

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON ENVIRONMENTAL PROTECTION

-----X

November 12, 2009
Start: 2:58 pm
Recess: 3:15 pm

HELD AT: Council Chambers
City Hall

B E F O R E:
JAMES F. GENNARO
Chairperson

COUNCIL MEMBERS:
Council Member Elizabeth Crowley
Council Member Bill de Blasio
Council Member Mathieu Eugene
Council Member Domenic Recchia, Jr.
Council Member Eric A. Ulrich
Council Member Peter Vallone, Jr.

2 CHAIRPERSON GENNARO: Sergeant,
3 we're ready? Okay, okay. Good afternoon. Good
4 afternoon, and welcome. I'm Councilman Jim
5 Gennaro, Chair of the City Council's Committee on
6 Environmental Protection. Today we're holding a
7 vote on Proposed Resolution 1850-A. I and members
8 of this Committee have long been concerned about
9 the possibility of horizontal drilling and
10 hydraulic fracturing in the quest for natural gas
11 within the New York City watershed. And we held
12 hearings on this subject in September and October
13 of 2008. Those hearings reinforced my belief that
14 this type of natural gas drilling should by no
15 means be allowed to take place in the New York
16 City watershed, an area that provides clean,
17 unfiltered drinking water for millions of people.
18 When the New York State Department of
19 Environmental Conservation released its Draft
20 Supplemental Generic Environmental Impact
21 Statement, relating to hydraulic fracturing in
22 September of this year, I immediately scheduled a
23 hearing to explore the extent to which the
24 document addressed my concerns and the concerns of
25 the many witnesses who attended our earlier

1
2 hearings. Along with the New York City DEP, the
3 US Geological Survey, and many environmental
4 advocates and concerned citizens, I found the
5 permitting procedures and regulations in the
6 DSGEIS to be woefully poor in the protection of
7 drinking water supplies. This City's watershed
8 lands and infrastructure were developed and
9 nurtured by New York City, and supported by recent
10 land purchases that I fought for. Our land
11 acquisition programs and watershed rules have
12 allowed us to continue to drink high quality,
13 unfiltered drinking water, and to avoid spending
14 billions of dollars on a filter plant. The
15 combined total--the combined total of City owned
16 land and land under City purchase easements in the
17 Catskill Delaware Watershed, is more than 144,000
18 acres. That comes to more than twelve percent of
19 the land in the watershed. In total, New York
20 City has spent more than \$2 billion to protect its
21 watershed. Nothing should be allowed to
22 jeopardize and unfiltered and pure drinking water
23 source for half the state. Today we will vote on
24 Proposed Resolution 1850-A, which calls on all
25 parties who share responsibility for the enduring

1 safety of New York City's drinking water supply,
2 to take action to protect it from natural gas
3 drilling operations. We first call on the US
4 Congress to pass House Resolution 2776, which
5 would restore the authority of the Environmental
6 Protection Agency to regulate hydraulic fracturing
7 operations, with respect to drinking water safety.
8 We believe that an activity as complex and
9 potentially dangerous as fracking should be
10 monitored by the EPA. Just as a sideline, that
11 was, this was done in 2005, to take away--silence
12 my phone here, thought I just shut it off, okay--
13 EPA's oversight through the Safe Drinking Water
14 Act of fracking was taken away in 2005, in a bad
15 move by Congress, and the oversight of fracking by
16 EPA should be restored. So that's what that bill
17 does, Resolution 2776. Second, we call upon the
18 EPA to reassess its 2004 study of the dangers of
19 fracking and apply stringent regulations to
20 fracking operations, should it receive that
21 authority from Congress. The 2004 study found no
22 threat to drinking water supplies, but an agency
23 whistleblower later revealed that evidence to the
24 contrary had been suppressed. We need an accurate
25

1
2 assessment of the dangers of fracking and
3 appropriate regulations that minimize them.

