

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: DECEMBER 17, 2015

COMMITTEE OF ORIGIN: PLANNING

BOARD VOTE: 14 In Favor 0 Opposed 0 Abstained 0 Recused

BOARD VOTE: 34 In Favor 0 Opposed 0 Abstained 0 Recused

RE: Safeguard New York City's Water Supply System by Requiring New York State to Prohibit the Use of All Waterless Hydraulic Fracturing Methods for Natural Gas and Oil Extraction Purposes Pending Completion of an Environmental Impact Analysis Conducted Pursuant to State Environmental Quality Review

WHEREAS: The Marcellus Shale formation is the world's largest proven natural gas reserve and underlays a large portion of New York State from the Catskills to western New York and from Marcellus, NY to the border of Pennsylvania; and

WHEREAS: The City of New York obtains more than 90% of its irreplaceable drinking water from areas within the Marcellus Shale formation area; and

WHEREAS: Extracting natural gas and oil from Marcellus Shale requires the use of High-Volume Hydraulic Fracturing (HVHF) combined with horizontal drilling and would involve up to 16 gas production wells per square mile over a vast area of New York; and

WHEREAS: The New York State Department of Health released a Public Health Review of HVHF on December 17, 2014 which concluded that:

"The overall weight of the evidence from the cumulative body of information contained in this Public Health Review demonstrates that there are significant uncertainties about the kinds of adverse health outcomes that may be associated with HVHF, the likelihood of the occurrence of adverse health outcomes, and the effectiveness of some of the mitigation measures in reducing or preventing environmental impacts which could adversely affect public health. Until the science provides sufficient information to determine the level of risk to public health from HVHF to all New Yorkers and whether the risks can be adequately managed, DOH recommends that HVHF should not proceed in NYS;" and

WHEREAS: New York State Governor Andrew M. Cuomo's Department of Environmental Conservation (DEC) adopted a Findings Statement on June 29, 2015 to conclude its Final Supplemental Generic Environmental Impact Statement (SGEIS) proceeding by prohibiting HVHF pursuant to the DOH recommendation; and

WHEREAS: HVHF typically involves the use of water as the hydraulic fracturing fluid, but can also use gelled propane, Liquefied Petroleum Gas (LPG) and other hydraulic fracturing methods that do not involve water; and

WHEREAS: DEC's Final SGEIS Findings Statement specifically rejects the use of waterless fracturing methods included in the "environmentally-friendly chemical approach"

for the same reasons that water-based high-volume hydraulic fracturing was prohibited on a statewide basis:

"Based on unavoidable adverse environmental impacts and uncertainty regarding the science surrounding high-volume hydraulic fracturing and its potential impacts to public health and the environment, the Department finds that the best course of action is to select the No Action alternative. Selection of the No Action alternative means that the Department will not establish a high-volume hydraulic fracturing permitting program; that no individual or site-specific permit applications for wells using high-volume hydraulic fracturing will be processed; and that high-volume hydraulic fracturing will be prohibited in New York State (emphasis added); and

WHEREAS: DEC inexplicably failed to include gelled propane, LPG and all other waterless fracturing methods within the definition of HVHF adopted by the Final SGEIS Findings Statement because DEC's high-volume hydraulic fracturing definition is limited only to "**300,000 gallons or more of water:**"

"1 High-volume hydraulic fracturing is defined as the stimulation of a well using 300,000 or more gallons of **water** (emphasis added) as the base fluid for hydraulic fracturing for all stages in a well completion, regardless of whether the well is vertical or directional, including horizontal. The 300,000-gallon threshold is the sum of all **water** (emphasis added), fresh and recycled, used for all stages in a well completion. Well stimulation requiring less than 300,000 gallons of **water** (emphasis added) as the base fluid for hydraulic fracturing for all stages in a well completion is not considered high-volume, and will continue to be reviewed and permitted pursuant to the 1992 GEIS, and 1992 and 1993 Findings Statements;" now

THEREFORE
BE IT
RESOLVED

THAT: CB#1 urges Governor Cuomo to immediately require DEC to prohibit the use of gelled propane, LPG and all other waterless hydraulic fracturing methods that have never been the subject of an environmental impact analysis conducted pursuant to State Environmental Quality Review (SEQR) as required by law; and

BE IT
FURTHER
RESOLVED

THAT: CB#1 urges Governor Cuomo to require a Supplemental Findings Statement to be issued to revise the Department of Environmental Conservation's definition of high-volume hydraulic fracturing (HVHF) to prohibit all forms of shale fracking in New York, not just HVHF based on "300,000 gallons or more of water; and

BE IT
FURTHER
RESOLVED

THAT: Unless and until gelled propane, LPG and all other available waterless hydraulic fracturing methods are the subject of an environmental impact analysis conducted pursuant to SEQR, CB1 requests that their use not be permitted in New York either for conventional vertical gas or oil extraction wells or horizontal wells involving HVHF and that DEC deny two currently pending gelled propane permit application in Barton, NY so long as the HVHF prohibition remains in effect.

