

RIVERKEEPER[®]

Volume 5

Industrial Gas Drilling Reporter



November 5, 2009

INTRODUCTION

Since the summer of 2008 Riverkeeper has tracked the prospect of industrial gas drilling in New York State. While gas drilling in New York is not new, what is new is the magnitude, scope, and location of the proposed drilling method of high-volume hydraulic fracturing. Indeed, industrial gas drilling throughout the Marcellus Shale and other shale reserves in New York has the potential to impact the environment and communities dramatically.

Riverkeeper’s *Industrial Gas Drilling Reporter* compiles information from around the country associated with this activity – from New York’s ongoing environmental impact study to reported drinking water contamination in states where industrial gas drilling already occurs.

Our goal is to educate our members and the general public on this important and dynamic issue, and to help concerned citizens make informed decisions during the public participation component of New York’s draft Supplemental Generic Environmental Impact Statement. Riverkeeper will update the *Industrial Gas Drilling Reporter* periodically.

This is Volume 5 of Riverkeeper’s *Industrial Gas Drilling Reporter*. Visit our website to review Volumes 1 - 4: <http://www.riverkeeper.org/campaigns/safeguard/gas-drilling/>.

TABLE OF CONTENTS

Background	4
Information on the Marcellus Shale, hydraulic fracturing and the NYC Watershed	
SEQRA Review Update	6
The status of New York State’s environmental impact study	
Fractured Communities	7
Stories from existing drilling in the Marcellus Shale and across the country	
Industry Announcements	13
Recent announcements and news from the gas drilling industry	
Legislative Update	15
The status of federal, state, and local regulations	
Reports and Studies	15
A collection of recent reports and studies	
Take Action	16
What the public can do to get involved	

Acknowledgements

This volume of Riverkeeper's *Industrial Gas Drilling Reporter* was prepared by James L. Simpson, Staff Attorney; Hannah Faddis, Legal Intern; and Craig Michaels, Watershed Program Director.

Riverkeeper is grateful for the support and generosity of our members, and to the New York Community Trust, the Robert Sterling Clark Foundation and the Scherman Foundation, Inc. for support of our Watershed Program.

Cover photo of a well site during active Marcellus Shale drilling in Upshur County, West Virginia, in 2008. (An additional water storage pit is not in the photo.) Used by permission of West Virginia Surface Owners' Rights Organization: www.wvsoro.org. Copyright WVSORO, June 2008.

Riverkeeper is an independent environmental organization dedicated to protecting the Hudson River, its tributaries, and the New York City drinking water supply. For more information about us please visit www.riverkeeper.org.

Riverkeeper is a member of the Clean Drinking Water Coalition, comprised of certain environmental signatories to the 1997 New York City Watershed Memorandum of Agreement.

Riverkeeper is a founding member of the Waterkeeper Alliance (www.waterkeeper.org) an international organization that works with over 190 Waterkeepers to protect waterways around the globe.

© 2009 Riverkeeper, Inc. All rights reserved.

BACKGROUND

What is the Marcellus Shale?

The Marcellus Shale is a layer of deep sedimentary rock, deposited by an ancient river delta, with the remains of it now forming the Catskill Mountains. The vast Marcellus Shale extends from Tennessee, through most of West Virginia, across Pennsylvania and eastern Ohio, and into the Southern Tier of New York, including the Catskills and the West-of-Hudson portion of the New York City Watershed. New York's portion of the Marcellus Shale is approximately 18,750 square miles and is very deep – over 1 mile below ground.

What is Hydraulic Fracturing?

New technology, called hydraulic fracturing, allows drilling companies to extract natural gas from this shale. Natural gas is trapped within fractures between the grains of this fine-grained rock. Staged from a massive platform (towering hundreds of feet above ground), drillers drill down vertically into the shale, turn 90 degrees to drill horizontally (sometimes over a mile in length), and then inject water, sand and chemicals under high pressure to release the gas. The pressurized water forms fractures in the rock, which sand and chemicals then prop open.

What are some of the Environmental Impacts?

There are many environmental impacts associated with hydraulic fracturing, or “hydrofracking.” Among them are, water consumption, wastewater disposal, use of toxic chemicals, substantial truck traffic, air pollution, noise from the loud, twenty-four hour hydrofracking operations, potential groundwater and well water contamination, deforestation, roadbuilding and surface water runoff from these large industrial sites. The cumulative effect of these impacts may indeed transform entire communities – turning previously rural, agrarian areas into “fractured communities.”

