Recommend Statewide Ban on High-Volume Hydraulic Fracturing

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has released the Revised Draft Supplemental Generic Environmental Impact Statement (SGEIS) on the Oil, Gas and Solution Mining Regulatory Program: Well Permit Issuance for Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low-Permeability Gas Reservoirs (hereinafter referred to as the “Document”), and

WHEREAS, the Document does not adequately address the cumulative impacts of Marcellus Shale development on a substantial region of New York State:

- *Industrial use.* Gas drilling utilizing high-volume hydraulic fracturing is a heavy industrial land use that fundamentally changes the character of rural areas and potentially undermines the pillars of the rural economy - agriculture, forestry, tourism, and outdoor recreation. It would occur in areas not intended for industrial land uses. Permitted development in Tompkins County could result in a cumulative area of industrial land use equal to or greater than the entire current amount of industrially developed land in Tompkins County. Under municipal land use regulatory authority, existing industrial land use was most often sited after years of careful planning at the municipal level and review of site plans for specific activities and sites. This planning process assured that industrial land uses were located in areas that have infrastructure sufficient to support the activity, including major highways and public water and sewer infrastructure, and that do not conflict with the protection of valued natural resources. Gas drilling, by contrast, is likely to occur in areas that are not designated or suitable for industrial land uses, that have little or no infrastructure adequate to support the activity, and that have not been subjected to a comprehensive planning process to evaluate impacts of this development.

- *Local landscapes.* The SGEIS is based on the premise that local authority to review gas drilling activity has been precluded by the State of New York. The result will almost certainly be the degradation and fragmentation of our natural areas and rural landscape with serious negative impacts on a rural way of life and the function of some of our natural and wildlife resources. Invasive species of plants and animals thrive particularly at the “edges” of forests and fields, and the proliferation of drilling pads and centralized impoundment areas will introduce significantly more land with such edges.

- *Water resources.* Water withdrawals are insufficiently regulated and the cumulative effects of removing billions of gallons of water from the ecosystem, effectively permanently, are barely addressed in the document. The Document acknowledges that impacts on water quality are likely and prohibits drilling in the New York City watershed, the Skaneateles Lake watershed and, on a temporary basis, over primary and principal aquifers. However, other public and private water supplies whether from surface or groundwater sources are not provided this level of protection. Although a US EPA study is underway to assess the impacts of gas drilling on water resources the SGEIS was released without waiting for the results of that study.

- *Air quality.* The document does not sufficiently address threats to air quality and public health from drilling operations, including emissions of nitrogen oxide (NOX) and volatile organic compounds that contribute to creation of ground-level ozone. These and other impacts on air quality and public health must be identified and prevented.

- *Gas processing and transmission.* Pipelines and compression stations are not addressed by the Document. The NYSDEC fails to recognize a responsibility to establish a mechanism to
Resolution No. 2011-245 Recommending Statewide Ban on High-Volume Hydraulic Fracturing

coordinate environmental review with the Public Service Commission, including regulating gathering lines that are below the size regulated by PSC, and requiring that cumulative effects of the entire industry are considered together.

- **Thresholds.** There is a recognition in the Document that thresholds of activity would be needed to set limits that the environment could sustain without permanent damage. However, it is unclear how such limits could or whether they actually would be established. In the Document, the spacing unit is the only limiting factor on development. The Document fails to establish a pace and level of development that the human and natural environment could tolerate.

- **Social and Economic Impacts.** The Document does not adequately address the potential negative impact on other sectors of the economy that depend on our existing environment, clean water, and viewsheds. In Tompkins County these sectors include higher education, high-tech spin-off industry, grape growing and wine production, agriculture, and tourism, each of which receives costly New York State economic development support. Nor does the document address the serious long-term adverse effects of a boom and bust economy, to issues of equity in that the economic benefits of gas drilling will accrue to a relatively few and the negative impacts will impact many including those least able to absorb those impacts. The document goes to great lengths to estimate and quantify the purported economic benefits of gas drilling but makes no such attempt to quantify the numerous negative impacts.

- **Failure to consider impacts on other State plans.** The Document does not address how gas drilling would impact priority protection areas identified in the New York State Open Space Plan or whether it would be consistent with the State of New York’s goal to reduce greenhouse gas emissions by 80% by 2050. These failures alone require that permitting of wells using high-volume hydraulic fracturing not proceed, and

WHEREAES, these failings make it clear that the risks and known impacts of high-volume hydraulic fracturing using current technology and methods outweigh any positive economic benefits that may accrue from the industry in New York State, and

WHEREAES, in spite of thousands of comments of the first draft SGEIS, many pointing out the pending US EPA study of the risks of hydrofracturing to our water and air and requesting that the SGEIS be deferred to incorporate the results of that study, the Document was released prior to obtaining this critical information, and

WHEREAES, the only conclusion that can be drawn from the Document is that there are no measures that the State of New York is willing or able to require that would sufficiently mitigate the serious, severe negative impacts of Marcellus Shale drilling on the environment, public health, and socioeconomic conditions in affected regions of the State that would be sufficient to allow drilling in the Marcellus Shale to occur, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature finds that given the many continuing flaws in the Document, including failure to assess the wholesale industrialization of our rural landscapes, the life cycle analysis of greenhouse gas emissions from natural gas, and cumulative socioeconomic impacts of a boom and bust extractive economy, as well as a recognition in the Document that horizontal drilling and high-volume hydrofracturing pose significant risks to our water resources, that horizontal drilling and high-volume hydrofracturing should be banned in New York State,

RESOLVED, further, That copies of this resolution shall be sent to Director Bradley J. Field of

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Resolution No. 2011-245 Recommending Statewide Ban on High-Volume Hydraulic Fracturing

the New York State Department of Environmental Conservation Division of Mineral Resources, Governor Andrew Cuomo, NYSDEC Commissioner Joe Martens, New York State Department of Environmental Conservation Executive Deputy Commissioner Marc S. Gerstman Chair of the Senate Committee on Environmental Conservation Mark Grisanti, Chair of the Senate Committee on Energy and Telecommunications, George D. Maziarz, Senate Majority Leader Dean Skelos, Deputy Senate Majority Leader Thomas W. Libous, Senate Minority Leader John Sampson, Deputy Minority Leader Neil D. Breslin, New York State Senators James Seward, Michael Nozzolio, Thomas O’Mara, Liz Krueger, Thomas Duane, Bill Perkins, New York State Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader Brian Kolb, Chair of the Assembly Committee on Environmental Conservation Robert Sweeney, Chair of the Assembly Energy Committee Kevin Cahill, Assemblywoman Barbara Lifton, Attorney General Eric Schneiderman, United States Senate Committee on Energy and Natural Resources Chair Jeff Bingaman, United States Senate Subcommittee on Energy, Water, and Power Chair Jeanne Shaheen, United States Senators Charles Schumer and Kirsten Gillibrand, United States Representatives Energy and Water Development and Related Agencies Subcommittee Chair Rodney P. Frelinghuysen, Subcommittee on Environment and the Economy Member Diana DeGette, United States Representatives Maurice Hinchey, and Richard Hanna, and the New York State Association of Counties, the New York Association of Towns, and the New York Conference of Mayors.

