

# *Office of the Broome County Executive*

*Barbara J. Fiala, County Executive*



April 8, 2010

Mr. Pete Grannis, Commissioner  
Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233-1011

Mr. Thomas Congdon  
Deputy Secretary of Energy  
State Capitol  
Albany, NY 12224

Re: Draft Supplemental Generic Environmental Impact Statement for Horizontal Drilling

Gentlemen:

Broome County has already submitted technical comments to the draft Supplemental Generic Environmental Impact Statement regarding horizontal drilling (SGEIS). I understand that the time period for technical comments is over. Nevertheless, lobbying efforts by New York City Department of Environmental Protection (DEP) and others have continued beyond the date for technical comments. I think it is essential to respond.

There has been some confusion in the past about my position as Broome County Executive. I have made specific recommendations to the Department of Environmental Conservation (DEC) suggesting that steps be taken to tighten certain permit conditions for horizontal drilling. These have covered areas like closed loop drilling, secondary containment and air emission monitoring.

Within the context of my environmental suggestions, I think it is absolutely essential to issue the final SGEIS as soon as possible. New York State and the Counties in the southern tier are suffering economically. We have been presented with a great economic opportunity. I believe we can provide reasonable protection for our environment and take advantage of that opportunity. These are not mutually exclusive goals.

Many have asked the New York State Legislature and DEC to continue the (informal) moratorium on horizontal drilling. One goal cited repeatedly is to protect the New York City watershed. While it is absolutely essential to protect everyone's potable water, there is no reason to continue this state wide moratorium. The SGEIS can be completed while accommodating the interests of all areas of the state, including NYC.

Preparation of the SGEIS was undertaken pursuant to the State Environmental Quality Review Act (SEQRA). As we all know SEQRA mandates that environmental factors be

considered in all governmental actions. The term “environment” is defined very broadly. It does not just include the traditional concepts of air, land and water. By definition an environmental review must include other factors including economic considerations. *Environmental Conservation Law § 8-0109.1.*

There are some economic factors which make the New York City Watershed and several other watersheds unique. New York City has the largest water system in the country with a filtration avoidance determination issued by the federal Environmental Protection Agency (EPA) and New York State Department of Health. Anecdotal evidence suggests that it would cost between 10 billion to 15 billion dollars to build a needed filtration system. Those potential capital costs do not even address some of the other infrastructure upgrades needed by the system.

Syracuse, New York, also has a filtration avoidance determination for its city water supply. It is estimated that it would cost 45 to 60 million dollars to build a filtration system for the system.

The above numbers imply that building a filtration plant would be a crippling economic event. This is a separate consideration that deserves separate SEQRA treatment. Whenever a city has a filtration avoidance determination, the portion of the SGEIS pertaining to water quality should simply not apply. Whenever there is a potential natural gas well proposed in the watershed of these systems, a separate site-specific environmental impact study should be required. The unique economic considerations demand that type of treatment. (This is the same recommendation referenced in my December 17, 2008 letter to DEC.)

Once again I urge New York State DEC to move quickly to complete the SGEIS process. We do not want this process delayed because of problems unique to New York City and other areas that depend on filtration avoidance. SEQRA provides a mechanism to distinguish these areas. We urge DEC to adopt this mechanism and do it quickly.

Thank you.

Very truly yours,



Barbara J. Fiala  
Broome County Executive

Cc Senator Thomas Libous  
Assemblywoman Donna A. Lupardo  
Assemblyman Clifford W. Crouch  
Assemblyman Gary D. Finch  
Broome County Legislators