



July 24, 2018

Hon. Andrew Cuomo  
Governor of New York State  
NYS State Capitol Building  
Albany, New York 12224

Hon. Basil Seggos  
Commissioner, NYSDEC  
625 Broadway  
Albany, NY 12233-1010

Hon. Howard Zucker, MD, JD  
Commissioner, NYSDOH  
Corning Tower, Empire State Plaza  
Albany, NY 12237

### **Proposed Rulemaking for Oil and Gas Sector Emissions, 6 NYCRR Part 203**

Dear Governor Cuomo, Commissioner Seggos, and Commissioner Zucker:

We submit this letter in response to the NYS Department of Environmental Conservation (DEC) interest in public stakeholder input in the drafting of 6 NYCRR Part 203, Oil and Gas Sector Emissions, new regulations to reduce criteria pollutants and methane emissions from the oil and gas sector, and other regulations as applicable.

We appreciate the opportunity to provide input for this proposed rulemaking. Members of the Westchester County Board of Legislators have often expressed concern about the recent expansion of natural gas infrastructure in Westchester County and nearby counties, and the resulting impact upon the environment, public health, and public safety.<sup>i</sup>

Consistent with these past expressions, we now strongly urge the inclusion of the recommendations contained herein as you review and revise the New York State oil and gas regulations, and for the NYS DEC to work with the NYS Department of Health (DOH) accordingly.

#### **Current Situation:**

The people and environment of New York have been increasingly subjected to a build-out of natural gas infrastructure, including but not limited to pipelines and distribution networks, compressor stations, power plants, combustion heating systems, metering and regulating stations, and pigging stations.

However, the current New York State regulatory requirements and protocols are not adequate to assess, mitigate, and control the large volumes of air pollutants (both criteria pollutants and toxics) emitted from these sources.

We join many other local and county governments, state and federal elected representatives, numerous organizations, and concerned citizens in calling for improvements to New York's regulations and protocols.<sup>2</sup> We recognize the significant health impacts caused by emissions from natural gas facilities and the need for a Health Impact Assessment, as these organizations and others have aptly described.<sup>3</sup> We also acknowledge the inadequacy of current standards (e.g., NAAQS) and modeling protocols to assess public health exposure and risk from natural gas facilities, especially from toxic pollutants.

For a broader description of the health impacts from gas facilities and shortcomings of the current regulatory scheme, please refer to the March 27, 2018 letter by not-for-profit organizations/advocates.<sup>4</sup> This letter also describes the climate change impacts of fugitive methane emissions from natural gas facilities, the availability of technologies to quantify and reduce such emissions, and the need for additional monitoring and control technologies at facilities and notification of blowdowns and chemical releases.<sup>5</sup>

### **Recommendations for Regulations:**

In the interest of protecting public health, safety and the environment for all New Yorkers, we strongly urge the DEC to adopt the following regulatory requirements for oil and gas infrastructure, which include but are not limited to natural gas compressor stations, metering and regulating stations, and pigging stations:

1. Installation and use of Lowest Achievable Emissions Rate (LAER) technology at all new and existing gas infrastructure facilities that emit pollutants into the environment, including those not designated under federal Title V requirements or not located within non-attainment areas;
2. Inclusion of non-combustion emission sources and emission sources currently considered "exempt" within the DEC regulatory framework;
3. Installation and use of specific emission control technology, identified through the federal National Gas Star Program and elsewhere, including but not limited to:
  - a. Dry seals on all centrifugal compressors
  - b. Automatic air to fuel ratio (AFR) controls
  - c. Oxidation catalysts and selective catalytic reduction (SCR) on exhaust stacks
  - d. Vapor recovery technology for reciprocating compressors, storage tanks, and other sources of fugitive or vented emissions
  - e. Static seals on reciprocating compressor rods
  - f. Dry low-NOx burners (DLNB)
  - g. Low emission combustion (LEC)

- h. SCONOx or equivalent technology
  - i. Zero-emission dehydrators and similar closed-system technology to avoid venting of gas
  - j. Electric or compressed air starters
  - k. Electric or compressed air actuators instead of gas-operated pneumatic actuators
  - l. Post-combustion particulate matter controls such as electrostatic precipitators, baghouses, and scrubbers
  - m. Interior and exterior corrosion protection, such as plastic enamel sprays
  - n. Electric motor compressors where applicable;
4. Implementation of practices, identified through the National Gas Star program and elsewhere, to reduce natural gas leakage and blowdowns, including but not limited to maintaining compressors at pipeline pressure when off-line, redirecting blowdown gas to lower-pressure lines, cap testing, use of inert gases at pigging stations, and more aggressive maintenance of packing rings and compressor rods than required by existing regulations;
  5. Continuous monitoring of pollutants including toxic chemicals, criteria pollutants, ultra-fine particulate matter, individual VOCs, as well as methane, in real time for all gas infrastructure facilities at the stack, fence line, and within nearby communities, with such data made readily available to the public, such as by online access;
  6. Onsite verification of compliance with regulatory requirements and permit conditions by independent registered inspectors through scheduled and random visits (i.e., no “self-audits”);
  7. Rigorous quarterly inspection by independent registered personnel with regular reports submitted to the DEC and made available to the public to detect and ensure timely elimination of natural gas leaks at gas infrastructure facilities, using comprehensive detection methods such as aerial and ground-level laser methane assessment, organic vapor analyzers (OVAs), toxic vapor analyzers (TVAs), sorbent tubes, SUMMA canisters, infrared cameras, as well as real-time monitoring with Fourier Transform Infrared (FTIR) spectroscopy and other remote sensing along pipelines;
  8. 48-hour or greater advanced notification to all County and local governments within a six (6) mile radius of gas infrastructure facilities of all planned blowdowns, regardless of size, and other chemical releases; notification to all County and local governments within a six (6) mile radius of gas infrastructure facilities within 30 minutes of all unplanned blowdowns, regardless of size, and other chemical releases at all gas infrastructure facilities; and suspension of planned blowdowns or other chemical releases during poor air quality days as defined by the EPA Air Quality Index (e.g., ‘Unhealthy for Sensitive Groups, AQI > 101) as well as when weather conditions would increase exposure to air pollutants;
  9. Prohibition of any increase in allowable operating pressure for existing natural gas infrastructure facilities;

