

The Legislature of Rockland County



ALDEN H. WOLFE
Vice Chairman
Legislator – District 6

Chair, Environmental Committee

AGENDA
ENVIRONMENTAL COMMITTEE
WEDNESDAY, FEBRUARY 15, 2012
6:00 PM

ADOPTION OF THE MINUTES, MEETINGS OF DECEMBER 28, 2011 AND FEBRUARY 1, 2012

- REF. #4124 - **REQUESTING THAT THE NEW YORK STATE LEGISLATURE PASS BILLS A.2922, S.425, A.2890, AND A.2924 – ACTS TO AMEND THE ENVIRONMENTAL CONSERVATION LAW WITH RESPECT TO HYDROFRACKING ISSUES (HON. ALDEN H. WOLFE, LEGISLATURE)**
- REF. #6394 - **REQUESTING THAT THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, IN ITS REVIEW OF UNITED WATER'S PROPOSED DESALINATION PLANT IN HAVERSTRAW, EXTEND THE PUBLIC COMMENT PERIOD FOR THE DRAFT ENVIRONMENTAL IMPACT STATEMENT TO SIX MONTHS, HOLD MULTIPLE PUBLIC HEARINGS IN DIFFERENT LOCATIONS TO FACILITATE PUBLIC PARTICIPATION, AND RECOMMEND THAT UNITED WATER PROVIDE INTERVENOR FUNDING TO ENABLE MUNICIPALITIES AND CITIZEN GROUPS TO CONDUCT THEIR OWN EXPERT REVIEW OF THE DESALINATION PROPOSAL (HON. ALDEN H. WOLFE, LEGISLATURE)**
- REF. #8896 - **DISCUSSION ITEM: ELECTRIC VEHICLES (EV'S) AND HYBRIDS IN PUBLIC FLEETS – ESTAR ELECTRIC TRUCK (HON. JAY HOOD, JR., LEGISLATURE)]**

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DRAFT

Introduced by:
Hon. Alden H. Wolfe, Sponsor

Referral No.
, 2012

RESOLUTION NO. OF 2012
REQUESTING THAT THE NEW YORK STATE LEGISLATURE PASS BILLS
A.2922, S. 425, A.2890, and A.2924 – ACTS TO AMEND THE ENVIRONMENTAL
CONSERVATION LAW WITH RESPECT TO HYDROFRACKING ISSUES

WHEREAS, New York is home to rich natural resources. In 2006, there were 6,213 active natural gas wells that generated a state record of 55.3 billion cubic feet of natural gas. The Marcellus formation that extends from the Southern Tier into Ohio, Pennsylvania and West Virginia is estimated to have \$1 trillion worth of natural gas, and is largely untapped. The rising price of natural gas has led to an increased demand for new sources and made formations like the Marcellus even more attractive; and

WHEREAS, the extraction of these resources is accomplished through a process known as hydraulic fracturing, or “hydrofracking,” or simply “fracking”; and

WHEREAS, hydrofracking is a well stimulation process used to maximize the extraction of underground resources – oil, natural gas and geothermal energy. It involves drilling deep horizontal wells into areas of shale, and infusing massive quantities of water and potentially toxic chemical additives into wells to fracture the shale and release natural gas. The fracturing fluids are then returned to the surface (flowback water); and

WHEREAS, the constituents of the flowback water from the hydrofracking operations may be unsuitable and unsafe for disposal at local wastewater treatment plants, resulting in potential holding ponds of toxic waste. Furthermore, the potential for contamination of municipal and individual well-based drinking water and the potential water quality impacts from the migration of chemicals and improper discharge of wastewater directly to watersheds are causes of deep concern; and

WHEREAS, due to the considerable risk to the environment that hydrofracking presents, the Assembly Environmental Conservation committee has held a series of hearings to examine the environmental protections needed in the Department of Environmental Conservation's (DEC) natural gas and oil drilling regulatory structure in order to safeguard natural resources. In the course of these hearings, much expert testimony was presented on necessary steps to ensure the safety of New York's precious water resources; and

WHEREAS, Bills A. 2922 and S. 425 seek to amend the Environmental Conservation Law by requiring greater regulation of the use of hydraulic fracturing fluids used for oil and gas drilling. The use of hydraulic fracturing fluids represents one of the most significant threats to New York's environment, including water and soil resources. In light of the potential for such environmental and human exposure, it makes sense to ensure that the safest chemicals are used in such fluids and the contents are fully disclosed; and

