

Catskill Mountainkeeper
Delaware Riverkeeper Network
Natural Resources Defense Council, Inc.
New York Public Interest Research Group, Inc.
Riverkeeper, Inc.
Sierra Club Atlantic Chapter
Theodore Gordon Flyfishers, Inc.

September 3, 2008

Commissioner Emily Lloyd
New York City, Department of Environmental Protection
59-17 Junction Boulevard
Flushing, New York 11373

Dear Commissioner Lloyd:

We are writing to you in regards to an issue of extreme importance to the long-term protection of the New York City water supply -- the threat to the upstate watershed posed by industrial gas drilling and the need for action to safeguard the watershed ecosystem from harm before the damage occurs.

We appreciate the concern that you have already expressed on this issue, including your July 18, 2008 letter to Department of Environmental Conservation (DEC) Commissioner Grannis, and the willingness of your staff to meet with environmental community representatives to discuss recent developments and to consider additional steps that can be taken to safeguard the downstate water supply.

We believe, however, that the dangers posed by potentially widespread gas drilling in the watershed are serious enough to warrant implementation of the most protective pollution prevention strategy available to the Department of Environmental Protection (DEP). Accordingly, and as set forth below, we are writing to urge you to take action to prohibit industrial gas drilling within the boundaries of the Catskill and Delaware watersheds.

As you know, the NYC Watershed supplies unfiltered drinking water to more than nine million New Yorkers, and enjoys a filtration avoidance determination (FAD) allowing the City to forego building a filtration plant that could cost more than 10 billion dollars for the Catskill/Delaware watershed in exchange for strong watershed protection programs. In short, the NYC Watershed is the state's greatest natural resource and the City's greatest capital asset.

While the Marcellus Shale formation has long been known to geologists as a source of natural gas, industrial drilling has become commercially viable in New York only recently with the increase in fossil fuel prices and the advent of hydraulic fracturing.

This type of drilling typically involves the high-pressure injection of millions of gallons of water, sand and toxic chemicals into horizontal wells. Drillers must either tap into a local water supply or use hundreds of tanker trucks to deliver the water to each individual drilling well. After the “fracking” process, the water and chemicals must be recovered and disposed of without threatening water resources or the local ecology.

We are deeply concerned that any natural gas drilling within the NYC Watershed may negatively impact the water supply, posing significant threats to public health and to the City’s waiver from the Safe Drinking Water Act requirement for filtration of its Catskills/Delaware water supply. We want to work together with you to ensure that out-of-state gas companies do not try to privatize the commons that is the NYC Watershed and exploit it for their own private gain, to the detriment of all New Yorkers.

We have reviewed your July 18th letter to Commissioner Grannis. We agree with you that the NYC Watershed must be recognized as a unique resource requiring special attention with regard to natural gas drilling.

While we are in agreement with the spirit of your letter, we are concerned that the proposed one mile buffer zone will not be adequately protective of New York City’s priceless and irreplaceable watershed over the long-term. As your letter notes, the entire West-of-Hudson Watershed sits atop a portion of the very large Marcellus Shale formation. Consequently, the entire West-of-Hudson Watershed, including a suitable buffer zone around the NYC Watershed and all tunnels and aqueducts, should be placed off-limits for natural gas drilling.

Significantly, such an approach would not block all, or even most, efforts to drill for gas in the Marcellus Shale, which stretches from West Virginia to Western New York. Indeed, our recommendation would put only a relatively small portion of New York State’s Marcellus Shale area off limits to industrial drilling. Such a limitation is necessary and would be completely appropriate in view of the invaluable role that the Catskill/Delaware watershed plays as the drinking water supply source for half the state’s population.

Natural gas development is progressing across the Marcellus Shale at a scale and pace no one ever envisioned. We urge DEP to do the right thing and safeguard its water supply for this and all future generations of New Yorkers. We look forward to working with you to accomplish this objective.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "James L. Simpson". The signature is fluid and cursive, with a large initial "J" and "S".

James L. Simpson
Staff Attorney
Riverkeeper, Inc.

On behalf of:

Eric A. Goldstein, Natural Resources Defense Council, Senior Attorney
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cc:

Pete Grannis, DEC Commissioner
Judith Enck, Deputy Secretary for the Environment
Roger Sokol, DOH, Chief, NYC Watershed Section
James Gennaro, New York City Council, Chair, Environmental Protection Committee