

# Making Sure We Get It Right:

## Gas Drilling and the NY Political Landscape: Scoping and Beyond

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# Gas Well Spacing Bill 2008

In 2005, chapter 386 amended the Oil and Gas Laws but it did not address spacing requirements for:

- Oil wells
- Horizontal wells
- Multiple wells from one drill pad

(A10526-A Parment)/(S8169-A Young) Chapter 376 was a remedy to this oversight and brought these activities into conformance.

# The Compromise

On July 23, 2008 Governor David Paterson directed the DEC to conduct a *1992 Generic Environmental Impact Statement (GEIS) On the Oil, Gas and Solution Mining Regulatory Program for horizontal natural gas drilling activities in the Marcellus Shale formation.*

(After considerable pressure from citizens, environmental groups and legislators)

# The SEQRA Process for the SGEIS

- Draft Scoping comments due December 15, 2008
- Final Scoping document January 2009
- Draft SGEIS Spring 2009 (with public comment period)
- Final SGEIS Summer 2009

# Scoping Hearings

Tentatively, meetings are planned for

- Allegany (Cattaraugus County), Nov. 6.
- Bath (Steuben County), Nov. 12.
- Elmira (Chemung County), Nov. 13.
- Binghamton (Broome County), Nov. 17.
- Oneonta (Otsego County), Dec. 2.
- Loch Sheldrake (Sullivan County Community College), Dec. 4.

Written Comments will be received until December 15,  
2008

# Scoping Process Objectives:

- Focus the draft EIS on the potentially significant adverse environmental impacts
- Eliminate non-significant and non-relevant issues
- Identify the extent and quality of information needed
- Identify the range of reasonable alternatives to be discussed
- Provide an initial identification of mitigation measures
- Provide the public with an opportunity to participate in the identification of impacts

# Making the Most out of the Scoping Process

This is the Public's Chance to Shape the Study

- Ask substantive questions, limit vague value based opinions
- Identify areas not covered by the Draft Scope.
- Describe methodologies for how information should be gathered or analyzed
- Challenge baseless or unsupported assertions

# DEC's Justification for the SGEIS

- 1) Significantly larger water volumes required for horizontal hydraulic fracturing in Marcellus Shale
- 2) New geographical focus of drilling activity including:
  - NYC Watershed
  - Catskill Park
  - Upper Delaware Scenic and Recreational River

# DEC's Main Focus in SGEIS

- Water withdrawals
- Transportation of water to site
- Use of additives in the water to enhance the hydraulic fracturing process
- Space and facilities required at well site to ensure proper handling of water and additives
- Removal and disposal of fracturing fluids
- Noise, visual, and air quality impacts
- Cumulative and community impacts

# Weaknesses of the Draft Scope

- Commitment not to reopen clear deficiencies of 1992 GEIS.
- Vague or absent descriptions of methodologies of how studies and analysis will be conducted.
- Refusal to assess the impacts of associated pipelines, transmission lines, compressor stations, or accidental spills or emissions because these impacts are not the within the division's jurisdiction.
- Most deficient in the areas of cumulative impacts, risk assessment, air quality, staffing issues, significant habitats, community impacts, best industry practices and public

# Cumulative Impacts

The 1992 GEIS concluded:

*... a cumulative review is impractical and unnecessary when considering most oil and gas drilling because of the independent nature of each of the wells, i.e., no compounding of environmental significance, and the fact that the economics generally dictate a more cautioned approach of obtaining permits sequentially because of the high costs involved. (3-10)*

## The 2008 scoping document concludes:

“ The number of wells which will ultimately be drilled cannot be known in advance, in large part because the productivity of any particular formation at any given location and depth is not known until drilling begins. Changes in the market and other economic conditions also have an impact on whether and how quickly individual wells are drilled.” (Pg.34)

# *According to the DEC*

*Evaluation of potential cumulative impacts in the dSGEIS will include an:*

- *Examination of the potential rate of development for the Marcellus Shale, with*
- *consideration given to potential constraints in available capacity for both water withdrawal and flowback disposal.*

# Cumulative Impact Analysis Should Also Include Full Build Out Modeling

- Including temporary roadways, pipelines, compressor stations, well pads and staging areas based upon spacing requirements and geographical constraints.
- Mapping overlays of the potential Marcellus and Utica gas fields that include: ground water resources, aquifers, wetlands, critical habitats, air quality attainment areas as well as waste water infrastructure, transportation infrastructure, community infrastructure and cultural resources
- An analysis based on these maps and overlays of how collective natural and community resources would be affected by the entirety of the full gas well build out, including the impact of increased water withdrawals, waste water disposal, habitat fragmentation, increased truck traffic, accidental spills or releases, air emissions, noise and secondary growth.

# Using Geographic Information Systems

full build out modeling can:

- Create thresholds of activity and help the DEC establish limits to resource depletion.
- Create region wide planning and phased approaches that can concentrate impacts, avoid sensitive areas, while allowing other areas to recover.
- Provide an ongoing interactive tool for the Department of mineral resources to manage changes in the landscape and fine tune unanticipated problems.

# Beyond Scoping

Support Progressive Oil and Gas Legislation

- A11527 (Ban drilling in NYC watershed)
- A11606 (Mandates non-toxic fracking fluid)

Become involved with locally permitted wells.

- Follow trucks, monitor streams, check permits.
- Citizen verification of how the process really works can be invaluable as this process moves forward.