WHEREAS, Bill A. 2890 seeks to amend the Environmental Conservation Law by providing greater oversight over natural gas drilling by prohibiting the on-site storage of flowback water. The use of on-site reserve pits for flowback water poses a potential hazard to humans and wildlife. The use of steel tanks will minimize such hazard and also decrease the risk of accidental releases. In addition, the storage limitations will ensure that flowback waters are not stockpiled on-site for unlimited periods of time; and

WHEREAS, Bill A. 2924 seeks to amend the Environmental Conservation Law by providing greater oversight over natural gas and oil drilling by requiring an environmental impact statement (EIS) for any natural gas or oil drilling involving the use of hydraulic fracturing fluid. Variations in water table levels, flood plains, and other site specific variables coupled with the potential risk of hydraulic fracturing fluid contamination make the preparation of a site-specific EIS a much more protective measure than a generic environmental impact statement or a permit condition; and

WHEREAS, the _____ Committee has met, considered and by a vote, approved this resolution; now therefore be it

RESOLVED, the Rockland County Legislature hereby requests that the New York State Assembly and Senate pass Bills A. 2922, S.425, A.2890 and A. 2924, acts to amend the Environmental Conservation Law with respect to hydrofracking issues, that the New York State Senate introduce similar legislation to the Assembly bills with no Senate counterpart, and that the Governor sign such legislation; and be it further

RESOLVED, that the Clerk to the Legislature be and is hereby authorized and directed to send a copy of this resolution to Andrew M. Cuomo, Governor of the State of New York; Joe Martens, Commissioner of the New York State

Department of Environmental Conservation; Hon. David Carlucci, New York State Senator, Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, Hon. Nancy Calhoun, and Ann G. Rabbitt, Members of the New York State Assembly; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

LG3075
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1/25/12



Bill No.:

[Summary](#) [Actions](#) [Votes](#) [Memo](#) [Text \(Printer friendly text\)](#)

A02922 Summary:

BILL NO A02922
 SAME AS Same as S 425
 SPONSOR Sweeney (MS)
 COSPNSR Zebrowski, Lifton, Jaffee, Magnarelli, Kavanagh, Titone, Cymbrowitz, Reilly, Spano, Castro, Rivera N, Rivera P, Rosenthal, Maisel, Perry, Ortiz, Brennan, Cook, Weisenberg, Schimel, Colton, Barron, Paulin, Dinowitz, Galef, Latimer, Abinanti
 MLTSPNSR Castelli, Gottfried, Lentol, Magee, Markey, McEneny, Miller, Millman, O'Donnell, Thiele

Amd S23-0305, En Con L

Relates to the regulation of the use of hydraulic fracturing fluids.

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A02922 Actions:

BILL NO A02922
 01/21/2011 referred to environmental conservation
 06/02/2011 reported referred to codes
 01/04/2012 referred to environmental conservation

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A02922 Memo:

BILL NUMBER:A2922

TITLE OF BILL: An act to amend the environmental conservation law, in relation to the use of hydraulic fracturing fluids

PURPOSE OR GENERAL IDEA OF BILL: The purpose of this bill is to provide greater regulation of the use of hydraulic fracturing fluids used for oil and gas drilling.

SUMMARY OF SPECIFIC PROVISIONS: This bill would require the Department of Environmental Conservation to develop the following rules and regulations:

*requiring the disclosure of hydraulic fracturing fluids; and,

*prohibiting the use of hydraulic fracturing fluids containing chemicals that pose a risk to human health including, but not limited to, fluids

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that are persistent, bioaccumulative and toxic (as defined by the EPA) or are known mutagen.

*prohibit the issuance of drilling permits for wells proposing to use hydraulic fracturing fluids until the DEC has adopted rules and regulations.

EFFECTS OF PRESENT LAW WHICH THIS BILL WOULD ALTER: Amends section 23-0305 (8)(d) of the Environmental Conservation Law.

