

IPEC 2014 Conference a Case Study:

Responding to Public Concerns Over High Volume Hydraulic Fracturing (HVHF)



*Frack or
Not to
Frack?*

BACKGROUND

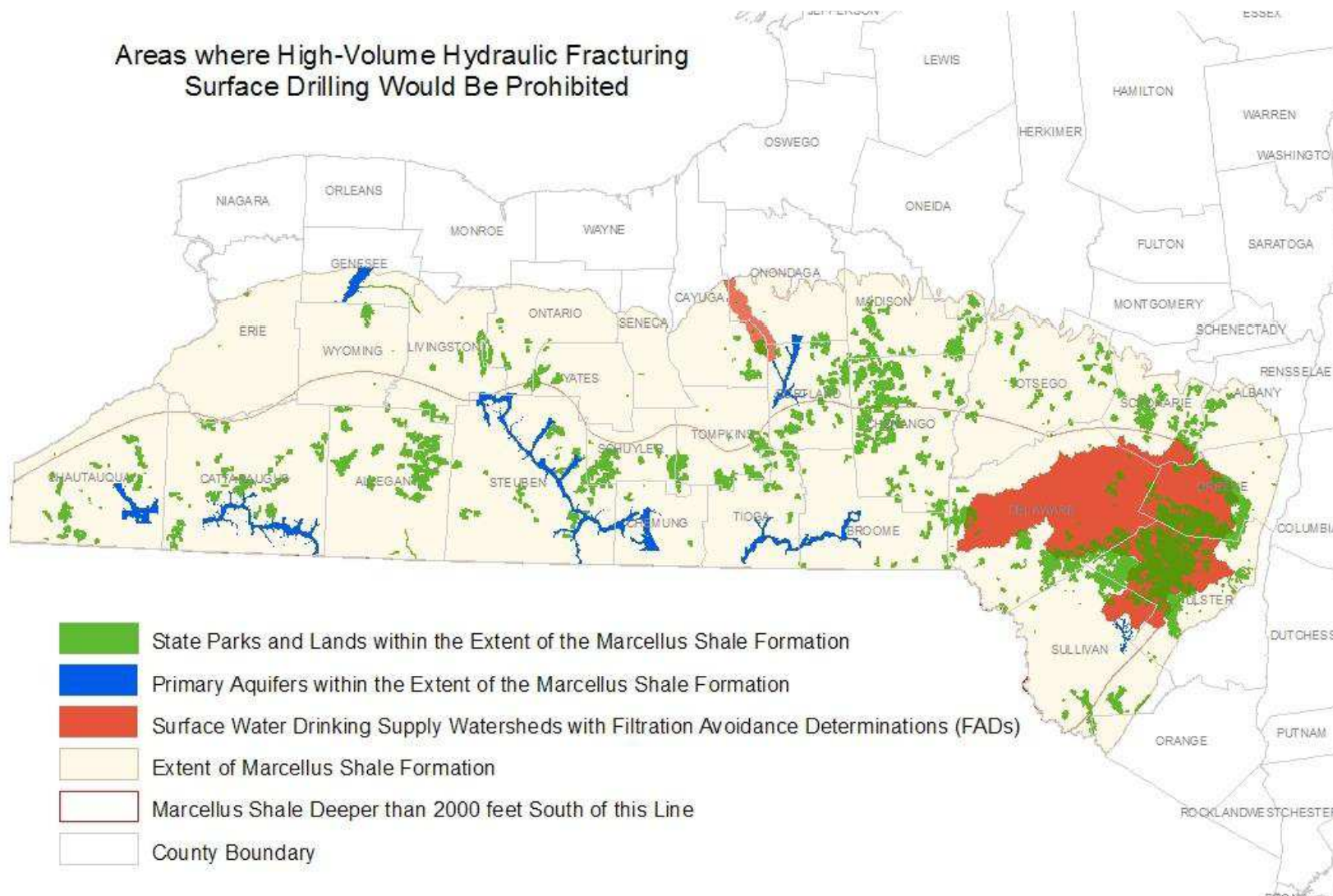
- Under NYS Law, agencies need to assess environmental impacts of actions (including permits/regulatory programs)
- **1992:** Generic EIS (GEIS) for Oil and Gas Mining
- **2009:** Supplemental GEIS to address HVHF in Marcellus and Utica Shales

BACKGROUND (CONT.)

