

**Request to Governor David A. Paterson to Withdraw the draft Supplemental Generic Environmental Impact Statement Related to Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop Marcellus Shale and Other Low-Permeability Gas Reservoirs - Resolution**

By Alderperson Dotson: Seconded by Alderperson Tomlan

WHEREAS, the City of Ithaca is the center of Tompkins County in terms of population, economics, and community, with a population exceeding 29,000, and is wholly located above a portion of the Marcellus Shale formation, a low-permeability rock formation estimated to contain reserves of natural gas; and

WHEREAS, recent technological developments including horizontal drilling and high-volume hydraulic fracturing have provided the potential for energy exploration companies to exploit this resource in the northeastern portion of the United States, including Tompkins County, in which the City of Ithaca is located; and

WHEREAS, the City of Ithaca recognizes that, if properly regulated, the development of natural gas resources in New York State could financially benefit some county property owners; and

WHEREAS, the City of Ithaca also realizes that the aforementioned potential financial benefits could easily be offset by damage to key components of the Upstate economy, including the tourism, wine, agriculture and education industries, should development of natural gas resources be allowed to continue in a largely unregulated manner; and

WHEREAS, land-use planning in the City of Ithaca is guided by a set of Comprehensive Plan documents, a Zoning Ordinance, and other planning and zoning tools; and

WHEREAS, over many years and in debates about many planning and community issues, City of Ithaca residents have overwhelmingly identified environmental protection as an issue of great concern in land-use and growth management policies and actions, both within the boundaries of the City of Ithaca and in the surrounding area of Tompkins County, which directly affect conditions in the City of Ithaca; and

WHEREAS, the City of Ithaca has historically taken an active role in the siting and permitting of development within its borders, including control of the placement of industry and other land-use activities; and

WHEREAS, it is generally recognized that NYSDEC has assumed *de facto* siting and permitting authority related to the exploration and extraction of natural gas; and

WHEREAS, City of Ithaca taxpayers have expended millions of dollars developing, maintaining and protecting clean drinking water sources, and our community enjoys water resources from three major bodies of water, Six Mile Creek, Fall Creek and Cayuga Lake, within the City of Ithaca, which supply three water treatment plants (for the City of Ithaca on Six Mile Creek, for the Southern Cayuga Lake Intermunicipal Water Commission on Cayuga Lake, and for Cornell University on Fall Creek) which together are rated to supply water to 91,000 people; and

WHEREAS, in addition to residential, commercial and industrial zones, the City of Ithaca is also comprised of sizable areas either prioritized for conservation or likely to be significantly impacted by upland water or other disturbances, including 333.2 acres of Unique Natural Areas, 467.2 acres of NWI or NYSDEC wetlands, 449 acres of State and City parklands, and contains 629 acres of lands in excess of 15% slope totaling 16% of its total land area, in addition to owning 750 acres of lands outside the City boundaries for our Six Mile Creek water source; and

WHEREAS, taxpayers in the City of Ithaca, with those from the Towns of Ithaca and Dryden, have expended millions of dollars in an intermunicipal effort realized in the Ithaca Area Wastewater Treatment Plant to develop, maintain and upgrade advanced wastewater processing facilities including biological processes that are not designed to treat fracturing fluid and wastewater from natural gas operations; and

WHEREAS, under the proposed permitting process, the process of hydraulic fracturing involves the use, retention and disposal of millions of gallons of fracturing fluid and wastewater that is high in dissolved solids and contains toxic and radioactive materials, some of which are not subject to public disclosure requirements; and

WHEREAS, under the proposed permitting process, there are no requirements for closed, above-ground storage facilities, nor pre-treatment requirements, for the fracturing fluid and wastewater generated during the fracturing process; and

WHEREAS, the United States Environmental Protection Agency may be preparing to undertake an investigation of the impacts of hydraulic fracturing on the environment; and

WHEREAS, there have been hundreds of reported spills, fires and contaminated water supplies related to conventional vertical well drilling in New York State, and surface contamination related to the retention and disposal of fracturing fluid and wastewater from natural gas operations; and

WHEREAS, staff resources of the NYSDEC Division of Mineral Resources, Bureau of Oil and Gas Regulation are dangerously inadequate to manage current drilling activities in New York State and, so, are not sufficient to handle the proposed widespread proliferation of deep well horizontal drilling and hydraulic fracturing; and

WHEREAS, the proposed fee structure related to permitting new wells would not provide finances adequate, or adequately dedicated, to staff NYSDEC to the degree necessary to process and manage an onslaught of new and more complicated drilling operations, thereby potentially creating a taxpayer subsidy for the oil and gas industry; and