JUSTIFICATION: New York is home to rich natural gas reserves. In 2006, there were 6,213 active natural, gas wells that generated a state record of 55.3 billion cubic feet of natural gas. The Marcellus formation that extends from the Southern Tier into Ohio, Pennsylvania and West Virginia is estimated to have \$1 trillion worth of natural gas, and is largely untapped. The rising price of natural gas has led to an increased demand for new sources and made formation like the Marcellus even more attractive.

The extraction of these reserves is accompanied by considerable risk to the environment. In order to fully examine this risk, the Assembly Environmental Conservation Committee has held a series of hearings to examine the environmental protections needed in the Department of Environmental Conservation's (DEC) natural gas and oil drilling regulatory structure in order to safeguard natural resources. In the course of these hearings, much expert testimony was presented on necessary steps to ensure the safety of New York's precious water resources.

The use of hydraulic fracturing fluids represents one of the most significant potential threats to New York's environment, including water and soil resources. In fight of the potential for such environmental and human exposure, it makes sense to ensure that the safest chemicals are used in such fluids and the contents are fully disclosed.

PRIOR LEGISLATIVE HISTORY: A10091-A of 2010 - Rules

FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS: None

EFFECTIVE DATE: This act shall take effect 90 days after enactment.

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A02922 Text:

S T A T E O F N E W Y O R K

2922

2011-2012 Regular Sessions

I N A S S E M B L Y

January 21, 2011

Introduced by M. of A. SWEENEY, ZEBROWSKI, LIFTON, JAFFEE, MAGNARELLI, KAVANAGH, TITONE, CYMBROWITZ, REILLY, SPANO, CASTRO, N. RIVERA, P. RIVERA, ROSENTHAL, MAISEL, PERRY, ORTIZ, BRENNAN, COOK, PHEFFER, WEISENBERG, SCHIMEL, COLTON, BARRON -- Multi-Sponsored by -- M. of A. CASTELLI, DESTITO, GOTTFRIED, LENTOL, MAGEE, MARKEY, McENENY, MILLMAN, O'DONNELL, THIELE -- read once and referred to the Committee on Envi-

Environmental Conservation

Watch Live

AN ACT to amend the environmental conservation law, in relation to the use of hydraulic fracturing fluids

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The opening paragraph and paragraph d of subdivision 8 of
2 section 23-0305 of the environmental conservation law, as amended by
3 chapter 846 of the laws of 1981, are amended to read as follows:
4 With respect to oil pools or fields and natural gas pools or fields,
5 the department shall [have power to]:
6 d. (I) Require the drilling, casing, operation, plugging and replug-
7 ging of wells and reclamation of surrounding land in accordance with
8 rules and regulations of the department in such manner as to prevent or
9 remedy the following, including but not limited to: the escape of oil,
10 gas, brine or water out of one stratum into another; the intrusion of
11 water into oil or gas strata other than during enhanced recovery oper-
12 ations; the pollution of fresh water supplies by oil, gas, salt water,
13 HYDRAULIC FRACTURING FLUIDS or other contaminants; and blowouts,
14 cavings, seepages and fires. SUCH RULES AND REGULATIONS SHALL REQUIRE
15 THE DISCLOSURE OF ALL HYDRAULIC FRACTURING FLUID COMPONENTS AND SHALL
16 PROHIBIT THE USE OF HYDRAULIC FRACTURING FLUIDS THAT CONTAIN A CHEMICAL
17 SUBSTANCE THAT POSES A RISK TO HUMAN HEALTH, INCLUDING BUT NOT LIMITED
18 TO, HYDRAULIC FRACTURING FLUIDS THAT CONTAIN A CHEMICAL SUBSTANCE THAT
19 HAS BEEN IDENTIFIED PURSUANT TO THE FEDERAL TOXIC SUBSTANCES CONTROL ACT
20 AS PERSISTENT, BIOACCUMULATIVE AND TOXIC OR IS A KNOWN MUTAGEN.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD00714-01-1

A. 2922

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1 (II) NO PERMIT SHALL BE ISSUED FOR THE DRILLING OR OPERATION OF ANY
2 WELL PROPOSING TO USE HYDRAULIC FRACTURING FLUIDS UNTIL THE DEPARTMENT
3 HAS ADOPTED RULES AND REGULATIONS CONSISTENT WITH THE PROVISIONS OF THIS
4 CHAPTER.

