

Hot Topic -- Hydrofracking

Hydrofracking Committee Update

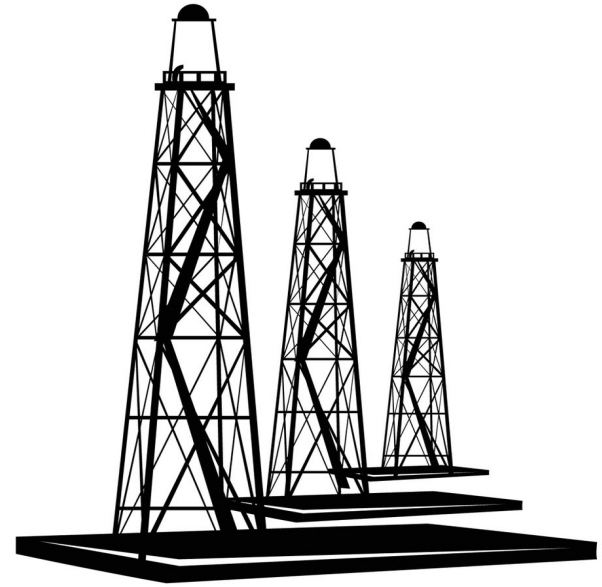
Paul Granger, Chair

The Hydrofracking Ad-Hoc Committee is reviewing the Revised Draft sGEIS on the Oil, Gas and Solution Mining Regulatory Program. The committee is forming comments to send to our legislators and regulators to ensure that optimum protection of our vital drinking water supply is provided. Comments and concerns developed to date:

- NYSAWWA is concerned that the NYSDEC does not have the regulatory capacity to adequately enforce requirements; evaluate applications and make the necessary decisions needed to carry out specific mitigation measures as proposed; and conduct adequate field oversight. We are recommending that fees / impact charges be developed to

support NYSDEC regulatory efforts. This framework is in place in Pennsylvania.

- We are concerned that the specific distances from surface water bodies, wells and water infrastructure proposed as mitigation lack scientific basis for ensuring that they will, in fact, accomplish their stated objectives. It is also unclear if primary aquifer boundaries and Principle Aquifers are adequately defined geographically and by law. Regarding the 1,000 ft distance from NYCDEP infrastructures (specifically the water tunnels) to HVHF vertical well locations, we question whether the sGEIS accurately portrays this mitigation as “suggested” by DEP. Pennsylvania is considering regulations requiring a 2,500 ft setback from



surface water bodies. Colorado Public Water Protection Rule 317B provides consideration for a 5 mile setback.

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Hydrofracking At Tiftt 2011

It was standing room only for sessions dealing with hydraulic fracturing at the 2011 Edwin C. Tiftt Water Supply Symposium, held in Liverpool, NY September 21-22.

Attendees called Thomas Fox's session, A Technical Overview of Gas Exploration of the Marcellus Shale in New York, an “objective review of the issue.” The presentation included a history of drilling for natural gas in New York State, an in-depth look at the geology of Marcellus Shale and the use of hydraulic fracturing drilling method. Fox presented both the environmental concerns and the economic development predictions associated with natural gas extraction, and updated attendees on the current regulatory status of drilling in New York.

The second hydrofracking-related presentation came from Stanley States, a forensic chemist and director of water quality and production for the Pittsburgh Water and Sewer Authority. He presented the ongoing study the Authority is conducting with the University of Pittsburgh on the source of excess bromide discovered in water from the Allegheny



Thomas Fox presents on hydrofracking at the 2011 Edwin C. Tiftt Water Supply Symposium.

River, the source for Pittsburgh's drinking water. Preliminary conclusions show that bromide concentration increases downstream of industrial sites involved in Marcellus Shale drilling and that conventional treatment methods are not effective in removing bromide.

New York Section AWWA members recognize the potential positive economic impact that tapping into natural gas deposits within the Marcellus shale may have for New York State; however, this must be balanced with the need to protect our most valuable natural resource – clean and plentiful drinking water. Short term economic gains cannot overshadow potential long term damage to our precious drinking water supply.