SEQR ACTION: TYPE II-20

RESULT: ADOPTED [14 TO 1]
MOVER: Pamela Macksesy, Member
SECONDER: Carol Chock, Member
AYES: Burbank, Chock, Dennis, Luz Herrera, Kiefer, Lane, Macksesy, McBean-Clairborne, McKenna, Pryor, Robertson, Robison, Shinagawa, Stein
NAYS: Frank Proto

STATE OF NEW YORK  )
) ss:
COUNTY OF TOMPKINS)

I hereby certify that the foregoing is a true and correct transcript of a resolution adopted by the Tompkins County Legislature on December 20, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Legislature at Ithaca, New York, on December 21, 2011.

[Tomkins County Seal]

Catherine Crest, Clerk
Tompkins County Legislature
ADOPTED
Resolution No. 2011-215

Submitting Comments to New York State Department of Environmental Conservation on Revised Draft Supplemental GEIS and Recommending that No New Shale Gas Extraction be Allowed in Tompkins County and New York State Until and Unless a More Benign Technology is Developed

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has released the Revised Draft Supplemental Generic Environmental Impact Statement on the Oil, Gas and Solution Mining Regulatory Program: Well Permit Issuance for Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low-Permeability Gas Reservoirs (hereinafter referred to as the “Document”), and

WHEREAS, the deadline for submitting comments on the Document is January 11, 2012, and

WHEREAS, the Tompkins County Health Department, the Tompkins County Planning Department, the Tompkins County Environmental Management Council, and the Tompkins County Water Resources Council, among others, are planning to submit comments to the Department of Environmental Conservation on the Document, and

WHEREAS, in addition to the important technical comments provided by those groups, the Tompkins County Legislature (hereafter “Tompkins County”) has a duty to both provide leadership to the community and help reflect community concerns in evaluating the possible impacts associated with the proposed drilling of the Marcellus Shale, and

WHEREAS, it is recognized that natural gas is a finite resource and that total extraction of New York State’s natural gas resources will only meet national energy needs for a limited period of time that will be measured in years or decades, yet environmental damage, particularly to water, arguably New York State’s most valuable finite resource, could be permanent, and

WHEREAS, Tompkins County understands that the overall purpose of SEQR is to fully disclose, evaluate, and try to mitigate detrimental cumulative environmental impacts (in the broad sense of the word “environment”), without segmentation of projects or activities, and this Document does not rise to that required SEQR standard even for a Generic EIS since it includes only the Division of Minerals analysis plus some references to other agencies rather than holistically including all Divisions of DEC as well as other relevant state agencies (e.g., Department of Health, Public Service Commission) in the required comprehensive analysis, and

WHEREAS, Tompkins County does not believe that the Document establishes adequate specific conditions, criteria, and thresholds to allow drilling to occur in a manner that would not be significantly detrimental to the environment of New York State, and

WHEREAS, Tompkins County and its municipalities have a responsibility to preserve and protect water resources and other natural resources, highway infrastructure, economic development in many other sectors, public health, and quality of life for our residents now and in the future, now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality
Resolution No. 2011-215 Submitting Comments to New York State Department of Environmental Conservation on Revised Draft Supplemental GEIS and Recommending that No New Shale Gas Extraction be Allowed in Tompkins County and New York State Until and Unless a More Benign Technology is Developed

Committee, That the Tompkins County Legislature submits the following comments on the Document:

1. New York State taxpayers should not be required to bear the financial costs of implementing the natural-gas water-well monitoring and tracking described in the Document. This cost should be paid for by the natural-gas industry. In describing the proposed approach to tracking the results of private well monitoring and responding to complaints concerning private well-water quality, the Document states the NYSDEC’s intention to rely on county health departments, potentially requiring a large commitment of County resources to undertake such an unfunded mandate. Should the final regulations continue with this approach, New York State should provide 100% funding to county health departments in order to fully provide the staffing and other resources needed to track well monitoring results and to respond to public complaints and concerns. Funds for implementing this program should be provided to local health departments through gas well permitting fees. Fees cannot be raised directly by the local health departments since the NYSDEC has sole regulatory authority over gas wells.

2. Groundwater monitoring needs to be conducted near Marcellus shale gas wells; however, the program proposed by the NYSDEC is inadequate to detect and remediate contamination of drinking water aquifers. Water quality monitoring programs should focus on monitoring the groundwater resource, not just existing drinking water-wells. Water supply wells should not be the sole means of determining if groundwater contamination has occurred near a Marcellus shale gas well due to the unknown or varying construction, operation, and availability of these wells. The permit applicant should be required to install and monitor groundwater wells to detect groundwater contamination before it reaches individual or public supply wells. At least 3 monitoring wells should be installed around each well pad and each centralized flowback water impoundment and these wells should be sampled and analyzed at the same frequency as the private water supply wells. The NYSDEC (in conjunction with the NYS Department of Health) should establish what is required to be tested for and what are the acceptable levels. Sharing the results of all sampling programs with the public should be a requirement.

3. Prevention of pollution is better and less costly than attempts at remediation. NYSDEC must analyze the existing lists of chemicals the gas developers use in their fracking fluids (Sections 5.4 and 6.1.3.2, Tables 5-6 and 6-1) and forbid the use of any substances that are, or whose breakdown products or metabolites are known or suspected to be carcinogenic, mutagenic, or endocrine disrupters.

4. In many places throughout the Document, specific mitigation measures are “proposed,” “encouraged,” “suggested,” etc. Regulations must require the most protective mitigation measures or best management practices available to assure the protection of the public health and welfare and the natural environment.

5. The Document, on page 7-55, Section 7.1.5, recommends that regulations be adopted to “prohibit high-volume hydraulic fracturing in both the NYC and Skaneateles lake Watersheds, as well as in a 4,000-foot buffer area surrounding these watersheds, to provide an adequate margin of safety from the full range of operations related to high-volume hydraulic fracturing that extend away from the well pad.” Such drilling will be prohibited because “standard stormwater control and other mitigation measures would not fully mitigate the risk of potential significant adverse impacts on water resources from high-volume hydraulic fracturing.” These standards must apply
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equally to all watersheds with municipal water supplies. In Tompkins County this would include the entirety of the Cayuga Lake watershed.