- **Sept 2009:** Draft SGEIS released to public
- 13,000 public comments
- **Dec 2010:** Gov. Patterson ordered additional review be completed
- **July 2011:** E & E brought in to work on SGEIS
- **Sept 2011:** Revised Draft SGEIS released to public

PROJECT AREA

Areas where High-Volume Hydraulic Fracturing Surface Drilling Would Be Prohibited



CONCURRENT PUBLIC REVIEWS

- Revised Draft SGEIS
- Draft HVHF Regulations
- Draft HVHF SPDES General Permit for Stormwater Discharges from HVHF



PUBLIC COMMENT PERIOD

- Sept 2011 – Jan 2012
- 70,000 public comments
- Letters, on-line database, petitions/form letter campaigns, technical reports/studies, articles, music/artwork
- 4 public hearings (Binghamton, Dansville, Loch Sheldrake, NYC)

a million fracking letters "The only antidote to corporate influence is public opinion."

A Million Fracking Letters VIDEO

Can you help support the "Fracking Voices" radio campaign?

There are many reasons why ordinary citizens are speaking out against hydro-fracking in New York State:

Many New Yorkers are concerned about the contamination of **public water supplies**, or the harmful effects of **air pollution**, or the economic impact on **tourism** or impacts on New York State's vital **agricultural community**. Others are concerned about exposure to **radioactive materials** or toxic **heavy metals** brought up from deep underground, or that **toxic wastes** will damage local water treatment plants. Parents are concerned about their **children's health**.

Many people are concerned that the chemicals being used in the fracking process are kept **secret**. Others believe the gas industry should be subject to **environmental laws** like everyone else (Companies engaged in hydrofracking are exempt from the Clean Air Act, the Clean Water Act and the Safe Drinking Water Act.) Still others believe that the gas industry should be responsible for cleaning up **spills and toxic residues**. Right now, they can walk away, leaving the landowner responsible.

Many people are concerned that **taxpayers are subsidizing the gas industry** by paying for the highways, police, EMTs and other community services fracking companies depend on, or that these companies are donating hundreds of millions of dollars to **political campaigns** to ensure access and favorable treatment. Others are concerned that the multi-million dollar **TV advertising campaign** claiming that dirty gas drilling is "clean energy" is confusing the public.

Supporting Organizations

- Andes Works!
- Catskill Citizens for Safe Energy
- Catskill Mountaainkeeper
- Center for Health, Environment and Justice (CHEJ)
- CHEJ For The Marcellus
- Citizens Campaign for the Environment
- Damascus Citizens for Sustainability
- Earthworks
- Empire State Consumers Project
- Food & Water Watch
- Frack Action
- Gastland The Movie/Josh Fox
- Grassroots Environmental Education
- Great Neck Breast Cancer Coalition
- Huntington Breast Cancer Action Coalition
- Long Island Press
- New York Public Interest Research Group (NYPiRG)
- New York Residents Against Drilling
- New York State Breast Cancer Network
- Olive Defense Against Fracking

SOME OF THE MAJOR STAKEHOLDERS

- Riverkeeper
- Natural Resources Defense Council
- Food & Water Watch
- IOGA
- New Yorkers Against Fracking
- Catskill Mountainkeeper
- NYCDEP
- Joint Landowners Coalition of New York
- Yoko Ono & Sean Lennon

KEY PUBLIC CONCERNS

■ Water

- Gas and fracking chemical contamination of domestic drinking water wells
- Large volumes of water withdrawal from streams
- Induced earthquakes
- Wastewater treatment and disposal



■ Land use

- Prohibition near drinking water supplies
- Prohibition near sensitive areas (i.e., state lands, Finger Lakes, Catskill Mountains)
- Change from rural to industrial landscape
- Habitat fragmentation

KEY PUBLIC CONCERNS

■ Transportation

- Increase in truck traffic affecting local communities
- Increased wear on local roadways
- Infrastructure not built for volume of truck traffic



■ Socioeconomic

- Influx of transient workers, “boom and bust”
- Impact on quality of life (noise, traffic, visual)
- Lease issues
 - Inability to obtain mortgages
 - Decline in property values