10. Within 6 months of effective date, requirement of replacement or retrofitting of technology and updating of site practices for existing gas infrastructure facilities, to ensure compliance with applicable regulatory requirements and best management practices;
11. Retention of chain of custody records and tracking for all industrial waste removed from gas infrastructure facilities;
12. Strict enforcement of all best management practices and protocols for gas infrastructure facilities, to ensure protection of public health, safety, and the environment.

Additionally, it is critical for the health and safety of New Yorkers that the DEC and the DOH take the following steps:

The DEC, in cooperation with the DOH, promulgate more stringent standards and performance requirements, including but not limited to the current regulated levels of criteria pollutants, to address deficiencies in NAAQS which fail to consider human toxicity in populations proximate to gas infrastructure facilities, and any other deficiencies affecting public health, safety, or environmental protection.

Revision of the DEC's Air Toxics Program, including 6 NYCRR Part 212, DAR-1 modeling protocol and guidance, AGC/SGC concentrations, and assessment tools, in order to protect people and vulnerable subpopulations from exposure to toxic air contaminants emitted from natural gas infrastructure.

The DOH in cooperation with the DEC require and oversee a comprehensive, independent Health Impact Assessment (HIA) as outlined by the Centers for Disease Control and the National Academy of Sciences, incorporating the latest peer reviewed science, to be conducted by an independent public health entity and include cumulative short and long-term, direct and indirect impacts from all natural gas infrastructure components, emissions from operations including blowdowns, leaks, and spills; and a thorough analysis of the chemical emissions and radioactive contaminants, as well as their concentrations, persistence, and dispersion; and that a health registry should be established and maintained with all data available to the public.

Development of DEC State Environmental Quality Review (SEQR) guidance to ensure that all relevant state agencies adequately address all cumulative impacts including but not limited to greenhouse gases and climate change during environmental reviews for gas infrastructure projects.

Protecting public health, reducing harm caused by gas infrastructure, and tackling climate change require strong, comprehensive, and immediate action. Our health and welfare depend on your full adoption of these recommendations.

Sincerely,

*Ben Boykin*

*Nancy Egan*

*Catharine Boy*

*Terry*

*Kate Corvill*

*Christy*

*Michael B. Koplowitz*

*Wasson R. Maher*

*Catherine F. Parker*

*David P.*

*Mary Jane Skimsky*

*Alfreda Willis*

*Lyndon D. Williams*

Cc: Westchester County Executive George Latimer  
Westchester Delegation to U.S. Congress  
Westchester Delegation to NYS Legislature

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<sup>1</sup> For example, see Westchester County Board of Legislators Resolution No. 80-2014 (Aug. 4, 2014) urging stronger state regulations, a health impact assessment of gas infrastructure, and advanced notification of blowdowns, available at [http://westchestercountyny.ig2.com/Citizens/Detail\\_LegiFile.aspx?&ID=7384](http://westchestercountyny.ig2.com/Citizens/Detail_LegiFile.aspx?&ID=7384) ; numerous letters on Spectra/Enbridge expansion of Algonquin pipeline, available at [http://westchestercountyny.ig2.com/Citizens/Detail\\_LegiFile.aspx?ID=7154](http://westchestercountyny.ig2.com/Citizens/Detail_LegiFile.aspx?ID=7154), <http://westchesterlegislators.com/newsroom/2644-county-legislators-take-action-to-fight-harmful-impacts-of-gas-pipeline.html> ; Petition to USEPA Administrator Gina McCarthy to Object to Issuance of Title V Air Permits for Southeast and Stony Point Gas Compressor Stations (filed Sep. 4, 2015, still pending), available at [https://www.epa.gov/sites/production/files/2016-04/documents/algonquin\\_legislators\\_petition2015.pdf](https://www.epa.gov/sites/production/files/2016-04/documents/algonquin_legislators_petition2015.pdf) .

<sup>2</sup> See, e.g., Rockland County Legislature Resolution No. 396-2018 (approved July 11, 2018) [calling for modification of regulations]; Town of North Salem Resolution (approved May 8, 2018) [requesting modification of compressor station technology and emission requirements]; Town of Cortlandt Resolution No. 164-18 (approved May 15, 2018) [regarding air emissions regulations by NYSDEC]; March 27, 2018 letter from Brooklyn 350 and over 100 signatory organizations, available at <http://www.ri-ipl.org/wp-content/uploads/2018/04/Recommended-Oil-Gas-Regulations-032718-final.pdf> .

<sup>3</sup> The American Medical Association and the Medical Society of the State of New York acknowledge the hazards of natural gas infrastructure and associated adverse health impacts and passed resolutions in 2015 calling for Health Impact Assessments (HIAs).

<sup>4</sup> See note 2.

<sup>5</sup> See Id.