6. To alleviate adverse road use impacts, the Document (page 7-138) requires operators to “attempt to obtain a road use agreement with the appropriate local municipality and, if such an agreement cannot be reached, the reason(s) for not obtaining one must be documented in the Transportation Plan.” The Document should require, not just the attempt, but the development and execution of binding road use agreements. Operators should be required to notify all local municipalities, including villages, towns, cities, and counties, that their vehicles will travel through, even if there is no drilling operation in the municipality itself. Operators should then be required to sign binding road-use agreements for those municipalities, as well as with municipalities where the drilling operation is located to hold municipalities harmless for damage to roads and other infrastructure by drilling-related traffic.

7. Tompkins County has established a policy to “Reduce community greenhouse gas emissions by at least 2 percent of 2008 base year emissions per year to reach, at a minimum, an 80% reduction from 2008 levels by 2050.” [Tompkins County Comprehensive Plan: Energy and Greenhouse Gas Emissions Element, 2008] In response to a request from the NYSDEC Tompkins County reiterated this commitment by signing on to the DEC’s Climate Smart Communities Pledge in April 2009. According to the Document, over the 30-year well lifetime, emissions from one eight-well pad would generate the same amount of greenhouse gas emissions as the entire output from the Tompkins County community annually. Therefore, anticipating that anywhere from 200 to 500 well pads could be developed in Tompkins County, emissions would be significantly increased. The result is that the proposed gas drilling, if implemented, will make it impossible for Tompkins County to meet its greenhouse gas emissions goals. The cumulative impact of drilling in the Marcellus Shale may make it impossible for New York State to meet its greenhouse gas emissions goals. This cumulative impact should be clearly evaluated in the Document. The Document should require operators to detail how their drilling operation will meet specific emissions thresholds, and what mitigation measures will be implemented to accomplish those emissions levels.

8. The Proposed EAF Addendum (Appendix 6) that would be required for application to drill the first well on a pad constructed for high-volume hydraulic fracturing, drill subsequent wells for high-volume hydraulic fracturing on the pad if any of the information changes and prior to high-volume re-fracturing of an existing well should be required to be submitted to local, county, and regional planning boards for review and comment to the DEC prior to drilling permits being issued. Page 7-144 of the Document proposes that EAF Addenda be submitted for all permits. In addition, page 7-122 of the Document states that many adverse impacts may be avoided by planning a drilling operation to fit site characteristics, like avoiding steep slopes and maintaining sufficient separation from environmentally sensitive features, such as streams and wetlands. Finally, page 7-144 of the Document indicates that “the EAF Addendum would require the applicant to identify whether the location of the well pad, or any other activity under the jurisdiction of the Department, conflicts with the local land use laws, regulations, plans, or policies. The applicant would also be required to identify whether the well pad is located in an area where the affected community has adopted a comprehensive plan or other local land use plan and whether the proposed action is inconsistent with such plan(s).” Such EAF Addenda should require that well permit applicants comply with the existing plans and the addenda should be
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submitted to local, county, and regional planning boards for review and comment as such agencies are in the best position to identify the potential site-by-site environmental impacts of proposed drilling operations and are best suited for determining the consistency of proposed drilling operations with existing plans and policies.

9. The method described in the Document for disposal of flowback water and fracking fluids is totally inadequate. Although methods of disposal are discussed in the Document, it is also stated that flowback water must be characterized before the suitability of a treatment option can be determined. The problem is that the constituents of the flowback water cannot be known until after drilling activity has occurred and the wastewater produced. The Document acknowledges that some potential constituents of the flowback water could make it unsuitable for treatment at a previously designated treatment plant. In addition, the type and concentrations of flowback-water constituents can vary daily, which makes the entire concept of characterizing flowback water suspect for use by waste water treatment plants. It is helpful that the EAF Addendum will require applicants to provide proposed volume of water to be used, proppants, and each additive product (by product name and purpose/type) to be used in hydraulic fracturing in addition to ratio of both proppants and additive products to water. However, this information, which is proposed to be made available to DEC, needs to be accessible to the public, including local officials, too.

10. It is essential that all of the requirements to mitigate impacts of this activity, as described herein and in other comments, be incorporated in formal regulations issued by the NYSDEC after an additional formal comment period. The proposed regulations now being considered by the NYSDEC do not incorporate all of the mitigation measures identified in these comments. Formal regulation is the only way to assure compliance with, and consistency in the administration of, those requirements. The NYSDEC is currently considering proposed regulations. However, the parallel release of the Document and the regulations will only ensure that the regulations cannot possibly reflect any amendments made to the Document based on comments received. These regulations need to be reconsidered to include SGEIS comments and then circulated publicly after any necessary changes have been made. The regulations as proposed are limited and inadequate to protect the people and resources of the communities in which this activity would occur. NYSDEC must undertake a comprehensive formal rulemaking, and use state-of-the-art scientific standards as a basis for such rulemaking. The NYSDEC must also take the time to conduct the necessary research (and to make use of results from the ongoing Environmental Protection Agency’s review) prior to proposing draft regulations.

11. The Document does not address in any meaningful way the cumulative impacts of Marcellus Shale development on a substantial region of New York State. And yet every EIS is supposed to focus on cumulative impacts rather than allowing segmentation. We recognize the challenges of this requirement, but that does not mean it should be brushed off as “difficult”.

- **Industrial use.** Gas drilling utilizing high-volume hydraulic fracturing is a heavy industrial land use that fundamentally changes the character of rural areas and potentially undermines the pillars of the rural economy - agriculture, forestry, tourism, and outdoor recreation. It would occur in areas not intended for industrial land uses. Permitted development in Tompkins County could result in a cumulative area of industrial land use equal to or greater than the entire current amount of industrially developed land in Tompkins County. Under municipal land use regulatory authority, existing industrial land use was most often sited
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after years of careful planning at the municipal level and review of site plans for specific activities and sites. This planning process assured that industrial land uses were located in areas that have infrastructure sufficient to support the activity, including major highways and public water and sewer infrastructure, and that do not conflict with the protection of valued natural resources. Gas drilling, by contrast, is likely to occur in areas that are not designated or suitable for industrial land uses, that have little or no infrastructure adequate to support the activity, and that have not been subjected to a comprehensive planning process to evaluate impacts of this development.

- **Local landscapes.** The SGEIS is based on the premise that local authority to review gas-drilling activity has been precluded by the State of New York. The result will almost certainly be the degradation and fragmentation of our natural areas and rural landscape with serious negative impacts on a rural way of life and the function of some of our natural and wildlife resources. Invasive species of plants and animals thrive particularly at the “edges” of forests and fields, and the proliferation of drilling pads and centralized impoundment areas will introduce significantly more land with such edges.