KEY PUBLIC CONCERNS

- Oversight, Incidents and Emergency Response
 - Lack of funding at state and local level
 - State oversight versus local ordinances
 - Incidents and emergency response capabilities
 - Seismicity, subsidence
- Other Industries
 - Loss of farmland; stigma on growing organic farming industry
 - Effect of tourism industry in NYS
 - Effect on wineries
- Other
 - Air quality changes and health impacts
 - Naturally occurring radioactive materials



E & E SUPPORT

- Prepared the community and socioeconomic chapters of the SGEIS
- Prepared a stand-alone economic study for the SGEIS
- Managed the review and processing of 2009 and 2011 public comments on SGEIS, HVHF regulations, HVHF General Permit
- Consolidated substantive comments for agency response preparation

E & E SUPPORT

- Prepared responses for community, socioeconomic issues
- Formatted and QA'd 4,600-page Final SGEIS and Comment/Response Volumes

PROJECT TEAM – MANAGEMENT OF PUBLIC COMMENTS



NYC WATERSHED CONCERNS

- NYC DEP concern: Protection of water supply aqueducts (USEPA Filtration Avoidance Determination)
- Earthquake potential
- Upward migration of methane
- Upward migration of HVHF fluids

E & E SUPPORT

- Hired hydrogeologic experts – academics
- Facilitated meetings with NYC DEP, NYS DEC
- Managed preparation of responses on public/agency comments



DELAYS – FINAL SGEIS

- July 2012 – original release date for Final SGEIS
- As of October 2014, the Final SGEIS has not been released

HEALTH ASSESSMENT

In September 2012 the NYSDEC Commissioner requested the NYSDOH Commissioner to undertake a health assessment of the draft SGEIS. It still is under way.

“Only after this evaluation is completed will a decision be made about whether to permit high volume hydraulic fracturing in New York. Obviously if there was a public health concern that could not be addressed we would not proceed. The process to date has been designed to maintain public trust in the integrity of DEC's review, and Dr. Shah's assessment will assure New Yorkers that we have thoroughly examined all the issues before making a final decision. The review will also ensure the strongest possible legal position for the Department given the near certainty of litigation, whether the Department permits hydrofracking or not.”

NEW YORK STATE: A CASE STUDY

Siena Poll August 2012

Do you support or oppose the Department of Environmental Conservation allowing hydrofracking to move forward in parts of upstate New York?

DATE	SUPPORT	OPPOSE	NOT ENOUGH INFORMATION/ DON'T KNOW/NO OPINION
August 2012	39	38	23
May 2012	37	36	27

NEW YORK STATE: A CASE STUDY

Siena Poll July 30, 2014:

- 51% of voters oppose allowing hydrofracking to move forward in parts of upstate New York while 35% support the initiative.
- 55% of voters, including 65% from the Southern Tier/Finger Lakes region, agree that hydrofracking will generate much needed jobs.
- At the same time, 60% of all voters believe that hydrofracking runs the unacceptable risk of contaminating ground water, and small majorities agree both that fracking is too dangerous as it leads to unsafe levels of methane gas being released, as well as due to the migration of gases and chemicals to the surface.

A CASE STUDY: RESPONDING TO PUBLIC CONCERNS OVER HIGH VOLUME HYDRAULIC FRACTURING (HVHF)

In conclusion hydrofracking is a extremely controversial issue in NYS. The public is evenly divided on whether it should be allowed in NYS. Governor Cuomo has repeatedly said “let the science determine the outcome.”



LESSONS LEARNED

- Hydrofracking is controversial-in NYS, according to recent polls, 51% of the voters oppose it while the majority of New Yorkers support legalizing medical marijuana!
- Producers & Governmental Regulators need to stay in front of the issue by early engagement with the public.
- Encourage and participate in a public process that is inclusive of all stakeholders
- Rely on facts not public relations to make your point
- Do not expect that everyone will see it your way-expect opposition no matter what!

NEW YORK STATE: A CASE STUDY

Thank You!

Richard D. Morse, Senior Policy Advisor

Ecology and Environment, Inc.

125 Wolf Road, Suite 504, Albany, NY 12205

Phone: 518-281-2511 | Fax: 518-459-1890

rmorse@ene.com | www.ene.com