Hydraulic fracturing requires up to 3 million gallons of water *per hydrofrack*, and typically each well is hydrofracked many times. The water must be trucked in, stored on-site, and the wastewater disposed of properly (nearly all of the fracking fluid injected returns to the surface, bringing with it materials from underground including brines, heavy metals, radionuclides, and organics). Even though the gas industry claims that toxic chemicals represent less than 1% of hydrofrack fluid, the U.S. Geological Survey explains that a typical 3 million gallon hydrofrack produces 15,000 gallons of chemical waste. In existing Marcellus wells outside of New York this waste is stored on-site in large holding ponds until trucks haul it away.

What is the New York City Watershed?

The New York City Watershed, largely in the Catskills, is the source of tap water for over 9 million New Yorkers. The entire New York City Watershed comprises approximately 4.2% of the State's land, yet supplies *unfiltered* drinking water to half the State's population. All surface water and

stormwater runoff within the New York City Watershed drains into large reservoirs and travels via gravity through tunnels and aqueducts to the taps of 8 million New York City residents and 1 million upstate consumers. The entire system delivers 1.2 billion gallons daily. The 1,560 square mile system in the Catskills (1 million acres) includes six reservoirs and their drainage basins, hundreds of miles of aqueducts and tunnels, and is home to approximately 60,000 people. The New York City Watershed, including its infrastructure, is the State's greatest natural resource and the City's greatest capital asset.

Riverkeeper played an instrumental role in protecting the source of this tap water when it helped structure the 1997 Watershed Memorandum of Agreement, a landmark agreement that establishes ground-rules for protecting the City's water supply. This agreement set the stage for the City to continue to receive a waiver from federal laws otherwise requiring filtration. This waiver is known as the filtration avoidance determination (FAD). The FAD allows the City to avoid building a new \$10 billion water filtration plant to filter City water, in exchange for strong watershed protection programs.

Possible gas drilling within the New York City Watershed, and in or near the Catskill Park, is one key reason why Governor Paterson ordered the New York State Department of Environmental Conservation to update its 1992 environmental impact study on gas drilling.

What About Other Important Environmental Areas?

The Marcellus and Utica Shales underlie most of the Catskills and the Southern Tier of New York. This area is home to the "forever wild" lands of the Adirondack and Catskills parks, and the vast systems of creeks and rivers that comprise the upper Delaware River Basin, the Mohawk River, the upper Hudson, the Finger Lakes, and the renowned trout fishing streams of the Catskills. Numerous other state parks, preserves, and wetland areas provide critical habitat for fish and wildlife, serve a variety of ecosystem functions such as water filtration, and are also major tourist and recreational areas. These areas all warrant significant attention and no drilling should be allowed until proper rules and regulations have been promulgated that adequately address concerns of environmental contamination and negative impacts to the special character of these regions.

SEQRA REVIEW UPDATE

NEW YORK STATE DEC RELEASES DRAFT ENVIRONMENTAL REVIEW

On September 30, 2009 the New York State Department of Environmental Conservation (DEC) released its draft Supplemental Generic Environmental Impact Statement (SGEIS) governing potential industrial gas drilling in New York State. This 805-page draft document is open for public review and comment for 60 days only – **all comments are due December 31, 2009.**

Read and review the entire document here: <http://www.dec.ny.gov/energy/58440.html>.

No horizontal hydraulic fracturing into the Marcellus Shale or other shale reserves will take place in New York until the State completes this update to its 1992 Generic Environmental Impact Statement (GEIS), pursuant to the State Environmental Quality Review Act (SEQRA).

PUBLIC COMMENTS

Riverkeeper encourages the public to comment on the draft SGEIS. This can be done in several ways:

1. Attend one of the four public hearings (see below)
2. Use DEC's online submission form, which allows the public to flag particular areas of concern and to include attachments: <http://www.dec.ny.gov/cfm/xtapps/SGEISComments/>
3. E-mail comments to DEC: dmnsgeis@gw.dec.state.ny.us
4. Submit written comments to:

Attn: dSGEIS Comments
Bureau of Oil & Gas Regulation, NYSDEC Division of Mineral Resources
625 Broadway, Third Floor
Albany, NY 12233-6500

DEC SCHEDULES PUBLIC HEARINGS

At first DEC was not going to schedule any public hearings, but has now scheduled four hearings:

Loch Sheldrake (Sullivan County) on October 28;
New York City on November 10;
Chenango Bridge (Broome County) on November 12; and
Corning (Steuben County) on November 18.

