



Your Partner for a Healthy Community

**Environmental Health Division**  
401 Harris B. Dates Drive, Ithaca, NY 14850  
(607) 274-6688; Fax (607) 274-6695

December 21, 2009

Jack Dahl, Director  
Bureau of Oil and Gas Regulation  
NYSDEC Division of Mineral Resources  
625 Broadway, 3<sup>rd</sup> floor  
Albany, New York 12233-6500

Re: Tompkins County Board of Health Resolution Concerning the dSGEIS for the  
Marcellus Shale Gas Drilling

Dear Mr. Dahl:

The Tompkins County Board of Health adopted the enclosed resolution at its regular meeting on December 8, 2009. Please include this resolution in the public comments on the *Draft Supplemental Generic Environmental Impact Statement (SGEIS) on the Oil, Gas, and Solution Mining Regulatory Program: Well Permit Issuance for Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low-Permeability Gas Reservoirs* dSGEIS.

Thank you for your attention to these concerns.

Respectfully,

A handwritten signature in cursive script that reads "Elizabeth Cameron".

C. Elizabeth Cameron, P.E.  
Director of Environmental Health

Enclosure

c w/enclosure: See distribution list attached to the resolution

*Inclusion through Diversity*



Your Partner for a Healthy Community

**Environmental Health Division**

401 Harris B. Dates Drive, Ithaca, NY 14850  
(607) 274-6688; Fax (607) 274-6695

**Resolution Regarding the  
Draft Supplemental Generic Environmental Impact Statement  
On Oil, Gas and Solution Mining Regulatory Program  
(Gas Drilling In the Marcellus Shale Formation)**

**Whereas**, on September 30, 2009, the NYSDEC Division of Mineral Resources, Bureau of Oil and Gas Regulation, released the draft *Supplemental Generic Environmental Impact Statement (dSGEIS) on the Oil, Gas, and Solution Mining Regulatory Program: Well Permit Issuance for Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low-Permeability Gas Reservoirs*, **and**

**Whereas**, the importance of retrieving this natural resource (shale gas) for the benefit of the State and Nation should not overshadow or relegate other State resources to a lesser status, **and**

**Whereas**, without effective management and regulatory oversight, gas drilling procedures and technologies will fail to perform as designed and efforts to protect the public health, the environmental health, and the quality of life within the community will be compromised, **and**

**Whereas**, boring from these gas wells may extend 4000' horizontally in the subsurface, **and**

**Whereas**, the dSGEIS proposes that public and private drinking water wells that are a near horizontal gas well be tested before, during, and after the gas well is drilled and hydraulic fracturing ceases, **and**

**Whereas**, the dSGEIS proposes that the local health departments be responsible for receiving the data, responding to complaints, and evaluating whether the source of contamination is from a gas well or another source, **and**

**Whereas**, this cannot be accomplished by local health departments without additional resources, **and**

**Whereas**, fees cannot be raised directly by the local health departments since the NYSDEC has sole regulatory authority over gas wells, **and**

**Whereas**, the dSGEIS states that the use of covered tanks instead of centralized surface impoundments for storage of flowback would mitigate many impacts, **and**

**Whereas**, the dSGEIS allows liquid hydraulic fracturing waste (flowback) to be sent to Publicly Owned Treatment Works (POTWs) for treatment and disposal, **and**

**Whereas**, POTWs are not designed to treat constituents in flowback water and some constituents would pass through the POTW to the receiving water or be entrained in solids for disposal; **and**

**Whereas,** water-resource related and environmentally sensitive areas are among the areas that are not adequately addressed in the dSGEIS, **and**

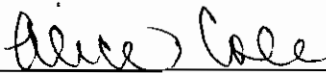
**Whereas,** data is not currently available on many aspects of horizontal hydraulic fracturing gas drilling such as flowback composition and variation over time, source water withdrawals, naturally occurring radioactive material (NORM), and flowback treatment and disposal options and impacts, **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health, That:**