5 S 2. This act shall take effect on the ninetieth day after it shall
6 have become a law.

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A02890 Summary:

BILL NO A02890

SAME AS No same as

SPONSOR Sweeney (MS)

COSPNSR Zebrowski, Brennan, Lifton, Jaffee, Kavanagh, Titone, Colton, Cymbrowitz, Magnarelli, Reilly, Spano, Paulin, Castro, Rivera N, Rivera P, Rosenthal, Maisel, Perry, Ortiz, Cook, Weisenberg, Schimel, Barron, Castelli

MLTSPNSR Destito, Gottfried, Lentol, Magee, Markey, McEneny, O'Donnell, Pheffer, Thiele

Add S23-0305, En Con L

Prohibits the on-site storage of flowback water.

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A02890 Actions:

BILL NO A02890

01/20/2011 referred to environmental conservation

01/04/2012 referred to environmental conservation

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A02890 Memo:

BILL NUMBER:A2890

TITLE OF BILL: An act to amend the environmental conservation law, in relation to the prohibition of the on-site storage of flowback water

Purpose Or General idea Of Bill: The purpose of this bill is to provide greater oversight of natural gas drilling.

Summary Of Specific Provisions: This bill would:

- * prohibit the use of on-site reserve pits for flowback waters;
- * require flowback waters to be contained within steel tanks;
- * require the removal of flowback waters within seven days of a halt in drilling operations; and,
- * require the immediate removal of flowback waters if the site is to be

left unattended or if operations are suspended.

Effects Of Present Law Which This Bill Would Alter: Amends S23-0305(8) of the ECL to add a new paragraph K.

Justification: New York is home to rich natural gas reserves. In 2006, there were 6,213 active natural gas wells that generated a state record of 55.3 billion cubic feet of natural gas. The Marcellus formation that extends from the Southern Tier into Ohio, Pennsylvania and West Virginia is estimated to have \$1 trillion worth of natural gas, and is largely untapped. The rising price of natural gas has led to an increased demand for new sources and made formations like the Marcellus even more attractive.

The extraction of these reserves is accompanied by considerable risk to the environment. In order to fully examine this risk, the Assembly Environmental Conservation Committee has held a series of hearings to examine the environmental protections needed in the Department of Environmental Conservation's (DEC) natural gas, and oil drilling regulatory structure in order to safeguard natural resources. In the course of time hearings, expert testimony was presented on necessary steps to ensure the safety of New York's precious water resources.

The use of on-site reserve pits for flowback waters poses a potential hazard to humans and wildlife. The use of steel tanks will minimize such hazard and also decrease the risk of accidental releases. In addition, the presence storage limitations will ensure that flowback waters are not stockpiled on site for unlimited periods of time.

Prior Legislative History: A.10088 of 2010 - Codes.

Fiscal Implications For State And Local Governments: None.

Effective Date:

This act shall take effect 90 days after enactment.

END DOCUMENT

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A02890 Text:

S T A T E O F N E W Y O R K

2890

2011-2012 Regular Sessions

I N A S S E M B L Y

January 20, 2011

Introduced by M. of A. SWEENEY, ZEBROWSKI, BRENNAN, LIFTON, JAFFEE, KAVANAGH, TITONE, COLTON, CYMBROWITZ, MAGNARELLI, REILLY, SPANO, PAULIN, CASTRO, N. RIVERA, P. RIVERA, ROSENTHAL, MAISEL, PERRY, ORTIZ, COOK, WEISENBERG, SCHIMEL, BARRON, CASTELLI -- Multi-Sponsored by -- M. of A. DESTITO, GOTTFRIED, LENTOL, MAGEE, MARKEY, McENENY, O'DONNELL, THIELE -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to ~~Water~~^{Live} prohibition of the on-site storage of flowback water

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The opening paragraph of subdivision 8 of section 23-0305
2 of the environmental conservation law, as amended by chapter 846 of the
3 laws of 1981, is amended to read as follows:

4 With respect to oil pools or fields and natural gas pools or fields,
5 the department shall [have power to]:

6 S 2. Paragraph k of subdivision 8 of section 23-0305 of the environ-
7 mental conservation law is relettered paragraph l and a new paragraph k
8 is added to read as follows:

9 K. PROHIBIT THE USE OF ON-SITE RESERVE PITS FOR FLOWBACK WATER AND
10 REQUIRE THAT SUCH WATER BE CONTAINED WITHIN STEEL TANKS WITH SUCH FLUIDS
11 REMOVED WITHIN SEVEN DAYS IF THERE WILL BE A HIATUS IN SITE ACTIVITY AND
12 FOLLOWING COMPLETION OF DRILLING AND STIMULATION OPERATIONS; PROVIDED,
13 HOWEVER, IF OPERATIONS ARE SUSPENDED OR THE SITE IS LEFT UNATTENDED AT
14 ANY TIME, FLUIDS MUST BE REMOVED IMMEDIATELY.

