDEN DOWN: Thank you.

11 CHAIRPERSON GENNARO: Thank you for
12 being here.

13 ARDEN DOWN: In the interest of
14 time, I've handed in my testimony, and I'm just
15 going to make some talking points which we
16 consider important.

17 CHAIRPERSON GENNARO: Please speak
18 right into the microphone so people can hear you
19 better.

20 ARDEN DOWN: Natural gas drilling
21 generally, and fracking in particular, should be
22 subject to the Safe Drinking Water Act as both
23 were before 2005. [applause] The hydro fracking
24 and horizontal wells in shale gas formations is a
25 relatively recent development in fracking

1
2 technology, that has not been yet studied to
3 determine the environmental threat that this
4 drilling technique poses to aquifers and drinking
5 water throughout the United States where shale
6 deposits are found. If the frack hits any
7 vertical fault lines, the faults could become
8 pathways for gas and fracking fluid to enter
9 strata above the shale, including aquifers. This
10 hazard is of particular concern in New York
11 because the lower tier of the State is riddled
12 with likely major faults, and with localized
13 faults that still remain to be mapped. Seismic
14 data should be collected and analyzed at each
15 lateral area to be fracked. Seismic data will
16 show if any faulting is present in the target
17 fracking zone, and if that faulting communicates
18 with any aquifers. As part of the comprehensive
19 two year study on the effects of hydro fracking
20 the EPA should study samples taken from gas
21 drilling sites to determine the chemical
22 composition of the frack - - and how those
23 chemicals interact with the minerals in the
24 ground. The EPA must also gage the healthcare
25 costs that will result from hydro fracking.

1
2 Contamination is a public health problem as much
3 as an environmental problem. [applause] And the
4 EPA's [alarm bell] stated mission is to protect
5 human health and to safe guard the natural
6 environment. [applause]

7 CHAIRPERSON GENNARO: Thank you.

8 We thank the Women's City Club.

9 GAIL GOODE: Good evening,
10 everyone, my name is Gail Goode for the United
11 States Senate. [applause] Now, I believe we must
12 have a clear sense of the potential impact of the
13 process of hydraulic fracturing on our watershed.
14 Now I heard from this gentleman over here, I
15 believe that we need to have jobs, and I believe
16 in the creation of jobs; however, we have to weigh
17 that with, consider the good sense as far as
18 protecting our water and our watershed. I think
19 we have to consider that, that's more important.
20 We have to look at what happened in the Gulf of
21 Mexico, and they made all sort of promises that,
22 you know, we can protect it and everything will be
23 fine, but we know that accidents happen. And
24 that's what we have to consider. We have to
25 consider that while we do want to create jobs,

1
2 it's more important that we protect our water.
3 That's more significant. We have to look at that
4 the federal government [applause] and the State
5 government should be working together, they should
6 not be pitting each other. And what we should be
7 working towards is some way of creating jobs and
8 also protecting our water. And I do believe our
9 junior senator has not done that, nor spoken out
10 enough. So, also, I understand that you're saying
11 it's your land, I understand that, and that we,
12 you want to make money off of it, I understand
13 that, too. But what good will the money be doing
14 if you're glowing in the dark. Let's think about
15 that. [applause, cheers]

16 CHAIRPERSON GENNARO: Thank you.
17 And the next group of speakers, the next group of
18 speakers [gavel] Mr., Mr. Buck Moorhead
19 representing New York H₂O; Owen Crowley,
20 representing United for Action; and looks like
21 Eric Johnson, I think it's Eric, representing
22 Common Ground NYC. Bur first we'll hear from Buck
23 Moorhead.

24 BUCK MOORHEAD: Hi, thank you, nice
25 to see you again, we appreciate your being way,

1 way back and involved, Chairman, and the Council
2 for supporting this. I'm going to skip my
3 comments and just go onto something pretty random,
4 but we're very happy that the EPA is, is really
5 aggressively engaged now, because we really need
6 the EPA. This is a national issue, it's not a,
7 you know, it's being in New York City, being in
8 New York State, being in the DIBC [phonetic].
9 Comprehensive community cumulative impact study.
10 Comprehensive cumulative impact study, we've been
11 looking for this, many people have for years, no
12 one has done it, this is a federal issue, the EPA
13 has to step up and complete this study. As there
14 are many people on different sides of this issue,
15 there's a lack of knowledge of what are believable
16 facts. Everybody finds a fact that supports their
17 case on this, and they use it. We need a set of,
18 some science that people can rely on. Case study
19 on cumulative impacts, NY H₂O's going around,
20 gotten resolutions from 38 community boards around
21 the City, most of which ask for a ban throughout
22 New York State, on hydraulic fracturing. We met a
23 doctor, Bola Imatosha [phonetic], from the, he's
24 at CB5 in The Bronx, the president of that
25

1 community board, he's an oncologist from Nigeria.
2 He absolutely, this whole issue resonated with
3 him. The average age, average age of death in
4 Nigeria is 61 years old; the average in the Niger
5 Delta is 41 years old. They've had oil drilling
6 and gas drilling for decades in the Niger Delta.
7 And that's a cumulative impact. Maybe not
8 completely analogous, but that's what people are
9 absolutely scared of. - - Today, one-sixth of the
10 world's population has difficulty getting clean
11 water. 20 years it's projected to be two out of
12 three [alarm bell] people. Natural gas is not the
13 resource we should be talking about, it's the
14 water. [applause]

15
16 CHAIRPERSON GENNARO: Thank you,
17 Bob. We have other people from the Moorhead
18 family that are also signed up to testify, we look
19 forward to their statements. Owen Crowley from
20 United for Action.

21 OWEN CROWLEY: And thank you very
22 much for this forum. [applause] Let's consider
23 the implications of hydro fracking when it works
24 as designed. Let's assume that there are no
25 mistakes, no accidents, that there's no cheating

1
2 by gas drillers. So by design, fracking is a
3 process in which drillers pump several million
4 gallons of water and chemicals into each gas well,
5 per well, up to four times during the lifetime of
6 the well. According to a recent federal press
7 release, more than 30,000 will be drilled in the
8 Delaware River Basin alone, endangering the water
9 supplies from New York to Philadelphia. Millions
10 of gallons times 30,000 times four, that's a lot
11 of water and chemicals. Drillers pump these
12 chemicals into the ground, at extremely high
13 pressure, by design, to fracture underground rock
14 and liberate the gas. The trouble is, everything
15 else gets liberated. Naturally occurring
16 petrochemicals and radioisotopes, plus the
17 chemicals the driller just pumped into the ground.
18 So where do you think all the chemicals go? Some
19 of it squirts out immediately, there's toxic waste
20 immediately impacting the neighboring communities;
21 but most of it stays in the ground to migrate into
22 aquifers through faults, cracks and fissures, many
23 created by the fracking process itself. This is
24 crazy. If we allow this move forward, it will
25 surely harm the environment and the health of

1
2 millions of people. In addition, it will cause
3 noise and air pollution at the well sites, road
4 damage from all these trucks carrying water and
5 waste, devastation to the forests that will be
6 cleared for this dirty industrial process. All of
7 this so that few people can make a quick buck at
8 our expense. [applause] The EPA, the EPA must
9 take all of this into account. Of the cumulative
10 environmental impact, the socio-economic
11 consequences and the inevitable harm to human
12 health. Hydraulic fracturing should not go
13 forward unless it is proven safe, or the
14 overwhelming evidence is that it's extremely
15 dangerous. [applause, cheers]

16 CHAIRPERSON GENNARO: Thank you.
17 Next we have Mr. Johnson from Common Ground. Is
18 Mr. Johnson here? He was called previously.
19 Okay, while we're waiting for Mr. Johnson, if he's
20 here, we can call the next three speakers. Tom,
21 looks like Syracuse, and he represents the
22 Manhattan Local, the Green Party; Carl Arnold, Gas
23 Drilling Taskforce, Sierra Club, Chenango,
24 Delaware, Oswego Counties, CDMJ, so it's a big
25 resume for Mr. Arnold. And Mav Moorhead from NY

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2 H₂O. Did, did Mr. Johnson ever come forward? Mr.
3 Johnson? Okay. So we'll pass Mr. Johnson to go
4 to Mr. Syracuse.

5 TOM SYRACUSE: How many of your
6 ecological disasters are we going to tolerate?
7 [applause] Our air and water has been destroyed
8 by oil and gas drilling and coal mining. The
9 disappearance of clean drinking water is a
10 worldwide problem. New York State is still
11 blessed with clean water for its people, and now,
12 this too is in grave jeopardy. As gas companies
13 apply for hydro fracking, politicians, many of
14 whom accept large contributions from the fossil
15 fuel industry, are calling for a temporary
16 moratorium to hydro fracking, until more studies
17 are conducted. The evidence is already there.
18 [applause] Evidence from 30 states and foreign
19 nations, that have allowed this assault on the
20 environment. Hydro fracking means toxic water and
21 sand at high pressure into rock layers. Each
22 frack injects millions of gallons of water with
23 20,000-90,000 gallons of toxic chemicals. Hydro
24 fracking has already created immense environmental
25 problems, including contaminated drinking water

1
2 aquifers, walls, reservoirs, lakes and streams.
3 Hydro fracking can cause wild blowouts, fires,
4 drilling fluid waste pond leaks and spills, gas
5 can seep into water systems and homes to pollute
6 kitchen faucets and can be lit on fire, and cause
7 houses and drinking water wells to explode. Banks
8 often won't even provide mortgages for property
9 with leases for fracking. Clean water is a
10 natural resource that [alarm bell] sustains our
11 communities and is the State's most important
12 natural resource base for sustainable economic
13 development. In conclusion--[applause]

14 CHAIRPERSON GENNARO: Thank you,
15 Mr. Syracuse.

16 TOM SYRACUSE: In conclusion, we
17 don't need any more studies and moratoriums. The
18 Green Party does not support just a ban on New
19 York City's watershed. The Green Party demands a
20 complete and permanent hydro fracking ban
21 throughout the entire State of New York.

22 CHAIRPERSON GENNARO: - - I have to
23 thank you.

24 TOM SYRACUSE: Thank you.
25 [applause]

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CHAIRPERSON GENNARO: Thank you.
Mr. Arnold.

CARL ARNOLD: Thank you.

CHAIRPERSON GENNARO: Okay?

CARL ARNOLD: And thanks to the Council for holding this, this hearing. My name is Carl Arnold, I am a member of the Gas Drilling Taskforce of the Atlantic Chapter of the Sierra Club. I'm also a member of Sea Dog, which is one of the many and growing number of upstate organizations that are against drilling. Which makes me a landowner, in Delaware County. Many here are now aware of several myths. The myth of safe drilling, the myth of vast numbers of jobs, the myth of gas as clean energy, and the myth of energy independence; as well as the virtual impossibility of effective filtration or disposal of toxic chemicals, toxic heavy metals, and radioactive substances that result from this, this form of drilling. There is no safe way to drill for gas using hydro fracking. Regulations, regulations can't fix it, and the and the regulations cannot realistically be enforced. We must not get sucked into [applause] the regulatory

1
2 compromise that will allow hydro fracking. The
3 only way to stop this scourge is for those who
4 understand the consequences of this assault on all
5 of us, is for all of us to unite in opposing this
6 form of drilling. Now some here tonight have said
7 is that this process is untested. It has been in
8 over 30 states, the industry has already proved
9 the many dangers of hydro fracking, that's why
10 we're all here tonight. We need [applause] we
11 need an unconditional, absolute statewide ban on
12 hydro fracking. [applause] No more folks I meet
13 upstate are thinking in terms of simple survival,
14 and the political reality that we desperately need
15 [alarm bell] is to change what's going on so that
16 we all can survive. Thank you. [applause]

17 CHAIRPERSON GENNARO: Thank you,
18 Mr. Arnold. Before we hear from Ms. Moorhead, I
19 just want to state for the record that we receive,
20 that we received a written statement on this
21 matter from member of the State Assembly,
22 Jeffries, from the 57th District in Brooklyn, and
23 are grateful for his statement. And now we'll
24 hear from Mav Moorhead, pleasure you have you.

