



New York City Department of  
Environmental Protection  
www.nyc.gov/dep

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Flushing, NY 11373

**Steven W. Lawitts**  
**Acting Commissioner**

November 10, 2009

Richard F. Daines, M.D.  
Commissioner  
New York State Department of Health  
Empire State Plaza  
Albany, NY 12237

Dear Commissioner Daines:

I write to request the formal involvement of your agency in an issue that has the potential to adversely affect the health and welfare of New York State residents: expanded natural gas drilling using the hydrofracking method.

As I'm sure you are aware, New York State DEC has nearly completed a Draft Supplemental Generic Environmental Impact Statement (DSGEIS) to assess the effects of hydrofracking in the Marcellus Shale formation. New York City has a unique interest in the potential expansion of gas drilling as the City's entire West-of-Hudson watershed – as well as some of its critical water supply infrastructure – is located directly over a portion of this formation. The West-of-Hudson watershed supplies the vast majority of the drinking water for New York City's eight million residents, as well as another one million New York state residents who live outside the City, and millions of commuters and tourists. The City's commitment to maintaining the excellent quality of this unfiltered water supply is evidenced by the recent 10-year Filtration Avoidance Determination (FAD) over which the New York State Department of Health has primacy. We are sure you agree that the continued, vigorous protection of this supply is a critical public health issue.

DEP has engaged the joint venture of Hazen & Sawyer/Leggette Brashears & Graham (the JV) to analyze the potential and unique impacts of natural gas drilling on water quality and quantity, as well as on our critical infrastructure. The attached report provides an initial assessment of the considerable risks presented by drilling. We expect a full analysis to be completed in December, in time to be incorporated into the City's comments on the Draft Supplemental Generic Environmental Impact Statement (DSGEIS). In their research to date, the JV has found examples where significant contamination of water resources occurred as a result of hydrofracking.

Our concerns are not resolved by Chesapeake Energy's announcement that it will not pursue drilling in the New York City watershed. As the only gas company that holds a significant number of leases there, that voluntary announcement was a positive step. However, this measure offers only

temporary relief; it is not binding and does not prevent another company, or Chesapeake itself, from moving forward in the future (when a more profitable business model may exist for drilling in the New York City watershed area).

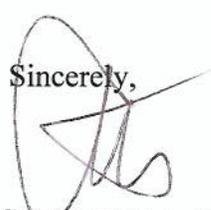
Of particular concern are the substantial health risks that hydrofracking in the watershed could cause by potentially contaminating ground- and surface-water supplies. Additionally, the elevated radiological results from the drilling flowback water and tailings, presented for the first time in the DSGEIS, are extremely disconcerting and the potential health risks from these materials and their final disposal need to be carefully evaluated. The cumulative impacts of the various chemicals and radiological materials could pose serious health impacts that need to be fully understood and evaluated.

Given the significant stakes for public health, we request that the Department of Health, as the primary regulator of public drinking water supplies in the state, and as the primacy agent for the FAD, assess the public health impacts of drilling in our unfiltered watershed and whether, in NYSDOH's view, those risks can be sufficiently addressed over the long term before DEC acts to finalize the DSGEIS. Although the draft discusses potential environmental impacts (we are still assessing whether such analysis is sufficient), it does not contain a scientific health risk analysis of the impacts of drilling on the City's water supply and its consumers. Following DEC's commencement of a DSGEIS last fall, DEP provided extensive comments on the draft scope. Those comments are also attached. We would welcome the opportunity to meet with you and your staff to present our concerns and our data.

DEP believes that it is essential that decisions regarding how to proceed in the Marcellus Shale formation be based on science and analysis and that hydrofracking in the Watershed be proven to be safe before it is allowed to proceed.

Thank you for your consideration. I will call your office shortly to follow up.

Sincerely,



Steven W. Lawitts

CC: Deputy Mayor Edward Skyler  
Commissioner Thomas Farley, NYCDOHMH