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Memorandum in Opposition

S8169-A (Senator Young) and A10526 (Assembly Member Parment): Statewide Spacing for Oil and Gas Wells

The New York League of Conservation Voters (NYLCV) strongly urges the Legislature to oppose S8169-A, introduced by Senator Catharine Young, and A10526, introduced by Assembly William Parment. This legislation would set statewide spacing for oil wells and horizontal wells and would allow for more closely spaced wells, reducing the required setback by 200 feet.

Oil and natural gas are two of New York State's largest imports. However, new research suggests that the Marcellus Shale formation, part of which lies beneath the ground in upstate New York, may hold enough natural gas to supply the entire country for two years. This has caused oil and gas companies to file proposals to build hundreds of new wells in the area. Unlike a traditional natural gas formation, where gas lies in pockets under the ground and can be drilled vertically, the natural gas in the Marcellus Formation is dispersed throughout the shale. This type of natural gas can only be extracted using horizontal drilling.

Although these deposits represent an economic opportunity for the state, horizontal drilling may have harmful environmental repercussions. This extraction process begins with a vertical well that is then drilled out horizontally. To sustain yields, a technique called hydraulic fracturing is used to free additional natural gas from the formation. Hydraulic fracturing, or "fracking," consists of pumping hundreds of thousands of gallons of water, sand and chemicals into a well to fracture the shale and release gas from its pores. Many of the substances in fracturing solutions, such as diesel fuel, are harmful or deadly to human beings; however, only one of these is regulated by the Safe Drinking Water Act (the rest were exempted in the Energy Act of 2005). Fracking chemicals could migrate into adjacent groundwater aquifers and soil.

A 2004 Environmental Protection Agency report on hydraulic fracturing concluded that the practice does not threaten water supplies and does not need further study. However, many scientists, academics and hydrologists have challenged the EPA's findings and have taken issue with the agency's data, assumptions and estimates. Moreover, some believe the EPA misused and misrepresented findings and was unduly influenced by corporate interests.

The spacing changes contained in S8169-A and A10526 are necessary to bring the many drilling proposals for the Marcellus Shale into compliance with state laws. Considering the lack of reliable research on the consequences of horizontal drilling and hydraulic fracturing, as well as closer well spacing, passage of this legislation should be contingent on the completion of comprehensive environmental impact statements and public comment.

Postponing the passage of this legislation until the environmental impacts on soil, underground formations and underground sources of drinking water are known will not effect the economic benefits of the Marcellus Shale and will help protect New York State's drinking water, air and soil quality and wildlife.