25 MAV MOORHEAD: Thank you so much

1
2 for the opportunity to speak. Clean water, air
3 and land are essential elements of life. Filthy
4 and ruinous hydraulic fracturing horizontal
5 drilling gas development has been proven in 32
6 states around the country to decimate these
7 critical basic tenets of life, and should not be
8 further permitted to continue its path of
9 destruction. Even without a current, unbiased EPA
10 study of the multiple facets of this deleterious
11 process, every currently available step of this
12 process raises alarming red flags. The industry
13 itself is granted the advantage of self-policing.
14 This Wild West atmosphere has produced a climate
15 of irresponsible, arrogant actions that ultimately
16 address the issue of financial gain for the
17 industry and short-lived income for a few
18 shortsighted landowners who will be faced with a
19 multiple of land based issues in the future,
20 outweighing any benefits they may have realized
21 with their initial land lease check. Landowners
22 are promised simply lots of cash upon signing, not
23 the devaluation and destruction of their property.
24 [applause] But the potential of lawsuits from
25 your neighbors or the extreme economic downturn

1
2 after the gas industry turns the area into an
3 industrial wasteland, eschewing tourism and local
4 industry. There is presently no foresight
5 attributed to the practices of the gas industry's
6 current operations. Protection of our elemental
7 water, air and land cannot be achieved without
8 careful examination of the process that has to be
9 brought be bear. The process of gas development
10 must be examined precisely at every single step,
11 with a critical eye on detail using foresight and
12 projection of future results. There may be worst
13 case scenarios of which, cannot be overstated for
14 the irreversible effects on the water, air and
15 land values. The cumulative impact study focuses
16 should include complete disclosure of entire
17 chemical list used in fracking, reintroduction of
18 chemical toxic hazardous waste into present water
19 supplies. At what point do millions of gallons of
20 toxins in our water supply become unacceptable.
21 Endocrine disruption [alarm bell], cancers and a
22 multiple of health issues related to the increased
23 rates of toxin--if I just, can I just--toxic
24 hazards waste--

25 CHAIRPERSON GENNARO: Thank you,

1 Ms. Moorhead, we really have to move on.

2 MAV MOORHEAD: Thank you, I'll hand
3 this in. Thank you.

4 CHAIRPERSON GENNARO: Appreciate
5 that. [applause] Okay. I'm just going to take a
6 moment to tell you that from here through the end
7 of the proceeding, I'm going to talk less. And
8 the reason I'm going to talk less, yeah
9 [individual clapping] it's--yeah, yeah, keep it
10 up, keep it up [laughter] is because that we were
11 given the room until about 8:15, they're now
12 giving us until 9:00. And I certainly want to be
13 able to hear - - everybody in, and so, so that
14 means from now on, when the buzzer sounds, that is
15 absolutely it. And rather than call people's
16 names twice, 'cause I call out three, and then
17 when they come up, I give them an, I say their
18 name again, I'm not going to do that. So, I'm
19 going to call about, out about, you know, seven or
20 eight at a time, and when one person is done, the
21 next one just goes up, they state their name for
22 the record, and they just start their testimony.
23 So the next couple of speakers, I'm not even going
24 to talk about their organization, I'm just going
25

1
2 to say the name. Ron Morosan [phonetic], Nancy
3 Nolan Tien [phonetic], Frances, Frances Kuryaza
4 [phonetic]--it looks like, from Staten Island, if
5 that helps--Denise Katzman [phonetic], Jane
6 Cyphers [phonetic], Marjorie Westin [phonetic],
7 Alan Smith. We ask those folks to come forward in
8 that order, and when they get up to the mic,
9 please state your name for the record, and you
10 have two minutes.

11 RON MOROSAN: Okay. My name is Ron
12 Morosan, and I have, I didn't prepare a statement,
13 but I wanted to bring the attention of the panel
14 to the nature of the test that this industry, the
15 gasoline industry, is presenting us with in this
16 State and in this country. This industry is
17 testing our ability, the ability of our government
18 structures in Washington and Albany, and in New
19 York City, to manage one of the most powerful
20 assaults on one of the most wealthy, one of the
21 wealthiest industries in the history of the world.
22 They have strategized a profit margin from the
23 Marcellus Shale that may generate for their
24 stockholders enormous wealth for a small group of
25 people; they have tested our ability to hold

1 communities together; they've found that
2 landowners can be bought for very small sums of
3 money, basically, chump change compared to, chump
4 change compared to their profits they make.
5 They're testing the ability of organizations like
6 the EPA, to really do a thorough testing of what
7 is taking place in this. We are being tested by a
8 corporate entity that is of such enormous
9 proportions that the kind of terminology we have
10 to use to describe this, well, I don't think I
11 need to mention what that term is. Centralized
12 power in the hands of a corporate entity that is
13 not interested in populations of people or
14 countries, just in profit. [applause]

15
16 CHAIRPERSON GENNARO: Thank you,
17 thank you.

18 Hi, my name is Jane Cyphers, I'm
19 with Damascus Citizens for Sustainability, and
20 with New York H₂O. Okay, I'd just like to start
21 off with saying that this is not a transition
22 fuel. I agree with the young man who spoke, and I
23 also am a teacher and I have several videos that
24 my - - made, which I'd like to pass onto you guys,
25 which is all about how we can, update the warning

1
2 with a shell and a pledge. So, take a look at
3 those, and we also won the Gold Map Award at the
4 Department of Sanitation. So it all has to do
5 with this. Okay. All the fracking, a couple of
6 key things about the fracking fluids. Fracking
7 fluids must be subjected to the same rigorous
8 studies that drugs are subjected to. The industry
9 pressures citizens to sign nondisclosure
10 agreements and when the land is contaminated these
11 must be illegal. Future generations who are
12 living on that land will also be contaminated
13 without knowing. EPA must do anything in their
14 power to include these as evidence in their case
15 studies. Number three, faults/fractures must all
16 be mapped, all aquifers must be mapped. Okay,
17 now, the, as far as natural gas not being a
18 transition fuel, I just, it is another fossil,
19 dirty fossil fuel. What I would like to, is just
20 talk about, is one alternative that's getting a
21 lot of press right now, it's coming out, it's
22 called Miscampus [phonetic], it's one acre of land
23 that can produce 25 tons of biomass, more than any
24 other bio - - crop. Over 3,000 gallons of
25 ethanol, 370 million BTUs of heat, enough power

1
2 for two households for a year, \$2,000 in income,
3 all year, for per acre, for the farmer. It
4 removes 43 tons of CO₂ per year from the
5 atmosphere, requires little or no fertilizer,
6 water, herbicides, pesticides, it is carbon
7 negative, relative to sugar cane, but it tolerates
8 cold temperatures. We can do this, this is
9 America, we can invent our way out of this fossil
10 fuel addiction. [alarm bell] [applause]

11 CHAIRPERSON GENNARO: Thank you.

12 NANCY NOLAN TIEN: Hi, I'm Nancy
13 Nolan Tient, I'm from Staten Island. [background
14 noise, "Yeah, Staten Island," clapping] [laughs]
15 And I would just like to thank our Assemblywoman
16 who brought this to our attention and is fighting
17 very, very hard up in the Assembly to try to get
18 this law passed. And her name is Janele Hyer-
19 Spencer and she's wonderful. And I'd also like to
20 thank some of the groups on Staten Island like
21 Protectors of Pine Oak Woods for bringing to
22 everyone's attention. Thanks. [applause]

23 CHAIRPERSON GENNARO: Thank, thank
24 you. And I would like to ask the Sergeant to make
25 an adjustment on their microphone so that, so that

1
2 other speakers can kind of pull it down a little
3 bit, 'cause I think it's a little high. Thank
4 you. Next, next witness. Please step forward and
5 state your name.

6 FRANCES KURYAZA: Hi, Fran Kuryaza,
7 Staten Island, New York [applause] same
8 organizations as her. [laughs] I just don't know
9 how in good conscience we could allow this to
10 happen, frack drilling to happen, because we all
11 know, we've heard all of the information about it,
12 what's bad about it. And what the, what the State
13 would be getting in funds will pale compared to
14 what it is going to cost to fix, if it could be
15 fixed, and it probably can't be fixed. [applause]
16 The medical cost, for the illnesses; the
17 environment, which you can't even reclaim once
18 it's damaged again. This is all important, this
19 is more important than a few paltry dollars
20 they're going to get. And are we to, are we to
21 believe big business? Corporations? They'll go
22 to bed with anybody, and if they go to bed with
23 the government, we're the ones that get screwed.
24 [laughter, cheers, applause] So, until--

25 CHAIRPERSON GENNARO: I think

1
2 that's the line of the night. And next witness,
3 please, and try and top that. [laughter]

4 DENISE KATZMAN: Denise Katzman,
5 I'm speaking for myself and Howard Gottbetter. A
6 tall, cool glass of frack fluid. No ice. No one
7 with any sanity would permit their precious, fresh
8 H₂O to be fracked up. These are not accidents,
9 this is illegality perpetrated by the all the
10 corrupt energy entities and politicians. Your--this
11 is notice, you free rides are now over. '09, FRAC
12 Act and Endocrine Disruption Prevention Act.
13 2010, New Jersey, Senator Lautenberg's Safe
14 Chemicals Act. The preponderance for these Acts
15 lay with the aforesaid. A prime current example
16 of a fracking disaster in the making is Spectra
17 Energy's New Jersey/New York expansion project,
18 and they're in bed with Chesapeake Energy.
19 Manhattan was raped of its legally required August
20 5 Firk [phonetic] Scoping Meeting. The turnout
21 was abysmal. Firk, Spectra, et al., and Bloomberg
22 allowed capricious and arbitrary fast-tracking to
23 deny Manhattan and NYC of their fifth, sorry the
24 First, Fifth and 14th Amendments at minimum, CV2
25 wrote to Firk August the 20th. True clean energy

1 now, New York and New Jersey must unite.

2 Spectra's proposed beast of a nat gas project must
3 not prevail, including all fracking wells. It's
4 environmental racism. Fracking turns natural gas
5 into an unnatural monster. EPA must be examining,
6 they must be doing due diligence in regard to the
7 companies that say everything is so safe and nice
8 and cozy and we're all good neighbors. Our house,
9 our security and environmental sustainability must
10 prevail. Rock sustainability forward, thank you,
11 Councilman Gennaro, Speaker Quinn and everybody
12 for doing this. [applause]

14 CHAIRPERSON GENNARO: Thank you.

15 Thank you. Before we have our next two witnesses
16 come forward, I'm going to call the next couple
17 speakers and give 'em a chance to line up. Dan
18 Jacobi, William Moynihan, Debra Zoon, Ronald
19 Mussels from Staten Island, Marge Shad, looks
20 like, Sara Pumal, Marjorie S-C-H-D--I can't make
21 out the rest. Marjorie. Susan Chu. That'll be
22 the next group of speakers, and now we'll hear
23 from the last two in this panel. Please begin
24 your statement, and start at the, say your name
25 for the record.

1
2 ALAN SMITH: Alan Smith. Just
3 representing myself, New York City resident. I'm
4 going to be extemporaneous and brief. Lived in a
5 number of places, I'm kind of a health nut, I
6 really enjoy my water. Sometimes I get bad and
7 don't drink enough, and then, then I start to
8 realize how, how great it is when I start to drink
9 more in a day, you know, and I realize, "Wow," how
10 thirsty I am and how much it does for my, my
11 health. [laughs] And I've just noticed in living
12 in various places that we're quite fortunate here.
13 There are a lot of places where, or obviously in
14 the world, where probably where you might not be
15 able to drink the tap water. And in a lot of
16 places in the United States where, you might not
17 have the urge to when you're thirsty, which is not
18 the case here for me. I mean, I filter my water
19 even more, than is done, but I can, the tap water
20 is still actually appealing to me. And so, it's
21 fortunate. And the last thing I want to say is
22 that so why is that, a lot of other places that's
23 not the case. And that's, I think, we're dealing
24 with, is the larger forces, the, the why that is
25 the case in a lot of other places, and the, the

1
2 economic model, and assumptions and terms that
3 are, that we're living under. And if chemical
4 spills is a growth industry, that's going to take
5 up the GDP. So, I mean, we need to rethink
6 economics and remember the value of our health.
7 Thank you. [applause]

8 CHAIRPERSON GENNARO: Thank you,
9 thank you.

10 MARJORIE WESTIN: Hi, my name's
11 Marjorie Westin, and I'm a Manhattan resident, and
12 I wasn't planning on speaking, but I'm going to
13 put in two cents. [laughs] I've recently been
14 reading Rachel Carson's "Silent Spring" and if
15 there's anything that'll curl your hair, it's that
16 book. That had to deal with the pharmaceutical
17 industry and pesticides. But I'm concerned,
18 whenever you're talking about water, soil, or air,
19 you have to be very careful. There are precious
20 commodity, precious resources that we can't afford
21 to risk, put at risk. Back on June 3rd of this
22 year, 35,000 gallons of hydraulic fracturing
23 fluids were sent in the, into the air, in a
24 forested area in Pennsylvania. And the
25 Pennsylvania DEP called it a serious incident. I

1
2 would say that is definitely true. And also, in
3 another incident in April in Pennsylvania,
4 combustible gas escaped into the region's ground
5 water. And into Colorado and Wyoming, benzene
6 goes into the water table. And it's not just the
7 fracturing, but the transport, handling, storage,
8 and accidents that could happen from cost cutting,
9 and inattention that can cause problems. And even
10 seismic activity possibilities. The process
11 requires too much water. Water is too precious.
12 Two percent of the world's water supply is
13 drinkable. Do you really want to use it to get
14 gas to come out of rocks? It doesn't make sense
15 to me. Especially when you have these incidents
16 that are proof that this is a dangerous process.
17 Now, I just happened to pick up a New Yorker
18 magazine this week. There's an article where two
19 brothers who are bigwigs in the oil industry, and
20 [laughs] am I allowed to mention that the
21 chemicals that we're talking about here are
22 kerosene, benzene, toluene and formaldehyde.
23 [alarm bell] Read the article.