15 S 3. This act shall take effect on the ninetieth day after it shall
16 have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD02957-01-1

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Bill No.:

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A02924 Summary:

BILL NO A02924
 SAME AS No same as
 SPONSOR Sweeney (MS)
 COSPNSR Jaffee, Zebrowski, Magnarelli, Kavanagh, Titone, Colton, Cymbrowitz, Spano, Paulin, Castro, Rivera P, Rosenthal, Maisel, Perry, Ortiz, Brennan, Cook, Weisenberg, Schimel, Barron
 MLTSPNSR Castelli, Destito, Gottfried, Lentol, Magee, Markey, McEneny, O'Donnell, Pheffer, Thiele

Amd S8-0109, En Con L

Requires an environmental impact statement to be prepared for any natural gas or oil drilling involving the use of hydraulic fracturing fluid.

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A02924 Actions:

BILL NO A02924
 01/21/2011 referred to environmental conservation
 01/04/2012 referred to environmental conservation

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A02924 Memo:

BILL NUMBER:A2924

TITLE OF BILL: An act to amend the environmental conservation law, in relation to requiring an environmental impact statement for any natural gas or oil drilling involving the use of hydraulic fracturing fluid

Purpose Or General Idea Of Bill: The purpose of this bill is to provide greater oversight of natural gas and oil drilling.

Summary Of Specific Provisions: This bill would require the preparation of an environmental impact statement for any natural gas or oil drilling involving the use of hydraulic fracturing fluid.

Effects Of Present Law Which This Bill Would Alter: Amends section 8-0109 (9) of the ECL.

Justification: New York is home to rich natural gas reserves. In 2006, there were 6,213 active natural gas wells that generated a state record

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of 55.3 billion cubic feet of natural gas. The Marcellus formation' that extends from the Southern Tier into Ohio, Pennsylvania and West Virginia is estimated to have \$1 trillion worth of natural gas, and is largely untapped. The rising price of natural gas has led to an increased demand for new sources and made formations like the Marcellus even more attractive.

The extraction of these reserves is accompanied by considerable risk to the environment. In order to fully examine this risk, the Assembly Environmental Conservation Committee has held a series of hearings to examine the environmental protections needed in the Department of Environmental Conservation's (DEC) natural gas and oil drilling regulatory structure in order to safeguard natural resources. In the course of these hearings, much expert testimony was presented on necessary steps to ensure the safety of New York's precious water resources.

Variations in water table levels, flood plains, and other site specific variables coupled with the potential risk of hydraulic fracturing fluid contamination make the preparation of a site-specific environmental impact statement a much more protective measure than a generic environmental impact statement or a permit condition.

Prior Legislative History: A.10092 of 2010 - Rules

Fiscal Implications For State And Local Governments: None.

Effective Date: This act shall take effect 90 days after enactment.

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A02924 Text:

S T A T E O F N E W Y O R K

2924

2011-2012 Regular Sessions

I N A S S E M B L Y

January 21, 2011

Introduced by M. of A. SWEENEY, JAFFEE, ZEBROWSKI, MAGNARELLI, KAVANAGH, TITONE, COLTON, CYMBROWITZ, SPANO, PAULIN, CASTRO, P. RIVERA, ROSENTHAL, MAISEL, PERRY, ORTIZ, BRENNAN, COOK, WEISENBERG, SCHIMEL, BARRON -- Multi-Sponsored by -- M. of A. CASTELLI, DESTITO, GOTTFRIED, LENTOL, MAGEE, MARKEY, McENENY, O'DONNELL, THIELE -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to requiring an environmental impact statement for any natural gas or oil drilling involving the use of hydraulic fracturing fluid