WHEREAS, under the proposed permitting process, there is no strict liability requirement for natural gas drilling waste releases by energy companies, potentially shifting the financial burden of remediating contamination related to drilling and extraction to taxpayers; and

WHEREAS, New York State's Spill Remediation Fund may only be available for emergency response related to oil spills, excluding emergencies related to natural gas; and

WHEREAS, reporting requirements for uncontrolled oil and gas releases are currently insufficient and could be made similar to those for leaking underground storage tanks; and

WHEREAS, under the proposed permitting process, the widespread development of natural gas resources in New York State would involve the regular transport of heavy equipment and routine hauling of large volumes of hydraulic fluid and hydraulic fracturing wastewater, exceeding 40 tons per vehicle, over state, county and municipal roads and bridges, and

WHEREAS, according to NYSDOT, New York State and Tompkins County reportedly contain the same alarmingly high percentage (37%) of structurally deficient or functionally obsolete bridges, thus creating potentially dangerous conditions and a financial burden for taxpayers; and

WHEREAS, foreknowledge of the siting of industrial facilities related to natural gas development is critical to acquiring an understanding of future road usage for bonding and planning purposes, and under the proposed permitting process, no such advance notification requirement exists; and

WHEREAS, a comprehensive analysis of the statewide impacts, or even of the countywide impacts, of natural gas development utilizing a "full build-out" scenario has not been done as part of the analysis for the currently proposed permitting process; and

WHEREAS, the City of Ithaca has a responsibility to preserve and protect its natural resources, water resources, infrastructure, and residents' quality of life, now therefore be it

**RESOLVED**, That the Common Council of the City of Ithaca hereby requests that the Honorable David A. Paterson, Governor, withdraw from SEQRA review the *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*, as the aggregate protection provided therein is inadequate to safeguard the public health, environment and economy of New York State, and be it further

**RESOLVED**, That the Common Council of the City of Ithaca directs a letter be sent to Governor David A Paterson from this body outlining our multiple concerns that the approach taken by the State of New York under his leadership regarding the development of Marcellus Shale resources via horizontal drilling and high-volume hydraulic fracturing, including the current environmental review process undertaken by the Department of Environmental Conservation and the current dSGEIS, does not adequately address the significant risk of irreparable harm to our water supplies, our communities, our landscapes and our economic industries, and be it further

**RESOLVED**, That the Common Council of the City of Ithaca requests that no new permits be issued for horizontal drilling and deep well hydraulic fracturing until the issues mentioned earlier in this resolution and in more detail in the attached letter and comments are addressed, and be it further

**RESOLVED**, That a copy of this resolution and this letter shall be sent to Governor Paterson, NYSDEC Commissioner Alexander "Pete" Grannis, NYSDEC Executive Deputy commissioner Stuart Gruskin, NYSDEC Division of Mineral Resources Director Jack Dahl, State Senators George Winner, James Seward, and Michael Nozzolio, State Assembly Speaker Sheldon Silver, State Assemblywoman Barbara Lifton, Chair of State Senate Committee on Environmental Conservation Antoine Thompson, Chair of the Upstate Caucus Senator Darrel Aubertine, Chair of State Assembly Committee on Environmental Conservation Robert Sweeney, Chair of the Assembly Energy Committee Kevin Cahill, Attorney General Andrew Cuomo, U.S. Representatives Maurice Hinchey and Michael Arcuri, U.S. Senators Charles Schumer and Kirsten Gillibrand, Mayor of Binghamton Matthew T. Ryan, Mayor of Elmira John Tonello, Cornell University President David Skorton, Ithaca College President Thomas Rochon, New York State Conference of Mayors, New York State Association of Counties, the New York Association of Towns, and others as appropriate.

**Carried Unanimously (9-0)**

**STATE OF NEW YORK  
COUNTY OF TOMPKINS           SS:  
CITY OF ITHACA**

I, Julie Conley Holcomb, City Clerk of the City of Ithaca, do hereby certify that the foregoing resolution is a true and exact copy of a resolution duly adopted by the Common Council of said City of Ithaca at a special meeting held on the 2<sup>nd</sup> day of December, 2009, and that the same is a complete copy of the whole of such resolution.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the Corporate Seal of the City of Ithaca, this 23<sup>rd</sup> day of December, 2009.

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**Julie Conley Holcomb, CMC  
City Clerk  
City of Ithaca, New York**