24 CHAIRPERSON GENNARO: Thank you.

25 MARJORIE WESTIN: They don't care

1
2 about the environment.

3 CHAIRPERSON GENNARO: Thank you
4 very much for speaking tonight. [applause]

5 DAN JACOBI: Hi, I'm Dan Jacobi,
6 organizer with Democracy for New York City, a
7 local coalition group of Democracy for America.
8 I'm speaking as a representative of DFA. I bring
9 with me the result of a three day online petition
10 by DFA. We got 1,800 signatures, half from New
11 York City, the other half from across the State.
12 This petition calls on the EPA to institute a full
13 moratorium on all hydraulic fracturing until
14 they've completed their study. [applause] From
15 human illnesses to crop deaths to farm animal
16 sterilizations, the effects of hydraulic
17 fracturing across the west and southwest are well
18 understood by those who pay attention to the
19 issue. In neighboring Pennsylvania, people's
20 private water sources have been destroyed, perhaps
21 permanently, from hydraulic fracturing. And about
22 a week-and-a-half ago, in Clarksburg, West
23 Virginia, a waste water treatment plant stopped
24 accepting fracking waste water because they can't
25 treat it. [laughs] Meanwhile, for those who

1 think natural gas is a transitional fuel, or that
2 we need more of it, first of all, natural gas
3 stocks are at record highs. Secondly, we're
4 wasting billions of cubic feet a day, sloughing it
5 off into the air, in places all the, from all the
6 way up in Prudhoe Bay on the north slope of
7 Alaska, down to the Gulf of Mexico, and I don't
8 have to remind you of what's been happening there
9 because we took drillers' word for it that things
10 would work out just fine. We don't need to drill
11 for more natural gas, and we certainly don't need
12 the environmental and health damage caused by
13 hydraulic fracking. Democracy for America, these
14 are some of the reasons why DFA is calling on a
15 permanent, well at least a ban until the EPA
16 finishes its study. We look forward to working
17 with this Committee and the Council, and with, in
18 conjunction with our friends across New York
19 State, to ensure that this hideous process does
20 not destroy our land, water, air, health and
21 lives. Thank you. [applause]

22
23 CHAIRPERSON GENNARO: Thank you,
24 Dan. I've known Dan a long time. Next, please.

25 RONALD MUSSELS: Hello, and thank

1
2 you for coming, Ron Mussels from Staten Island.
3 And, you know, you might think this is about the
4 environment and about our water, but it's also
5 about our society, in that we take for granted
6 that our representatives are going to do the right
7 thing. I don't have to get real dirty in this
8 speech, but that earlier speech - - he sort of
9 nailed it when you said, you know, we're, our
10 representatives are prostituting themselves. You
11 know, where are our morals? Where are our morals?
12 You know, we had warning in the '70s that oil was
13 going to be a problem. We waste oil. Why are we
14 conserving our energy? Why don't we have national
15 recycling programs? National conservation
16 programs and national programs to save billions
17 and billions of gallons of oil and energy, just
18 container recycling alone. Our oceans are filled
19 with plastic. We have these, these mindless
20 catastrophes. Why the profits for the
21 corporations, for political - - you know, when
22 will this end? When will this insanity end? I
23 used to be a proud American, and I'm also a
24 military veteran, and I am very disappointed in
25 this country, because all the patriotic thoughts

1
2 about how great we were, the freedoms we had, and
3 how much good we were going to put into this
4 planet, they've all been shattered. And I see our
5 country as nothing but a bunch of tyrants and
6 greedy, greedy, greedy people. [applause, cheers]

7 CHAIRPERSON GENNARO: Thank you
8 for, thank you for coming here, and we thank you
9 for your military service. Next, next witness,
10 please come forward.

11 FEMALE VOICE: My name is--

12 CHAIRPERSON GENNARO: Okay.

13 FEMALE VOICE: I don't know, am I
14 next? Debra's on. Is Debra - -

15 CHAIRPERSON GENNARO: Debra, okay,
16 you can be next.

17 DEBRA ZOON: Okay. [laughs]

18 CHAIRPERSON GENNARO: I have your
19 sheet right here.

20 DEBRA ZOON: I'm here. [laughs]
21 What I'm about to say has already been said, but I
22 think it needs to be said again. I want to thank
23 Josh Fox for that documentary. [applause] Three
24 million people saw it. How many people live in
25 New York, Pennsylvania, Virginia, etc.? Three

1 million is a drop in the water bucket. And I
2 think, I don't know how we can do it, to get that
3 film out so that more people know what's
4 happening.

5
6 FEMALE VOICE: [off mic] It's on
7 YouTube!

8 CHAIRPERSON GENNARO: Just, just--

9 DEBRA ZOON: This, this film, now
10 Josh lives in upstate New York. The reason he
11 made it was he was asked to lease his land and
12 wanted to find out what it was all about. So he
13 went out west where hydro fracking was started.
14 And what he saw was enough to scare the pants off
15 of anybody. So, what I think, and I don't know
16 how it's going to be done, is that we need more
17 distribution of that film. We need more people to
18 see it, not just HBO. That is such a limit. Not
19 everybody has HBO. If it was in a theater, people
20 could pay and go see it, and need to see it. And
21 that's what I have to say.

22 CHAIRPERSON GENNARO: Thank you.
23 [applause] Thank you for being here.

24 MARJORIE SHAD: Hello, I'm speaking
25 for two people. But I'm still only asking for two

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minutes.

CHAIRPERSON GENNARO: Okay.

MARJORIE SHAD: This is co-written
by--

CHAIRPERSON GENNARO: Okay, what's
your name? What's your name?

MARJORIE SHAD: Marjorie Shad.

CHAIRPERSON GENNARO: Okay.

MARJORIE SHAD: New York City and
eastern Long Island, 'cause we're all in this
together, and from Alice Sins [phonetic] of
Brooklyn and Pennsylvania. We are here today to
discuss the health effects of mining for natural
gas through the recent process of hydro fracking.
This is a no-brainer. Why are we here? We the
people should not have to fight for potable water
and breathable air. Nothing's more important to
our health and our long term strength of our
economy than having water and air that will not
sicken us. According to the constitution, the
EPA's sole mission is to protect us by protecting
the environment. We - - EPA to do a scientific
study of the samples taken, of the chemical
composition of the frack fluid. The real question

1 is not the percentage of frack fluid, but the
2 concentration of the chemicals in the fluid, and
3 the effect it has on the entire process and the
4 quality of the water. Alice was in Dimock only
5 once in her whole life, and she left after six
6 hours with sore eyes and a sore throat, and that
7 continued for another half a day. The EPA must
8 scientifically gage the healthcare costs resulting
9 from hydro fracking. Do you think the energy
10 companies have calculated in their expenses the
11 healthcare costs or is that the burden of the
12 government, will have to shoulder? The health of
13 15 million people is at risk. Can Medicare and
14 Medicaid withstand an even greater burden than it
15 already has with the aging of our population? The
16 head of Pennsylvania DEP said, "You cannot have
17 drilling, even in the well, and have zero impact."
18 In other words, there'll be another Dimock,
19 there'll be spills, there'll be aquifers that will
20 be polluted [alarm bell] Please, please protect
21 the people.

22
23 CHAIRPERSON GENNARO: Thank you,
24 thank you. [applause]

25 SUSAN CHU: Good evening, I'm Susan

1
2 Chu, and I represent Clean Water New York, an
3 organization working to prohibit hydraulic
4 fracturing in New York State and especially the
5 New York City watershed. And much of what I have
6 written has already been stated. I just want to
7 add a few points. I believe that New York City
8 residents know better than to take a job poisoning
9 their children's water. For each hydro fracking
10 well, millions of gallons of water are used, as
11 has been stated. Water is the oil of the 21st
12 Century. Clean water is becoming scarcer, which
13 will have an impact on our relations with other
14 nations. We cannot allow our clean New York water
15 to be used and decimated by hydro fracking. Each
16 well requires one acre or more of deforestation,
17 and the sound of drilling has been likened the
18 noise of a jet engine. Accumulation of methane in
19 private wells and homes has caused explosion. Our
20 rural, agricultural, upstate environment will be
21 lit up at night for drilling, and will turn into
22 an industrial zone. Natural gas is not an
23 interim, nor is it a clean energy source. The
24 extraction of gas emits more CO₂ into the
25 atmosphere than the mining of coal. We need

1
2 renewable, clean alternatives for energy. We ask
3 that the New York City Council continue in its
4 resolve for a prohibition of hydraulic fracturing
5 in New York State, and urge that the EPA recognize
6 the dangers to New York, New York water, one of
7 our country's greatest water systems. Thank you.

8 [applause]

9 CHAIRPERSON GENNARO: Thank you,
10 thank you, Ms. Chin. And now we're, three other
11 people in that group that haven't come forward, so
12 I'm going to move on to the, I'm going to call the
13 next group. Sheila Milandowsky [phonetic], C.T.
14 Laney [phonetic], Peter Killan [phonetic], Mary
15 Ellen Cromley [phonetic], Ann Russ [phonetic],
16 Stephen Bloomenfeld [phonetic], Carol Lawson,
17 Peter Davies, and that'll be the next group.
18 People who may not want to testify but has, have
19 something that they want to either give to me to
20 pass on to EPA or they just want to give me for my
21 consideration, I have staff members in the room,
22 that can be approached. I have my Chief of Staff
23 David Choice [phonetic] in the blue shirt, my
24 Deputy Chief of Staff Konstan--Konstantinitis
25 [phonetic], Bud Grassley [phonetic] that does my

1
2 press. So if you have something that you want to
3 give to me personally, during the proceedings, I'm
4 going to be tied up, but if you have to go you can
5 give it to them and they will give it to me. And
6 with that said, I'd ask this next group to start,
7 and I see that, who I think is probably Sheila,
8 right?

9 SHEILA MILANDOWSKY: Right.

10 CHAIRPERSON GENNARO: Okay, great.

11 SHEILA MILANDOWSKY: Okay. Good
12 evening, Chairman Gennaro, and thank you for this
13 opportunity. I really appreciate the Speaker
14 helping put this together. I'm, I'm not going to
15 speak from my testimony, 'cause there isn't much
16 said there that hasn't been said. Asking for the
17 moratorium, also for the, the exemptions from
18 Clean Water Act, Safe Water - - 2005 Energy Policy
19 Act, Recovery and Conservation of '76, all those
20 exemptions to be removed. And the studies to, of
21 the EPA to go forth and be complete and should
22 include all aspects of drilling, recovery,
23 disposal, etc., before anything, any decisions are
24 made. But the thing I wanted to say is, I worked
25 in Broome County for 20 years, with children. And

1
2 so for 20 years, for a couple hundred children
3 every day were drinking water that came out of the
4 ground. I just spent four weeks in Delaware
5 County, I spent almost every summer in the
6 Catskills, - - in Beaver Kill. I'm on the board
7 of a statewide arts group that has centers,
8 community art centers all across the State, in
9 very rural areas. So there are many, many people
10 throughout the State who also are opposed to hydro
11 fracking, because they see the danger to the
12 health and wellbeing of families and children.
13 So, I, I think it's important that we reach out
14 throughout the State to find more of our, you
15 know, State partners to, to fight this, the hydro
16 fracking.

17 CHAIRPERSON GENNARO: Thank you.

18 [applause] Thank you very much for being here.