For detailed information on the hearings: <http://www.dec.ny.gov/energy/58705.html>

DEC BOWS TO PUBLIC DEMAND FOR MORE TIME TO REVIEW DRAFT SGEIS

After a loud public outcry, DEC extended the public comment period by an additional 30 days. U.S. Senator Kirsten Gillibrand and other elected officials, New York City Department of Environmental Protection, New York State Watershed Inspector General, more than 20 environmental organizations, and hundreds of concerned citizens all urged DEC for more time.

<http://www.timesunion.com/AspStories/story.asp?storyID=854735&category=OPINION>

FRACTURED COMMUNITIES

EPA STUDY OF DRILLING IN WYOMING FINDS POTENTIAL CONTAMINATION

The U.S. Environmental Protection Agency (EPA) has found elevated levels of carcinogenic chemicals in 11 private water supplies in Wyoming. Preliminary results found that fracking activities have the potential to contaminate aquifers, and EPA is still investigating the elevated levels of arsenic, methane, 2-butoxyethanol and other chemicals used in hydraulic fracturing. The study began in March 2009 after residents in a rural area of the Wind River Indian Reservation reported foul-smelling water. Industrial gas wells are found throughout the area. The results are rallying supporters of the FRAC Act, which would close a loophole and allow the Safe Drinking Water Act to apply to hydraulic fracturing.

See: <http://www.pressconnects.com/article/20090913/NEWS01/909130347> (last visited Oct. 13, 2009)

<http://www.reuters.com/article/environmentNews/idUSTRE5900FD20091001?pageNumber=1&virtualBrandChannel=11604> (last visited: Oct. 12, 2009)

TAP WATER ON FIRE

In this viral video filmmaker Josh Fox visits a Colorado family whose tap water lights on fire. A natural gas leak allegedly contaminated the aquifer beneath their home. The tap water appears on fire at 6:30 into the video.

See: <http://thetyee.ca/Mediacheck/2009/10/28/WaterBurning/> (last visited: Oct. 30, 2009)

CONTAMINATED SPRING WATER IN COLORADO LINKED TO DRILLING

A Colorado landowner inadvertently consumed almost an entire glass of tainted spring water in May 2008, before realizing that something was wrong. When his head started pounding and his throat burning, Ned Prather drove a container of the water over to the nearest drillers to ask what was in it. The drillers could not say, but tests showed that the water was contaminated with carcinogenic BTEX—a chemical cocktail of benzene, toluene, ethylbenzene, and xylene. More than a year later, the source of the contamination has not been definitely determined. There are 18 wells within 3,000 feet of Prather's spring and four gas companies involved in the drilling have been investigating the problem.

See: http://www.denverpost.com/newsheadlines/ci_13535728 (last visited Oct. 27, 2009)

<http://www.postindependent.com/article/20091013/VALLEYNEWS/910129983/1074> (last visited Oct. 27, 2009)

PENNSYLVANIA FINES CABOT OIL FOR MAJOR FRACKING FLUID SPILLS

The Pennsylvania Department of Environmental Protection (PA DEP) fined Cabot Oil and Gas Corp. \$56,000 for three spills totaling 8,000 gallons of hydraulic fracturing fluid in Dimock Township, PA.

On September 16, 2008 and September 21, 2009 there were three spills at Cabot's Heitsman well totaling 8,000 gallons of hazardous chemicals used in hydraulic fracturing. The chemicals leaked from pipes on the surface of the well site and polluted a nearby wetland and Stevens Creek in Dimock, PA. The PA Department of Environmental Protection (PA DEP) is still working with Cabot Oil and Gas to contain and evaluate the spill. The PA DEP had a hard time identifying the chemicals because documentation on the hazards of the drilling fluids was vague. The spill has killed some aquatic life.