- **Water resources.** Water withdrawals are insufficiently regulated and the cumulative effects of removing billions of gallons of water from the ecosystem, effectively permanently, are barely addressed in the Document. The Document acknowledges that impacts on water quality are likely and prohibits drilling in the New York City watershed, the Skaneateles Lake watershed and, on a temporary basis, over primary and principal aquifers. However, other public and private water supplies whether from surface or groundwater sources are not provided this level of protection. Although a US EPA study is underway to assess the impacts of gas drilling on water resources the Document was released without waiting for the results of that study.

- **Air quality.** The Document does not sufficiently address threats to air quality and public health from drilling operations, including emissions of nitrogen oxide (NOX) and volatile organic compounds that contribute to creation of ground-level ozone. These and other impacts on air quality and public health must be identified and prevented.

- **Gas processing and transmission.** Pipelines and compression stations are not addressed by the Document. The NYSDEC fails to recognize a responsibility to establish a mechanism to coordinate environmental review with the Public Service Commission, including regulating gathering lines that are below the size regulated by PSC, and requiring that cumulative effects of the entire industry are considered together.

- **Thresholds.** There is a recognition in the Document that thresholds of activity would be needed to set limits that the environment could sustain without permanent damage. However, it is unclear how such limits could be set or whether they actually would be established. In the Document, the spacing unit is the only limiting factor on development. The Document fails to establish a pace and level of development that the human and natural environment could tolerate.

- **Social and Economic Impacts.** The Document does not adequately address the potential negative impact on other sectors of the economy that depend on our existing environment, clean water, and viewsheds. In Tompkins County these sectors include higher education, high-tech spin-off industry, grape growing and wine production, agriculture, and tourism, each of which receives costly New York State economic development support. Nor does the Document address the serious long-term adverse effects of a boom and bust economy, or issues of equity in that the economic benefits of gas drilling will accrue to a relatively few and the negative impacts will impact many including those least able to absorb those impacts.
Resolution No. 2011-215 Submitting Comments to New York State Department of Environmental Conservation on Revised Draft Supplemental GEIS and Recommending that No New Shale Gas Extraction be Allowed in Tompkins County and New York State Until and Unless a More Benign Technology is Developed

The Document goes to great lengths to estimate and quantify the purported economic benefits of gas drilling but makes no such attempt to quantify the numerous negative impacts.

- *Failure to consider impacts on other State plans.* The Document does not address how gas drilling would impact priority protection areas identified in the New York State Open Space Plan or whether it would be consistent with the State of New York’s goal to reduce greenhouse gas emissions by 80% by 2050. These failures alone require that permitting of wells using high-volume hydraulic fracturing not proceed, and

The failure to address cumulative impacts on the landscape and on communities is a fatal flaw that undermines everything else in the Document.

12. The Document fails to address conflicts between existing New York State Law, the Document, and the proposed regulations with long-standing (decades old) requirements of residential mortgage lending and secondary market standards established by Fannie Mae, Freddie Mac, the Federal Housing Administration (FHA), Veterans Administration (VA), and State of New York Mortgage Agency (SONYMA), which places property owners with mortgages who sign leases in technical default of the terms of their mortgages. Impact on real estate is acknowledged but not addressed in Section 8.4.

RESOLVED, further, That the only conclusion that can be drawn from the Document in its current form is that it does not comply with the SEQRA requirement to evaluate the impacts of Marcellus Shale drilling on the environment and public health, and does not propose mitigation measures that sufficiently protect the public health and environment to allow permitting of drilling in the Marcellus Shale to proceed. The many flaws in the Document, including failure to assess the life cycle analysis of greenhouse gas emissions from natural gas, as well as the fact that the EPA has begun a study of the risks of hydrofracturing, the results of which should be included in the New York State review, require that no new shale gas extraction be permitted in Tompkins County and New York State, until and unless a more benign technology is developed and an adequate environmental review is completed.

RESOLVED, further, That copies of this resolution shall be sent to Director Bradley J. Field of the New York State Department of Environmental Conservation Division of Mineral Resources, Governor Andrew Cuomo, NYSDEC Commissioner Joe Martens, New York State Department of Environmental Conservation Executive Deputy Commissioner Marc S. Gerstman Chair of the Senate Committee on Environmental Conservation Mark Grisanti, Chair of the Senate Committee on Energy and Telecommunications, George D. Maziarz, Senate Majority Leader Dean Skelos, Deputy Senate Majority Leader Thomas W. Libous, Senate Minority Leader John Sampson, Deputy Minority Leader Neil D. Breslin, New York State Senators James Seward, Michael Nozzolio, Thomas O’Mara, Liz Krueger, Thomas Duane, Bill Perkins, New York State Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader Brian Kolb, Chair of the Assembly Committee on Environmental Conservation Robert Sweeney, Chair of the Assembly Energy Committee Kevin Cahill, Assemblywoman Barbara Lifton, Attorney General Eric Schneiderman, United States Senate Committee on Energy and Natural Resources, Chair Jeff Bingaman, United States Senate Subcommittee on Energy, Water, and Power Chair Jeanne Shaheen, United States Senators Charles Schumer and Kirsten Gillibrand, United States Representatives Energy and Water Development and Related Agencies Subcommittee Chair Rodney P. Frelinghuysen, Subcommittee on Environment and the Economy Member Diana DeGette, United States Representatives Maurice Hinchey, and Richard Hanna, and the New York State Association of Counties, the New York Association of Towns, and the New York Conference of Mayors.
Resolution No. 2011-215 Submitting Comments to New York State Department of Environmental Conservation on Revised Draft Supplemental GEIS and Recommending that No New Shale Gas Extraction be Allowed in Tompkins County and New York State Until and Unless a More Benign Technology is Developed

SEQR ACTION: TYPE II-20

RESULT: ADOPTED [UNANIMOUS]
MOVER: Pamela Mackesey, Member
SECONDER: Pat Pryor, Member
AYES: Burbank, Chock, Dennis, Luz Herrera, Kiefer, Lane, Mackesey, McBean-Clairborne, McKenna, Proto, Pryor, Robertson, Robison, Shinagawa, Stein

STATE OF NEW YORK )
COUNTY OF TOMPKINS) ss:

I hereby certify that the foregoing is a true and correct transcript of a resolution adopted by the Tompkins County Legislature on December 6, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Legislature at Ithaca, New York, on December 8, 2011.