NYSAWWA members strongly urge New York legislators and policy-makers to make technology and science the driving factors behind decisions regarding the use of high-volume hydraulic fracturing— hydrofracking (HVHF). NYSAWWA calls on our legislators and regulators to ensure adequate protection of drinking water sources by providing the necessary funding to any agency given oversight of natural gas drilling, including proper training, adequate staffing, and intensive monitoring, reporting, and disclosure of all drilling activities. Careful and detailed planning is vital as regulations are implemented in this new and uncharted area of energy development.

Hydraulic Fracturing Ad Hoc Committee
New York Section AWWA

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- The sGEIS includes critical assumptions about the known characteristics and extent of subsurface geology and aquifer hydrogeology that are featured prominently in the expectations for success of the proposed mitigation measures. There does not appear to be any regulatory framework for developing site specific information needed to validate these assumptions.

- The sGEIS does not adequately consider possible impacts and issues relating to reservoir-induced seismicity. Seismic impact observations in the sGEIS appear to be limited to NY, with no mention of more recent issues in Arkansas.

- NYSAWWA is concerned that there are not enough accessible laboratories to evaluate mitigation measures, waste storage, transport and disposal of hydrofracking flowback. DEC needs this information to make site-specific decisions on mitigation. With an

extensive list of potential contaminants of concern, the lack of quality data suggests that it will be difficult to get samples needed to establish flowback water and production brine wastewater treatment standards as required before permits are issued.

- The sGEIS makes assumptions about the number of appropriate waste disposal options consistent with meeting federal discharge standards. These assumptions are not backed by credible data.

- Radioactivity levels in the wastewater and drill cuttings still remain a significant, unresolved issue that the NYSDEC is clearly not acknowledging.

- Full disclosure of the fluids used in the HVHF process is vital to determining proper wastewater treatment methods and emergency response measures when addressing spills. In Pennsylvania an increase in bromide, TDS, and radionuclides in the Allegheny River has been linked to Marcellus Shale operations. For example, a sudden increase in bromides detected in rivers and creeks in western Pennsylvania from improperly treated HVHF fluid put some public water suppliers into violation of federal safe drinking water standards.

- We are concerned with the possibility of using production brines on roads via a “Beneficial Use Determination” and question the adequacy of a single representative sample to determine suitability.

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- We strongly advocate that it be required that licensed design professionals prepare water supply systems and storm water management plans related to HVHF pursuant to the State Education Law, as projects involving protection of lives, health and property.

- We strongly recommend that the NYSDEC utilize a “soft start” approach by limiting the number of initial permits issued. This would minimize the potential for significant adverse impacts to occur before initial regulations and oversight capabilities can be evaluated. This is especially important since the “science” is still evolving on HVHF, particularly in New York State where geological and other environmental factors may differ from other areas of

the country where fracking has been undertaken and impacts documented.

- Since our members are drinking water professionals, we urge our legislators and regulators to use our organization as a reliable technical resource as HVHF rules and regulations are developed and to address any water supply issues that may emerge once drilling commences.

Written comments on the Revised Draft sGEIS will be accepted up to December 12, 2011. The New York State Assembly Environmental Conservation Committee held a public hearing in Albany on October 6th at which NYSAWWA testified.

The complete Revised Draft sGEIS and related information can be found at

www.dec.ny.gov/energy/75370.html

We encourage our members to communicate any concerns to us. Our organization will be actively engaged in this issue. The Section can also assist you by providing any additional information and technical resources that you may need concerning this issue.

For more information, contact:

Paul Granger NYSAWWA Hydrofracking Ad-Hoc Committee Chair
Phone: (631) 756-8000 ext. 1419
e-mail: pgranger@h2m.com

Rochelle Cassella
NYSAWWA Executive Director
Phone: (315) 455-2614
e-mail: rochelle@nysawwa.org