See: <http://www.reuters.com/article/bondsNews/idUSN2245623220091022> (last visited Oct. 30, 2009)

<http://www.reuters.com/article/bondsNews/idUSN2236809420090922> (last visited Nov. 4, 2009)

<http://www.propublica.org/feature/frack-fluid-spill-in-dimock-contaminates-stream-killing-fish-921> (last visited: Nov. 3, 2009)

Read the PA DEP Press Releases:

<http://www.ahs2.dep.state.pa.us/newsreleases/default.asp?ID=5705> (last visited Oct. 30, 2009)

<http://www.ahs2.dep.state.pa.us/newsreleases/default.asp?ID=5678> (last visited Oct. 13, 2009)

<http://www.ahs2.dep.state.pa.us/newsreleases/default.asp?ID=5676> (last visited Oct. 13, 2009)

<http://www.ahs2.dep.state.pa.us/newsreleases/default.asp?ID=5459> (last visited Oct. 13, 2009)

PA DEP REVOKES PERMITS FOR TWO GAS COMPANIES

The Pennsylvania Department of Environmental Protection revoked three erosion and sedimentation control permits issues to Ultra Resources Inc. and Fortuna Energy Inc. Among other things, the permits failed to provide for best management practices and included inaccurate calculations. The Chesapeake Bay Foundation had filed appeals of these permits claiming that a new expedited permitting process fails to police drilling and doesn't protect streams from erosion and sedimentation runoff. Erosion and sedimentation comes from land clearing at industrial gas drilling sites, and can lead to turbidity problems in surface water. The expedited process requires only an administrative review that determines if the permit paperwork has been submitted, without any sort of technical review. This provides a cautionary tale for New York because the New York State DEC intends to regulate all drilling through permit conditions.

<http://www.ahs2.dep.state.pa.us/newsreleases/default.asp?ID=5710> (last visited Oct. 30, 2009)

<http://www.post-gazette.com/pg/09253/996900-454.stm> (last visited Oct. 30, 2009)

DRILLING EQUIPMENT MAY HAVE CONTRIBUTED TO 38-MILE FISH KILL

A massive fish kill in a stream along the Pennsylvania-West Virginia Border may be the result of invasive algae carried on equipment used in Marcellus Shale drilling, or may be the result of high chlorides from hydraulic fracturing wastewater. The entire 38-mile ecosystem has been destroyed.

The West Virginia Department of Environmental Protection has identified alien golden algae as the likely cause of death for thousands of fish, mussels, and other aquatic life. Golden algae is a chrysophyte, typically found in warmer, coastal environments in the South and Southwest. The algae was first documented in the Pecos River in Texas in 1985. A spokesman for Range Resources, one of the largest drilling companies operating in the Marcellus Shale, said the company had not moved any equipment from Texas. It is unclear if one of the smaller drilling companies in the region may be using equipment moved from Texas.

See: <http://www.post-gazette.com/pg/09277/1003007-113.stm> (last visited Oct. 12, 2009)

<http://www.post-gazette.com/pg/09287/1005306-113.stm#ixzz0TuzUKLNh> (last visited Nov. 3, 2009)

Listen to NPR: <http://www.loe.org/shows/segments.htm?programID=09-P13-00044&segmentID=5> (last visited Nov. 3, 2009)

GAS DRILLING WASTEWATER POLLUTES MONONGAHELA RIVER

The Pennsylvania DEP has announced that the levels of total dissolved solids (TDS) in the Monongahela River have again exceeded water quality standards. Approximately 46 miles of the river are affected. The TDS measure can include carbonates, chlorides, sulfates, nitrates, sodium, potassium, calcium, and magnesium. Wastewater treatment plants cannot remove TDS from water they treat and discharge into the river. The Monongahela provides drinking water for 350,000 people.

In addition to the fish kill reported in Dunkard Creek, along the Pennsylvania-West Virginia border, an increase in salinity has caused a number of problems. The DEP remedied an increase in salinity over the summer by lowering discharge levels and increasing water flow from dams. Currently, about 9 million gallons of drilling wastewater are discharged in Pennsylvania; by 2011, it is estimated that PA waterways will receive 19 million gallons of wastewater.

See: <http://www.ahs2.dep.state.pa.us/newsreleases/default.asp?ID=5694> (last visited Oct. 27, 2009)

See: <http://www.propublica.org/feature/wastewater-from-gas-drilling-boom-may-threaten-monongahela-river> (last visited: Oct. 12, 2009)

RESIDENTS REPORT TOXIC GAS CLOUD IN PENNSYLVANIA

Residents near a compressor station in Mt. Pleasant, PA reported what “sounded like a rocket taking off” when natural gas escaped from a pipeline near a compressor station. Longtime residents reported burning eyes and a loud sustained noise. Compressors, a typical component of industrial gas drilling, are used to push gas through pipelines.

