

Excerpts from an Albany Times-Union Investigative Report on DEC Oversight of the Gas-Drilling Industry

By ABRAHM LUSTGARTEN ProPublica / , Special to the Times Union

On May 29, top state environmental officials assured state lawmakers that plans to drill for natural gas near the watershed that supplies New York City's drinking water posed little danger.

A survey of other states had found "not one instance of drinking water contamination" from the water-intensive, horizontal drilling that would take place across New York's southern tier, **the officials said.**

Reassured, the legislature quickly approved a bill to streamline the permitting process for a huge influx of wells which could bring the state upwards of \$1 billion in annual revenue. Gov. David Paterson has only until Wednesday to sign the bill, and the state's Department of Environmental Conservation says drilling permits could be approved in as little as 12 weeks.

But a joint investigation by [ProPublica](#) and New York City public radio station [WNYC](#) revealed hundreds of instances of drinking water contamination in states where comparable drilling has been done.

In New Mexico, oil and gas drilling using waste pits like those proposed for New York has caused toxic chemicals to leach into the water table at some 800 sites. Colorado has reported more than 300 spills affecting its ground water.

DEC officials told ProPublica and WNYC they were not aware of those incidents, even though that information could have been found through a rudimentary internet search.

"When we say we are going to protect the environment, you don't have to trust us, you don't have to believe us," said Val Washington, director of the division of mineral resources at DEC. "But look at our track record. I think it's pretty good."

But the Marcellus development will be far more complicated than any previous drilling operations in the state. It will involve deeper, horizontal wells, possibly thousands of them. Each well could suck up, and later spit out, between one million and five million gallons of water. That would place an unprecedented burden on New York's watersheds, including those that feed New York City's reservoirs and farmland in Chemung, Tioga, Broome, Delaware and Sullivan Counties.

"The tremendous amounts of water used for these processes - where are you going to get it and what are you going to do with that?", said William Kappel, a hydrologist with the U.S. Geological Survey in Ithaca, N.Y.

*DEC officials could not answer those questions. They acknowledged that the state's current rules allow independent contracting companies to **take water from upstate streams and wetlands at will.** They also acknowledge they don't track the process drillers use to dispose of "produced water," as the gas and oil industry refers to its waste.*

*DEC officials said the water would be shipped to Pennsylvania and treated in specialized plants there. But an executive for three of the Pennsylvania plants told ProPublica and WNYC that New York officials hadn't talked to him about the Marcellus wells. **He said his plants don't have the capacity to accept wastewater from New York.***

Some of the regional DEC offices that would oversee Marcellus wells have no experience with gas drilling at all. Yet New York officials said they see no reason to update their environmental impact statement, which was drafted in 1992, long before this form of drilling, called horizontal hydraulic fracturing or "hydrofracking," was feasible on the scale now contemplated.

"It's not clear to me that there is any group who is looking at the overall impact of withdrawing the amount of water that might be required for the hydrofracking. Who is looking at the broader picture?" said Susan Riha, director of the New York State Water Resources Institute, a federally funded study group at Cornell University.

Riha is especially concerned about limitations of the DEC's Environmental Assessment Form, a crucial environmental impact document drilling companies must file to get a permit. It doesn't ask where drillers plan to get their water, and only asks for a vague estimate of how much they plan to use, which Riha considers standard questions.

"Looking at that short form, I was shocked," Riha said. "It seems like we would have some procedures in place to put some pressure on the gas drilling operators to show that they are taking all possible steps to mitigate environmental impacts."

As recently as last month, Bradley Field, the DEC's director of the division of oil and minerals - the agency responsible for overseeing resource extraction in the state - appeared unaware of these additives. At a meeting with conservation advocates and state legislators he said drilling fluids contained nothing more than water and sand, according to Roger Downs, a conservation associate of the Sierra Club's Atlantic Chapter.-

*In conversations with ProPublica, DEC officials repeatedly downplayed the importance of chemical additives. Additives make up just a tiny fraction of a percent of the fluids; 99.4 percent is water and sand, Field said. **But six-tenths of one percent of two million gallons of drilling water still equals 10,000 gallons of toxic chemicals and that's just for one well.***

When asked how the DEC intends to shepherd its waste water, the DEC could offer few details. **Making sure the water gets treated isn't part of DEC's permit review process**, so long as the end result complies with state laws that say, somehow, it eventually gets treated and meets discharge standards

On July 11 Bradley Field's office issued a hefty letter to the gas industry requesting exhaustive data and information that closely adhered in both substance and actual language to the questions presented to him by ProPublica and WNYC.

The letter gave the companies four and a half week to respond. But it didn't indicate that a response would be required in order to continue drilling

For the entire report, visit <http://timesunion.com/AspStories/storyprint.asp?StoryID=705332>

- For a range of topics relating gas-drilling to your health please see www.ogap.org
- Read the news on local gas drilling at www.chenangogreens.org
- Join the discussion group at marcellusgasinfo-subscribe@googlegroups.com