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Honorable Michael Bloomberg
Mayor, City of New York
City Hall
New York, NY 10038

Greetings:

Please find attached a copy of a letter that I recently sent President Obama regarding the need to safeguard New York's drinking water from Marcellus Shale Horizontal Hydrofracturing. I trust you will find my letter self-explanatory, but please do not hesitate to contact me if you have any questions that I might be able to answer.

De Facto Moratorium

As you know, there has been a *de facto* moratorium on issuing Marcellus Shale horizontal hydrofracturing permits for more than two and a half years as the New York State Department of Environmental Conservation (DEC) goes through the process of adopting a Supplemental Generic Environmental Impact Statement (SGEIS). One of the three critical issues addressed by DEC's proposal is how to safeguard the City of New York's drinking water.

DEC's draft SGEIS received withering criticism from your Department of Environmental Protection, Environmental Protection Agency (EPA) Region 2, dozens of local elected officials, hundreds of local, state and national environmental groups and thousands of concerned citizens. I am pleased to let you know that there are now more than 10,000 signatories to my coalition letter calling for the draft SGEIS to be withdrawn so that its fundamental inadequacies can be addressed. See: http://www.toxicstargeting.com/MarcellusShale/coalition_letter

Please accept my thanks for the City of New York's call for the draft SGEIS to be withdrawn. Please consider becoming a signatory to my coalition letter. Your support is critical to the success of that effort.

Request for Your Urgent Assistance

Last April, DEC proposed to exempt unfiltered watersheds owned by New York City and Syracuse from the SGEIS and to require individual EISs in those areas. That was a tacit admission of the inadequacy of DEC's effort. Since there is no written agreement regarding more rigorous EIS protections for the West of Hudson Supply System, I understand the City of New York is prepared to take legal action when a final SGEIS is adopted.

I write to urge you to make every effort to withdraw the draft SGEIS and to expand its scope to address all the concerns that have been voiced. Any legal challenge would face an uncertain outcome. I believe it would be far better for the City of New York to work closely with EPA Region 2 and all others who have called for the draft SGEIS to be withdrawn. I also believe this issue must be a priority for all candidates for statewide office.

EPA's Concerns

As you will see from a 12/30/09 letter sent by EPA Region 2 to DEC, there can be no question that the draft SGEIS must be sent back to the drawing board: http://toxicstargeting.com/MarcellusShale/documents/epa_letter. EPA's letter underscores many critical concerns:

"...greater emphasis needs to be placed on the potential health impacts that may be associated with gas drilling and hydrofracturing. EPA suggests that the New York State Department of Health (DOH) join NYSDEC as a co-lead on the SEQRA [State Environmental Quality Review Act] document."

"EPA is concerned that over the past 17 years since the 1992 GEIS was written, the 'existing' environment and conditions in New York State have changed sufficiently that using the information from that report as a baseline for the dSGEIS will not take into account the cumulative impacts from habitat fragmentation, population increase, and climate change that might have occurred during that time."

"Despite the mitigation measures already proposed by NYSDEC in the dSGEIS, EPA has serious reservations about whether gas drilling in the New York City watershed is consistent with the vision of long-term maintenance of a high quality unfiltered water supply [emphasis added]. As NYSDEC is well aware, the watershed supplies drinking water to over nine million people and the avoidance of filtration saves New York taxpayers billions of dollars that would be needed to construct and operate a water filtration plant should the watershed be compromised."

"While protecting the New York City watershed is important because of the millions of New Yorkers who rely on this drinking water supply, we also have concerns about water quality impacts throughout the state. Just because fewer people rely on upstate water sources does not imply that these supplies are not also worthy of protection."

"...we have concerns regarding potential impacts to human health and the environment that we believe warrant further scientific and regulatory analysis. Of particular concern to EPA are issues involving water supply, water quality, wastewater treatment operations, local and regional air quality, management of naturally occurring radioactive materials disturbed during drilling, cumulative environmental impacts, and the New York City watershed. EPA recommends that these concerns be addressed and essential environmental protection measures established prior to the completion of the SEQRA process [emphasis added]."

Conclusion

Despite the intensity and magnitude of its concerns, EPA's regrettably believes its role in this matter is advisory. I have urged President Obama to withhold federal environmental funding to New York State until DEC fulfills EPA's request for action. I similarly urge you to take all appropriate action in this urgent matter.

I would be pleased to meet with you or your colleagues if appropriate. Please do not hesitate to contact me if I can be of assistance. Thank you for your consideration.

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Very truly yours,

Walter Hang
President

Cc: Honorable David Paterson
Honorable Alexander Grannis
Honorable Carter Strickland, Jr.
Honorable Judith Enck
Honorable Lisa Jackson
Honorable James Genarro
Honorable Barbara S. Lifton
Kate Sinding, Esq.