



Thursday, September 11, 2008



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Assemblymember
Deborah J. Glick
 66th Assembly District

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Deborah Glick's Neighborhood Update - December 2007 - Issue 40
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CHAIR
Higher Education Committee

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**Testimony of Assemblymember Deborah J. Glick
Before the New York City Council
Regarding Natural Gas Drilling in the City's Upstate Watershed**

September 10, 2008

As a New York State Assemblymember representing portions of Lower Manhattan and as a member of the Assembly's Environmental Conservation Committee, I am very concerned about projected plans for natural gas drilling in the Catskills/Delaware Watershed Area, particularly as ninety percent of New York City's drinking water comes from this area. This issue came to my attention this spring when a bill regarding well-spacing appeared before the Assembly for a vote with very little time to review the issue. The legislation would allow wells to be located closer together making it easier for wide-scale drilling to occur in the watershed area. Given the potentially serious ramifications that drilling could have on New York City's water supply, I believed that an in-depth examination of the issue was necessary. Therefore, although the bill passed, I voted against it because I thought there was not enough time for sufficient investigation, debate and discussion.

In July, I sent a letter to Emily Lloyd, Commissioner of the Department of Environmental Protection (DEP), in which I voiced my concerns about drilling for natural gas in New York City's watershed area and asked what authority the City has to regulate the drilling in this area. I also asked if the City could guarantee that gas drilling in this area will not contaminate New York City's water supply. I am still waiting for a response from DEP and I believe that these questions must be answered immediately to ensure that New York City's water supply is protected.

Geologists have known about the natural gas in the Marcellus Shale for years, but now with skyrocketing gas prices and technological advances in drilling there is a renewed interest in extracting it. A new method of drilling is being used in the Marcellus called "fracking" - short for fracturing. This involves drilling horizontally through the bedrock for up to a mile and cracking it open with high-pressure blasts of water, sand and chemicals in order to release the gas. In this process, significant volumes of wastewater are produced. Disposal of this wastewater has been an ongoing challenge for communities where fracking has occurred.

Although drilling and the pursuit of drilling in the Marcellus Shale is in its early stages and it may be too early to measure its environmental impacts, drilling in similar shales has proved that extracting natural gas by fracking can have disastrous consequences to the air, water, public health, wildlife, and the integrity of local communities. Pollution from gas exploration and

production has involved known carcinogens, reproductive toxicants, and other toxic chemicals like arsenic, hydrogen sulfide, mercury and volatile compounds including benzene and xylene.

Exacerbating the environmental and health concerns already mentioned is the fact that the U.S. Energy Act of 2005 exempted oil and gas companies from the Clean Water Act, the Safe Drinking Water Act, the Superfund Law, as well as community right-to-know laws. In regard to the community right-to-know laws, companies can withhold information about the chemicals they use in the fracking process, claiming them proprietary information.

We cannot be too cautious about the environmental consequences of drilling for natural gas, especially given the potential effect it could have on the upstate reservoirs and watershed that provide New York City's drinking water. It is of paramount importance that we act to protect New York City's watershed. Therefore, I support Council Member Gennaro's call for the State to put a moratorium on gas exploration in the Catskills/Delaware Watershed Area until the environmental impact is fully assessed.



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**Assemblymember
James F. Brennan**
44th Assembly District

What's New

**Brennan Bill Would Prohibit Gas Drilling
in Upstate New York City Watershed
Areas**

September 4, 2008

Assemblymember James F. Brennan (D-Brooklyn) announced his intention to reintroduce legislation in next year's session that would prevent the immediate drilling of oil and gas wells in upstate New York. [MORE...](#)

**Assemblymember Jim Brennan Reports
to the People - Summer 2008**

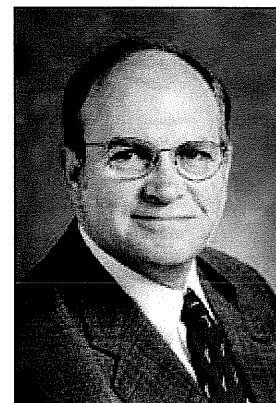
July 14, 2008

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TESTIMONY BY ASSEMBLYMEMBER JAMES F. BRENNAN

AT EMERGENCY PUBLIC HEARING
ON PROJECTED NATURAL GAS DRILLING IN NYC WATERSHED

HELD BY NEW YORK CITY COUNCIL
ENVIRONMENTAL PROTECTION COMMITTEE

WEDNESDAY, SEPTEMBER 10th, 2008

Thank you for holding this hearing, which should draw attention to a potentially serious threat to the New York City water supply from the Catskills.

In June of this year, I introduced a bill in the State Assembly [A.11527] that, if passed, would have enacted a moratorium on the issuance of permits for gas and oil drilling in New York State for two years. It directed the State Department of Environmental Conservation to “study the need for environmental protection related to the drilling of oil and gas wells in this state.” Unfortunately, no action was taken prior to the end of session, but many environmental groups have taken notice of this measure and expressed their support.

Next year I will reintroduce that bill. I will amend this bill to permanently prohibit drilling for gas or oil in the New York City watershed to protect water and air quality, and human health. That includes parts of 5 counties including Delaware, Greene, Schoharie, Sullivan and Ulster counties in the Marcellus Shale region. In addition the bill would halt issuance of any permits for well drilling in the state until a complete environmental review is done by the State Department of Environmental Conservation.

