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Subject: SAB water study

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EPA Study of Hydraulic Fracturing

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Dear Science Advisory Board:

I am a member of citizen group in the Marcellus shale region of New York State that has been studying the effects of high-volume hydraulic fracturing for the last two years.

Early on, we learned how small the voice of citizens and localities has become. When it comes to oversight, siting powers or environmental regulation over natural gas development, our "home rule" authority has been stripped away by New York State law, leaving localities with no control over anything except road maintenance.

NYSDEC (FGEIS 1-1 B. 3)

Lead Agency - In 1981, the Legislature gave exclusive authority to the Department to regulate the oil, gas and solution mining industries: "The provisions shall supersede all local laws or ordinances relating to the regulation of the oil, gas and solution mining industries; but shall not supersede local government jurisdiction over local roads or the rights of local governments under the real property tax law." (section 23-0303(2))

The more we learned about the environmental degradation associated with high-volume hydraulic fracturing in Texas, Louisiana, Wyoming, Colorado (and, closer to home, the proliferation of similar results in nearby Pennsylvania), the more we have supported efforts to bring EPA back into a prominent role of overseeing this process and initiating an independent, scientific study of all its environmental ramifications.

Indeed, we were greatly encouraged by recent news that such a study had been approved and was soon to begin.

Unfortunately, with that hope still fresh in mind, I learned only yesterday that the EPA is already well along in setting its agenda for this study---and groups like ours had but one week to add input, most completely unaware of this shaping period at all.

Even more disappointing, I learned that EPA has already given "expert status" to such industry lobbyists as Ground Water Protection Council and ALL Consulting---who would, no doubt, be most happy to set the agenda for the Science Advisory Board, and use their 2009 "Primer" as a reason to obviate any need for further research or evaluation. While their Primer is impressively

slick, it is only one more version of the position that they have promulgated from the early gas boom days of the Barnett Shale; namely, that high-volume hydraulic fracturing may be temporarily inconvenient, but presents no dangers to public health and safety or the environment.

In New York, ALL Consulting wrote the original Marcellus Shale website for NYDEC), explaining that high-volume hydraulic fracturing is no different from the gas drilling that's been going on in New York for more than 50 years, just more of the same using better technology, in our "Primer" explaining what DEC has consistently reiterated:

That hydraulic fracturing and horizontal drilling are long established processes in NYS, sufficiently studied, defined and regulated by DEC's 1992 GEIS.

Well stimulation, including hydraulic fracturing, was expressly identified and discussed in the (1992) GEIS as part of the action of drilling a well, and the (1992) GEIS does not recommend any additional regulatory controls or find a significant environmental impact associated with this technology, which has been in use in New York State for at least 50 years. (NYDEC 2009 FSGEIS)

The 1992 GEIS describes hydraulic fracturing as an occasionally used technique that uses 20,000-80,000 gallons of fresh water per well, plus sand and a few hundred gallons of additives (mostly gel), and suggests that its wastewater be treated by local POTWs or sent to similar facilities in Ohio or Pennsylvania. (See 1992 NYDEC GEIS sections G -F).

Never mind that high-volume hydraulic fracturing uses 2-8 million gallons of fresh water per well, sand, and 10-50 thousand gallons of additives (taken from over 197 products using over 260 different chemicals), which results in millions of gallons per well of highly-contaminated wastewater that is now replete with disposal problems and environmental risks.

While these facts are described by NYDEC in all documents leading up to its upcoming FGEIS Supplemental, its initial conclusions remain unchanged, entirely harmonious with the "Primer."

No significant environmental dangers.

Additives are no more dangerous than common household products like soap or Ty-D-Bol ("Primer," exhibit 36).

Or their favorite mantra that: "There are no known incidents of groundwater contamination due to hydraulic fracturing." (ALL Consulting, Chesapeake CEO statement, DEC Commissioner's Statement, dSGEIS 1.2.7, et.al, ad nauseum).

Not only is this last statement patently false, it is hardly a scientific conclusion. Rather, it is a legal proof, meaning that such a cause and effect has never been proven in court. It's true that such a causation is almost impossible to prove beyond a reasonable doubt---in a fluid situation,

when the likely cause occurred thousands of feet underground and the likely result was not evident until someone, in another time and place, turned on a faucet or developed suspicious symptoms, legal proof made even more difficult by the lack of pre-drilling baseline water testing, proprietary-secrecy of specific additives used, and investigative limitations against deep-pocket defense funding.

Yet, everywhere this technology goes, reports continue to emerge of flammable tap water, contaminated wells, fishkills and vegetative die-offs. ProPublica reports over 1000 such cases.

All that said, it is indeed disheartening for many of us who treasure our environment to think that EPA is sitting down with the same industry representatives whose conflict of interest and minimal regard for the environment are so palpable.

What I think is most needed from EPA is a fresh start, new eyes, completely independent from the secrecy and industry bias evident in the last administration.

To minimize politics and bias, perhaps an independent agency should conduct the study, the National Academy of Sciences, say.

Certainly, a study on the effects to Drinking Water is only a first step. The effects on air, wetlands, wildlife, vegetation, aquatic environment, geologic substructure changes, production water radioactivity.

Voices on all these subject must be heard, which is why only an open and inclusive process will be accepted as credible at the local level.

Obviously, this is something that EPA and the SAB already know.

In the March 22 memo from ORD to the SAB, Director Sally Gutierrez concluded with the following recommendation:

3. Stakeholder Process:

It will be critical to engage the stakeholder community in the planning process to establish a research program that is reflective of diverse interests and viewpoints. Charge Question 3: What advice does the SAB EEC offer for designing a stakeholder process that provides for balanced input in developing a sound scientific approach for the overall research strategy?

So, why wasn't ProPublica invited to be part of the inner SAB circle? Why wasn't their extensive work also included as background material? Or the work of scientists like Theo Colborn, Ron Bishop, Tony Ingraffea, for instance?

Community stakeholders have not yet given up hope, but they will be watching carefully to see if real environmental protection is at hand, or just another coat of whitewash.

With greater expectations,

Steve Coffman

former Chair of Committee to Preserve the Finger Lakes

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