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Environmental Coalition Concludes New York State DEC's Fracking Proposal Too Fatally Flawed to Move Forward

*After two drafts, significant aspects of environmental impact statement still so deficient that it
must be redone*

New York, NY, January 10, 2012 – Catskill Mountainkeeper, Delaware Riverkeeper Network, Earthjustice, Natural Resources Defense Council (NRDC), and Riverkeeper, Inc. announced today that, after extensive evaluation and technical expert review, they have concluded that the state must go back and revisit significant aspects of its revised draft Supplemental Generic Environmental Impact Statement (RDSGEIS) before fracking can move forward.

Tomorrow, the groups are submitting over 500 pages of joint comments on the RDSGEIS and draft high volume horizontal hydraulic fracturing (HVHF) regulations.

The comments will include review from the groups' technical expert consultants – Louis Berger Group, Inc., Dr. Tom Myers (hydrology), Dr. Glenn Miller (toxicology), Dr. Susan Christopherson (economics), Meliora Environmental Design (water quality), Harvey Consulting (petroleum engineering, air quality), Dr. Ralph Seiler (toxicology), Kevin Heatley (terrestrial and restoration ecology), Dr. Kimberly Knowlton (climate), and Dr. Gina Solomon (health). These experts have identified numerous areas where the proposal is deficient. Some of the most significant deficiencies include:

1. No plan for disposal of hazardous fracking wastewater. There are no wastewater treatment plants in New York State designed to treat wastewater from HVHF operations and no plan for how the millions of gallons of toxic fracking waste will be disposed. The impacts associated with the only disposal options that are theoretically available, deep well injection with attendant seismic risks and long distance trucking for out of state disposal, are not examined. Deep well injection has been attributed to the recent earthquake activity in Ohio, Arkansas, and elsewhere.

2. The state completely omitted an assessment of potential health impacts from the RDSGEIS. This is despite the fact that fracking-related pollution across the country has been associated with a range of health impacts, from loss of smell, memory problems, and headaches to a number of serious respiratory illnesses. A coalition of 250 doctors and independent health professionals petitioned the governor earlier this year to request an independent Health Impact Assessment on fracking.
3. Despite numerous comments from these groups and others in 2009 calling for comprehensive analysis of cumulative impacts – i.e., the total impact of multiple well pads and ancillary facilities being developed – the RDSGEIS still inadequately evaluates such impacts. Instead, with the notable exception of potentially *positive* economic impacts (which are themselves exaggerated), it erroneously focuses on evaluating the impacts of a single well pad. One of the most glaring examples of this is the RDSGEIS's failure to analyze the development of pipelines and compressor stations that would be required if HVHF development goes forward.
4. Failure to quantify any negative socioeconomic impacts associated with fracking. The impact statement contains no estimate of costs to communities, and ignores potential negative impact to agriculture and tourism. The state recently acknowledged this deficiency and ordered their socioeconomics consultant to revise their analysis. However, the state does not plan to let this fatal flaw slow down its push to finalize its environmental review by releasing this supplemental assessment for public comment. The public deserves a new comment period on a socioeconomics analysis that addresses the potential negative impacts of fracking.
5. The SGEIS continues to ignore the fundamental regional geological conditions that pose significant risk of groundwater contamination. There is hydrogeological evidence, including from industry studies, documenting the presence of naturally existing pathways and those created by drilling practices that expose groundwater aquifers to contamination. There is also the serious hazard of improperly plugged old wells, which has created documented problems both here in New York and other states. The governor and DEC propose to rely on industry to find those wells and report them. This is equal to a time bomb waiting to go off in our water supplies for years to come.

Kate Hudson, Riverkeeper Watershed Program Director, stated, “Governor Cuomo has promised that he will not allow fracking to move forward until he has the facts and the science that shows that it will be safe and a net benefit to New Yorkers. The revised 2011 SGEIS fails to give him the information he needs to keep that promise. The science that would assure us that the drinking water supply for millions of New Yorkers is not at risk is not there. Neither are the facts that would tell us whether fracking will be an economic boon or a fiscal disaster for the state. The governor cannot keep his promise unless he directs DEC to fill the gaps and correct the significant deficiencies in this critical document. He owes New York taxpayers and communities no less.”

“This is outrageous that the governor has rushed this process forward,” said Wes Gillingham, Catskill Mountainkeeper Program Director. “He pushed it out this summer before DEC could finish it. Now the document appears like a deliberate attempt to rationalize going forward despite the science, dismissing the potential for groundwater contamination on faulty science and unsupported assumptions. Every step in the process for permitting fracking in New York State has been deeply flawed. And every step of the way, there are more and more unanswered questions, not the least of which are: What will the health impacts be? What will be done with the toxic waste? And how do we protect New York from the impoverishment associated with the rapid industrialization of rural communities?”

“DEC fails to accurately or comprehensively assess the impacts of gas development so they have reached unfounded conclusions about its safety, its costs and benefits, and the expectation of successfully avoiding irreparable harm to New York communities and resources. The only option at this point is for DEC not to proceed with gas drilling and go back and finish their essential homework,” said Tracy Carluccio, Deputy Director, Delaware Riverkeeper Network.

“After a thorough review of the state plan by a panel of experts, we have concluded the plan must be redone. If fracking is allowed to proceed as planned, the health of New Yorkers could be in serious jeopardy,” said Bridget Lee, an attorney with Earthjustice, a non-profit, environmental law firm. “The gas has been in the ground for millions of years. It can stay there a little longer until the state figures out how, and if, fracking can be done safely in New York.”

“When you rush—you make mistakes, and that’s what’s happened here,” said Kate Sinding, senior attorney at the Natural Resources Defense Council. “After careful review from a host of internal and external experts, it’s clear that there are significant areas where the state’s latest review falls short, and the governor is still not in a position to make any final decisions on fracking. The governor and his team need to go back, look at the problem areas again, and get it right next time. And they should take all the time they need; the risks – from poisoned water supplies to earthquakes – are too great for anything less.”

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