

The Partnership for Onondaga Creek
340 Midland Ave
Syracuse, NY 13202

Attn: dSGEIS Comments
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-6510

January 10, 2012

To Whom It May Concern:

The Partnership for Onondaga Creek is a diverse, community-based environmental justice organization, rooted in the Midland area of Syracuse, New York. We are committed to empowering local communities, through knowledge and tools for change, to make the water and environment in and along Onondaga Creek meet the highest standards.

The Partnership for Onondaga Creek knows environmental injustice first-hand, from the industries and sewage plants located in our neighborhoods, where the asthma hospitalization rate is 13 times higher than the rest of the county¹. We are writing with great concern regarding Section 2.4.11.5, the EJ analysis in the 2011 draft *Supplemental Generic Environmental Impact Statement on the Oil, Gas, and Solution Mining Regulatory Program*.

Our concerns are as follows:

LACK OF ANALYSIS

The analysis presented in Section 2.4.11.5 evaluates only 7 Southern Tier counties, ignoring at least ten other counties in New York State with substantial leasing. We have attached a list of these counties and the percentage of leased land, as well as a map of leases in Tompkins, Cayuga, Cortland, and Onondaga counties. Throughout the document the Utica Shale is mentioned as a target formation, and yet both the EJ and socioeconomic analysis ignores the region of the Utica Shale entirely. **We request that you include Tompkins, Cortland, Onondaga, Madison, Otsego, Livingston, Ontario, Schuyler, Seneca, Steuben Counties, and any other counties atop the Utica or Marcellus Shale in both the economic analysis and the environmental justice analysis.**

OUT OF DATE DATA

The analysis is based on 2005 demographic data. Much has happened in the past seven years, including a major economic recession. Environmental Justice communities are defined as “minority and low-income communities”. **The data for the 2010 census is readily available and should be incorporated in this analysis.**

WHY ARE GAS WELLS EXEMPT FROM EJ?

Natural gas wells are declared exempt from CP-29, Environmental Justice and Permitting. We see no reason for this to be so, and every reason for gas wells to be even more closely scrutinized for environmental justice issues. Natural gas wells should be subject to the requirements in NYSDEC Commissioner Policy 29, Environmental Justice and Permitting (CP-29).

Additionally, the “auxiliary permits/approvals” that may be subject to these requirements should be spelled out more clearly in the SGEIS, to prevent ambiguity.

REMEDIES FOR ENVIRONMENTAL INJUSTICE

The remedy for EJ communities impacted by hydraulic fracturing and shale gas drilling is only “additional community outreach activities”. This statement needs to be strengthened and spelled out clearly. What is the purpose of the outreach activities? Will local residents have a say in whether or not gas wells, compressor stations, and other polluting facilities are located in their neighborhoods? Simple notification that a gas well is being sited is inadequate, even for non-EJ communities. EJ communities must be apprised of potential permits prior to permit issuance, through local newspapers, TV, and radio, and have the right to require the DEC to deny the permit on EJ grounds.

AIR POLLUTION

An Associated Press article from March 9, 2011 (attached) highlights the ability of this industry to create significant air quality impacts. In the Upper Green River Basin of Wyoming,

preliminary data show ozone levels March 2 got as high as 124 parts per billion. That's two-thirds higher than the Environmental Protection Agency's maximum healthy limit of 75 parts per billion and above the worst day in Los Angeles all last year, 114 parts per billion, according to EPA records. Ozone levels in the basin reached 116 on March 1 and 104 on [March 5].

We are aware of the list of regulations in Section 6.5 that may be applicable, and the proposed amendments to air regulations for the oil and natural gas industry that are currently under review by the EPA. All serve to reduce air pollutants, and not eliminate them. Air pollution is a common problem faced by EJ communities, and they should not be asked to bear the burden of additional pollution. It is also important to note that the geography of NY is much different than the flat plains of Wyoming. Ozone, smog, and other pollutants settle in our valleys, concentrating the impacts to specific populations.

WATER POLLUTION

We expect others to write in much greater detail about the topic of water pollution in general. Onondaga Creek is a significantly impaired creek running through our community, which we hope to revitalize. It is impacted not only by combined sewer overflows, but the mudboils in the Tully Valley. The Tully Valley is geologically unstable due to many years of brine

mining and hundreds of wells. We ask that the DEC refrain from permitting any shale gas wells in the Onondaga Creek watershed.

Further, we encourage the DEC to require that all stormwater be handled on site, preventing runoff of sediment, chemicals, or other pollutants from well pads. Discharges into local waterways should not be permitted.

HOME RULE

Thanks to the City of Syracuse banning hydrofracking within city limits, we do not expect to find gas wells on vacant lots in our neighborhoods. However, we are aware of lawsuits against towns that have done similarly, such as the towns of Dryden and Middlefield. We deeply oppose the DEC's assertion in Section 8.1.1.5 *Local Planning Documents* that "exclusive authority to issue well permits supersedes local government authority relative to well siting". There must be some way for local communities to protect themselves with zoning. Further, in the SGEIS, local officials are not notified of well permit applications, relying on the honesty of the permit applicant to identify whether or not they are in conflict with local land use laws or policies. Permit applicants should be required to provide verifiable proof that they have consulted with local planning authorities, and local planning authorities' judgment regarding suitability of siting should trump all other considerations.

INSUFFICIENT PUBLIC COMMENT

The closest public hearing to Syracuse was over an hour and a half away, in Binghamton NY, prohibiting any of our members or neighbors from attending due to work schedules, lack of childcare, lack of transportation, and/or cost of transportation. We are also aware that only a small fraction of those in attendance who wished to speak had the opportunity to do so.

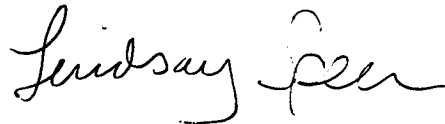
WITHDRAW THE SGEIS AND BAN HYDROFRACKING

All of the aforementioned comments are given in case of the worst-case scenario in which the DEC moves forward to permit hydrofracking. We do not believe that anyone, EJ community or not, should be subject to having their lives fractured by this invasive and destructive industry. We believe that NY's water resources are too important to jeopardize further. And we believe that the voices of the people who live here should take priority over the interests of a large corporation. We call on NYS DEC to withdraw the SGEIS and ban slick-water horizontal hydrofracking in New York State.

Sincerely,



Lionel Logan, President
Partnership for Onondaga Creek



Lindsay Speer, Member
Partnership for Onondaga Creek

ⁱ "Does Bad Indoor Air Cause Asthma in Newborns?" Syracuse Post Standard, Sunday July 21, 2003, p A-15

