



Your Partner for a Healthy Community

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ENVIRONMENTAL HEALTH DIVISION

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Resolution Requesting an Extension of Time for Review of the Revised Regulations for High Volume Hydraulic Fracturing

Whereas, the New York State Department of Environmental Conservation (NYSDEC) has filed a Notice of Continuation with the Department of State to extend the rulemaking process by 90 days in order to give New York State Commissioner of Health Dr. Nirav Shah time to complete his review of the draft *Supplemental Generic Environmental Impact Statement (dSGEIS) on the Oil, Gas, and Solution Mining Regulatory Program: Well Permit Issuance for Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low-Permeability Gas Reservoirs*, **and**

Whereas, NYSDEC has established a 30-day public comment period on the revised draft regulations from December 12, 2012 through January 11, 2013; **and**

Whereas, the documents released for public review by NYSDEC number 338 pages including the revised regulations 6 NYCRR Parts 52, 190, 550 – 556, 560, 750.1, and 750.3; a summary and assessment of public comments; and additional analyses and impact statements; **and**

Whereas, Dr. Shah is providing a review, in consultation with outside experts, of whether NYSDEC has adequately addressed potential impacts to public health, and the release of the proposed regulations and the 30-day comment period prohibit inclusion of the results of the independent review of potential impacts to public health in the formation of the regulations as presented for public review; **and**

Whereas, many substantive comments on health issues were included among the thousands of public comments on NYSDEC's dSGEIS and it is unclear if the "outside experts" have been given sufficient time to consider these comments as part of their review, **and**

Whereas, the 30-day review period is completely inadequate for a thoughtful and thorough public review of the released documents and encompasses a period of time with major religious and national holidays; **and**

Whereas, the Tompkins County Health Department and other local health departments will be directly or indirectly affected by the proposed regulations, and the 30-day comment period essentially eliminates or severely hinders the ability for the Tompkins County Board of Health and similar regulatory or advisory organizations to review the released documents and draft, approve, and issue comments; **now therefore be it**

Resolved, on recommendation of the Tompkins County Board of Health, that:

1. The NYSDEC should extend the public comment period on the revised regulations to a minimum of 90 days, **and**
2. The NYSDEC should also allow public comment on the results of the independent review of potential public health impacts during the same 90-day period, **and**
3. No final decision whether to allow fracking in New York State should be made without full consideration of said public comment on the regulations, the health impact review, and the revised SGEIS as well, **and**

4. A copy of this resolution shall be sent to those parties indicated in Attachment A.

SEQR ACTION: TYPE II

Attachment A
Tompkins County Board of Health Gas Drilling Resolution Distribution List

Hard copies to:

Governor Cuomo;
NYSDEC Commissioner Marteens
New York State Association of Counties
New York State Association of State County Health Officials (NYASCHO)
Tompkins County Board of Health
Town Supervisors and Clerks
Tompkins County Legislature
City of Ithaca Mayor Myrick

Electronic copies to:

NYS Conference of Environmental Health Directors
Tompkins County Planning
Tompkins County Health Department
Tompkins County Water Resources Council
Tompkins County Environmental Management Council (EMC)
Tompkins County Council of Governments (TCCOG)
Tompkins County Soil and Water Conservation District (TCSWCD)

**This action was adopted by the Tompkins County Board of Health at its regular meeting on
[insert date].**



Frank Kruppa
Public Health Director



Date