4 Third, we call on New York State Department of
5 Health, who's been very silent in this process, to
6 assess the risks of fracking to public health and
7 the preservation of our filtration avoidance
8 determination, or FAD. As the agency that is
9 primarily responsible for oversight of the FAD,
10 DOH must take an active role in assessing and
11 acting on the dangers of fracking. Fourth, we
12 call upon New York State legislature to pass a law
13 prohibiting drilling for natural gas within the
14 New York City watershed. We also call on Governor
15 Patterson to promote and sign such a law, and on
16 DEC to prohibit the issuance of permits within the
17 watershed. The risk to this enormous drinking
18 water supply from any drilling is simply too
19 great. Finally, we call upon DEP to extend its
20 public comment period on the DSGEIS to February
21 28, 2010. The public needs a sufficient amount of
22 time within which to analyze and comment on this
23 lengthy document, and we want to allow enough time
24 for high quality public participation in this
25 review process. I urge all members to vote yes on

1
2 this Resolution. I want to recognize the members
3 that are here. We have Council Member Dr. Eugene,
4 a pleasure to have you here. Council Member
5 Ulrich, Council Member Recchia, Council Member
6 Vallone. And I want to thank the staff who put
7 together this great Resolution. We have the
8 Counsel to the Committee, Samara Swanson and
9 Siobhan Watson. My own staff member, William
10 Murray, I have Brad Groznik, he was also very
11 active on doing a lot of PR and getting the word
12 out on this very important issue. With that said,
13 I would--Oh, do we have the clerk here? Is the
14 clerk here? [off mic comment] Yeah. In order to
15 take a vote, we're going to need a vote taker.

16 ISRAEL MARTINEZ: Crowley's here
17 now.

18 CHAIRPERSON GENNARO: Joined by--

19 ISRAEL MARTINEZ: Now we can call--

20 CHAIRPERSON GENNARO: We're joined
21 by Council Member Liz Crowley. [off mic comment]
22 Israel, why don't you just take us off line for a
23 minute, while we're waiting for Bill. [break in
24 audio] --mber and Public Advocate-Elect Bill de
25 Blasio. Hi, Bill. [background noise] Israel, if

1
2 we can go back on line, if we could have some
3 order. [background noise] Okay.

4 ISRAEL MARTINEZ: Sorry about that.

5 CHAIRPERSON GENNARO: Bill is here.
6 We're joined by Council Member Bill de Blasio,
7 we're joined by Liz Crowley, and I think I
8 recognized everyone else who is here. We've read
9 the opening statement. The Chairman urges a yes
10 vote on Resolution 1850-A. And without further
11 ado, I would ask the clerk to call the role.

12 COMMITTEE CLERK: William Martin,
13 Committee Clerk, role call on the Committee of
14 Environment Protection. Council Member Gennaro.

15 CHAIRPERSON GENNARO: Yes.

16 COMMITTEE CLERK: de Blasio.

17 COUNCIL MEMBER DE BLASIO: Yes.

18 COMMITTEE CLERK: Recchia.

19 COUNCIL MEMBER RECCHIA: Yes.

20 COMMITTEE CLERK: Vallone.

21 COUNCIL MEMBER VALLONE: May I
22 question the witness first, or--

23 COMMITTEE CLERK: What do you got?

24 COUNCIL MEMBER VALLONE: [laughs]

25 Where the hell were you? No. I vote yes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMITTEE CLERK: Eugene.

COUNCIL MEMBER EUGENE: Yes.

COMMITTEE CLERK: Crowley.

COUNCIL MEMBER CROWLEY: Yes, and
I'd like to be added as a cosponsor.

COMMITTEE CLERK: Ulrich.

COUNCIL MEMBER ULRICH: Aye.

COMMITTEE CLERK: By a vote of
seven in the affirmative, zero in the negative, no
abstentions, item is adopted. Members please sign
the Committee report. Thank you.

CHAIRPERSON GENNARO: Thank you,
Billy. And I would ask for the record--[off mic
comment]

COUNCIL MEMBER EUGENE: I want to
be added, also.

CHAIRPERSON GENNARO: I would ask
for the record to be held open until other members
of the Committee are able to come by. Oh, they're
not coming. [off mic comment] Okay. In that
case, we're not going to hold the record open,
because the other Council Members cannot come.
So, with that, this, this vote is adjourned.
[gavel, background noise]

C E R T I F I C A T E

I, JOHN DAVID TONG certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

A handwritten signature in cursive script, reading "John David Tong", is written over a horizontal line.

Date November 23, 2009