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DEC ANNOUNCES SEPARATE REVIEW FOR COMMUNITIES WITH "FILTRATION AVOIDANCE DETERMINATIONS"

New York State Department of Environmental Conservation (DEC) Commissioner Pete Grannis today announced that due to the unique issues related to the protection of New York City and Syracuse drinking water supplies, these watersheds will be excluded from the pending generic environmental review process for natural gas drilling using high-volume horizontal drilling in the Marcellus shale formation. Instead, applications to drill in these watersheds will require a case-by-case environmental review process to establish whether appropriate measures to mitigate potential impacts can be developed. There are 58 pending applications for horizontal drilling in the Marcellus shale; no applications are located in either the New York City or the Skaneateles Lake watersheds (Syracuse utilizes the Skaneateles watershed).

New York City and Syracuse use unfiltered drinking water from surface-water sources. These watersheds are subject to Filtration Avoidance Determinations (FADs) that present distinct land disturbance and usage issues independent of DEC's ongoing review of the environmental safety of the high-volume hydraulic fracturing process.

Governor David A. Paterson in 2008 directed DEC to prepare a Supplemental Generic Environmental Impact Statement (SGEIS) to specifically address potential high-volume horizontal drilling in the Marcellus Shale formation. DEC received in excess of 14,000 comments on the draft SGEIS, and is in the process of evaluating those comments, preparing a responsiveness summary, and finalizing the SGEIS.

The federal Safe Drinking Water Act requires that drinking water taken from surface water sources must be filtered to reduce the risk of waterborne disease. In rare instances, a FAD is granted to a water supplier if it is able to demonstrate compliance with an array of strict water quality criteria and if it effectively implements a comprehensive watershed management plan. Both New York City and the city of Syracuse have been issued a FAD for their drinking water systems. Maintaining a FAD presents unique land use issues independent of the environmental safety of high-volume fracturing.

DEC Commissioner Pete Grannis said: "The environmental safety protocols included in the SGEIS must fully protect drinking water supplies and mitigate significant environmental risks wherever drilling might occur. Even with those protections in place, in order to better assure the continued use of an unfiltered surface water supply, there must be an additional review process which may result in associated regulatory and other controls on drilling. DEC will be vigilant in ensuring environmental safeguards."

(MORE)

The New York State Department of Health has the primary jurisdiction over the FADs.

State Health Commissioner Dr. Richard Daines said: "Watershed protection is important for any surface water supply but is critical for an unfiltered, FAD system. The New York City watershed and the Skaneateles watershed are unique in the level of management required to ensure continued compliance with strict water quality standards. DEC is taking significant action to protect these watersheds."

As a result of today's decision, applicants for natural gas drilling permits using high-volume horizontal drilling in the FAD watersheds will not be able to utilize the SGEIS. Instead, they will need to meet special requirements relating to the unfiltered surface water supply, including conducting individual environmental reviews to address the continuation of the FAD. DEC will work closely with the state Department of Health, the local watershed communities, and with the cities benefiting from the FADs to develop the additional drilling requirements that may be applicable in the FAD watersheds.

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