See: <http://www.phillyimc.org/en/residents-report-toxic-clouds-gas-near-markwest-compressor-station> (last visited Oct. 30, 2009)

HEALTH ISSUES IN BARNETT SHALE

NPR'S Morning Edition takes a look at health and environmental impacts in the Barnett Shale in Texas. Among other things, the report explains that the small town of Dish, TX spent 15% of its budget on an environmental study that showed high levels of carcinogens in the air.

Listen to the story: <http://www.npr.org/templates/story/story.php?storyId=120043996> (last visited Nov. 3, 2009)

AIR CONTAMINATION IN HEART OF BARNETT SHALE DRILLING

A study commissioned by the Texas town of Dish has found excessive concentrations of carcinogenic and neurotoxin compounds in the town's air. The town sits above the Barnett Shale, which is heavily explored for natural gas reserves. The study was produced by Wolf Eagle Environmental Engineers and Consultants, whose president, Alisa Rich, stated she was very confident that the results were linked to the oil and gas industry. Rich said that the results were consistent with those in other natural gas producing areas on the Barnett Shale, and are typically linked to the scenting and compression processes that the gas undergoes.

See: <http://www.reuters.com/article/domesticNews/idUSTRE59B5AS20091012> (last visited Oct. 27, 2009)

http://www.fwweekly.com/index.php?option=com_content&view=article&id=2104:sacrificed-to-shale&catid=30:cover-story&Itemid=375 (last visited Oct. 27, 2009)

Listen to a story:

<http://www.publicbroadcasting.net/keranews/newsmain/article/0/1/1566121/North.Texas/State.Tests..Air.Around.Drilling.And.Pipeline.Sites> (last visited Oct. 27, 2009)

TEXAS OFFICIALS FIND BENZENE IN AIR NEAR BARNETT SHALE DRILLING

The Texas Commission on Environmental Quality (TCEQ) recently began testing the air quality near industrial gas drilling in the Barnett Shale. The TCEQ reported finding benzene, a known carcinogen, in the air. The TCEQ is handing their results over to the U.S. Environmental Protection Agency. TCEQ will issue a final report on their findings by the end of the year.

See:

http://www.wfaa.com/sharedcontent/dws/wfaa/latestnews/stories/wfaa091029_mo_drilling.2669d39e4.html (last visited Oct. 30 2009)

METHANE LEAKS AT NATURAL GAS WELLS CONTRIBUTE TO GLOBAL WARMING

Infrared cameras show methane leaks at industrial gas wells. A large, yet mostly ignored, source of methane gas emissions worldwide is coming from leaks in natural gas production equipment. A variety of environmental groups and the EPA are calling on the gas industry to implement measures

to control these emissions. Methane emissions are invisible to the human eye, but can be clearly seen through an infrared camera. Many oil storage tanks also leak methane emissions.

See: <http://www.nytimes.com/2009/10/15/business/energy-environment/15degrees.html> (last visited Oct. 27, 2009)

REFLECTIONS ON FRACKING FROM SULLIVAN COUNTY, PA.

In anticipation of a revival of hydrofracking in New York, many people are considering the PA experience over the past 18 months. Reflections on the economic growth that has accompanied the drilling contrast sharply with the resulting environmental impacts.

See: <http://www.recordonline.com/apps/pbcs.dll/article?aid=/20091018/news/910180327> (last visited Oct. 27, 2009)

NPR DISCUSSES THE RISKS AND CONCERNS SURROUNDING GROUNDWATER CONTAMINATION FROM FRACKING

Concerns are being raised about the impact of hydraulic fracturing on groundwater. The process uses a combination of sand and water laced with chemicals, including benzene, to break apart rock so that the gas trapped inside is able to escape. Contamination from the process has left people who live close to fracking wells with foul odors, flammable tap water, sick pets and livestock, and undrinkable water. Congress has introduced the Fracturing Responsibility and Awareness of Chemicals Act, or FRAC Act, to amend the Safe Water Drinking Act and bring hydraulic fracturing under federal regulation. The amendment would also require natural gas producers to disclose the chemicals they use during hydraulic fracturing operations.

See: <http://www.npr.org/templates/story/story.php?storyId=113142234> (last visited Oct. 13, 2009)

COUNCIL APPROVES ZONING FOR FRACKING WATER TREATMENT FACILITY

The Blossburg, PA borough council approved a zoning reclassification from commercial to heavy industrial so a fracking water treatment facility could be constructed. The plant would remove suspended solids, and then sell back the water to the gas companies. Several people voiced their opposition to the change before the vote, fearful of noise and disruption from the increased truck traffic and the chemicals used in the fracking process. Residents were told that concerns about the chemicals used in fracking should be directed to the Department of Environmental Protection. Several other permits and approvals are needed before the facility can be built, including a permit from the Susquehanna River Basin Commission.

