

All Hat and No Cattle

An Assessment of DEC's dSGEIS (Draft Supplemental Generic Environmental Impact Statement)

by Steve Coffman

I have finally finished reading DEC's dSGEIS (Draft Supplemental Generic Environmental Impact Statement) on proposed high volume gas drilling in NYS's section of Marcellus Shale.

809 eye-blearing pages, much scientific talk, graphs, charts, lists and full color pictures, a thousand regulatory references, a thousand more references to scientific studies. In other words, a full-bore Madison Avenue public relations extravaganza.

So, what's under this five-million gallon hat?

Some reassuring safeguards. Many useful descriptions in great detail. Myriad references (I hope that somewhere a team of legal scholars and scientists have a few spare years to check them all out).

However, the problem is still the same. Beneath all the bold promises and referenced proofs, the overwhelming scale of danger and disruption is hardly touched, and the requisite mechanisms for oversight and enforcement remain ominously unclear. In the face of this coming deluge, New York State continues to cut funds and staff from DEC. Clearly, DEC has more staff available to justify its promotion of gas drilling than to inspect sites and rein in this rumbling industry stampede.

In short, all of DEC's conclusions remain essentially the same, including the Department's underlying claim that high-volume hydraulic fracture gas drilling is nothing new, and that the 1992 GEIS is a better base for understanding the effects of hydrofracking in New York State than are the experiences from numerous states where it has actually been used.

"After a comprehensive review of all the potential environmental impacts of oil and gas drilling and production in New York, the Department found in the 1992 GEIS that issuance of a standard, individual oil or gas well drilling permit anywhere in the state, when no other permits are involved, does not have a significant environmental impact."

"Well stimulation, including hydraulic fracturing, was expressly identified and discussed in the GEIS as part of the action of drilling a well, and the GEIS does not recommend any additional regulatory controls or find a significant environmental impact associated with this technology, which has been in use in New York State for at least 50 years." (dSGEIS 1.4)

Some supplemental tinkering has been added to deal with "potential impacts associated with the large volumes of water required to hydraulically fracture horizontal shale wells using the slick water fracturing technique and the disturbance associated with multi-well sites." (dSGEIS 2.0) But DEC's mission remains unchanged and as contradictory as before:

"As reflected by ECL §23-2101, New York is a member of the Interstate Compact to Conserve Oil and Gas, and is bound with other states by statutory adoption of the compact to participate in the mission of the Interstate Oil and Gas Compact Commission ("IOGCC") of . . . developing and implementing sound regulatory practices that maximize oil and natural gas production, minimize the waste of irreplaceable resources, and protect human and environmental health." (dSGEIS 1.2)

And then, in true Panglossian fashion, states:

"The exploration and development of natural gas resources serves the public's need for energy while providing economic **and** environmental *benefits*.

"Production and use of in-state energy resources---renewable resources and natural gas---can increase the reliability and security of our energy systems, reduce energy costs, and contribute to meeting climate change, public health and environmental objectives." (dSGEIS 2.2)

In other words, like we told you in 1992, hydrofracking is not only good for your pockets, it's also good for the environment, good for your health and an answer to climate change. (The dSGEIS modestly refrains from mentioning that it also smells like Chanel, tastes like chocolate, and makes fish and frogs sing like Whitney Houston did in 1992.)

Nor should we be concerned about being overwhelmed by the extent and pace of development:

"The final scoping document summarizes the challenge of forecasting rates of development as follows: 'The number of wells which will ultimately be drilled cannot be known in advance. . . . Every shale play is unique. . . . The timing, rate and pattern of development, on either a statewide or local basis, are very difficult to accurately predict.'" (dSGEIS 9.2.1)

"In response to questioning, a representative for one company estimated a peak activity for all of industry at 2,000 wells per year \pm 25% in the New York Marcellus play." (dSGEIS 9.2.1)

But not to worry:

"As detailed in Section 2.1.6 of the Final Scoping Document 'overall site density is not likely to be greater than was experienced and envisioned when the GEIS and its Findings were finalized and certified in 1992.'" (dSGEIS 9.2.1)

Frustrated Comment: In 1992, there were *no* high-volume hydrofracked gas wells in New York State. None. According to the 1992 GEIS itself (9.d):

"Most wells in New York State are drilled on compressed air. If formation water does not occur naturally in the well, a small amount of fresh water is sometimes added at the blooie line to control dust. Surfactants and small quantities of additives are also regularly added to the well during drilling. Soaps are also sometimes added to maintain circulation when water intrusion becomes a problem. The components of greatest environmental concern in the waste fluids from drilling are the chlorides (salt), trace metals and surfactants."