19 C.T. LAMIE: C.T. Lamie, Staten
20 Island. And just as an aside, thank you very much
21 for having the hearing. But I have to tell you
22 that when I told other people I was coming from
23 Staten Island, they said, "Oh, that's crazy,
24 'cause they always bump you with politicians and
25 groups." And that's exactly true. I left my

1 house at 2:15, I signed up four hours ago to
2 speak, I was the third speaker and here we are.
3 So, like the lady before me, unfortunately we
4 didn't get to tell everybody our thoughts. I
5 pretty much affirm what everybody else has said in
6 terms of no fracking anywhere, ever, ever. And I
7 base that [applause] on the fact that it's not
8 only bad for the environment in New York, but
9 everywhere. And also, because of the dangers that
10 are inherent in it. We've had studies ad nauseum,
11 if you've been aware of this whole thing. And I
12 only became aware of it when I went back to West
13 Virginia with political campaigns in 2008. And
14 went into West Virginia, where people were told
15 many years ago, let's do strip mining, 'cause then
16 it won't be so dangerous to the miners. We'll
17 just scoop the dirt off the top of the mountain,
18 go in and get the coal, we'll do reclamation, have
19 the trees, everybody's fine, you go home and
20 nobody dies. Guess what? No reclamation, it's
21 cheaper to pay the fine. And people in New York,
22 remote from that West Virginia thing, didn't maybe
23 know what strip mining was. Next step, clear
24 cutting, let's go just rape the top of those
25

1
2 mountaintops, get all the trees, take off, ruin
3 the roads, and all these people in these
4 economically deprived areas that don't have
5 transportation, don't have schools or colleges
6 nearby, are basically put up against the wall.
7 It's all about the money. Yes, they provide jobs
8 for the timber companies, and then they left, and
9 you have ghost towns all over, and almost every
10 family has had cancer in every one of the little
11 hollows. Richwood, West Virginia, I have a friend
12 who's a big time EPA person, in Washington, D.C.,
13 fighting, fighting to get the EPA to do things.
14 She said, "Oh, well clear cutting and with, you
15 know, the lumber, they've got to have these
16 studies every so many years." She looked up
17 Richwood, West Virginia, 26261, nothing's been
18 checked out there for at least ten years. So, you
19 know what, it isn't just about [alarm bell]
20 ourselves in New York, it's about everybody.
21 Okay? Thank you. [applause]

22 CHAIRPERSON GENNARO: Thank you.

23 Thank you for coming.

24 PETER KILLAN: Hi, good evening, my
25 name is Peter Killan, and I am the Executive

1
2 Director of the Bayridge Consumer Federation, and
3 I am totally opposed to drilling for gas anywhere
4 in New York State. Ten years ago, Chris
5 [applause] Christine Whitman, head of the
6 Environmental Protection Agency, stood at Ground
7 Zero and told the First Responders who were
8 working on the pile that it was safe to be there,
9 the air was clean and they were doing good work.
10 During the past ten years, men and women who
11 listened to her have died. Thousands are first
12 responders and others exposed to the toxins of
13 Ground Zero are now injured and need help.
14 There's a bill in Washington as I speak to you, it
15 is called the James Zadroga Bill. It would
16 establish a program to offer medical evaluation,
17 screening and testing and treatment for the men
18 and women who responded on that fateful day and
19 afterwards. Five years from now, I do not want a
20 bill in Washington doing the same thing for all
21 the residents of New York City, when - - to New
22 York City, for my children, my grandchildren, and
23 great-grandchildren, because they have been
24 poisoned, by greed, by toxins, by chemicals we
25 know nothing about. There are millions of words

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2 written about the BP oil spill in the Gulf of
3 Mexico, and how over time the oil and the natural
4 gas will dissipate, and everything will be clean
5 again. That is a lie. What they are really
6 saying is, "Drill, baby, drill." I say no. No
7 drilling, no way in New York State. There will be
8 scientific claims that there is no danger from the
9 secret hydraulic fracturing fluid that we pumped
10 into the earth, with millions of gallons of water.
11 Nor will there be any danger when those millions
12 of gallons of water, hydraulic fracturing fluid,
13 are pumped back out and disposed of somewhere
14 else. That somewhere else is a mystery. Will it
15 be dumped on the land, or will it be poured into
16 the streams and lakes or into the ocean.
17 Remember, the tobacco industry [alarm bell] has
18 spent millions upon millions of dollars telling
19 the world that smoking is good for you.

20 CHAIRPERSON GENNARO: Thank you.

21 PETER KILLAN: They were talking
22 about scientific claims, scientific claims--

23 CHAIRPERSON GENNARO: Mr. Killan--

24 PETER KILLAN: Thank you.

25 CHAIRPERSON GENNARO: I have to ask

1
2 you to stop. [applause] Thank you. But thank
3 you very much.

4 STEPHEN BLOOMENFELD: All right,
5 thanks for having me. My name is Stephen
6 Bloomenfeld, I'm a student at Yale, I've been
7 focusing on these issues for a while. I wrote a
8 document on water that was published by the United
9 Nations Environment Program, focusing specifically
10 on the successes of the New York City Watershed
11 and how the rest of the world can learn from a
12 proud example. I've also focused on hydro
13 fracking for the U.S. Department of State and
14 while I'm speaking just for myself, not for any
15 organization, I want to just, rather than preach
16 to the choir, say two important things that
17 haven't been said yet. First directed to the EPA,
18 I think it's very important that the EPA lead a
19 unified stance among our federal government on
20 these issues. EPA and Congress are looking at
21 these issues again to try to figure out the risks
22 involved, but the White House with the U.S./China
23 fracking agreement are going full steam ahead, as
24 is the Department of State with their Global Shale
25 Gas Initiative. Let's not have a disjointed

1
2 American voice, let's try to streamline this a
3 little bit. And one other thing to the
4 landowners, with the really tough decisions to
5 make, I just want to pull out some ancient wisdom
6 here. 150 years ago, Alexis de Tocqueville, on
7 the successes of U.S. economy - - , "I do not
8 think on the whole that there is much selfishness
9 among us Europeans more than there is in America,
10 only a difference in that in America it is
11 enlightened, here it is not. Each American knows
12 when to sacrifice some of his private interests to
13 save the rest. We in Europe want to save
14 everything and often we lose it all." Water is
15 the building blocks of our life, please don't hold
16 us hostage. [applause]

17 CHAIRPERSON GENNARO: Thank you.

18 MARY ELLEN CROMLEY: I'm Mary Ellen
19 Cromley, of United for Action. In 1832, a cholera
20 epidemic killed thousands of New Yorkers, and many
21 thousands fled the City. After it was understood
22 that cholera was caused by bad water, New Yorkers
23 realized the need for a safe water system, and it
24 took many decades to develop our system, and our
25 forefathers had the courage to face down

1
2 conflicting business interests to develop our
3 system. Today, New York's pristine water is the
4 envy of the world. Billions of people around the
5 world don't have safe water to drink, and every
6 day a thousand children will die because of unsafe
7 drinking water. And I think the way, how can we
8 stand up against these colossal corporations, and
9 preserve our water system. I was thinking about
10 the person who said, "We had to get the Josh Fox
11 film out so that more people view it." And I
12 think we have to get the main, mainstream media
13 involved, because many people that I speak to
14 don't know about this issue. [applause] And we
15 have to get it out there so everybody knows about
16 it, and everybody can pressure our politicians to,
17 to get our, keep our water safe. [applause]

18 CHAIRPERSON GENNARO: Thank you,
19 thank you very much. And before the last witness
20 in this group comes forward, I'm just going to
21 read the next group of names, so that those people
22 can start to come forward. Ms. Adam, I'm a little
23 bit of a stutterer, and sometimes I have
24 difficulty saying, saying the first name,
25 [laughter, background noise] Elizabeth, yes. We

1
2 were going to name my daughter Elizabeth, but I
3 told my wife, "There's like no way we can name her
4 that, because--" [laughter] Fred Davis [phonetic],
5 Jonathan Bergman, Matthew Falber [phonetic], Jim
6 Forat [phonetic], Jonathan Lynn [phonetic] or
7 something like that, Mithio Vanadio [phonetic],
8 Belle--

9 FEMALE VOICE: Gonzalez.

10 CHAIRPERSON GENNARO: --Gonzalez,
11 yes. That'll be the next group. And, please.

12 ANN RUSS: Hello, my name is Ann
13 Russ, I'm representing the Green Party, I'm
14 running for State Senate, District 31. I notice
15 that the moratorium has eight to nine months left
16 in the moratorium. I want to mention the, the
17 health issues with hydro fracking. Residents of
18 drilling areas can become chronically ill from the
19 carcinogens and neurotoxins seeping into the air.
20 Repeated or prolonged exposure can cause liver,
21 heart, blood, brain damage, leukemia, and other
22 cancers. I think that we have to stop using gas.
23 [laughter, applause] I think that we have to use
24 sustainable, renewable energy. We need solar
25 energy. Solar panels on every rooftop in

1
2 Manhattan. 33 percent of solar panels on rooftops
3 in Manhattan would provide us with all of the
4 electricity that we need. Why aren't we doing
5 this? In my opinion, we could convert in 20
6 years, but we must start this year, a five percent
7 conversion a year, and we have clean energy by
8 2030. [alarm bell] Thank you.

9 CHAIRPERSON GENNARO: Thank you.
10 Thank you, Ms. Russ. Next speaker, please. Okay.

11 ELIZABETH ADAM: Elizabeth Adam.

12 CHAIRPERSON GENNARO: Okay.

13 ELIZABETH ADAM: I am a lifelong
14 New Yorker and New York water drinker, tap water.
15 It's safe, it's wonderful, it's considered the
16 best in the country. And I have had water in
17 other places in the world, and I have contracted
18 cholera as a result. Fortunately, I had
19 medication and survived. I also spent my summers
20 in Aspen, Colorado where the water was polluted.
21 We had to drink out of large bottles. I know what
22 it's like, I don't want to live like that. Why do
23 we have to give money to all those corporations
24 and why are people being seduced into selling
25 their land and their futures? I want to see our

1
2 water protected, I want to see a life that we can
3 live. Do we all have to glow in the dark before
4 we stop this? Thank you. [applause]

5 CHAIRPERSON GENNARO: Thank you.

6 JIM FORAT: My name is Jim Forat,
7 and I'm in the Executive Committee of - -
8 Democrats. And I just want to be very simple
9 here. We are opposed to any fracking in this
10 State. We want a complete ban, period. I want to
11 [applause] I want to speak personally and simply.
12 I sat in the theater in Park City, Utah last
13 January during the Sundance Film Festival and saw
14 "Gasland" for the first time. And it was the
15 first time I really understood what fracking was
16 about. This should be a no-brainer. And by the
17 way, Councilwoman Chin, it's very nice to see one
18 of our Council people from downtown here. Thank
19 you for showing up and staying. The, but
20 [applause] this should be a no-brainer, except
21 there's so much more on the table. And the
22 exploitation of the needs of people, poor
23 families, poor landowners upstate, and when, when
24 you - - and tax on soda, and when you tax the
25 rich, you leave them alternative ways to balance

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2 or bring some sanity to this budget. And the
3 Governor talking about, "This is a way to bring
4 money into the State," no. It's unhealthy. It's
5 toxic. And to, and your interests really lie in
6 protecting the people that elected you. And
7 everyone in this room, I hope you heard that the
8 administration at the very top has a fracking
9 agreement with China. And you need to sit down
10 and write the President and the Administration,
11 because they need to lead on this and set an
12 example, and they've set a very bad example for
13 the legislatures in New York. So, stand up, say
14 no to the lobbyists, protect our land, protect our
15 children, [alarm bell] and our water. Thank you.

16 CHAIRPERSON GENNARO: Thank you.

17 [applause]

18 MATTHEW FALBER: Good evening, my
19 name is Matthew Falber, and I'm not a scientist,
20 and I'm not representing any politician this
21 evening. However, I did grow up in Wyoming. I am
22 now a resident of Manhattan and this has affected
23 people in my State, my home State, very severely.
24 I was spending time with my friend Johnnie last
25 night, we were in his apartment, when his carbon

1
2 monoxide monitor went off. So we took it off the
3 wall and we moved it across the room by the
4 window. That didn't work. So we moved it back to
5 the wall and we decided to go out the fire escape
6 and see if it stopped. And finally stopped, and
7 so we went back in. We didn't want to risk our
8 lives with the carbon monoxide that could possibly
9 be in the room because there was a potential
10 threat. So I think we did what anybody in this
11 room might be, we went outside to make sure that
12 there was no threat to our health. Now studies
13 have raised considerable doubts regarding hydro
14 fracturing. Sick and deformed people and animals,
15 flammable tap water, and that started in my home
16 State when Louis Meeks found the first
17 contaminated water. I ask that the EPA and that
18 those involved push for that same sort of common
19 sense solution. That until we have strong proof
20 one way or the other, that we do not put ourselves
21 at risk. And to those that have said there is no
22 strong evidence that points to harm, I would say
23 that we should consider the Hippocratic oath and
24 consider what might happen if our medical
25 community ran that way. Thank you.

1
2 CHAIRPERSON GENNARO: Thank you
3 very much for coming. [applause] We appreciate
4 having you here, thank you.

