**NYS Assembly Environmental Conservation Committee Hearing on Proposed DEC High Volume Hydraulic Fracturing Regulations 1/10.2013**

**Comments Submitted By:**

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**Steering Committee Member Elected Officials to Protect NY**

**Introduction**

I am the Supervisor of the Town of Rochester in Ulster County in the Hudson Valley nestled between the Catskill and Shawangunk Mountains. We are a rural town of about 7.300 with agriculture and tourism as our leading industries. We are located on the edge of the Marcellus Shale Shelf and also have considerable Utica Shale Deposits with only a very small portion of our town protected by being a part of the Catskill Watershed which supplies NYC its water. We passed a law which would prohibit exploration and extraction of natural gas and oil back in September of last year. I’m not here to speak about the obvious impacts to our water from fracking as I’m sure there are others who have plenty to say. I do however hope to highlight some other issues concerning fracking on a practical level with the point of view of local government.

**Flawed Process**

I feel that the very fact that we are discussing proposed DEC High Volume Hydraulic Fracturing (fracking) regulations before there is proper review of the health impacts of that process to be somewhat backward. Shouldn’t proposed regulations be created after the potential impacts of that activity are properly reviewed? This seems very much to me like putting the cart before the horse. Knowing what the health impacts of fracking are should help us draft regulations to protect the health and safety of the citizens we are elected to serve. Shouldn’t that be the purpose of writing the regulations in the first place?

I also believe that the 30-day public comment period from December 12, 2012 to January 11, 2013 allotted for the proposed regulations to be unreasonable short for any proper vetting at the local government level. This is especially true when one realizes that this comes at the end of the year with the holidays interspersed in the middle of the period. Local government are preoccupied with end of the year fiscal activities and the first part of January is occupied with organizational activities. There simply is not enough time for proper review and discussion of the approximately 1,500 pages of regulations especially when the constraints of Open Meetings Law which we must abide by. Perhaps that is the reason why only just under 900 comments were received by the DEC when I last checked a few days ago. Compare that to the over 80,000 comments received during the comment period on the Revised Supplemental Generic Environmental Impact Statement.

**Roads and Traffic**

With nearly 7,000 truck trips per hydro-fracturing well as per the NYSDEC Revised SGEIS, the cumulative impact of this traffic on our communities has not been adequately addressed. The roads in my community, the Town of Rochester, like many towns in New York, are mostly country lanes designed for light traffic by light duty vehicles. For example we have approximately 122 miles of town owned and maintained roads with only 18 miles of county and 12 miles of state owned and maintained highways. Therefore most traffic associated with natural gas hydro-fracturing extraction will be on these narrow roads.

The thousands of trips by heavy trucks will lead to obvious degradation of our roads. The costs to maintain and repair our roads must be properly addressed. Who is going to pay for this and how? Municipalities are currently under duress with a 2% tax cap without unfunded mandate relief. Absorption of these costs is not an option so how can we hold those responsible to be accountable for these costs?

There are obvious concerns when it comes to the safety of those who traverse these roads. Most of our roads were barely designed for two-way light duty vehicular traffic. What happens when a school bus and a tanker truck heavily laden with water for a well approach each other on what used to be a quiet country road? I cringe when I think of that occurring at a blind curve. One could simply say that we will just have to build and maintain wider roads and have the natural gas industry pay for it. Widening the roads to address this heavy traffic means that the property to do this must come from adjoining properties. What about the adjoining landowners and their rights? How would that be handled? Even if this could be worked out in an equitable manner, what would we do a few years down the road when the wells are no longer operating? We would be left with highways that lead to nowhere and without money to maintain them.

Greater traffic frequency will also result in more numerous vehicular mishaps on our roadways. Most of our communities are served by volunteer first aid/ rescue squads and fire departments. The extra calls handled by our emergency response volunteers will further tax limited available personnel and equipment. The hauling of hazardous materials associated with hydraulic fracturing also creates additional concerns with spills and materials handling in the event of a motor vehicle accident. Where will the tools for safe handling of dangerous materials and the expertise to use those tools come from?

The environmental impacts of the heavy traffic associated with each well must also be addressed. Air and noise pollution are obvious concerns. Thousands of trips of heavy vehicles powered by diesel engines will create thousands of pounds of dirty emissions over the course of the lifetime of each and every well. What will be the long term health effects of vehicle emissions, dust and noise on those who live along roads traversed by vehicles associated with each well?

The bucolic nature of our upstate rural New York Communities is an important reason why many of us choose to live as well as why many come to visit here. Congested dusty roads filled with noisy smelly vehicles will make our communities a tough sell as areas of choice destination. How many people will want to live with these conditions? What will be the effect on property values? What will happen to the tourism industry we’ve worked so hard to foster?

These are just a few of the considerations concerning traffic and road that we must take into account before even entertaining permitting fracking for natural gas in New York.