

SACRED
Sullivan Area Citizens for Responsible Energy Development
P. O. Box 306
White Lake, New York 12786

April 6, 2010

Via Electronic Mail

Mr. Edward Hanlon
Designated Federal Officer
EPA Science Advisory Board
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: Evaluation and Comment on EPA's Proposed Research Approach for Studying the Potential Relationships Between Hydraulic Fracturing and Drinking Water Resources (FRL-9128-2)

Dear Mr. Hanlon:

On behalf of Sullivan Area Citizens for Responsible Energy Development (SACRED), a citizens group of approximately 250 residents in Sullivan County, New York, we would like to submit the following comments and recommendations to the Environmental Engineering Committee of the EPA Science Advisory Board in connection with the Scoping Materials for Initial Design of EPA Research Study on Potential Relationships Between Hydraulic Fracturing and Drinking Water Sources ("Scoping Materials") prepared by the Office of Research and Development of the US Environmental Protection Agency.

We would like to suggest that the EPA's inquiries pertaining to HF siting take into account the variation and impact of state law regarding siting of gas drilling activities. For example, under New York State law, gas drilling, unlike other business/industrial activities, has been almost completely exempted from municipal laws, including zoning ordinances. As such, there is the likelihood of HF siting and, therefore, intense industrial activity in areas otherwise zoned residential, agricultural and cultural. Furthermore, some state laws permit "compulsory integration" of acreage contiguous with leased areas against the will of the neighboring landowner. The relationship of HF "to drinking water resources" and "proximity to communities" should therefore take these special state law gas drilling exemptions and provisions into consideration since they expose residents to potential contaminations of air and water that would not normally be anticipated in non-industrially zoned areas.

In addition, unless there is provision for “batch” permitting under applicable state law, there may be no adequate control of each HF operations siting in relation to other HF and extraction activities further adding to cumulative risks.

With respect to the relationship of HF to drinking water resources and potential health impacts, we urge the SAB to consider the two reports that the environmental engineering firm Hazen and Sawyer prepared for New York City with respect to HF in the Marcellus Shale, particularly the NYC watershed region (the “Rapid Impact Assessment” and the “Final Impact Assessment”). In addition, we would urge that the scope of sampling include all water wells located within areas where HF gas drilling has already begun, such as Pennsylvania, or been well established as in areas such as Pavilion, Wyoming and Garfield Counties, Colorado. (The Hazen and Sawyer “Rapid Impact Assessment” issued in September 2009 addressed many incidents of HF-related contamination and in the months since there have been many more, reported to the EPA’s tip line or collected by citizens groups and academic institutions, that should be included in your study.) We also urge that the EPA’s study include not only community water supplies but also private water wells of residents in the vicinity of HF. In our region, for example, almost every residence depends on a private well from which they secure all of their drinking, cooking and washing water. In upstate New York, there are also numerous farms—some of which are organic and biodynamic farms—dependent on unfiltered well water for human consumption, agriculture and livestock.

We are especially pleased by the inclusion of potential health and environmental risks in the scoping document, including multiple and cumulative exposure pathways (water, air, food and environmental exposures), and their effects on humans, livestock and wildlife. Given the proximity to residential areas noted above, it is crucially important to consider the potential dangers of cumulative exposures of the hundreds of chemicals in fracking fluids and vapor emissions to pregnant women, infants, children, the elderly and those with respiratory ailments. This must be considered for the duration of the HF lifecycle and the likelihood of decades of activity once HF commences in a region. Air quality has already been a problem in DISH, Texas. We therefore urge that the scope include considerations of HF emissions.

Over the past year, there have been investigations and front-page news reports regarding the safety of the nation’s drinking water, including concerns about hundreds, if not thousands, of chemicals associated with cancer and other diseases at small concentrations in the drinking water. There has also been a new and admirable effort to regulate pharmaceutical residues in our drinking water, reflecting that these residues too can threaten human health. If we are concerned, as we should be, about minute concentrations of antibiotics, sedatives, sex hormones and other drugs and chemicals that already exist within our nation’s drinking water supply and aim to remedy the serious risks they pose to our citizens’ health, we must surely use the precautionary principle now when it comes to assessing the risks of HF and the unprecedented magnitude of chemicals it may irrevocably introduce into our air and water supply.

Lastly, it will be crucial that stakeholders include citizen organizations, especially those that have experienced first-hand HF and its impacts, and academicians who are collecting information on HF activities or are otherwise expert in the relevant geological formations, water safety and environmental resources. We urge that scientists and physicians with particular expertise in the effects of chemical exposures and health (including fetal health and development), such as Dr. Theo Colborn, be included in the stakeholder process.

Thank you for the opportunity to share our comments regarding the scoping of this extremely important and welcomed study.

Sincerely,

Karen Margulis London

On behalf of SACRED