

Revised SGEIS Still a Work in Progress

by Sue Smith-Heavenrich

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When they released the “preliminary revised” Supplemental Generic Environmental Impact Statement (SGEIS) on July 8, the Department of Environmental Conservation (DEC) anticipated adding a socio-economic study and releasing the “final revised SGEIS” by the end of July or first week of August. That hasn’t happened yet and DEC has suggested that the final version of the SGEIS for high-volume horizontal hydraulic fracturing in Marcellus and other shale formations may not be out until later this month.

Meanwhile, environmental groups, attorneys, people in the industry and residents living over the soon-to-be-drilled shale are getting a head start on reading the SGEIS in preparation of submitting comments. Last month, in Ithaca, a couple hundred people crowded into the Women’s Community Building to learn more about the revised SGEIS and how to submit comments to the DEC.

Martha Robertson, chair of the Tompkins County Legislature, encouraged everyone to submit comments on the proposed rules regarding hydraulic fracturing. “Regardless of how you personally feel about drilling, it is important that you weigh in on this document,” she said, cautioning people to wait until the official comment period opens.

Right now DEC is planning a 60-day period for public comment, but many state legislators have expressed a need for more time for people to digest the lengthy and complex document. Without the socioeconomic study the revised SGEIS weighs in at 1095 pages. It prohibits drilling horizontal hydro-fracked wells in the NYC and Syracuse watersheds, providing a 4,000-foot buffer around those areas. It also prohibits drilling within primary aquifers, providing a 500-foot buffer zone around them. That ban, however, will be reviewed in two years and could be eliminated.

The “new and improved” SGEIS establishes a 2,000-foot buffer around public drinking water sources and a 500-foot buffer around private water wells. It also requires that any well pads proposed within 500 feet of a tributary to a public drinking water supply undergo a site-specific review before a permit is issued, bans surface operations from state lands, and requires well sites to meet stricter air quality standards.

The purpose of the SGEIS, said Cornell engineering professor Tony Ingraffea, is to identify potential impacts, assess those impacts and either propose mitigation for them or prohibit them from happening. The document doesn’t do a good job, he says. The problem: a lack of good statistical science.

With more than 3500 wells drilled in PA, the DEC should have enough information to statistically analyze incidents of methane migration, blow-outs, and cementing and casing failures, Ingraffea said. DEC should be able to identify methane emissions – both those from intentional venting and the “fugitive” leaks. By now, he said, DEC should have a solid handle on where and how drilling waste fluids and cuttings are disposed. And they should have the numbers of violations and enforcement actions for incidents in PA, so they know what to expect here. But they don’t.

Ingraffea, who for the past 30 years or more has conducted research and development on cementing, fracturing and other aspects of oil and gas drilling, especially criticized DEC’s lack of analysis on methane emissions and potential aquifer contamination (SGEIS sections 6.6 and 6.1). Their data is out of date, he said. They cite a 1996 industry fact sheet on methane emissions instead of a 2011 “peer-reviewed” scientific publication.

“And there are plenty of errors,” he said, highlighting DEC’s assertion that a vertical well produces more emissions than a horizontal well. “DEC seriously underestimates methane emissions,” Ingraffea said, showing videos of methane emissions from compressors photographed with an infrared FLIR camera.

The revised SGEIS requires a third, intermediate casing. But, said Ingraffea, drillers in PA are already using three or more casings and the leaking wells in Dimock had five layers of casings. It is sustained use, not the number of casings, that is the critical issue, Ingraffea emphasized.

Louis Allstadt, former Executive Vice President of Mobil Oil Corporation criticized DEC for not including cumulative impacts. The SGEIS includes nothing on pipelines, gas processing plants and compressor stations, he said. Furthermore, DEC continues to regulate each well as a separate entity rather than looking at the impacts of combined wells in a region.

Helen Slottje, lead attorney for the Community Environmental Defense Council suggested that towns without zoning may want to re-think their position. While state laws prohibit towns and cities from “regulating” drilling, they do allow municipalities to regulate land use. And the courts, she noted, have found that local land use laws regulating where mining activities shall happen are not “regulation of the gas industry”.

One concern raised by numerous speakers at the meeting is that the SEQRA process is designed to assess impacts, not regulate programs. DEC Commissioner Martens has already stated, however, that once the SGEIS is finalized the state will begin issuing permits. They plan to do the “rulemaking” during 2012-2013, while high-volume hydraulic-fracturing horizontal drilling is occurring. Most speakers suggested that drilling wait until regulations are in place.

For More Information

Presentations from the July 25 meeting are posted at <http://www.tcgasmap.org> (click on "Draft SGEIS Information").

The revised SGEIS is posted on the DEC website at <http://www.dec.ny.gov/energy/75370.html>. Do not submit comments until the comment period begins.

A print copy of the revised SGEIS (without socioeconomic study) is available to read at Candor Free Library, Main & Bank Street. For hours visit <http://www.flls.org/memberpages/candor.htm> or call 607-659-7258.