See: <http://www.sungazette.com/page/content.detail/id/532400.html?nav=5011> (last visited Oct. 13, 2009)

OPPOSITION MOUNTS AGAINST WASTEWATER TREATMENT FACILITY ON SUSQUEHANNA

A number of citizens and environmental organizations provided testimony at a public hearing on an application by TerraAqua Resource Management for a permit to discharge treated gas drilling wastewater into the West Branch of the Susquehanna River. Concerns were posed about the human health impact, degradation of water quality, and secondary air pollution and hazardous waste from treatment processes at the facility. The PA DEP heard testimony from supporters and opponents of the permit.

See: <http://www.sungazette.com/page/content.detail/id/533196.html?nav=5011> (last visited Oct. 12, 2009)

PA GOVERNOR'S AIDE MOVES TO MAJOR DRILLING COMPANY

K. Scott Roy, top aide to PA Governor Ed Rendell, has stepped down to join Texas-based Range Resources Corp, a major player in the PA gas industry. Roy was deputy chief of staff to Rendell since May 2007, and is taking a position as vice president for government relations and regulatory affairs with Range. Pennsylvania's revolving-door law will prohibit Roy from lobbying the governor's administration for one-year in his new capacity; the applicability of that law to lobbying administrative agencies is unclear.

See: <http://www.philly.com/philly/news/pennsylvania/63656357.html> (last visited: Oct. 13, 2009)

http://www.philly.com/inquirer/opinion/20091008_Editorial_Drilling_for_friends.html (last visited: Oct. 13, 2009)

PA TOWNSHIP CONSIDERS TEMPORARY HOUSING FOR GAS WORKERS

A subsidiary of Chesapeake Energy, Nomac Drilling, is planning a temporary housing facility—sometimes called a 'man camp'—to house drilling employees in Athens Township, PA. The 15-acre facility will have 180 beds in four dormitory buildings, 130 parking spaces, and 24-hour security. The housing is designed for short-term drillers, who would be unlikely to permanently relocate to the region. Township supervisors have expressed support for the development.

See: http://www.morning-times.com/articles/2009/10/07/local_news/doc4acc8274201a5936372482.txt (last visited: Oct. 13, 2009)

CHURCH SEEKS GAS WELL VIA MANDATORY POOLING

Beck Energy is seeking to secure a drilling permit for a natural gas well on the property of a community church in the city of Stow, Ohio. Neighbors of the church have refused to sign the lease, approving the drilling. Beck has said it will apply to the Ohio Department of Natural Resources to include the neighboring properties in the lease under the "mandatory pooling" process available in

Ohio. The process would allow the company to secure a drilling permit with the consent of the neighboring property owners.

See: <http://www.ohio.com/news/63224232.html> (last visited: Oct. 13, 2009)

NYC CONCERNS OVER UPSTATE DRILLING

Elected officials, editorial boards, activists and legislators from New York City are taking a more active role advocating their positions regarding industrial gas drilling as concerns mount over the impact of drilling in and around the New York City Watershed. State Assembly Member James Brennan of Brooklyn has proposed a prohibition on natural gas drilling within five miles of the New York City Watershed and New York City Councilman James Gennaro introduced a similar resolution in the Council. Others have joined the call for New York to protect this pristine area permanently.

http://www.huffingtonpost.com/scott-stringer/state-must-end-threat-to_b_345504.html (last visited Nov. 5, 2009)

<http://www.nytimes.com/2009/10/17/opinion/17sat1.html> (last visited Nov. 4, 2009)

http://www.citylimits.org/content/articles/viewarticle.cfm?article_id=3805&content_type=1&media_type=3 (last visited Oct. 12, 2009)

<http://www.recordonline.com/apps/pbcs.dll/article?AID=/20091008/NEWS/910080324> (last visited Oct. 12, 2009)

INDUSTRY ANNOUNCEMENTS

CHESAPEAKE WITHDRAWS WATER WITHDRAWAL PERMIT APPLICATION

In a remarkable turnaround, Chesapeake Appalachia, LLC withdrew its application with the Delaware River Basin Commission (DRBC) to withdraw up to 30 million gallons (1 million gallons a day for 30 days) for its hydraulic fracturing operations. The DRBC received over 1,200 comments on the permit application and had revised the docket in response to them.