5 BELLE GONZALEZ: Okay, thank you.
6 Hi, my name is Belle Gonzalez, and I'm here to
7 represent myself and my daughter and a lot of
8 people that I know that don't know about hydro
9 fracking because they watch the news. And they
10 can tell you how Lindsay Lohan's doing in rehab,
11 but we don't really know about what's going on
12 here today. I went to high school for
13 environmental studies, and the EPA was whooo! The
14 EPA, the older I get, the more I read, I'm really
15 scared that they're the ones handling this study.
16 [applause] EPA, to me, these days stands for
17 Enforcing a Political Agenda, and they're about as
18 transparent as that glass of water that they were
19 holding up that was not see-through at all. The
20 reason I don't have too much faith in them these
21 days, and I wish we could have another federal
22 agency do these studies, is they've been sued by
23 the NRDC, and they should be on the same page, not
24 being sued because they're bringing, taking laws
25 out that were for the Clean Water and Clean Air,

1
2 and now they're not around anymore. I had had a
3 couple of questions, because I didn't know that we
4 were going to be allowed to ask these questions
5 and be answered, and it really doesn't matter
6 because if there's a .000001 percent chance that
7 something bad could happen, the answer should be
8 no. [applause] We need to find another solution
9 to end our dependence on foreign oil, maybe stop
10 subsidizing this. And, whew, there's this Native
11 American saying, I can't quote it 'cause I don't
12 know exactly how it goes, but I'll paraphrase it:
13 "When the last tree has been cut down, the last
14 fish has been killed, and the last river has been
15 poisoned, man will learn that he cannot drink
16 money." That's it. [applause]

17 CHAIRPERSON GENNARO: Thank you.

18 I'm just, I'm just going to give myself a little
19 latitude to, to say that I've had conversations
20 with the regional director of the EPA. I have a
21 lot of confidence in her and the EPA's ability
22 overall to do this study and to do it right. And
23 I think the way that we guarantee that they do it
24 right is, you know, turn out in large numbers and,
25 you know, make sure that they know our feelings

1
2 about this. But I just wanted to state, in the
3 wake of the previous witness, that I have a lot of
4 confidence in the EPA, and I'm glad that they're
5 going to be doing this study. And right now they
6 are prohibited by federal law from doing what I
7 believe they want to do, which is regulate
8 fracking and, you know, so, I just had to put in
9 that vote of confidence for the good people in the
10 EPA who--and particularly at the staff level who
11 always try to do the right thing. At the, you
12 know, when it gets to the upper most reaches, in
13 the realm of politics and you know, but I have
14 full faith and confidence in the people at the
15 staff level who will be doing the study, and you
16 are helping that process by being here tonight, so
17 I just wanted to say that I, that I do trust them.
18 Next witness, please.

19 JONATHAN RUBIN: Yes, my name is
20 Jonathan Rubin.

21 MALE VOICE: Get closer to the--

22 JONATHAN RUBIN: Okay. My name is
23 Jonathan Rubin, I'm the Vice President of New York
24 City Friends of Clearwater, a environmental
25 community celebration advoc--slight advocacy and

1
2 education group. And to the landowner of Windham,
3 New York, I want to give him a little bit of a
4 legal education. The 14th Amendment of the
5 Constitution says nobody should be deprived of
6 life, liberty or property without due process of
7 law. So just like he has the right to his
8 property and his property ownership, nine million
9 New York City citizens have the right to life.

10 And [applause] But also to this man from Windham,
11 just for his education, every human being consists
12 of 80 to 85 percent water. And the fracking
13 process uses arsenic, radon and benzene. Arsenic
14 is a poison, radon is a radioactive material, so
15 do we have to glow in the dark for him to be
16 satisfied that we're all radioactive? I mean,
17 what does he want, does he want people to die?
18 Does he want an epidemic worst than September 11th
19 to happen in New York City? Also, guess what?
20 The corporations do not even have to reveal 200 of
21 the chemicals protected by corporate trademarks
22 and property rights. Well, I think as a citizen
23 of New York City, I have a right to know what
24 those chemicals are before they do the process.
25 [applause] And also, the EPA, you know, we talked

1
2 about the Safe Drinking Water Act, but for 30
3 years there were laws on the book, the Clean Air
4 Act, the Clean Water Act, the Safe Drinking Water
5 Act and the Natural Conservation and Recovery Act.
6 But guess what? By the 2005 National Energy Act,
7 they were all said to be not important enough for
8 the federal government. [alarm bell] So I say we
9 have a right to know our, the chemicals being
10 used, and I think this process should be totally
11 abandoned across the country.

12 CHAIRPERSON GENNARO: Thank you,
13 thank you. [applause] And it's--[background
14 noise] We're just going to continue--

15 MALE VOICE: I'd like to hear - -
16 it's not fair.

17 CHAIRPERSON GENNARO: We're just
18 going to continue. And I would ask for order.
19 David Pollack, Judie Leer--

20 MALE VOICE: Pollack or Public?

21 CHAIRPERSON GENNARO: Pollack,
22 David Pollack from the Village of Washington Hill.
23 Judie Leer, Kevin Chattam Stephens, Jimmy
24 Limousine, I'm not, oh, I can't, 364, I don't want
25 to read the address. Jimmy, looks like Limousine,

1
2 I can't do better than that. Linda Eskansas, or
3 Eskanas. Okay, Linda Eskanas. Julia Willibrand,
4 Rober Casala, Jimmy Wolk. Next, that'll be the
5 next group.

6 JUDIE LEER: Do you want me to
7 start?

8 CHAIRPERSON GENNARO: Please. Oh,
9 actually, if you're not in the order that I
10 called, that would be great and start out with
11 David Pollack, if David is here; if David's not
12 here, Judie Leer?

13 JUDIE LEER: Yes.

14 CHAIRPERSON GENNARO: Okay.

15 JUDIE LEER: I'm Judie Leer, and I
16 represent the Gray Panthers. Yes, we're alive and
17 well. [applause] And we are a social justice
18 advocacy organization. And I want you to know
19 that we have chosen environment as one of our top
20 priorities. And because there are so many
21 environmental groups who are, I think it's very
22 important for you to know that there are other
23 groups, such as aging groups, such as youth
24 groups, that are also against this fracking. We,
25 for the last three years, have put together a

1 coalition called Gray and Green, and this is made
2 up of 18 organizations that primarily deal with
3 aging issues. But because we think that the
4 environment is so important, that is why we have
5 chosen our Gray and Green. And I am here to voice
6 for every one of those other organizations as well
7 as Gray Panthers, that we believe that this is not
8 a good idea. That we did not want to have our
9 water polluted. The way to keep people healthy is
10 to take care of them and not to make us sick. I
11 think jeopardizing water and the other issues that
12 will happen in the environment, because of this
13 process, are, are too bad to even enumerate. And
14 so, I will just say thank you for allowing us to
15 speak, and for us to lend our voices to this
16 important issue. Thank you.

18 CHAIRPERSON GENNARO: Thank you.

19 [applause] Thank you. Next witness was Kevin
20 Chatham Stephens, I believe.

21 KEVIN CHATTAM STEPHENS: Hey, my
22 name is Kevin Chattam Stephens, I'm a pediatrician
23 at Mount Sinai, and I'm submitting our testimony
24 on behalf of the Center for Children's
25 Environmental Health. So, as pediatricians

1
2 specializing in environmental medicine, we at the
3 Center are opposed to the - - of hydraulic
4 fracking due to multiple risk to our children's
5 health. Some of these concerns include
6 contamination of drinking water; increased air
7 pollution due to industrial traffic and the
8 industrial process; and number three, the
9 psychological effect from accidents or other
10 traumatic events. Regarding number one, hydraulic
11 fracturing presents a threat to our clean drinking
12 water. The numerous chemicals used in the
13 hydraulic fracturing process that had been
14 publicized really pose a threat to human health.
15 While the health effects of these known chemicals
16 are worrisome, what is perhaps more concerning is
17 that we don't know all the chemicals used in the
18 process. It is vital that these chemicals are
19 fully disclosed so that researchers and the
20 general public understand what individuals are
21 being exposed to. Regarding number two, the level
22 of childhood asthma has grown substantially over
23 the past several decades. Since many of the
24 products of diesel fuel combustion have been
25 linked to asthma, the impact of exposing more

1 children to these air pollutants should be
2 examined. Regarding number three, with the
3 potential for toxic spills and explosions, the
4 disaster management plans of potential drilling
5 areas should be examined as part of this study,
6 especially those of daycares and school. Research
7 has shown that children and adolescents are at
8 risk for mental health disorders, such as PTSD,
9 anxiety and depression following a variety of
10 disasters; therefore, the potential impact of
11 explosions and spills on children's mental health
12 should be evaluated. And comments on pediatrics,
13 is that children are not small adults, which
14 serves to remind us that children differ from
15 adults in fundamental ways. Children are exposed
16 to toxic substances to greater degree than adults,
17 since infants and children are continually
18 developing, a toxic insult in this age range can
19 have long term adverse effects on development.
20 This concept is especially pertinent in pregnancy,
21 when critical - - development processes can be
22 disrupted by rotting air pollutants--[alarm bell]
23 thank you. [applause]

24
25 CHAIRPERSON GENNARO: Thank you,

1
2 doctor. Please give my regards to Dr. Landridam
3 [phonetic], he's testified for our committee many
4 times, and we always appreciate the good work of
5 Mount Sinai when it comes to environmental health.
6 Next, next witness, please. Next one on my list
7 was, looks like Janine Lindsay? Is that, I hope
8 I'm saying that correctly.

9 JEANIE MAY: really have to work
10 on that handwriting. Jeanie May is my name.

11 CHAIRPERSON GENNARO: Oh, oh, oh,
12 oh, so it's Jeanie M. May. Okay, fine. Jeanie,
13 okay. Forgive me.

14 JEANIE MAY: It's quite all right.
15 Thank--I really appreciate the opportunity to
16 speak this evening. Given the, all of the
17 testimony we've heard tonight, and the
18 documentation that Josh Fox has given us, it's
19 really beyond surreal to me that we're even having
20 this conversation. I don't even know where to, to
21 start to rationalize that they're even considering
22 fractioning, this hydro frac--hydro fracking. I
23 mean, there are already so many pollutants in our
24 air, so many ways to kill ourselves, water is a
25 vital source of our life. Why would we consider

1
2 even potentially damaging it? I just, I, it's
3 just unbelievable to me. And I, I understand
4 this, the under, the stakeholders, the landowners,
5 I understand that you have a stake in this, but I
6 also know that this State has to do a better job
7 of finding jobs, making jobs for people, and not
8 jeopardizing the rest of the State or country.

9 [background noise]

10 CHAIRPERSON GENNARO: Please,
11 please, no more outbursts, please. No more, I
12 don't want to hear anything from anybody, we're
13 going to continue, we've got 45 minutes left,
14 let's get through it.

15 JEANIE MAY: The other thing that
16 I would like to say, in reference to--I think the
17 woman may be gone, that, that this can be done
18 properly. But the, the gas and oil industry has
19 not proved themselves to be reliable, they've not
20 proved themselves to be trustworthy in this
21 situation, and, and I just, I don't know why we're
22 giving the many more leeway. That's all I have to
23 say. I think that this should be banned
24 completely. Thank you. [applause]

25 CHAIRPERSON GENNARO: Next witness.

1
2 Linda?

3 LINDA ESKANOS: Thank you. Linda
4 Eskanos, the Staten Island Watch for a Green Way
5 Committee, Community Board One, Chair. Thank you.
6 It's very clear that fracking is a criminal act,
7 it is more the act of a terrorist. Bent on
8 destroying our country, that is certainly the
9 result. I will just be brief. That there has to
10 be a universal ban on this, not dangerous, but
11 lethal practice. It's not only for our, it, it
12 would involve every child, every woman, every man,
13 our trees, our water, our air, our farmland, our
14 food supply. It's an obscenity. And this is
15 affecting, of course, not only our beautiful city,
16 our beautiful state and our country. And it must,
17 must stop. Thank you. [applause]

18 CHAIRPERSON GENNARO: Thank you. I
19 feel compelled to point out that, that fracking is
20 a legal activity and that people that do fracking,
21 you know, cannot really be considered as
22 criminals, because this is a legal activity.
23 Which should be regulated, it should make common
24 sense, whatever, but it is a legal activity, I
25 felt compelled to say that. Next witness.

1
2 JULIA WILLIBRAND: I'm Julia
3 Willibrand, I'm the Green Party candidate for New
4 York State Comptroller. And I used to deal with
5 you very happily when I was the Chair of the
6 Manhattan - - .