With gas prices at near record levels and the rise of the horizontal drilling technique to extract underground deposits of natural gas, drilling companies have been emboldened. They believe that there is a very large untapped supply of natural gas in the Marcellus Shale formation that extends across the Southern border of upstate New York. With many of that region’s landowners looking for a way to supplement their income,

these companies have been signing leases with landowners to allow them to drill wells on their property, including areas near and within the New York City watershed. [See attached map]

This summer, while approving legislation to change the required well spacing, the Governor directed the State Department of Environmental Conservation to update its Environmental Impact Statement on gas drilling to reflect concerns that might arise from horizontal drilling as a method of extraction. This method that has recently become more economical and preferred by the companies now coming to New York State.

Horizontal drilling to break up the underground shale requires millions of gallons of water mixed with sand and toxic chemicals forced through the rock under great pressure. Companies that use this method claim that this mixture is proprietary information and they do not need to disclose what chemicals are being used or how they are being recovered. A Bureau of Land Management 1998 Environmental Impact Statement lists the hazardous substances potentially used as gelling agents in fracturing the shale. They include such toxic substances as benzene, toluene, naphthalene and MTBE. While the industry claims that these are recaptured and properly disposed of, very small quantities of these substances can contaminate millions of gallons of water. For example, only 28 tablespoons of MTBE could contaminate millions of gallons of ground water at a concentration that would cause it to be unusable.

Clean, potable water is of utmost concern. We cannot take a chance with the source of safe drinking water for over 9 million people who depend on it

daily in New York City. We must be sure that the New York City watershed area, as well as the entire Delaware River Basin, which supplies drinking water to a population area of 15 million, is protected from any possible contamination. I am sponsoring a bill to do that.

The economic realities for New York City are enormous. Should there be any question about contamination of the water from its upstate watershed, the federal government will require the water to be sent through a filtration system. The City estimates that building such a system would cost \$10 - \$12 billion dollars in today's dollars. We cannot take this chance. I urge your support of my legislation to protect the New York City watershed.



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News from Assemblymember James F. Brennan 44th Assembly District

Brennan Bill Would Prohibit Gas Drilling in Upstate New York City Watershed Areas

September 4, 2008

Assemblymember James F. Brennan (D-Brooklyn) announced his intention to reintroduce legislation in next year's session that would prevent the immediate drilling of oil and gas wells in upstate New York. The New York City watershed extends into this area in the Catskill mountains.

The amended Brennan bill will permanently prohibit drilling for gas or oil in the New York City watershed to protect water and air quality, and human health. That includes parts of 8 counties including Delaware, Greene, Schoharie, Sullivan and Ulster counties where numerous companies have been signing up landowners to allow for drilling on their land. In addition the bill would halt issuance of any permits for well drilling in the state until a complete environmental review is done by the State Department of Environmental Conservation.

This summer, while approving legislation to change the required well spacing, the Governor directed the State Department of Environmental Conservation to update its Environmental Impact Statement on gas drilling to reflect concerns that might arise from horizontal drilling as a method of extraction the method that has recently become more economical and preferred by the companies now coming to New York State. The Brennan bill would ensure that all environmental concerns are thoroughly assessed prior to any new well permits being issued.

"Clean, potable water is of utmost concern," Mr. Brennan said. "We cannot take a chance with the source of safe drinking water for over 9 million people who depend on it daily in New York City. We must be sure that the New York City watershed area, as well as the aquifers that our upstate residents depend upon, are protected from any possible contamination. My bill will identify the protections that need to be taken to prevent the need for clean-up later."

A Bureau of Land Management 1998 Environmental Impact Statement lists the hazardous substances potentially used as gelling agents in fracturing the shale. They include such toxic substances as benzene, toluene, naphthalene and MTBE. While the industry claims that these are recaptured and properly disposed of, very small quantities of these substances can contaminate millions of gallons of water. For example, only 28 tablespoons of MTBE could contaminate millions of gallons of ground water at a concentration that would cause it to be unusable.

Environmental groups have applauded Mr. Brennan's proposal. "Natural gas may be an important transitional fuel for the state and the country, but its exploration

and production cannot come at the expense of our other precious natural resources, including the critical New York City watershed that provides drinking water to approximately half of the state's population," said Kate Sinding, a senior attorney with the Natural Resources Defense Council. "Assemblyman Brennan's amended bill appropriately balances the economic and energy requirements of the state against the need to ensure that any gas drilling proceeds only after completion of a thorough environmental review process and in a manner that is fully protective of the state's environment."

Senator Frank Padavan has agreed to sponsor the bill in the Senate. "This is vitally important legislation for all residents throughout the five boroughs of New York City," Senator Frank Padavan (Queens) said. "It provides the necessary safeguards to help ensure we have clean drinking water for our City. Ultimately, this legislation will significantly protect our watershed areas in upstate by preventing serious and dangerous contamination from our drinking water sources."

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Bill Summary - A11527

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A11527 Summary:

BILL NO A11527

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Amd S23-0501, En Con L

Establishes a two-year moratorium on the issuance of permits for the drilling of new wells and directs the department of environmental conservation to study the need for environmental protection related to the drilling of oil and gas.

A11527 Actions:

BILL NO A11527

06/11/2008 referred to environmental conservation

A11527 Votes:

A11527 Memo:

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