Catherine Court, Clerk
Tompkins County Legislature
ADOPTED
Resolution No. 2011-216

In Support of Home Rule Authority Regarding Local Land Use and Gas Drilling in New York State

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has released the Revised Draft Supplemental Generic Environmental Impact Statement on the Oil, Gas and Solution Mining Regulatory Program: Well Permit Issuance for Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low-Permeability Gas Reservoirs (hereinafter referred to as the “Document”), and

WHEREAS, the Document fails to recognize the authority of local municipalities to determine where and whether such land uses as gas drilling are allowed in their communities, and

WHEREAS, this refusal is in spite of New York State court decisions upholding the authority of local municipalities to control land use including whether and where extractive industries regulated by the NYSDEC are permitted, and

WHEREAS, municipalities around the State are exercising their home rule authority in response to the legitimate concerns of their citizens and in accordance with their comprehensive plans designed to protect the public health and welfare, and protect and conserve community resources, and

WHEREAS, legal challenges to those laws are placing an inordinate burden upon municipalities, and

WHEREAS, protracted legal actions create uncertainty regarding land use protections and have the potential to undermine land values and disrupt the local economy, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature requests that the Governor, the NYSDEC and the New York State Legislature clarify and reaffirm that the authority of local municipalities to regulate land use through their historic Home Rule powers applies to all extractive industries including drilling for natural gas,

RESOLVED, further, That copies of this resolution shall be sent to Director Bradley J. Field of the New York State Department of Environmental Conservation Division of Mineral Resources, Governor Andrew Cuomo, NYSDEC Commissioner Joe Martens, New York State Department of Environmental Conservation Executive Deputy Commissioner Marc S. Gerstman, Chair of the Senate Committee on Environmental Conservation Mark Grisanti, Chair of the Senate Committee on Energy and Telecommunications, George D. Maziarz, Senate Majority Leader Dean Skelos, Deputy Senate Majority Leader Thomas W. Libous, Senate Minority Leader John Sampson, Deputy Minority Leader Neil D. Breslin, New York State Senators James Seward, Michael Nozzolio, Thomas O’Mara, Liz Krueger, Thomas Duane, Bill Perkins, New York State Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader Brian Kolb, Chair of the Assembly Committee on Environmental Conservation Robert Sweeney, Chair of the Assembly Energy Committee Kevin Cahill, Assemblywoman Barbara Lifton, Attorney General Eric Schneiderman, United States Senate Committee on Energy and Natural Resources Chair Jeff Bingaman, United States Senate Subcommittee on Energy, Water, and Power Chair Jeanne Shaheen, United States Senators Charles Schumer and Kirsten Gillibrand, United States Representatives Energy and Water Development and Related Agencies Subcommittee
Resolution No. 2011-216 In Support of Home Rule Authority Regarding Local Land Use and Gas Drilling in New York State

Chair Rodney P. Frelinghuysen, Subcommittee on Environment and the Economy Member Diana DeGette, United States Representatives Maurice Hinchey, and Richard Hanna, and the New York State Association of Counties, the New York Association of Towns, and the New York Conference of Mayors. SEQR ACTION: TYPE II-20

RESULT: ADOPTED [UNANIMOUS]
MOVER: Pamela Mackesey, Member
SECONDER: Frank Proto, Member
AYES: Burbank, Chock, Dennis, Luz Herrera, Kiefer, Lane, Mackesey, McBean-Clairborne, McKenna, Proto, Pryor, Robertson, Robison, Shinagawa, Stein

STATE OF NEW YORK )
) ss:
COUNTY OF TOMPKINS)

I hereby certify that the foregoing is a true and correct transcript of a resolution adopted by the Tompkins County Legislature on December 6, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Legislature at Ithaca, New York, on December 8, 2011.

[Signature] Clerk
Tompkins County Legislature
ADOPTED
Resolution No. 2011-217

Recommending Ban on Horizontal Drilling and High-Volume Hydrofracturing in the Finger Lakes Region

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has released the Revised Draft Supplemental Generic Environmental Impact Statement on the Oil, Gas and Solution Mining Regulatory Program: Well Permit Issuance for Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low-Permeability Gas Reservoirs (hereinafter referred to as the “Document”), and

WHEREAS, the Finger Lakes Region of New York State depends on its natural environment to sustain its people and the regional economy including: clear, clean waters, spectacular natural vistas, waterfalls, and landscapes that attracts thousands of visitors each year; a diverse and growing agricultural sector that is one of the few growing agricultural regions in New York State; public and private forests that support jobs in the forest products industry, provide multiple four season recreational opportunities and protect the headwaters of watersheds contributing to numerous public water supplies; one of the premier viticulture regions in the United States supporting wineries that annually draw thousands of visitors from around the world; and higher education institutions, regional health care facilities, and high-tech businesses that depend on the quality of life to draw needed talent to this rural region, and

WHEREAS, the Document does not adequately address the cumulative impacts of Marcellus Shale development on Tompkins County and the Finger Lakes Region of New York State:

- **Industrial use.** Gas drilling utilizing high-volume hydraulic fracturing is a heavy industrial land use that fundamentally changes the character of rural areas and potentially undermines the pillars of the rural economy - agriculture, forestry, tourism and outdoor recreation. It would occur in areas not intended for industrial land uses. Permitted development in Tompkins County could result in a cumulative area of industrial land use equal to or greater than the entire current amount of industrially developed land in Tompkins County. Under municipal land use regulatory authority, existing industrial land use was most often sited after years of careful planning at the municipal level and review of site plans for specific activities and sites. This planning process assured that industrial land uses were located in areas that have infrastructure sufficient to support the activity, including major highways and public water and sewer infrastructure, and that do not conflict with the protection of valued natural resources. Gas drilling, by contrast, is likely to occur in areas that are not designated or suitable for industrial land uses, that have little or no infrastructure adequate to support the activity, and that have not been subjected to a comprehensive planning process to evaluate impacts of this development.

- **Agriculture.** In addition to directly taking land out of production, the activities associated with high-volume hydraulic fracturing, including huge increases in truck traffic on local roads and potential impacts on water quantity and quality will directly interfere with normal farming operations. Organic farming including a significant number of organic dairies are among the growing sectors of the region’s agriculture. Along with viticulturalists and winemakers these sectors depend upon the public recognition of the Finger Lakes as a pristine rural region that provides the organic soils and the clean water from which these products are derived. Agriculture in Tompkins County contributes $60 million annually to the local economy.

