

August 30, 2011

By Fax

Honorable Andrew M. Cuomo
Governor of New York State
The Capitol
Albany, NY 12224

Dear Governor Cuomo:

I write to request that you require your Department of Environmental Conservation (DEC) to stop authorizing the spreading of millions of gallons of potentially toxic and radioactive natural gas wastewater, known as “brine” or “produced water,” on thousands of miles of New York roadways for dust-control, winter de-icing and roadbed stabilization.

I also request that you require DEC to withdraw its Preliminary Revised Draft Supplemental Generic Environmental Impact Statement (SGEIS) due to its failure to fulfill Executive Order No. 41’s mandate to a) assess the environmental impacts of natural gas wastewater land-spreading and b) offer a plan to “avoid or mitigate” the impacts of that practice.

Natural Gas Wastewater Land-Spreading Concerns

DEC’s Beneficial Use Determination (BUD) program has approved natural gas wastewater to be spread on roadways at farms, residential and business properties, a summer camp for children, a water treatment plant, County fairgrounds, State lands as well as areas adjoining critical drinking water supply sources, including a major reservoir and “sole-source” and primary aquifers.

DEC has reportedly approved natural gas wastewater spreading in Chemung, Broome, Tompkins, Tioga, Chenango, Steuben, Cayuga, Cortland, Madison, Genesee, Chautauqua, Cattaraugus, Allegany, Wyoming and Otsego Counties. For example, Chautauqua County reportedly spread a total 1,322,450 gallons of “gas well production brine” in 2010 – 2011.

Natural gas drilling wastewater is documented to be contaminated with high levels of chloride and other Total Dissolved Solids (TDS), including toxic metals, as well as petroleum hydrocarbons, such as benzene, a known human cancer-causing agent, and radionuclides. Many of these pollutants are persistent when released into the environment and can pose serious threats to public health.

I have posted documents related to this practice at:

<http://toxicstargeting.com/sites/default/files/pdfs/foil-hl-110718.pdf>

Natural gas wastewater spreading should have been banned decades ago when spraying waste oil on dusty roads was outlawed along with burying garbage in open pits. It is inconceivable that DEC still authorizes spreading potentially toxic and radioactive gas wastewater on roadways in watersheds all over the Central, Southwestern and Leatherstockings regions of New York.

I have posted an Overview Map illustrating where the gas wastewater has been approved for land-spreading: http://toxicstargeting.com/sites/default/files/pdfs/Overview_110720_1500...

Preliminary Revised Draft SGEIS Fails to Address Gas Wastewater Land-Spreading Concerns

The Preliminary Revised Draft SGEIS released on 7/8/11 fails to assess the environmental impacts of natural gas wastewater spreading in any meaningful way. It does not characterize the range of toxic and radionuclide constituents present in natural gas drilling flowback or brine/produced water. It presents only limited analytical data for brine generated by natural gas drilling, production, storage or pipeline operations. It does not determine the fate and transport of persistent gas wastewater contaminants released into the environment by the road spreading practice. It assesses neither the short-term nor the long-term health and environmental impacts of uncontrolled brine pollutants.

Land-Spreading Impact Not Assessed by DEC Pursuant to Executive Order No. 41

DEC Commissioner Martens has toured New York State to assure citizens that horizontal hydrofracturing in Marcellus Shale can be done “safely.” DEC has similarly provided assurances that gas wastewater spreading is “safe” even though it conducted no public health or environmental impact studies as part of revising the Draft SGEIS pursuant to Executive Order No. 41.

DEC cannot possibly safeguard public health and the environment if it routinely authorizes the dumping of millions of gallons of potentially toxic and radioactive gas drilling wastewater without conducting the comprehensive assessment mandated by Executive Order No. 41.

According to that Order, DEC must:

“complete its review of the public comments, make such revisions to the Draft SGEIS that are necessary to analyze comprehensively the environmental impacts associated with high-volume hydraulic fracturing combined with horizontal drilling, ensure that such impacts are appropriately avoided or mitigated consistent with the State Environmental Quality Review Act (SEQRA), other provisions of the Environmental Conservation Law and other laws, and ensures (stet) that adequate regulatory measures are identified to protect public health and the environment;”

DEC should fulfill that mandate by immediately working with the State Department of Health to conduct a comprehensive assessment of the environmental and health impacts of all roadways and areas where natural gas wastewater spreading was approved by DEC, including residential properties, public and State lands, sole-source and primary aquifers and other water supply sources, notably the watersheds you reportedly consider sacrosanct.

Thank you for your consideration.

Best regards,

Walter Hang
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