7 CHAIRPERSON GENNARO: Yes, nice to
8 see you.

9 JULIA WILLIBRAND: Thank you all
10 very much for what you're doing so far, and the
11 power of the ev--the testimony here, as to the
12 health effects, as to the danger, as to the cost
13 in terms of a filtration plant, ought to make it
14 pretty clear at this point that a ban is in order.
15 How long will it take the EPA to get through the
16 real studies that would show that it is safe?
17 It's pretty clear that it's not safe. So, a ban
18 is, I think, the way to go. One of the things
19 that hasn't been discussed very much here is the
20 externalities. We've talked about the costs of
21 the filtration plant that we'll probably have to
22 put into effect if fracking continues, but there
23 are other kinds of costs, externalities. And one
24 of the ones I was thinking of when I was thinking
25 about this yesterday was, New York City is the

1
2 premiere tourist city in the world. Last year, we
3 had 45.6 million visitors in this City. They
4 spend \$37 billion. There were 300,000 jobs
5 generated by visitors. They come to the City
6 because it's wonderful, we have a great good time
7 here, it's fabulous, and also because under the
8 surface, they don't have to think about
9 transportation, or safety, we've got those. Plus,
10 we have the best water in the United States.

11 Maybe they don't all know it, but once our water
12 system is destroyed, and the word get out that "Oh
13 my god, you know, you go to New York, you don't
14 know what's going to happen, you could get sick
15 from drinking the water." How many jobs will be
16 lost because five million tourists out of the 45
17 million don't come because of it? How much money
18 do those people, for whom money talks, how much
19 money will be lost because we have destroyed our
20 water system? [alarm bell] Thank you.

21 [applause]

22 CHAIRPERSON GENNARO: Thank you,
23 Julia.

24 BOB CARSARA: Good evening, ladies
25 and gentleman, I'm Bob Casara, I'm from Bayridge,

1
2 Brooklyn. I will be short on this. Drilling
3 should not be allowed anywhere in, in and around
4 the watershed area, period. The liability of
5 attempting to reverse the contamination to our
6 drinking water supply will fall upon the State,
7 the City, and ultimately upon us as taxpayers.
8 That being said, we must look at the bigger
9 picture and determine what is the main issue. The
10 driving force is the continued and ever increasing
11 use of fossil fuels. We are all consumers of it
12 in one manner or another. To satiate this
13 appetite, we are now turning to natural gas, which
14 is being touted as the clean alternative to coal,
15 petroleum, diesel and gasoline. However, it is
16 not. Gas contains methane, and methane gas has 70
17 times the heat trapping capacity of carbon
18 dioxide. Even small amounts have a big impact on
19 climate change. The industry and even some
20 environmentalists are pushing for the movement
21 towards ever increasing use of natural gas as an
22 alternative to diesel fuel to power heavy industry
23 and trucking. They are lobbying our elected
24 officials with the message that it is clean,
25 fossil fuel, alternative, and is the bridge

1
2 alternative fuel. Moreover, they are encouraging
3 our elected officials in Congress to pass laws
4 mandating the switch from diesel fuel to natural
5 gas. This is wrongheaded and must not happen. As
6 a nation, - - University scientist Robert Holrop
7 [phonetic] stated, "As a nation, something like
8 Marcellus Shale drilling could, could be the exact
9 wrong thing for us to do. Flooding the market
10 with cheap, - - natural gas means green power
11 can't compete in the market." How can this be--
12 I'll just jump on. We need to conserve more and
13 promote alternative fuels, such as clean,
14 biodiesel made from algae, and promote the use of
15 nuclear power. [alarm bell] [applause] And I
16 have more to say, but I guess I can't. Thank you.

17 COUNCIL MEMBER CHIN: Thank you.

18 Okay, the next group, Neil Klein, Alice Joyce,
19 Lucy, Lucy Koten, K-O-T-E-N, Ling Chow, Janet
20 Pasatino, John Devise, Chin Trina Samorini--

21 TRINA SAMORELLI: Samorelli.

22 COUNCIL MEMBER CHIN: Samorelli?

23 Okay. And then Diane B-U-X--looks like S-A.

24 FEMALE VOICE: Buxbaum.

25 COUNCIL MEMBER CHIN: Gotta work on

1 those handwritings. Diane, Diane--

2 FEMALE VOICE: Buxbaum.

3 COUNCIL MEMBER CHIN: Oh, Bux--who?

4 FEMALE VOICE: Most likely.

5 COUNCIL MEMBER CHIN: Okay. Okay.

6 [background noise] Yeah, Neil? Not here? Oh,
7 okay.

8 ALICE JOYCE: My name is Alice
9 Joyce. I'm with the Park Slope Food Co-Op and
10 United for Action. A couple of years ago, a movie
11 came out called "The Corporation." And in that
12 movie, there was a study done that compared the
13 business methods of corporations to the modus
14 operandi of psychopaths, using Dr. Robert Hare's
15 checklist on what a psychopath is. Here some of
16 them may actually be parallel to corporations and
17 to psychopaths. Reckless disregard for the safety
18 of others, deceitfulness, repeated lying and
19 conning for profit, incapacity to experience
20 guilt, failure to conform to social norms with
21 respect to lawful behavior. People who are
22 willing to sacrifice the wellbeing of millions and
23 millions and millions of people, what else can
24 they be called but psychopaths? Now, psychopaths
25

1
2 are interested in one thing, and that is power.
3 And if you take away the water supply of millions
4 and millions and millions of people, you have
5 incredible power over those people. If you look
6 around the world you will see that the last, the
7 first decade of the 21st Century has been marked by
8 popular uprising against the privatization of
9 water in such countries as Nicaragua, India, South
10 Africa, Ghana and Namibia, just to name a few.
11 And how does this happen? This happens because
12 corporations come in, and these are the - -
13 corporations, there are three of them in this hall
14 today, that control most of the world's water.
15 [alarm bell] and--Okay, thank you. [applause]

16 CHAIRPERSON GENNARO: Thank you,
17 thank you very much for being here. Next witness,
18 - - yes. Okay. Just state your name.

19 TRINA SAMORELLI: My name is Trina
20 Samorelli. Just before I begin my testimony, I
21 would like to point out that slavery was once
22 legal, too. The fact that something is legal does
23 not make it right. [applause] And I want to
24 remind everyone here--

25 CHAIRPERSON GENNARO: I didn't say

1
2 that. I just wanted to - -

3 TRINA SAMORELLI: I want to remind
4 everyone here, of Herbert Aplecker [phonetic], an
5 historian's definition of the law. "The purpose
6 of law is social control and order." What we are
7 seeking in the State of New York at this time is
8 justice. There is a great deal of difference. It
9 is our duty and your responsibility to ensure that
10 we have justice under the law. We're here to
11 wrest that from you. Contrary to the--

12 CHAIRPERSON GENNARO: I know law,
13 and my responsibilities, and I--

14 TRINA SAMORELLI: Please let me,
15 can I please give my testimony.

16 CHAIRPERSON GENNARO: I am the
17 Chair, and I'm going to, I'm going to, I'm going
18 to exercise my privilege. I'm going to exercise
19 my privilege as the Chair to speak when I want to
20 speak. I'm well aware of what my responsibilities
21 are. No one has been involved in this issue, I am
22 going to clear the room if people will not have
23 order. And so the purpose of this hearing--
24 Sergeants, please remove anyone who will not abide
25 by the rules. And so, no one has been more

1
2 involved in this issue than I, and for the last 26
3 months, and that's my job. I get paid to do this.
4 I don't really have the power in my hands, what
5 I'm doing tonight is giving people the opportunity
6 to give their testimony to the EPA that is sitting
7 right there. Now, I am providing that service.
8 That is what I'm doing. That is my
9 responsibility, and that's what I'm doing. So, I
10 didn't need to be lecture on what my
11 responsibilities are. Please continue with the
12 testimony and please reset the clock.

13 TRINA SAMORELLI: Could we reset
14 the clock, please?

15 MALE VOICE: --stopped it when--

16 CHAIRPERSON GENNARO: Fine, okay,
17 so please continue the clock from where it was
18 stopped.

19 TRINA SAMORELLI: And I--

20 CHAIRPERSON GENNARO: And I'll give
21 you some latitude at the end.

22 TRINA SAMORELLI: I would like to
23 point out that you need not be personally
24 defensive, that was a general remark to the entire
25 State Legislature, as well as the City Council, it

1
2 was not personally directed at you, it was just
3 precipitated - - remark.

4 CHAIRPERSON GENNARO: You're,
5 you're using your time.

6 TRINA SAMORELLI: Contrary to the
7 claims made by industry, economic interests and
8 politicians they lobby and/or buy with campaign
9 contributions, hydraulic drilling is guaranteed to
10 create not just a potential impact on the region's
11 water supply, but profound environmental damage
12 through water, ground and air contamination.

13 Contamination will not be solely to drinking water
14 and limiting concern to that narrow aspect is both
15 shortsighted and unwise. This contamination will
16 damage the entire ecosystem, including through
17 runoff into waterways, ocean, ground, flora and
18 fauna. Like BP, fracking interests make false
19 promises by political influence and despoil land,
20 water and lives with impunity, managing to pay
21 only minimal fines [alarm bell] which they view as
22 the cost of doing business, avoiding any admission
23 of criminal, environmental wrongdoing, not one of
24 these criminals has been sent to jail. The town
25 hall was described as an opportunity to raise

1
2 questions and concerns because the EPA has not
3 proposed hearings for New York City. Why not?
4 Why haven't our alleged political representatives
5 required them to do so? And for the benefit of
6 the EPA, I would like to describe New York's water
7 system.

8 CHAIRPERSON GENNARO: All right,
9 we'll just leave it there, we'll just leave it
10 there, because they're well aware of what the
11 water system is. I've given you lots of time--

12 TRINA SAMORELLI: All right, I'll
13 skip that part and move on.

14 CHAIRPERSON GENNARO: No, we're
15 going to have the next witness.

16 TRINA SAMORELLI: Excuse me, could
17 I--

18 CHAIRPERSON GENNARO: We're going
19 to have the next witness. Thank you very much for
20 your testimony, very much appreciate and I'd ask
21 the next witness to take the mic.

22 TRINA SAMORELLI: I don't
23 appreciate the way in which you handled my
24 testimony.

25 CHAIRPERSON GENNARO: I'm sorry

1 about that. I'm--

2 [background noise]

3 CHAIRPERSON GENNARO: I'm calling
4 the next witness, Sergeant, we'll have order.
5 [gavel] Next witness. Next witness, please.

6 LUCY KOTEN: Hi, good evening, my
7 name is Lucy Kotene. I'm the President of a
8 political club, Central Brooklyn Independent
9 Democratic Club, and I'm a proud member of the
10 Sierra Club and NRDC. The questions are simple.
11 Do we value a clean water supply? Do we value it
12 more than we value gas companies making a profit
13 and exploiting our water and ground safety? Do we
14 want to turn on the faucet and be able to drink
15 the water that comes from it? Do we want to know
16 that the water out of our faucet will not cause
17 cancer or a skin condition? Do we want to protect
18 the animals raised in the land so they are not
19 poisoned by the chemicals pumped into the earth
20 and by the water supply that results, results from
21 the gas and oil companies pumping toxic chemicals
22 in to the earth? Does our government have the
23 will to put the necessary money into alternative
24 energy supply so we do not have to fear the
25

1
2 contamination of our most basic resources? Do our
3 elected officers have the will to resist the large
4 donations given them by these gas and oil
5 corporations, and choose to protect their
6 constituents and not those who have the means to
7 donate to them. Do our elected officials have the
8 wisdom to learn from the mistakes of Pennsylvania,
9 Colorado, Oklahoma and other states that now have
10 to bring in a safe water supply to thousands of
11 their residents? Do our New York legislators have
12 the will to correct the loophole in the Clean
13 Water Act that exempts gas drillers from the EPA
14 guidelines? Do we want to be able to light our
15 water on fire like in other states? Is that the
16 future that we have to live for? Are we not
17 smarter than that, or is money and greed so
18 blinding that we will poison ourselves into
19 oblivion? Do we think that a moratorium for one
20 year will stop the gas companies from lobbying
21 until they get their way? It is our government's
22 job to protect us. Do you job, but that's
23 directed at the EPA. I just want to make one
24 other comment. We know that there have been
25 efforts to privatize water in this country. And I

1 wonder if the EPA could research who those
2 companies are who want to privatize the water.
3 Are they the gas and oil companies? Do they know
4 pollute our water supply, and then privatize it
5 and sell it back to us? [alarm bell] Thank you
6 very much.
7

8 CHAIRPERSON GENNARO: Thank you,
9 thank you. [applause]

10 LING CHO: My name is Ling Cho, and
11 I'm a member of United for Action. Hydro fracking
12 poses great danger to our health, pollute our
13 drinking water and air, and seriously damage our
14 earth and landscapes. I'm very concerned that
15 many communities across the country, including
16 some in Pennsylvania, such as the town of Dimock,
17 have already suffered from drinking water
18 contamination linked to hydraulic fracturing
19 operations, causing serious health issues. We
20 need to do everything we can to make sure this
21 does not happen in New York State, and help to set
22 an example for the rest of the country. I'm even
23 more troubled with the great amounts of long term
24 pollution caused by hydro fracking gas drilling.
25 During the fracking process, only a small portion

1
2 of the toxic fracking fluids are actually
3 extracted from the ground, leaving the gross
4 majority in the ground to migrate into faults,
5 aquifers and our country's water supplies. We are
6 poisoning the ground of this great country. This
7 is unconscionable. We simply cannot mortgage our
8 children's and grandchildren's future for a short
9 term fossil fuel fix. The EPA must complete its
10 study of hydraulic fracturing and gas companies
11 must be required to fully disclose all chemicals
12 used in their drilling process. No fracking shall
13 be permitted in our, in or near any watersheds,
14 especially not the New York City Watershed. The
15 New York State DEC must withdraw its fatally
16 flawed draft SGEIS and no permits for hydro
17 fracking gas drilling shall be issued until all
18 concerns have been addressed, and a sound and
19 scientifically based study of the cumulative
20 environmental impact from hydro fracking has been
21 done. Thank you.