- **Local landscapes.** The Document is based upon the premise that local authority to review gas-drilling activity has been precluded by the State of New York. The result will almost
Resolution No. 2011-217 Recommending Ban on Horizontal Drilling and High-Volume Hydrofracturing in the Finger Lakes Region

certainly be the degradation and fragmentation of our natural areas and rural landscape with serious negative impacts on a rural way of life and the function of some of our natural and wildlife resources. Invasive species of plants and animals thrive particularly at the "edges" of forests and fields, and the proliferation of drilling pads and centralized impoundment areas will introduce significantly more land with such edges.

- **Water resources.** Water withdrawals are insufficiently regulated and the cumulative effects of removing billions of gallons of water from the ecosystem, effectively permanently, are not sufficiently addressed in the Document. Impacts on water quality are acknowledged which have resulted in the recommendation for a prohibition of drilling in some areas such as the New York City Watershed, Skaneateles Lake Watershed, and, on a temporary basis, over primary and principal aquifers. However, other public and private water supplies, whether from surface or groundwater sources, including the remaining Finger Lakes, are not provided this level of protection. Although a US EPA study is underway to assess the impacts of hydraulic fracturing on water resources, the Document was released without waiting for the results of that study.

- **Air quality.** The document does not sufficiently address threats to air quality and public health from drilling operations, including emissions of nitrogen oxide (NOX) and volatile organic compounds that contribute to creation of ground-level ozone. These and other impacts on air quality and public health must be identified and prevented.

- **Gas processing and transmission.** Pipelines and compression stations are not addressed by the Document. The NYSDEC fails to recognize a responsibility to establish a mechanism to coordinate environmental with the Public Service Commission, including regulating gathering lines that are below the size regulated by PSC, and requiring that cumulative effects of the entire industry are considered together.

- **Thresholds.** There is recognition in the Document that thresholds of activity would be needed to set limits that the environment could sustain without permanent damage. However, it is unclear how such limits could be set or whether they actually would be established and adhered to. In the Document, the spacing unit is the only limiting factor on development. The Document fails to establish a pace and level of development that the human and natural environment could tolerate.

- **Social and Economic Impacts.** The Document does not adequately address the potential negative impact on other sectors of the economy that depend on our existing environment, clean water, and viewsheds. In Tompkins County these sectors include higher education, high-tech spin-off industry, agriculture, including grape growing and wine production, and tourism, each of which receives costly New York State economic development support. Nor does the document address the serious long-term adverse effects of a boom and bust economy, or issues of equity in that the economic benefits of gas drilling will accrue to a relatively few and the negative impacts will impact many including those least able to absorb those impacts. The Document goes to great lengths to estimate and quantify the purported economic benefits of gas drilling but makes no such attempt to quantify the numerous negative impacts.

- **Failure to consider impacts on other State plans.** The Document does not address how gas drilling would impact priority protection areas identified in the New York State Open Space Plan, including several within the Finger Lakes Region, or whether it would be consistent with the State of New York’s goal to reduce greenhouse gas emissions by 80% by 2050. These failures alone require that permitting of wells using high-volume hydraulic fracturing not proceed, and

WHEREAS, these failings make it clear that the risks and known impacts of high-volume
Resolution No. 2011-217 Recommending Ban on Horizontal Drilling and High-Volume Hydrofracturing in the Finger Lakes Region

hydraulic fracturing using current technology and methods outweigh any positive economic benefits that may accrue from this industry in the Finger Lakes Region, and

WHEREAS, in spite of thousands of comments on the first draft SGEIS, many pointing out the pending US EPA study of the risks of hydrofracturing to our water and air and requesting that the SGEIS be deferred to incorporate the results of that study, the Document was released prior to obtaining this critical information, and

WHEREAS, the only conclusion that can be drawn from the Document is that there are no measures that the State of New York is willing or able to require that would mitigate the serious, severe negative impacts of Marcellus Shale drilling on the environment, public health, and socioeconomic conditions in affected regions of the State that would be sufficient to allow drilling in the Marcellus Shale to proceed, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature finds that given the many continuing flaws in the Document, including failure to assess the wholesale industrialization of our rural landscapes, the life cycle analysis of greenhouse gas emissions from natural gas, and cumulative socioeconomic impacts of a boom and bust extractive economy, as well as a recognition in the Document that horizontal drilling and high-volume hydrofracturing may pose significant risks to our water resources, that horizontal drilling and high-volume hydrofracturing should be banned in Tompkins County and the Finger Lakes Region of New York State,

RESOLVED, further, That copies of this resolution shall be sent to Director Bradley J. Field of the New York State Department of Environmental Conservation Division of Mineral Resources, Governor Andrew Cuomo, NYSDEC Commissioner Joe Martens, New York State Department of Environmental Conservation Executive Deputy Commissioner Marc S. Gerstman Chair of the Senate Committee on Environmental Conservation Mark Grisanti, Chair of the Senate Committee on Energy and Telecommunications, George D. Maziarz, Senate Majority Leader Dean Skelos, Deputy Senate Majority Leader Thomas W. Libous, Senate Minority Leader John Sampson, Deputy Minority Leader Neil D. Breslin, New York State Senators James Seward, Michael Nozzolio, Thomas O’Mara, Liz Krueger, Thomas Duane, Bill Perkins, New York State Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader Brian Kolb, Chair of the Assembly Committee on Environmental Conservation Robert Sweeney, Chair of the Assembly Energy Committee Kevin Cahill, Assemblywoman Barbara Lifton, Attorney General Eric Schneiderman, United States Senate Committee on Energy and Natural Resources Chair Jeff Bingaman, United States Senate Subcommittee on Energy, Water, and Power Chair Jeanne Shaheen, United States Senators Charles Schumer and Kirsten Gillibrand, United States Representatives Energy and Water Development and Related Agencies Subcommittee Chair Rodney P. Frelinghuysen, Subcommittee on Environment and the Economy Member Diana DeGette, United States Representatives Maurice Hinchey, and Richard Hanna, and the New York State Association of Counties, the New York Association of Towns, and the New York Conference of Mayors.

SEQR ACTION: TYPE II-20

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Resolution No. 2011-217 Recommending Ban on Horizontal Drilling and High-Volume Hydrofracturing in the Finger Lakes Region

<table>
<thead>
<tr>
<th>RESULT:</th>
<th>ADOPTED [UNANIMOUS]</th>
</tr>
</thead>
<tbody>
<tr>
<td>MOVER:</td>
<td>Pamela Mackesey, Member</td>
</tr>
<tr>
<td>SECONDER:</td>
<td>James Dennis, Member</td>
</tr>
<tr>
<td>AYES:</td>
<td>Burbank, Chock, Dennis, Luz Herrera, Kiefer, Lane, Mackesey, McBean-Clairborne, McKenna, Proto, Pryor, Robertson, Robison, Shinagawa, Stein</td>
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STATE OF NEW YORK  }
COUNTY OF TOMPKINS)

I hereby certify that the foregoing is a true and correct transcript of a resolution adopted by the Tompkins County Legislature on December 6, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Legislature at Ithaca, New York, on December 8, 2011.

