

January 19, 2011

dSGEIS Comments  
NYSDEC  
325 Broadway  
Albany, NY 12233-6510

To Whom It May Concern:

I am submitting this letter for your consideration in the review of the draft Supplemental Generic Environmental Impact Statement on the Oil, Gas and Solution Mining Regulatory Program. I understand that the deadline for comments has passed, but there are several issues I'd like to point out that may have an impact on my city.

I also understand that the city of Olean is located above a primary aquifer where drilling is least likely to be permitted in the low-potential production area of the Marcellus that is considered to be shallow but that also overlies the thicker Utica Shale. In addition, there is a restriction on drill sites above primary aquifers and within a buffer zone of 500 feet around these aquifers of the type that serve my city. It would appear that a permit could be issued for vertical drilling through this aquifer under certain circumstances, which would not be welcome by my administration.

However, I do not agree with the determination that horizontal drilling from outside that buffer zone should be considered safe. The city has been forced to find alternate locations for its drinking water wells within the primary aquifer due to petroleum contamination and movement of the contaminated pockets due to drawdowns. Any activity that may impact the aquifer could affect the city's potable water supply and the pristine supplies needed by our industry.

I understand that high-volume hydraulic fracturing may not be permitted within 4,000 feet of the Syracuse and New York City watersheds due to the lack of filtration and federal environmental determinations that these water supplies don't need filtration and must be kept pristine. I do not believe those cities should be afforded greater protection than those of us who do filter our water or even, for that matter, use private wells and springs for our drinking water.

Any activity within the recharge zone and the surface watershed extending to the origins of the Ischua Creek watershed could affect the supply which is filtered in our plant on Olean Creek. It is my impression that our water filtration process does not remove the type of contaminants that can be found in the drilling fluids and waste products retrieved from the gas well borings.

Moreover, I believe that the determinations of significance and SPDES permits (required for gas production in and around principal aquifer activities) will provide *neither* mitigation *nor* an effective barrier between the upstream principal aquifers and my city's water filtration operations.

I would like to see adequate protections and buffer zones in the upper reaches of the watershed where many leases were secured several years ago. This happened prior to the drafting of these regulations, before property owners were informed that a new drilling process was on the horizon and capable of changing life as they know it. These water-rich communities are now in the front line for intensive drilling and hydrofracking.

To illustrate my concerns, an environmental analysis performed during a landfill permit review in these headwaters in the early 1990's noted a leachate breakout from 25 miles away from my city would reach here within a matter of hours or in one day. I would be happy to supply the documentation behind this statement upon request.

I have been considering taking steps that would lead to more formal watershed protection and I have made inquiries with the Cattaraugus County Health Department for assistance in this regard. I believe that local governments and communities should have the ability to control activities that affect their watersheds.

I also believe that the time is right to allow communities to have more control over local activities through land use plans and zoning. Our local communities have hardly been educated to the extent needed to prepare for a shale gas boom. It is important to allow them and also my city the additional time needed to formulate local comprehensive plans, up-to-date zoning regulations and regional development plans, along with watershed protection mechanisms, before the future of the entire state's land use is determined by a single industrial use.

I'd also like to point out that I am watching the developments of several lawsuits against other communities where bans were enacted recently. This will determine whether gas drilling can be prohibited by local legislation and should be a determining factor in the statewide regulatory process.

Olean and the surrounding area is home to the Dominion natural gas storage facility. It is purported to be the largest on of its kind and holds gas reserves from as far away as Texas, releasing supplies when seasonal markets dictate. The City also is the location for a pipeline of some past importance to the area's industrial heyday. These lines are undoubtedly in a state of deterioration and if they were placed into full service again, should receive a full upgrade or replacement. The regulations barring drilling over an aquifer should extend to pipeline and compressor locations as well to protect our population.

Olean has a history of oil production, as well as manufacturing. Past disposal practices and leaking storage, piping and transmission areas in a 500-acre brownfield area caused contaminants to enter some of our drinking water wells which are now limited in serving the public. A Brownfields Opportunity Area has been designated, with various stages of cleanup and redevelopment under way.

Transportation issues are a major concern in Olean when any new industrial uses take hold. The city has recently seen some new paving and resurfacing projects but there is no money to do the kind of road repairs that increased heavy traffic would bring.

Olean draws many visitors due to its position in the Enchanted Mountains, near Rock City Park and other scenic and natural resource attractions and along the Allegheny River. A loop trail, the Allegheny River Trail, links the city and town of Allegany and is part of the city's open space and parks system. The route connects several city parks and follows the Allegheny River, the flood control dike system and a portion of the old Genesee Valley Canal. There is an intended link to the Genesee Valley Greenway and Finger Lakes trail System. It contains valuable and visually sensitive views and landscape, and was built, in part, with a legislative member item and an OPRHP grant. This resource, along with Olean's growing dependence on tourism and non-industrial economic development, should help determine the future of high-volume hydraulic fracturing in our region.

Thank you for considering these comments along with the others that have been submitted within your deadline. I apologize for any inconvenience in my late submission. I hope that the regulations will allow for local land use and development controls and for watershed protections that are necessary to insure New York State's future for many generations.

Sincerely,

CITY OF OLEAN

Linda Witte, Mayor