22 CHAIRPERSON GENNARO: Thank you,
23 thank you. [applause] We have the next group of
24 witnesses. Looks like Domenic Dantes [phonetic],
25 Mary Forester, Karen Greenspan, Larissa D-Y-R-S-Z-

1
2 K-A [phonetic], Mary Pasakowitz [phonetic], David
3 Gould, Jim, looks like Stratton, Simone Hawking
4 and Danielle Gwagess [phonetic].

5 LARISSA DYRSZKA: Okay, my--

6 CHAIRPERSON GENNARO: Yes, please.

7 LARISSA DYRSZKA: Hi, my name is
8 Larissa Dyrszka.

9 CHAIRPERSON GENNARO: Okay, speak
10 right into the microphone would be better.

11 LARISSA DYRSZKA: Sure, my name's
12 Larissa Dyrska. A few months ago, I was at my
13 son's graduation uptown--

14 CHAIRPERSON GENNARO: You're a
15 doctor, I'll point out. Right, you're a doctor.

16 LARISSA DYRSZKA: And he's two now.

17 CHAIRPERSON GENNARO: Okay.

18 LARISSA DYRSZKA: And at his
19 graduation from, from medical school, he had to
20 take an oath. And I was reminded of the same oath
21 that I had to take 30 plus years ago. And that
22 oath said, one of the phrases in it was, "First,
23 do no harm." And as a medical practitioner, I can
24 tell you that every doctor who practices in the
25 United States has taken that oath. "First, do no

1
2 harm." So, physicians care first and foremost
3 about their communities, and their health and the
4 safety of their communities. So when an activity
5 has the potential to cause harm to human beings,
6 it's imperative that precautionary measures are
7 taken. And that, so that the cause and effect can
8 be determined, as somebody had mentioned with
9 drugs we do that, with other aspects of
10 healthcare, we do that. And so, we would ask that
11 the EPA do that, too. The extraction, as many
12 people have already spoken about the process, but
13 the extraction of natural gas in the Marcellus and
14 the similar shales, involves high pressure
15 injection into solid rock, in order to force gas
16 out. And they use known carcinogens, we know the
17 names of some of the chemicals, we know the names
18 of the, of the mutagens. And yet we're, that's
19 not being regulated as the FDA would regulate some
20 medications. The, the process is brutal. It uses
21 15,000 PSI of pressure and that process also
22 involves a tremendous amount of air contamination,
23 because they have to use compressors, and they
24 have to use generators [alarm bell] wow, sorry.

25 CHAIRPERSON GENNARO: Doctor, thank

1
2 you very much for being here tonight. [applause]
3 And we appreciate your testimony and your being
4 here.

5 DAVID GOULD: Dr. David Gould, I'm
6 glad EPA's on the case, as we all know that
7 aquatic ecosystems don't end at the state line. I
8 want to thank Gene Biskin [phonetic] of EPA for
9 considering my input regarding study design in a
10 June email exchange. And I'll repeat that here,
11 but I want to make some general points. First,
12 this is a public health issue. Consider that side
13 effects of the new cancer drug are subject to far
14 more scrutiny than is groundwater contamination.
15 That makes little sense given that a gravely ill
16 cancer patients expects to balance risks and
17 benefits, and is not obligated to ingest the drug;
18 on the contrary, pure groundwater is a necessity,
19 not optional, and should be treated as essential
20 to life. Next, on conflict of interest, I do
21 worry that EPA might partner with industry in
22 order to study them, because that would destroy
23 any pretense of objectivity. A word on
24 confidentiality agreements [applause] can you just
25 imagine if Pfizer forced patients to be silent

1
2 about their health after taking a drug, yet that
3 is exactly what the gas industry does.

4 Groundwater contamination is staring you in the
5 face, EPA. Just go to the people whose drinking
6 water is trucked in by the gas industry in so-
7 called buffalos or camels. Remove the gag orders,
8 if you don't pursue this you're avoiding the most
9 obvious cases of contamination. Let me point out
10 some mistruths promoted by the gas industry. They
11 now highlight the importance of well constructed
12 cement casings without mentioning the problems of
13 the initial drilling before the casing is in
14 place. They speak of thick layers of impermeable
15 work, but in fact this is sedimentary rock that is
16 seeing pressure they have never seen before. They
17 say percentages of toxins are low without
18 mentioning that endocrine disruption can occur at
19 parts per trillion. They produce idealized
20 diagrams when in fact they are only guessing how
21 long the fractures are and where the existing
22 fault lines are. They talk about - - instead of
23 the dreaded b-tex [phonetic] chemicals which
24 masquerade as proprietary compounds. They
25 minimize irreparable harm by obtaining the work

1 before the frack job even starts. They don't
2 mention that no current technology can
3 decontaminate frack water. Even if your head is
4 in the sand and you think of the failure rate is
5 only one percent, why is that acceptable? Folks,
6 you must understand this is an inherently toxic
7 process. As for not knowing about the ultimate
8 fate of these chemicals, well that's just either
9 willful ignorance, sheer stupidity or criminal
10 intent, I don't know which. In summary, the gas
11 industry spouts junk science and false economies.
12 [alarm bell] Thank you. [applause]

13
14 CHAIRPERSON GENNARO: Thank you.
15 Thank you, Doctor. Are there any others from this
16 group to come forward that I had called? Okay.

17 JIM STRATTON: Yeah, hi, my name is
18 Jim Stratton, I'm former Chair of Community Board
19 One here in lower Manhattan. And I'm also former
20 district leader, I spent 18 years as district
21 leader, so I have a little bit of political savvy.
22 But I'm actually here because I'm in a house sort
23 of at the edge of the World Trade Center kind of
24 site upstate, the ground zero of the fracking
25 industry. I have a house in Narrowsburg, New

1
2 York, on the river, the Delaware River. And if
3 I'd listened to the gentleman before that water
4 that flows by my door, actually belongs to me, but
5 I, I don't think I accept that, that reasoning.
6 What I really wanted to do here was to tell you
7 what sort of the mindset is upstate. And because
8 the people who are against this are scared. And
9 the reason they're scared is that they, they're, I
10 have - - friends who live in between leases, and
11 the leases that they did not sign, and they're
12 neighbors are looking at them. Their neighbors
13 don't understand what you listen to tonight.
14 There is a kind of feeling of fear because, you
15 know, a building with the baseball bat happens up
16 there in the country, this is the way things work.
17 You're an oddball, you don't like, you know,
18 you're against what is giving me money. And that
19 is an attitude that scares a lot of people away
20 from paying attention to what you're talking about
21 here. There's also, everybody knows, everybody
22 knows the stories of fracking fluid being dumped
23 in the middle of somebody's yard, who opens the
24 polls to the process, and is in arguments with
25 somebody about it. These are stories that, that

1
2 affect a lot of people up there, and affect a lot
3 of the, the local attitudes and also. because the
4 money is spread around among the political, you
5 know, in the political areas [alarm bell] it
6 basically corrupts the politics up there, in favor
7 of fracking.

8 CHAIRPERSON GENNARO: Thank you,
9 Mr. Stratton, appreciate your being here tonight.
10 [applause] Thank you. Thank you for your service
11 to CD1, also. Next group, Glen Lodia [phonetic],
12 looks like, Dee - - , and it's Dr., Dr. William
13 S.--okay. And Joe Garland, Susan Rosenthal, looks
14 like, Talia Caruso [phonetic]. That will be the
15 next group. Anybody still here from that group?
16 Anybody coming forward from that group? So,
17 whoops.

18 JOHAN NESIAM: Yeah, I'm from - -

19 CHAIRPERSON GENNARO: Was your name
20 called, sir, in this group? Okay, please come
21 forward.

22 JOHAN NESIAM: Okay.

23 CHAIRPERSON GENNARO: And state
24 your name for the record and begin your testimony.

25 JOHAN NESIAM: Okay. My name is

1
2 Johan Nesiam [phonetic] and I am a landowner up in
3 Broome County, and a resident in New York City.

4 And thank you for having this meeting.

5 CHAIRPERSON GENNARO: Sure.

6 JOHAN NESIAM: And it's been a real
7 eye-opener to me. I'm pro for responsible
8 drilling, for natural gas, using, using sound,
9 sound technology that we have. I would like the
10 EPA to actually see carbon fracking as opposed to
11 maybe hydro fracking. There are other
12 technologies that are out there that are expensive
13 for the corporate industry to use. And so it's
14 easier for them to use a cheaper technology. But
15 I think the EPA can instill, and I think New York
16 and the City of New York, by having this concern,
17 could be the forerunners. We use natural gas for
18 so many other things, that we should be actually
19 concerned of all other states and countries that
20 use the technology. But if it is willing to use,
21 that the EPA should really mandate to either make
22 strong decisions not to use it, and to mandate
23 technology that's out there that are sound and
24 safe, that, you know, will not have inherent risks
25 to, to humanity because water is a fundamental

1
2 need for all. And all civilizations, starting
3 from Mesopotamia, used water as a source. And so,
4 water is our source, water is the new gold for the
5 future, and we should be concerned with it, and I
6 think as a landowner, we are concerned. One acre
7 of land generates 27,000 gallons of, of rain on
8 one inch of water, on one square mile of 640
9 acres, which is one Marcellus unit, produces 12
10 million [alarm bell] 12 million, excuse me, 12
11 million gallons of water on one inch. New York
12 States average water is 30 inches, so landowners
13 are the first gatekeeper of this water. So,
14 please--

15 CHAIRPERSON GENNARO: Thank you,
16 doctor.

17 JOHAN NESIAM: Thank you.

18 [applause]

19 CHAIRPERSON GENNARO: No one else
20 from that group, I'll call the next one, okay,
21 this here. Ethel or Etheline Honig [phonetic],
22 Dave Publow [phonetic], Mary Lupich [phonetic],
23 Ann Wesson [phonetic], whom I know, Tracy Gates,
24 Claire Sandberg. So, anyone who was called can
25 come forward, state their name and commence their

1
2 testimony.

3 DAVE PUBLLOW: Okay, my name is Dave
4 Publow. I work with a number of different groups
5 including United for action. I'm really here, I
6 live in Brooklyn, I have relatives all over the
7 state, my mom grew up in Coviskill [phonetic], my
8 grandparents lived in Clifton Park, my uncle has
9 property and, up in Warrensburg, I have friends in
10 Ithaca, my dad grew up in Lewiston. And I, I'm
11 concerned about naiveté. I'm concerned that we
12 can put our faith in something that is only legal
13 because of actions undertaken behind closed doors
14 by the former Vice President and the energy
15 industry in 2005, that exempted this process from
16 Clean Air, Clean Water and the Superfund Act,
17 also. So there, there is no, there's nothing to
18 stop them, there's nothing to force them to clean
19 it up afterward, they have no responsibility
20 whatsoever. For the people who are remaining in
21 the audience, I would urge you, if you haven't
22 already, to contact your United States
23 representatives and urge them to pass the FRAC
24 Act, so that at least we have a certain amount of
25 protection in place. I'm also, I, this is--this

1
2 is all rhetorical, so I don't want to get into a
3 conversation with someone who clearly I disagree
4 with, but in terms of property rights and upstate
5 unemployment, and factors like that, I'm
6 sympathetic that, to that, to a certain extent,
7 but I'm also very aware of, of the fact that
8 unemployment has been high up in, let's say the
9 Hudson River Valley, for years and years, and I
10 tie that to PCBs. I also am aware that the State,
11 the City certainly, but upstate as well is very
12 dependent on tourism. Also, agriculture [alarm
13 bell] and property values. And if you think that
14 you will retain property value once the water is
15 poisoned, you are insane.

16 CHAIRPERSON GENNARO: Okay, thank
17 you. [applause] Thank you. Just before we
18 start, I - - the fact that it's been brought to
19 our attention that someone filled out a slip
20 earlier in the evening, we don't have it, they
21 made it, they said that they filled out a slip, we
22 certainly believe them. So, we're going to call
23 also Julia Nimens [phonetic] it looks like, and
24 when she testifies she'll have to fill out a slip
25 for us so we have it for our records. And now,

1
2 with that being said, let's hear from Annie
3 Wilson.