[Signature]
Pamela J. Corp, Clerk
Tompkins County Legislature
WHEREAS, it is increasingly clear that drilling for natural gas using high-volume slick-water hydraulic-fracturing (hydrofracking) may have severe adverse impacts on communities and the environment, and

WHEREAS, the activity of drilling for and transporting natural gas, with the attendant well pads, roads, pipelines, and ancillary facilities, will fragment our forest lands in ways that damage their values, including threatening water resources, creating edges that impair habitat value for forest-dwelling species, removing natural vegetation cover, and allowing invasive species to become established, and

WHEREAS, such activity would undoubtedly place added stress on species that may increasingly come under stress from the impacts of climate change, and

WHEREAS, rather than allowing fragmentation of County-owned lands and forests we should be
increasing our acreage of unbroken forest lands off limits to drilling to provide mitigation for the increasing fragmentation of private forest lands, and

WHEREAS, County-owned forest lands are located in rural areas where roads, other infrastructure, and emergency response capabilities are ill suited to accommodating the level of impact on infrastructure and demand for services resulting from the industrial activity associated with high-volume hydro-fracturing, and

WHEREAS any economic boost to the state’s economy from development and sale of natural gas from Marcellus Shale is short term at best, and will foreclose the long-term economic benefit to the county of tourism and agriculture, and

WHEREAS, the Tompkins County government, as well as the overall community, has established a goal to reduce greenhouse gas emissions at least 80% by 2050, a goal that would be impossible to meet if natural gas drilling occurred on county-owned land, and

WHEREAS, the Tompkins County Energy and Greenhouse Gas Emission component of the Tompkins County Comprehensive Plan concluded that increased energy conservation and use of renewable energy are important ways to avert the most catastrophic impacts of climate change, and

WHEREAS, with respect to the 556 acres of County forest land, the Tompkins County Forest Management Plan specifically states that “drilling sites and pipeline corridors that permanently alter the character of the land would not be compatible with the goals outlined in this Plan,” and

WHEREAS, it is clear that from a long-term environmental, economic, and social perspective the value of our county-owned lands will be much greater if left unimpaired by the impacts of gas drilling than if such drilling is allowed to occur, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality and the Facilities and Infrastructure Committees, That Tompkins County will not lease any county-owned lands, including but not limited to County forest lands, for high-volume, slick-water hydraulic-fracturing to extract natural gas,

RESOLVED, further, That the Clerk of the Tompkins County Legislature is hereby directed to forward copies of this resolution to Governor David Paterson, Governor-elect Andrew Cuomo, Senate Majority Conference Leader John Sampson, Senate Minority Leader Dean Skelos, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader Brian Kolb, Senator James Seward (51st District), Senator George Winner, Senator-elect Thomas O'Mara (53rd District), Senator Michael Nozzolio (54th District), Assemblywoman Barbara Lifton (125th District), and New York State Department of Environmental Conservation Acting Commissioner Peter Iwanowicz.

SEQR ACTION: TYPE II-20

Meeting History

Oct 6, 2010 3:30 PM  Planning Development & Env. Quality Committee   Regular Meeting

RESULT: RECOMMENDED [3 TO 1]
MOVER: Pat Pryor, Legislator
SECONDER: Carol Chock, Legislator
AYES: Pamela Mackesey, Carol Chock, Pat Pryor
NAYS: Frank Proto
EXCUSED: Will Burbank

Oct 19, 2010 5:00 PM  Facilities and Infrastructure Committee   Special Meeting

RESULT: RECOMMENDED [UNANIMOUS]
MOVER: Michael Lane, Legislator
Oct 19, 2010 5:30 PM Tompkins County Legislature

RESULT: REFERRED TO COMMITTEE [8 TO 4]
MOVER: Pamela Mackesey, Member
SECONDER: Carol Chock, Legislator
AYES: Will Burbank, Michael Lane, David McKenna, Frank Proto, Pat Pryor, Martha Robertson, Brian Robison, Peter Stein
NAYS: Carol Chock, James Dennis, Dooley Kiefer, Pamela Mackesey
EXCUSED: Kathy Luz Herrera, Leslyn McBean-Clairborne, Nathan Shinagawa

Next: 11/3/2010 5:30 PM

Nov 3, 2010 3:30 PM Planning Development & Env. Quality Committee

RESULT: WITHDRAWN/NOT FINAL

Nov 3, 2010 5:30 PM Tompkins County Legislature

ID #2229 - This resolution was Referred to Committee at the October 19, 2010, Legislature meeting. It placed on the November 3rd Legislature agenda pending Committee action, however, no committee action was taken and the resolution was withdrawn from the Legislature agenda. The item is being placed on the December meeting agendas for F&I and PDEQ.

RESULT: WITHDRAWN/NOT FINAL

Next: 12/7/2010 5:30 PM

Nov 5, 2010 9:30 AM Facilities and Infrastructure Committee

RESULT: WITHDRAWN/NOT FINAL

Next: 12/3/2010 9:30 AM

Dec 1, 2010 3:30 PM Planning Development & Env. Quality Committee

RESULT: RECOMMENDED [3 TO 2]
MOVER: Carol Chock, Legislator
SECONDER: Pat Pryor, Legislator
AYES: Pamela Mackesey, Will Burbank, Carol Chock
NAYS: Frank Proto, Pat Pryor

Dec 3, 2010 9:30 AM Facilities and Infrastructure Committee

RESULT: RECOMMENDED [3 TO 1]
MOVER: Leslyn McBean-Clairborne, Vice Chairman
SECONDER: Pamela Mackesey, Member
AYES: Dooley Kiefer, Michael Lane, Pamela Mackesey
NAYS: Leslyn McBean-Clairborne
EXCUSED: David McKenna

Dec 21, 2010 5:30 PM Tompkins County Legislature

RESULT: ADOPTED [14 TO 1]
MOVER: Pamela Mackesey, Member
SECONDER: Carol Chock, Member
AYES: Will Burbank, Carol Chock, James Dennis, Kathy Luz Herrera, Dooley Kiefer, Michael Lane, Pamela Mackesey, Leslyn McBean-Clairborne, David McKenna, Pat Pryor, Martha Robertson, Brian Robison, Nathan Shinagawa, Peter Stein
NAYS: Frank Proto
ADOPTED
Resolution No. 2010-67

