

RESOLUTION 2010-03-09:

**RESOLUTION TO SUPPORT PROPOSED STATE LEGISLATION URGING
STRICTER OVERSIGHT OF HORIZONTAL DRILLING AND HIGH-VOLUME
HYDRAULIC FRACTURING USED IN THE EXTRACTION OF NATURAL GAS
FROM THE MARCELLUS SHALE FORMATION**

Whereas the proposed New York State bill number A10088 prohibits the use of on-site, open-pit storage of flow back waters due to the hazards they potentially pose for wildlife and the surrounding water quality from accidental releases. This bill proposes the use of steel tanks for flow back storage to minimize such hazards, and;

Whereas the proposed New York State bill number A10090 prohibits on-site disposal or burial of drill cuttings from natural gas wells due to the extreme volume of cuttings generated of between 100 and 500 times the volume generated at vertical well sites. Oxidation and leaching from these cuttings produces an acid mine discharge which if not properly managed poses a threat to nearby water quality; and

Whereas the proposed New York State bill number A10091 requires the Department of Environmental Conservation to disclose the ingredients in hydraulic fracturing fluids and prohibits the use of chemicals that pose a risk to human health due to their persistence, their bio-accumulative or toxic characteristics, or their mutagenic qualities; and

Whereas the proposed New York State bill number A10092 requires an Environmental Impact Statement (EIS) for any natural gas drilling involving the use of hydraulic fracturing fluid to determine if it will pose a threat to special groundwater protection areas; and

Whereas the proposed New York State bill number A8784 requires permit holders to test the quality of ground and surface water sources within a thousand foot radius of the drilling area and on all water wells in the production unit, unless the Department of Environmental Conservation (DEC) determines that an expanded radius is required; and

Requires such testing to occur prior to drilling, following any hydro fracturing, prior to well completion and annually for producing wells; and

Defines “compounds” or “contaminants of concern” to include the ingredients contained in hydrofracturing fluids and chemical treatment; and

Establishes liability for the permit holder if the post drilling/hydrofracturing test results indicate contamination or decreased flow rate; and,

Requires DEC to promulgate methane and "compounds or contaminants of concern" regulations; and

Whereas the proposed New York State bill number A9414 establishes liability for any person involved in the extraction of natural gas by use of high volume hydraulic fracturing techniques. A “person” means “any individual, association, corporation or other entity that engages in natural gas exploration, drilling, extraction or transportation. The term “person” shall include any individual, association, corporation or other entity that owns an interest in land that is subject to a lease or other grant that permits surface rights, sub-surface rights or both surface and sub-surface rights for the purpose of natural gas exploration, drilling, operation or extraction unless said lease or grant was executed prior to the effective date of this title.”

Whereas the proposed New York State bill number A8806 establishes a water permitting process to allow the Department of Environmental Conservation to better regulate the use of the State’s water resources.

Therefore, be it resolved, that the Town of Ulysses supports passage of the above state legislation meant to improve oversight of natural gas hydrofracturing activities to ensure the health, safety and well being of the citizens of the Town of Ulysses.

Be it also resolved that a copy of this resolution shall be sent to Governor Paterson, Regional Representative to the Governor Kevin McCab, NYSDEC Commissioner Grannis, NYS Secretary of the Environment Peter Iwanowicz, State Senators Winner, Seward, and Nozzolio, State Assembly Speaker Silver, State Assemblywoman Lifton, NYS Senate President Malcolm Smith, NYS Senate Majority Leader Pedro Espada, Chair of State Senate Committee on Environmental Conservation Thompson, Chair of State Assembly Committee on Environmental Conservation Sweeney, State Attorney General Cuomo, U.S. Representatives Hinchey and Arcuri, U.S. Senators Schumer and Gillibrand, EPA Region 2 Regional Administrator Judith Enck, New York Comptroller, Thomas DiNapoli and New York State Association of Towns and Municipal Officials and Clerks.