4 ANNIE WILSON: Hi, good evening.
5 Thanks for holding this meeting--

6 CHAIRPERSON GENNARO: You bet.

7 ANNIE WILSON: --in defiance of the
8 cancellation of the meeting in Syracuse from the -
9 - and so forth. I work with the Sierra Club, and
10 I'm a New York City resident, and with to offer
11 the following, following comments.

12 CHAIRPERSON GENNARO: Did you say
13 your name, Annie - - ?

14 ANNIE WILSON: I didn't, I'm sorry,
15 Annie Wilson. First of all, as it relates to the
16 scope of the study that the EPA is to produce, and
17 the fact that they are looking to compile,
18 characterize chemical constituents relevant to the
19 hydraulic fracturing, it's important to know that
20 the disclosure of the exact content and volume of
21 fracking fluids do not protect us, and do not
22 reduce their toxicity. And that the release of
23 the heavy metals, carcinogens, radioactive
24 components, etc., are inherently destructive and
25 harmful. And therefore, should be included as

1 well, as a scope, that is not included, the
2 externalities, the environmental code of
3 social/environmental health, human health impacts.
4 And also addressing environmental justice that is
5 usually included in EPA studies, and the impacts
6 onto the communities that have compromised
7 possibly the future of everyone, including
8 themselves, by needing to have some funds, and
9 selling your property to developers for natural
10 gas. And so the, the study should certainly
11 include what is the environmental justice issues.
12 As it relates to the precautionary principles, the
13 EPA should address that perspective and require
14 that the gas industry demonstrate that gas
15 extraction, like all extractive industries, are
16 harmless and the burden of proof should not be on
17 the public at our expense. There is much more,
18 but I--[alarm bell] Thank you very much.

20 CHAIRPERSON GENNARO: Thank you,
21 Annie, and it's always nice to see you. Next
22 witness from that group that I just called?

23 ETHILINE HONIG: Is that me? Okay,
24 I'll do it.

25 Sure. Were you part of the last

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group that I called?

ETHELIN HONIG: Yeah.

CHAIRPERSON GENNARO: Okay, then--

ETHELIN HONIG: Etheline, Etheline
Honig.

CHAIRPERSON GENNARO: Okay.

ETHELIN HONIG: Okay.

CHAIRPERSON GENNARO: Please
proceed.

ETHELIN HONIG: Now 77 years old--

CHAIRPERSON GENNARO: - -

ETHELIN HONIG: New York City,
yeah, resident. We grew up here but also had a
house upstate New York, Westchester. Didn't like
it. Watershed on my property, polluted and the
Health Department would not come. That's just
number one. Years ago. Number two, I thought
everything here had been said, except I'm going to
tell you something, that my first interest in
water was with the eastern garbage patch, which is
twice the of Texas, floating around filled with
plastic. And I had an art exhibition in Chelsea
to demonstrate or draw attention to that little
tiny kind of art exhibition will do nothing.

1
2 Figured I'd join Bonnie Lee Mather [phonetic] of
3 Grass Roots up here, who is not talking,
4 unfortunately. A local person who is a do-gooder,
5 and I heard about this, and it's a very unsexy
6 word, it takes you a while to get hydro fracking
7 into your brain. What is it? You know. I won't
8 tell you the words that ran through my mind. But
9 in any event, one of the things that I found out
10 as a small person, is that I had power and was
11 able to start a nature class action lawsuit
12 against the pharmaceutical industry, just two of
13 us in New York City, when my mentally ill
14 daughter--I mean, I never thought I would be able
15 to do this, okay, but two of us got \$147 million
16 back from the pharmaceutical industry which they
17 wrote to New York State, and then we also sued
18 Mario Cuomo [alarm bell] all right, I understand
19 the routine, just one second. Apparently--

20 CHAIRPERSON GENNARO: You can do--
21 you can--

22 ETHELINE HONIG: there's something
23 called Earth Justice.com, it's a legal defense
24 organization, which is watching - -

25 CHAIRPERSON GENNARO: I'm going to

1
2 stop you now, but I would invite you to stay. We
3 have one more witness, and then we can talk to
4 privately, 'cause I'd like to hear the story.

5 ETHELIN HONIG: Okay.

6 CHAIRPERSON GENNARO: Okay. Thank
7 you. Please stay. [applause] Yes, or two more
8 witnesses or whatever we have, yes.

9 CLAIRE SANDBERG: Claire Sandberg,
10 Frack Action. So it's been almost 35 years since
11 Congress responded to catastrophes like Love Canal
12 and Three Mile Island by passing the landmark
13 Resource Conservation and Recovery Act in 1976,
14 which imposed strict guidelines for handling and
15 disposal of hazardous waste. 35 years later,
16 hazardous waste is everywhere around us. In the
17 neighboring state of Pennsylvania, they're
18 trucking it by the millions of gallons on roads
19 that are overcapacity, pumping it into the ground
20 in the middle of farmland and schoolyards, and
21 disposing of it in municipal waste water treatment
22 plants and town landfills, as if it were common
23 garbage. Scientists tell us that frack fluid
24 meets all the definitions of hazardous waste, yet
25 the chemicals used in fracking are exempted from

1
2 the rules that govern other forms of toxic waste,
3 due to a 1980 exemption for fossil fuels in the
4 Resource Conservation and Recovery Act. So, this
5 month, while the EPA Office of Groundwater is
6 conducting these hearings on the link between
7 hydraulic fracturing and drinking water, the EPA
8 Office of Waste is conducting similar hearings on
9 whether coal ash should finally be called what it
10 is: hazardous waste. So on this issue, also, in
11 this study and beyond it, the EPA, the question
12 that the EPA should seek to answer is not just how
13 many incidents of drinking water contamination can
14 be linked to hydraulic fracturing, but also what
15 is different about this toxic waste that warrants
16 its exclusion from the safety precautions that
17 apply to other forms of toxic waste. [applause]

18 CHAIRPERSON GENNARO: Thank you.

19 Okay. Oh, I'm sorry.

20 MARY ELIZABETH RUPICH: Let me
21 please adjust that.

22 CHAIRPERSON GENNARO: Please state
23 your name and commence. It's just about 9:00
24 o'clock.

25 MARY ELIZABETH RUPICH: Thank you

1
2 for hearing me this evening, my name's Mary
3 Elizabeth Rupich [phonetic], I reside in New York
4 City. And I come on behalf of those I love, my
5 family in West Virginia. We've seen a lot in our
6 time, and I come from eight generations of
7 landholders. My great grandfather owned land that
8 stretched from Ohio through West Virginia, into
9 Pennsylvania, and we still maintain some of that
10 property today. And the reason why he was so
11 successful and actually increased his wealth
12 during the great depression, was he knew, he had
13 an understanding of community, and cause and
14 effect, and he did mention there's springs in West
15 Virginia which they still could use at the time,
16 and during my childhood, which we now no longer
17 can drink from. I remember the day when the, the
18 streams in front of my grandparents' house turned
19 orange, and my grandmother Ruth, who now still
20 resides in one of his homes, sends her regards and
21 wished she could be here tonight, but she's a
22 member of the Silver Hair Legislator of West
23 Virginia, and she's 89 and she's one of the few of
24 her friends that can still drive a car. So, she
25 is organizing her own protest, as we speak.

1
2 Because now, in addition to all the other
3 devastation, they have introduced hydro fracking
4 in our neighborhood right in West Virginia. And I
5 speak as a landowner and from generations of
6 landowners, and to the gentleman that referenced
7 the \$10,000 down payment. It doesn't even begin
8 to cover the cost of any property damage that you
9 may have, or even may, the cost of your land. And
10 what about your neighbor's land, this, the
11 drilling that goes through your property affects
12 your neighbors downstream, down the hall or down
13 the bend, that's what a watershed is, it's not
14 just your home. And I got thirsty and I just
15 found this in the vending machine, \$2. So if you
16 want to make a profit, let's do some - - math
17 here, two-four-six-eight-ten-twelve, it goes on.
18 So, I would rethink that. It's a very, very
19 important time for us, and I applaud you and
20 [alarm bell] all the best to you.

21 CHAIRPERSON GENNARO: Thank you,
22 Ms. Rupich.

23 MARY ELIZABETH RUPICH: - - thank
24 you. [applause]

25 CHAIRPERSON GENNARO: Stay behind,

1
2 well 'cause, please stay behind. Yes, you must be
3 Julia.

4 JULIA LAMENS: I am. Thank you.

5 CHAIRPERSON GENNARO: Okay, you
6 have the last word.

7 JULIA LAMENS: Julia Lamens
8 [phonetic]. I'm an attorney at the law firm of
9 White & Luxembourg here in New York City. And I'm
10 here today, I'm also a resident of Manhattan, so
11 thank you for holding this meeting. EPA folks,
12 thank you for being here and listening. In
13 particular, because you did as for comments on
14 something very specific, I will offer, although
15 I'm sure you've already many of these things, and
16 they're included in written testimony that I've
17 already submitted online. Expansion to include
18 well pad spills, fluid mixing plants, construction
19 of roads, siltation from roads. I'm sure all of
20 that is stuff that you folks have already factored
21 into your study. But those also provide pathways
22 for additional groundwater contamination. And
23 while I know that the focus this evening is on
24 water, some folks have already talked about air,
25 and I will encourage the EPA to strongly consider

1
2 a study either in tangent or with the current
3 study that you're working on, in parallel or a
4 separate study. We know that there are multiple
5 pathways for exposures to methane, benzene, other
6 carcinogens. Through air exposure, through
7 compressor stations, which sometimes are allowed
8 to vent gas, 20 hours of venting of gas that
9 cannot be stopped by law because it's simply
10 allowed, currently. We have eye irritants,
11 respiratory illnesses as a result of this. This
12 exposure also takes place during the drilling
13 process. People are exposed to emissions drained
14 from condensate tanks, from compressor stations,
15 from the pipelines themselves. New York City, New
16 York State folks should also take a look at
17 pipeline regulation, that's going to be another
18 battleground for you. Construction regulation,
19 location. I would also like to say that I
20 apologize I missed the first part of the meeting
21 because I was on the phone with a man in
22 Pennsylvania, Tioga County, who can no longer
23 breathe very well and his eyes are so irritated he
24 is no longer [alarm bell] scheduled our meeting
25 for tomorrow. So, I apologize, so thank you for

1 hearing me.

2
3 CHAIRPERSON GENNARO: Thank you
4 very much. Thank you very much for being here.
5 [applause] I first of all would like to thank
6 everyone who has come forward tonight, everyone
7 who maybe just came to hear about what was going
8 on. Thank you for your participation. I'd like
9 to thank Speaker Quinn and her good staff in
10 putting this together. I'd like to thank in a
11 very special way Council Member Chin who was here
12 for the duration, she is a wonderful colleague
13 [applause] and so thank you very much, Council
14 Member Chin. And the folks from the EPA who are
15 still here, Anita Thompkins and Bruce Casilica
16 [phonetic], I think, or something. And there's a
17 few people up there, but I don't know his name.
18 [applause] Thank you for being here, I wish you
19 well in your study that you're going to be doing
20 on this very important issue. I want to thank
21 some staff who've given of their time, their
22 talent, to make sure that we could have a good
23 meeting tonight. Lyle Frank, the legal counsel,
24 thank you for, for being - - yes, I knew that.
25 [laughs] Thank you, Lyle. Patrick Mulvihill

1 [phonetic], the policy analyst. Steve Tezuto
2 [phonetic], you really play like a very critical
3 coordinating role, thank you Steve. Jill Desose
4 [phonetic], thank you Jill for being here. The
5 Sergeant-at-Arms, Ralph and Eddie and Gina and
6 Israel for, for being here. Carl Diablo
7 [phonetic] who heads our security team. And, and
8 my own staff as I, as I mentioned William Murray,
9 and David Choice, Jr., and Kas Constantinitis
10 [phonetic], and Brad, Brad Grosnik [phonetic] and
11 thank you all very much for being here, for being
12 part of this. Anyone else I have to mention? I'm
13 good? And Gina, I said Gina. Okay. Okay. So,
14 thank you all, and with that said, this evening's
15 hearing is concluded. Make sure, as I said at the
16 outset, that you're telling all of your elected
17 officials on all levels what you feel about this
18 issue, whatever side you're on, make sure you let
19 them know. Thank you all very much, god bless
20 you.
21

22 [applause, background noise]

23 [static]

C E R T I F I C A T E

I, JOHN DAVID TONG certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature _____

A handwritten signature in cursive script that reads "John David Tong". The signature is written in black ink and is positioned above a horizontal line that serves as a baseline for the signature.Date August 30, 2010