

State Releases Regulations for Marcellus Drilling

Comments accepted through November 30

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Broader View Weekly, October 9, 2009

Last Wednesday the NYS Department of Environmental Conservation (DEC) released a draft of the long-awaited environmental impact statement addressing drilling in the Marcellus shale. People who wish to make comments have 60 days, until November 30, to send their remarks to DEC.

In July 2008, Governor Paterson charged the DEC with the task of evaluating potential impacts of shale gas development using horizontal drilling and high-volume hydraulic fracturing (fracking). On September 30 the DEC unveiled their draft Supplemental Generic Environmental Impact Statement (dSGEIS), an 809-page document that outlines safety measures, protection standards and mitigation strategies that operators would have to follow to obtain permits for horizontal Marcellus wells. Highlights in the dSGEIS include:

Disclosure of fracking chemicals - When filling out permit applications, operators must disclose the composition and percentages of fracking chemicals to be used for each well.

Baseline water testing - Prior to drilling, private wells within 1,000 feet of the drill site will be tested. If there are no wells within 1,000 feet, the survey area will extend to 2,000 feet.

Water withdrawals - Companies will not only have to follow Susquehanna River Basin Commission and Delaware River Basin Commission protocols for water withdrawal, but also must complete a more stringent and protective streamflow analysis.

Mitigation planning – Before drilling, all operators must prepare plans for mitigating greenhouse gas emissions, visual impacts and noise impacts. If a drilling company has not reached a road-use agreement with the local government they must submit a trucking plan containing the estimated amount of trucking, approach for avoiding peak traffic hours, appropriate off-road parking/staging areas, and routes.

Primary and principle aquifers - State inspectors must be present when operators cement the well-bore casings. In addition, DEC outlines more stringent drilling and casing requirements and sets forth requirements imposed to remove fluids from on-site reserve pits or well-pad tanks.

On-site wastewater handling - Operators must contain wastewater in steel tanks or, if they will be using a centralized impoundment to serve multiple sites, it must use a double-liner system similar to those required for landfills, provide fencing and offsets to prevent public access and employ measures to protect wildlife. In addition, state solid waste landfill requirements and dam safety regulations will apply to construction of any centralized storage impoundments.

Wastewater disposal - Before receiving a permit, the operator must disclose plans for disposal of wastewater. A new process similar to that used for medical waste will be used to track and

monitor wastewater disposal. Any water treatment facilities accepting well wastewater must undergo a full analysis prior to accepting water from wells.

Floodplains and Stormwater control - On-site reserve pits are banned in floodplains; instead, closed-loop tank systems are required to protect against potential spills. In addition, drilling operations will be subject to a comprehensive, multi-sector general permit for industrial activities.

Citizens Want Access to Document

Because the regulations outlined in the draft SGEIS impacts everyone living above Marcellus shale, there is much public interest in the recently released document. Because the DEC is still finishing some technical work on the document, and due to the number of pages and printing costs, DEC has decided to release the document on-line at first. According to one person at DEC, they plan on printing a limited amount of copies.

“We’ll get copies into designated libraries,” a spokesperson at DEC said last week. “But there is no way we can make enough print copies for everyone who wants one. People will have to read it online.” DEC is also trying to reduce carbon emissions and reduce the number of trees that would need to be harvested to print the document.

But for people living in rural areas, without access to high-speed Internet or even computers, reading the dSGEIS online is not a viable option. One Marathon resident drove to the Region 7 DEC offices in Cortland to read a copy only to learn that print copies would not be available for several weeks.

Broader View Weekly will be examining the details in the draft SGEIS. In the meantime, if you spot something please send an e-mail to candorwriter@yahoo.com. The environmental review can be found at www.dec.ny.gov/energy/58440.html. Public comments will be accepted through November 30. You may submit comments through the website form, by e-mail to dmnsgeis@gw.dec.state.ny.us; or in writing to – dSGEIS Comments, Bureau of Oil & Gas Regulation, NYSDEC Division of Mineral Resources, 625 Broadway, Third Floor, Albany, NY 12233-6500. Make sure to include your name, e-mail or return mail address to ensure notice of the Final SGEIS when it is available.