This would have been the first approval of water withdrawals from the Delaware River for industrial gas drilling. The DRBC regulates water use from the Delaware River; nearly 15 million people rely on water of the Delaware River Basin for drinking water and industrial use (this includes drinking water for New York City and Philadelphia). Concerns were raised about the effect the withdrawals would have on these drinking water supplies.

See: <http://www.state.nj.us/drbc/dockets/D-2009-20-1.htm> (last visited Oct. 30, 2009)

CHESAPEAKE ENERGY ANNOUNCES IT WILL NOT DRILL IN NEW YORK CITY WATERSHED

Chesapeake Energy announced it will not drill for natural gas within the New York City Watershed. Chesapeake controls fewer than 5,000 acres in the 1 million acre west-of-Hudson watershed. No state law or regulation prevents other industrial gas drillers to explore drilling within the unfiltered surface water supply for 9 million people. However, Chesapeake has left open the option of revisiting this issue in the future.

<http://www.nytimes.com/2009/10/28/business/energy-environment/28drill.html> (last visited Oct. 30, 2009)

Read the NY Times Editorial: <http://www.nytimes.com/2009/10/29/opinion/29thu2.html> (last visited Oct. 30, 2009)

<http://greeninc.blogs.nytimes.com/2009/10/30/fight-over-shale-gas-drilling-not-over/> (last visited Oct. 30, 2009)

DRILLING COMPANY APPLIES FOR WATER WITHDRAWAL PERMIT

A Houston-based company, Enervest Energy, has applied to the Susquehanna River Basin Commission for a permit for a water withdrawal facility in East Athens, PA. The permit requests an intake of 249,000 gallons per day. The company controls a drilling company, Belden & Blake, which holds a number of gas leases in Bradford County, PA. Belden & Blake violated the water withdrawal permitting process in April by using 600,000 gallons of water to frack a well without approval.

See: http://www.morning-times.com/articles/2009/09/17/local_news/doc4ab22914d1b2b888496623.txt (last visited Oct. 13, 2009)

TWO NATURAL GAS PRODUCERS CALL ON INDUSTRY TO DISCLOSE CHEMICALS

Chesapeake Energy and Range Resources natural gas producers have called on the industry to release data about the chemicals they use in the Marcellus shale to counter fears that fracking fluid is polluting water supplies. The lack of disclosure prevents testing water and soil samples for specific incidents of pollution. Other natural gas companies are concerned with maintaining their research and development secrets in developing the fracking fluid solution.

See: <http://www.reuters.com/article/rbssEnergyNews/idUSN2442260320090924> (last visited Nov. 4, 2009)

SCHLUMBERGER SUPPORTS DISCLOSURE OF FRACKING CHEMICALS

The world's largest provider of oilfield services, Schlumberger, Ltd. has announced support for disclosure of the chemicals used in hydraulic fracturing. The company says it has discussed the issue of disclosure with suppliers, who seem more willing to agree to disclose the chemicals used in fracking. This discussion comes as more industry participants are considering the impact of

proposed federal legislation requiring disclosure. Schlumberger CEO's expects such regulation because "that seems to me a perfectly natural thing to want."

See: <http://www.bloomberg.com/apps/news?pid=20601087&sid=acwzgifw6Re8#> (last visited: Oct. 12, 2009)

<http://www.reuters.com/article/internalReutersNewsRoomBehindTheScenesMOLT/idUSTRE59M57U20091023> (last visited Oct. 30, 2009)

LEGISLATIVE UPDATE

NY TIMES: CLOSE THE HALLIBURTON LOOPHOLE AND PASS FRAC ACT

The New York Times urged Congress to close the Halliburton Loophole and pass a bill requiring that the U.S. Environmental Protection Agency study the risks of hydraulic fracturing. This "dubious" provision in the 2005 energy bill stripped away EPA's authority to regulate hydraulic fracturing. The Times also urged Congress to pass the FRAC Act, which would close the loophole and require disclosure of chemicals used in hydraulic fracturing.