The dSGEIS now describes water use of 2-5 million gallons of water per well and lists (dSGEIS 8.2.1.2) "260 unique chemicals present in 197 products proposed for hydraulic fracturing of shale formations in New York," 78 of which were identified in the flowback water in PA and WV water treatment plants, most of them toxic to humans and aquatic ecosystems.

The 1992 GEIS describes noise, visual, road and earth disturbances as slight, a matter of a few days, less than two acres including access road, one or two truckloads of water and additives. The dSGEIS describes noise and industrial activities occurring for months, access roads 40 feet wide and half a mile long, as many as 8900 trucks loads of water, additives and equipment per well. Enormous compressor stations. Supply depots---like the one proposed in Horseheads. How many of *those* did we have in 1992?

And yet, after describing all these impacts and many more in exhausting detail, the dSGEIS still concludes that this is just same old. Just maybe a little bit louder. A little bit bigger. No big deal. The dSGEIS even has the brass to claim (by way of some fanciful math and statistical juggling---see 5.1.3.2) that the high-volume well sites will only disturb one-sixth as much land as the common old vertical well sites we're all used to!

The prima facie absurdity of such a claim exposes the DEC's zest in rationalizing its foregone conclusion in favor of unlimited drilling. One has only to look at the ruined landscapes in Texas, Colorado and Wyoming after a decade or less of high-volume hydrofracking. Who are you going to believe, the DEC or your lying eyes?

When DEC says "There are no known incidents of groundwater contamination due to hydraulic fracturing (dSGEIS 1.2.7)," it is putting its head in the ground more than its science. Thousands of people in hydrofracking areas have seen their water go bad, and the industry (and government) response is always the same: But can you prove we did it? Pretty hard to do. Yet, isn't it strange how such a similar mass hysteria of claims seems to follow this industry wherever it goes?

Which brings us back to the inescapable matter of SCALE: what may be manageable, able to be overseen, regulated, and (in case of accident or neglect) remedied on a well site by well site basis, is utterly unmanageable on the level of predicted development and the paucity of resources and staff available to DEC as Lead Agency.

DEC wants to usurp all decision-making power, but lacks the ability to enforce its edicts. An example of that is the following ironic juxtaposition:

dSGEIS 8.1.1.6 Local Planning Documents

"The Department's exclusive authority to issue well permits supersedes local government authority relative to well siting."

dSGEIS 8.1.1.7 County Health Departments

"County health departments are the most appropriate entity to undertake initial investigation of water well complaints. Therefore, the Department proposes that county health departments receive copies of the required baseline and monitoring analyses of residential water wells in proximity to well pads where high-volume hydraulic fracturing occurs. Furthermore, the Department proposes that county health departments retain responsibility for initial response to most water well complaints."

DEC has exclusive authority, but county health departments get the complaints! Localities have no authority to govern the process, just the authority to deal with the mess.

In many ways, the dSGEIS seems prudent and thorough, the detail often impressive. but it's the overview that is disastrously deficient and flawed. To trust the industry to report on itself, be moderate in its goals, or careful of local needs and values is wishful thinking at its most destructive---like believing a drug addict who says: "Just one more and then I'll stop."

The avaricious Gas Boom mentality may not be sufficiently science-based to merit discussion by DEC, but it is nonetheless real. The Finger Lakes can continue as a growing tourist destination, might even become a kind of rural Berkshires---with its glorious lakes, enticing wineries and craft markets, picturesque woods and farms. Or it can become another Cleburne Texas or Sublette Wyoming, once rural areas gone industrial---with exploding populations (at least until the gas runs dry), big city air, big city traffic, contaminated water.

We cannot be both. Louisiana's Gulf coast used to be a tourist destination, too, and now it's a hundred miles of rigs, pipes, pollution and absent landowners.

Again, it's a question of more of the same---on an unimaginable (and unmanageable) SCALE.

No one is asking DEC to predict the number of wells that the industry might *want* to drill. In order to protect the character and environmental integrity of the Finger Lakes Region, the DEC needs to impose maximum limits on the number and density of wells that it will permit the industry to drill.

But the dSGEIS rejects this notion out of hand.

"The rate of development cannot be predicted with any certainty . . . Nor is it possible to define the threshold at which development results in unacceptable adverse noise, visual and community character impacts. . . There is no way to objectify these inherently subjective perspectives [and] . . . there is no sound basis for an administrative determination limiting the shale development at this time." (dSGEIS 7.12.3)

Where these gas-drillers come from, this is called: *All Hat and No Cattle*. Where we come from, it's called: *Missing the Forest for the Trees*.

#

Steve Coffman
Dundee, NY