

Adirondack Mountain Club • Catskill Mountainkeeper • Common Cause New York • Delaware Riverkeeper Network • Earthjustice • Earthworks Oil & Gas Accountability Project • Environment New York • Environmental Advocates of New York • National Wildlife Federation • Natural Resources Defense Council • Riverkeeper • Sierra Club Atlantic Chapter

June 13, 2011

Governor Andrew Cuomo
Executive Chamber
New York State Capitol
Albany, NY 12224

Dear Governor Cuomo:

The undersigned organizations write with respect to your memorandum of May 27th to the New York State Department of Environmental Conservation (DEC) regarding the agency's ongoing review of the environmental and health risks associated with proposed new natural gas development in New York's Marcellus and Utica Shale formations.

Thank you for directing the DEC to review and investigate the recent spill of chemical-laden hydraulic fracturing (often called "fracking") fluid in Bradford County, Pennsylvania. Fracking-related accidents and environmental problems experienced by our neighbors in Pennsylvania should give New York officials pause as our state wrestles with whether to move forward with permitting for these potentially highly polluting activities.

We are deeply concerned, however, that your further requirement that the DEC complete the next draft of the supplemental generic environmental impact statement (SGEIS) for issuance by July 1, 2011, does not give the agency enough time to thoughtfully consider the issues.

We have been encouraged that Commissioner Joseph Martens and his staff have indicated their dedication to a thorough and serious evaluation of the risks presented by large-scale natural gas development utilizing hydraulic fracturing. To do its job right, the DEC must be allowed both adequate time and resources to fully evaluate the range of potential environmental risks, as well as new public health risks presented by advocates at a recent NYS Assembly hearing. Adequate time and resources are also necessary to allow the agency to correct the many flaws that plagued the initial SGEIS and to ensure that the next version meets the legal requirements of the State Environmental Quality Review Act. We ask that DEC be given the time it needs to complete this effort, rather than be limited by an arbitrary deadline.

In light of the substantial concerns associated with inadequate foresight and regulation of the risks of new gas development in Pennsylvania and other states, our organizations further ask that you direct the DEC to propose revisions to the state's current oil and gas drilling regulations before moving forward with a new permitting program. As is proposed, proceeding on the basis

of the state's outdated regulations with a case-by-case permit approval process deprives the public of the certainty of knowing what specific requirements will be imposed on all drillers in the state and is, at best, legally questionable.

Finally, the DEC should be required to eliminate the current exemption for oil and gas drilling wastes in the state's hazardous waste regulations. If wastes generated by the oil and gas industry are hazardous, they should be managed as such, just as is required for virtually all other industrial and commercial waste generated in the state.

The undersigned organizations respectfully request an opportunity to discuss these concerns with your office as soon as possible. New York has the potential to serve as a national model of how to carefully and responsibly approach the difficult technical and regulatory issues presented by proposed new gas development. We believe it is worth taking as much time as is necessary to reassess and redesign this program before taking steps that could place the state's priceless and irreplaceable resources, particularly our drinking water, in jeopardy.

Sincerely yours,

Allison Beals
Legislative Director
Adirondack Mountain Club

Eric Whalen
Field Organizer
Environment New York

Wes Gillingham
Program Director
Catskill Mountainkeeper

David Gahl
Policy Director
Environmental Advocates of New York

Deanna Bitetti
Associate Director
Common Cause New York

Emily Maxwell
Northeast Regional Representative
National Wildlife Federation

Tracy Carluccio
Deputy Director
Delaware Riverkeeper Network

Katherine Sinding
Senior Attorney
Natural Resources Defense Council

Deborah Goldberg
Managing Attorney
Earthjustice

Katherine Hudson
Watershed Program Director
Riverkeeper

Nadia Steinzor
Marcellus Regional Organizer,
Earthworks Oil & Gas Accountability
Project

Roger Downs
Conservation Program Manager
Sierra Club Atlantic Chapter

cc: Howard Glaser, Director of State Operations
James Malatras, Deputy Secretary for Policy & Programs
Thomas Congdon, Deputy Secretary for Energy & Environmental Affairs
Joseph Martens, Commissioner, Department of Environmental Conservation