Calling on the Governor and Legislature of New York State to Ban Hydraulic Fracturing Pending Further Independent Scientific Assessments to Determine the Risks, Greenhouse Gas Emissions, and Social and Economic Costs Associated with Hydraulic Fracturing, and in Support of A.10490/S.7592

WHEREAS, on September 30, 2009, the New York State Department of Environmental Conservation (NYSDEC) issued a draft Supplemental Generic Environmental Impact Statement (dSGEIS) on high volume, slickwater hydraulic fracturing (HVSWHF) with horizontal drilling as proposed for the Marcellus Shale, and more than 14,000 comments on the dSGEIS were submitted, many pointing out significant defects and a reliance on incomplete or flawed studies, and

WHEREAS, New Yorkers' concerns include questions about the ability of the NYSDEC, with its current staffing levels and its proposed regulations, to protect our natural resources and prevent permanent damage to our environment, and

WHEREAS, recent disasters in West Virginia's coal mines and at the drilling rig in the Gulf of Mexico highlight the dangers inherent in extractive mining, with particular concern about the possible role of methane (the main component in natural gas) in these events, and

WHEREAS, the Tompkins County Legislature has passed resolutions stating its concerns about gas drilling on December 2, 2008 (Resolution No. 252-08), May 19, 2009 (Resolution No. 84-09), and December 15, 2009 (Resolution No. 250-09), and

WHEREAS, based on experience in other states where this drilling has been underway for years, the concerns include but are not limited to:

- air pollution (ground level ozone and smog) at and near drilling sites;
- threats to groundwater and surface water supplies from accidents on the surface, as well as subsurface failures of casings and the hydrofracking process itself;
- depletion and degradation of New York's lakes, rivers, streams, and wetlands;
- long-term consequences from infusion of potentially toxic chemicals into the ground;
- dangers from drill cuttings and flowback water, which may be unsuitable and unsafe for disposal in New York's landfills and wastewater treatment plants;
- deleterious effects of noise and light from 24/7 drilling on the natural habitat of our region and our residents' health and quality of life;
- significant damage to roads and bridges, resulting in loss of mobility and economic activity even if drilling companies eventually rebuild the damaged infrastructure;
- fragmentation of our landscape, with loss of vital habitat for wildlife and significant increase in "edge" habitats which stimulate growth of invasive species;
- damage to existing economic sectors, including agriculture, hunting and fishing, tourism, and higher education;
- social disruption, including increase in crime rates and demand for emergency medical services, and greater disparity between high- and low-income households;
- economic costs to residents and local governments, including higher inflation, increased pressure on housing and consequent homelessness, and precipitous drop in property values; and

WHEREAS, in addition to these concerns, methane ("natural" gas) is 72 times more potent than carbon dioxide in heating the planet according to the Intergovernmental Panel on Climate Change (2007). Therefore when all greenhouse gas emissions related to HVSWHF are calculated, including emissions from extraction, distribution, and use, natural gas is likely not "cleaner" than other fossil fuels and may be more damaging than coal, and

WHEREAS, rigorous scientific investigations of these issues are just beginning, including a study of the full life-cycle emissions of shale gas, the social and economic costs and benefits of the industry,
Resolution No. 2010-67 Calling on the Governor and Legislature of New York State to Ban Hydraulic Fracturing Pending Further Independent Scientific Assessments to Determine the Risks, Greenhouse Gas Emissions, and Social and Economic Costs Associated with Hydraulic Fracturing, and in Support of A.10490/S.7592

and the federal Environmental Protection Agency’s (EPA) study of potential relationships between hydraulic fracturing and water resources, and

WHEREAS, New York State has acknowledged the dangerous potential for negative impacts with its determination that individual environmental assessments will be required for any wells in the New York City and Syracuse watersheds, and

WHEREAS, New York State has so far not committed itself to a course of action with respect to shale gas drilling in the Marcellus Shale or the Utica Shale, and

WHEREAS, in April 2010 companion bills (A.10490/S.7592) were introduced in the New York State Legislature to establish a moratorium on hydraulic fracturing for natural gas or oil until 120 days after the EPA issues its report on the effects of hydrofracturing on water quality and public health. The moratorium will sunset 120 days after the issuance of a new Environmental Protection Agency report, which is intended to allow the state agencies and state residents the opportunity to review and make use of the Environmental Protection Agency’s new report, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature hereby urges New York State to ban HVSWHF operations pending further independent scientific assessments, including the EPA study, research on the life-cycle greenhouse gas emissions of shale gas, and the social and economic impacts of the industry,

RESOLVED, further, That the Tompkins County Legislature hereby supports passage of A.10490/S.7592 (Englebright/Addabbo, attached) titled “An act to establish a moratorium upon conducting hydraulic fracturing pending the issuance of a report thereon by the federal Environmental Protection Agency”,

RESOLVED, further, That at the very least, the same standards should be applied to all of New York State that the DEC has indicated it will apply to the New York City and Syracuse watersheds,

RESOLVED, further, That copies of this resolution will be sent to Governor David A. Paterson, Congressman Michael Arcuri, Congressman Maurice Hinchey, Assembly Speaker Sheldon Silver, Senate Leader John Sampson, NYS Health Commissioner Richard Daines, DEC Commissioner Peter Grannis, New York State Department of Agriculture & Markets Commissioner Patrick Hooker, the NYS Association of Counties, State Senators James Seward, George Winner, Michael Nozzolio, Antoine Thompson, Joseph Addabbo, Darrel Aubertine, and George Maziarz; Assemblymembers Barbara Lifton, Kevin Cahill, Steve Englebright, Robert Sweeney, and James Brennan; and Attorney General Andrew Cuomo.

SEQR ACTION: TYPE II-20

RESULT: ADOPTED [13 TO 1]
MOVER: Pamela Mackesey, Member
SECONDER: Pat Pryor, Member
AYES: Burbank, Dennis, Luz Herrera, Kiefer, Lane, Mackesey, McBean-Clairborne, McKenna, Proto, Pryor, Robertson, Robison, Shinagawa
NAYS: Peter Stein
EXCUSED: Carol Chock
Resolution No. 2010-67 Calling on the Governor and Legislature of New York State to Ban Hydraulic Fracturing Pending Further Independent Scientific Assessments to Determine the Risks, Greenhouse Gas Emissions, and Social and Economic Costs Associated with Hydraulic Fracturing, and in Support of A.10490/S.7592

STATE OF NEW YORK  )
 ) ss:
COUNTY OF TOMPKINS)

I hereby certify that the foregoing is a true and correct transcript of a resolution adopted by the Tompkins County Legislature on May 18, 2010.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Legislature at Ithaca, New York, on May 19, 2010.

[Signature]
Clerk
Tompkins County Legislature