See: <http://www.nytimes.com/2009/11/03/opinion/03tue3.html> (last visited Nov. 3, 2009)

NEW REPORTS AND STUDIES

NATIONAL RESEARCH COUNCIL RELEASES REPORT ON HIDDEN COSTS OF ENERGY PRODUCTION

The National Research Council (NRC) recently released a comprehensive report on the hidden costs, or externalities, of energy production; pollution and contamination for which the true costs are ultimately borne by the public. The NRC report found that hydraulic fracturing involves adverse impacts such as air emissions and noise, as well as leaks to groundwater and the surface from improper well casing.

Read the report: http://www.nap.edu/catalog.php?record_id=12794

NEW YORK CITY DEP RELEASES RAPID IMPACT ASSESSMENT

In September 2009, New York City Department of Environmental Protection (NYCDEP) released its Rapid Impact Assessment of Natural Gas Production in the New York City Watershed. In it, NYCDEP found many potential impacts to the New York City Watershed from hydraulic fracturing. NYCDEP's full report is due out in late December 2009.

Read the Report, as well as NYCDEP's slideshow and legislative testimony:

http://www.nyc.gov/html/dep/html/news/natural_gas_drilling.shtml

ENVIRONMENT AMERICA REPORT: HOW NATURAL GAS DRILLING THREATENS DRINKING WATER

This new report focuses on the dangers industrial gas drilling poses to drinking water. It calls on government to act to protect drinking water from this practice.

Read the report: <http://www.environmentamerica.org/reports/toxic-free-communities/stop-toxic-pollution/toxic-chemicals-on-tap-how-natural-gas-drilling-threatens-drinking-water>

TAKE ACTION

JOIN MANHATTAN BOROUGH PRESIDENT STRINGER'S CAMPAIGN TO STOP DRILLING WITHIN THE NEW YORK CITY WATERSHED

Manhattan Borough President Stringer has launched the "Kill the Drill" campaign to stop drilling within the New York City Watershed. Visit his page to join and/or send a letter to Governor Paterson:

http://www.mbpo.org/release_details.asp?id=1386&page= (last visited Oct. 30, 2009)

NEW YORK CITY RALLY – NOVEMBER 10, 2009

Manhattan Borough President Stringer is hosting a rally at 5pm on November 10, 2009 before the first and only hearing in New York City on DEC's draft environmental study of gas drilling impacts. The rally is outside Stuyvesant High School, 345 Chambers St., New York City (in Tribeca).

<http://www.libertycontrol.net/uploads/mbp/ktdflyerfinal.pdf> (last visited Oct. 30, 2009)

SUBMIT COMMENTS TO NYS DEC'S DSGEIS BY DECEMBER 31st!

Riverkeeper is consulting with other environmental groups and technical experts to develop extensive comments to DEC's draft environmental impact statement. Please check our web site periodically for updates that will include sample comment language:

<http://www.riverkeeper.org/campaigns/safeguard/gas-drilling/>

Click here to join our email listserve and receive updates on gas drilling and other important environmental issues.

http://river.convio.net/site/PageServer?pagename=sign_up

PROTECT YOUR TAP WATER

New York boasts their excellent tap water and rightfully so. However, industry is proposing to jeopardize this precious resource by drilling underneath the NYC watershed, near other local watersheds, and near local aquifers. Click on the link below to sign a letter supporting the Ban Gas Drilling in the Catskills campaign.

See: <http://gomyd.com/2009/08/03/send-a-letter-to-protect-our-tap-water-now/>

CORNELL COOPERATIVE EXTENSION – NATURAL GAS SUMMIT

On November 30, 2009 the Cornell Cooperative Extension will host a Natural Gas Summit in Owego, NY. The summit will address two key questions: Where do the people and the communities of New York State go from here in addressing the myriad issues associated with gas drilling? What strategies can be implemented to protect the environment and help the regional economy?

<http://gasleasing.cce.cornell.edu/> (last visited Nov. 3, 2009)

<http://gasleasing.cce.cornell.edu/documents/SummitPressRelease-.lmc.pdf> (last visited Nov. 3, 2009)

CONTACT YOUR CONGRESSIONAL REPRESENTATIVES TO SUPPORT FRAC ACT

The "Halliburton Loophole" exempts hydraulic fracturing from the Safe Drinking Water Act. Riverkeeper and other environmental groups urge you to contact your senators and representatives to repeal the Halliburton Loophole.

The Natural Resources Defense Council has posted a sample letter:

<https://secure.nrdconline.org/site/Advocacy?cmd=display&page=UserAction&id=1308&autologin=true&JServSessionIdr001=ne3fz2fb83.app306a>