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Subdivision 9 of section 8-0109 of the environmental
- 2 conservation law, as added by chapter 219 of the laws of 1990, is
- 3 amended to read as follows:
- 4 9. An environmental impact statement shall be prepared for any action

5 found to have a significant impact on the special groundwater protection
6 area, as defined in section 55-0107 of this chapter OR FOR ANY ~~NA~~ ^{WASH} ~~WASH~~ ^{Live}
7 GAS OR OIL DRILLING INVOLVING THE USE OF HYDRAULIC FRACTURING FLUID.
8 Such statement shall meet the requirements of the most detailed environ-
9 mental impact statement required by this section or by any such rule or
10 regulation promulgated pursuant to this section.
11 S 2. This act shall take effect on the ninetieth day after it shall
12 have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD02959-01-1

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Introduced by:
Hon. Alden H. Wolfe, Sponsor

Referral No.
, 2012

RESOLUTION NO. OF 2012
REQUESTING THAT THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, IN ITS REVIEW OF UNITED WATER'S PROPOSED DESALINATION PLANT IN HAVERSTRAW, EXTEND THE PUBLIC COMMENT PERIOD FOR THE DRAFT ENVIRONMENTAL IMPACT STATEMENT TO SIX MONTHS, HOLD MULTIPLE PUBLIC HEARINGS IN DIFFERENT LOCATIONS TO FACILITATE PUBLIC PARTICIPATION, AND RECOMMEND THAT UNITED WATER PROVIDE INTERVENOR FUNDING TO ENABLE MUNICIPALITIES AND CITIZEN GROUPS TO CONDUCT THEIR OWN EXPERT REVIEW OF THE DESALINATION PROPOSAL

WHEREAS, The NYS Department of Environmental Conservation (DEC) has accepted United Water's Draft Environmental Impact Statement (DEIS) for the proposed Haverstraw Water Supply Project as complete. This does not indicate the DEC's approval of United Water's plan, but that now, after 2 1/2 years of preparation, the proposal includes the information required for the public to now begin its review. The only public hearing currently scheduled will take place at 2pm and 6pm in the Haverstraw Town Hall on March 6, 2012. April 20th is the deadline for written comments on the DEIS to be submitted; and

WHEREAS, the Rockland Coalition for Sustainable Water made three requests of NYSDEC Region 3 (the lead agency) in connection with the environmental review for the Haverstraw Water Supply Project, the desalination plant that has been proposed to increase Rockland's water supply:

- 1) The coalition has requested a six-month public comment period for the newly complete DEIS. This would give experts and citizens adequate time to review the extensive document. Given the complexity of this project, the coalition believes it is not possible to do the independent analysis of the data needed for a proper assessment of this application in an abbreviated period of time;
- 2) The coalition has asked that multiple public hearings be held to accommodate participation in different locales; and

- 3) The coalition has also requested that the DEC recommend that United Water commit intervenor funding for municipalities and citizen groups to pay for independent expert review of the proposal. Though intervenor funds are not required by law, the DEC can make a strong recommendation to UW to provide funding to meet this request, as precedent for it was set with the NY Marine Rail solid waste transfer station in the Bronx, a project with regional significance like the Haverstraw Water Supply Project. Intervenor funding is actually mandated by law in cases involving the review of proposed siting of electrical public utilities;

and

WHEREAS, the _____ Committee has met, considered and by
a _____ vote, approved this resolution; now therefore be it

RESOLVED, the Rockland County Legislature hereby requests that the New York State Department of Environmental Conservation, in its review of United Water's proposed desalination plant in Haverstraw, extend the public comment period for the Draft Environmental Impact Statement to six months, hold multiple public hearings in different locations to facilitate public participation, and recommend that United Water provide intervenor funding to enable municipalities and citizen groups to conduct their own expert review of the desalination proposal; and be it further

RESOLVED, that the Clerk to the Legislature be and is hereby authorized and directed to send a copy of this resolution to Andrew M. Cuomo, Governor of the State of New York; Joe Martens, Commissioner of the New York State Department of Environmental Conservation; William Janeway, Regional Director of the New York State Department of Environmental Conservation Region 3; Garry A. Brown, Chairman of the New York State Public Service Commission; Hon. David Carlucci, New York State Senator, Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, Hon. Nancy Calhoun, and Ann G. Rabbitt, Members of the New York State Assembly; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

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1/31/12
2/1/12