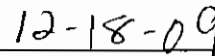
1. The NYSDEC revise the dSGEIS to include an aquifer protection program that includes groundwater monitoring wells near gas wells in addition to water well identification and testing, to be overseen by the NYSDEC in cooperation with the NYSDOH and local health departments, **and**
2. Fees from the permit holder be used to provide full funding to local health departments for responding to water quality issues resulting from the testing conducted near gas wells, **and**
3. Covered tanks rather than centralized surface impoundments be required for storage of flowback water, **and**
4. The NYSDEC revise the dSGEIS to require that private wastewater treatment plants be constructed for flowback with the plans reviewed, approved, inspected and monitored by the NYSDEC, rather than allowing flowback discharges to POTWs, **and**
5. Treatment or pretreatment standards should be established for all parameters that include both concentration-based and mass loading effluent limitations, **and**
6. The NYSDEC should revisit the permit conditions in three years to address new information and technologies and to mitigate the cumulative impacts of the gas drilling operation, **and**
7. The NYSDEC should permit water-resource related aspects of these gas drilling permits on a site-specific basis rather than through a general permit, **and**
8. That a copy of this resolution be entered into the NYSDEC public record for comments on the SGEIS, **and**
9. A copy of this resolution shall be sent to those parties indicated in Attachment A.

**SEQR ACTION: TYPE II**

The Tompkins County Board of Health adopted the resolution at its regular meeting on December 8, 2009.



Alice Cole, R.N., M.S.E  
Public Health Director



Date

**Attachment A**  
**Tompkins County Board of Health Gas Drilling Resolution Distribution List**

**Hard copies to:**

Governor Paterson;  
NYS Senators Skelos, Malcolm Smith, Winner, Seward, and Nozzolio;  
Speaker Silver  
Assemblywoman Lifton  
Chair of Senate Committee on Environmental Conservation (via Antoine Thompson) change from Marcellino  
Chair of Senate Committee on Local Governments (via Andrea Stewart-Cousins)  
Chair of Senate Committee on Health (via Thomas Duane)  
Chair of Assembly Committee on Environmental Conservation Sweeney  
Chair of Assembly Committee on Health (via Robert Gottfried)  
Chair of Assembly Committee on Local Government (via Sam Hoyt)  
Chair of Assembly Committee on NYSDEC Oversight (via Adam Bradley)  
Chair of Assembly Committee on Science and Technology (via Francine DelMonte)  
Chair of Assembly Committee on Toxic Substances and Hazardous Waste (via Mike Spano)  
Chair of Assembly Committee on Water Resources Needs of NYS and Long Island  
Attorney General Cuomo  
U.S. Senators Schumer and Gillibrand  
Representatives DeGette, Salazar, Arcuri and Hinchey  
FRAC Act Sponsors in the House and Senate – Diane DeGette, Maurice Hinchey, Jarid Polis, Bob Casey, Chuck Schumer  
NYSDEC Commissioner Peter Grannis  
New York State Association of Counties  
New York State Association of State County Health Officials (NYASCHO)  
Tompkins County Board of Health  
Town Supervisors and Clerks  
Tompkins County Legislature  
Town of Ithaca Conservation Board  
City of Ithaca Mayor Peterson  
City of Ithaca Conservation Advisory Council  
City of Ithaca NAC  
City of Ithaca Water Department  
Town of Ithaca Conservation Board  
Tompkins County drinking water and waste water utilities.

**Electronic copies to:**

NYS Conference of Environmental Health Directors  
Tompkins County Planning  
Tompkins County Health Department  
Tompkins County Water Resources Council  
Tompkins County Environmental Management Council (EMC)  
Tompkins County Council of Governments (TCCOG)  
Tompkins County Soil and Water Conservation District (TCSWCD)  
Southern Cayuga Lake Intermunicipal Water Commission (SCLIWC - Bolton Point)  
Ithaca Journal  
Ithaca Times

*Inclusion through Diversity*