Resolution calling on the United States Congress to adopt legislation removing the exemption for hydraulic fracturing from the Safe Drinking Water Act, on the United States Environmental Protection Agency to apply stringent regulations to protect drinking water supplies from any risk due to hydraulic fracturing, and on the New York State Department of Environmental Conservation, the New York State Legislature, and New York State Governor David Paterson to prohibit drilling for natural gas within the boundaries of the New York City watershed.


Whereas, The New York City drinking water supply is one of our most vital resources; and

Whereas, The high quality of the water supplied to New York City from the Catskill and Delaware watersheds, along with the actions being taken by the City of New York to preserve and improve the quality of that water, has earned a Filtration Avoidance Determination from the United States Environmental Protection Agency (EPA), making it one of just five unfiltered drinking water supplies to serve a major United States city; and

Whereas, The entire Catskill and Delaware watersheds, which together provide approximately 90% of the City's daily water supply, sit atop the Marcellus Shale geological formation, which contains large deposits of natural gas; and

Whereas, Increasing interest in the use of natural gas as a fuel and new developments in gas recovery technology have recently made drilling for natural gas in the Marcellus Shale formation economically viable; and

Whereas, Drilling within the Marcellus Shale employs a technique known as hydraulic fracturing, a recovery process that frees natural gas deposits using large
quantities of water, combined with multiple chemical additives, many of which are known to be toxic; and

Whereas, Chemicals contained in hydraulic fracturing fluids have been associated with a variety of public health risks, including developmental delays and cancers; and

Whereas, Naturally-occurring radioactive elements and other pollutants may also be disturbed and released by the hydraulic fracturing process, leading to contamination of underground aquifers and surface waters; and

Whereas, Hydraulic fracturing presents risks of water contamination during drilling operations and during the storage and disposal of millions of gallons of the water and chemical additive mixture required for each well that is created; and

Whereas, Hydraulic fracturing has resulted in contaminated water supplies in other states, including Pennsylvania, Texas, Wyoming, and New Mexico; and

Whereas, Should the New York City water supply become contaminated, the City of New York would certainly be required by EPA to build and operate an additional water filtration plant, the cost of which has been estimated by the New York City Department of Environmental Protection to be approximately $10 billion, which would be borne by New York City ratepayers; and

Whereas, A filtration plant would not necessarily be capable of removing all dangerous contaminants from the drinking water supply; and

Whereas, The New York City drinking water supply, as well as drinking water supplies throughout the country, should be protected to the highest degree possible; and

Whereas, The Energy Policy Act of 2005 exempted hydraulic fracturing from regulation under the Underground Injection Control program of the Safe Drinking Water
Act; and

Whereas, State-by-state regulation of hydraulic fracturing activities results in inconsistent standards for drilling activities and unreliable information about the dangers of hydraulic fracturing; and

Whereas, United States Representatives DeGette, Hinchey, and Salazar have recently introduced Congressional legislation, H.R. 2766 of 2009, known as the “Fracturing Responsibility and Awareness of Chemicals Act of 2009,” to repeal the exemption for hydraulic fracturing from the Safe Drinking Water Act; and

Whereas, Lisa Jackson, the current Administrator of the United States Environmental Protection Agency, has recognized the need for the EPA to re-examine the potential danger to drinking water supplies posed by hydraulic fracturing; and

Whereas, Federal study and regulation of hydraulic fracturing will support and enhance State efforts to protect drinking water supplies; and

Whereas, No amount of careful planning and operation can guarantee that there will be no chemical spills that could flow into reservoirs, underground migration of fracturing fluids toward the water supply, or other accidents resulting from drilling operations within the New York City watershed; and

Whereas, The New York City watershed area represents only 5.8 percent of the total land area of the Marcellus Shale formation in New York State, but supplies drinking water to millions of New York City and New York State residents; and

Whereas, A prohibition on drilling within the watershed for the New York City drinking water supply would provide important long-term protection to the New York City water supply and all its users, while limiting natural gas production in only a small
portion of the Marcellus Shale; and

Whereas, A prohibition on drilling for natural gas within the watershed for the New York City drinking water supply may be enacted through State legislation or established through a determination by the DEC that natural gas drilling is inconsistent with New York City water supply protection; and

Whereas, Governor Paterson may also seek a prohibition on drilling for natural gas within the watershed for the New York City drinking water supply by introducing such legislation in the State Legislature and actively promoting it; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to adopt legislation removing the exemption for hydraulic fracturing from the Safe Drinking Water Act, on the United States Environmental Protection Agency to apply stringent regulations to protect drinking water supplies from any risk due to hydraulic fracturing, and on the New York State Department of Environmental Conservation, the New York State Legislature, and New York State Governor David Paterson to prohibit drilling for natural gas within the boundaries of the watershed.