



# Town of Bethel

Sullivan County, New York

Rita J. Sheehan, CMC/RMC  
Town Clerk/Registrar  
Records Management Officer  
(845) 583-4350 ext. 101

50<sup>th</sup> Anniversary Woodstock  
Music and Art Festival  
1969-2019

July 16, 2018

The Honorable Andrew M. Cuomo  
NYS Governor  
NYS Capitol Building  
Albany, NY 12224

Re: Content of Air Emission Regulations being developed  
by the NYS Dept. of Env. Cons.

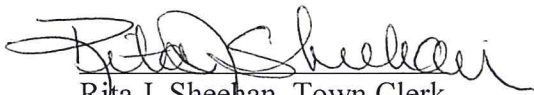
Dear Governor Cuomo:

Enclosed please find certified copy of Resolution adopted by the Town of Bethel Town Board on July 11, 2018 regarding the content of the Air Emissions Regulations being developed by the NYS Department of Environmental Conservation affecting Natural Gas Infrastructure Facilities.

Thank you for your consideration in this matter.

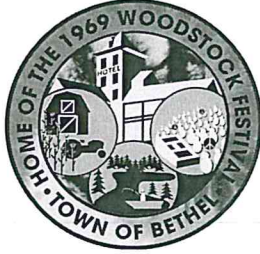
By Order of the Town Board.

Very truly yours,

  
Rita J. Sheehan, Town Clerk

Cc: Basil Seggos, Commissioner, NYS DEC  
Howard A. Zucker, Commissioner, NYS DOH  
John Rhodes, Commissioner, NYS PSC  
Aileen M. Gunther, NYS Assemblywoman, 100<sup>th</sup> District  
John J. Bonacic, NYS Senator, 42<sup>nd</sup> District  
Sullivan County Legislature

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**RESOLUTION OF THE TOWN OF BETHEL, SULLIVAN COUNTY, NEW YORK  
REGARDING THE CONTENT OF AIR EMISSIONS REGULATIONS TO BE  
DEVELOPED BY THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
AFFECTING NATURAL GAS INFRASTRUCTURE FACILITIES**

Whereas, the Town Board of the Town of Bethel has a principal responsibility to protect the health and safety of its residents, businesses and institutions; and

Whereas, 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 regulation stations, and pigging stations; and

Whereas, peer-reviewed scientific studies<sup>1, 2</sup> link exposure between air pollutants emitted from natural gas infrastructure facilities and neurological, cardiovascular and respiratory disease, cancer, birth defects, and other adverse health impacts. Acute health impacts from these toxic exposures can cause burning eyes, headaches, breathing difficulty and nausea for nearby populations and can exacerbate health problems. Chronic health impacts can include certain types of cancer as well as damage to lungs, liver, kidneys, reproductive, nervous and cardiovascular systems; and

Whereas, 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); and

Whereas, the National Ambient Air Quality Standards (NAAQS) are based on average population risks across a large area over a long period of time but do not adequately address human toxicity for residents living in close proximity to natural gas infrastructure or where they are subject to episodic high exposures during events such as blowdowns; and

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<sup>1</sup> PSR/CHPNY Compendium 5th Edition (March 2018): [http://concernedhealthny.org/wp-content/uploads/2018/03/Fracking\\_Science\\_Compendium\\_5FINAL.pdf](http://concernedhealthny.org/wp-content/uploads/2018/03/Fracking_Science_Compendium_5FINAL.pdf)

<sup>2</sup> PSE for Healthy Energy Repository for Oil and Gas Energy  
Research: <https://www.psehealthyenergy.org/our-work/shale-gas-research-library/>

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Whereas, current protocols used for assessing compliance with ambient air quality standards do not adequately determine intensity, frequency or durations of actual human exposures to pollutants and mixtures of pollutants emitted from natural gas infrastructure, noting that periodic 24-hour average measures can underestimate actual exposures by an order of magnitude; and

Whereas, gas infrastructure facilities can emit into the air annually hundreds of tons of pollutants including toxic chemicals and criteria pollutants, some of which are known carcinogens like benzene and formaldehyde, and can also be sources of radioactive contamination<sup>3</sup>; and

Whereas, people who live or work in close proximity to natural gas infrastructure facilities such as compressor stations are most at risk—particularly developing fetuses, children, the elderly, and those with cardiovascular, lung or respiratory problems and other vulnerable subpopulations, although under certain weather and terrain conditions, these pollutants can have a wider impact; and

Whereas, developing fetuses and children are uniquely vulnerable to exposures as they receive proportionally greater doses of pollutants than adults and have immature organs and detoxification systems<sup>4</sup>; and

Whereas, methane is an extremely potent greenhouse gas with a global warming potential that is 34 times that of carbon dioxide over a 100-year timeframe and 86 times that of carbon dioxide over a 20-year timeframe; and

Whereas, methane is the primary ingredient of natural gas and leaks at every system stage, including extraction, processing, transmission, distribution, and end-use consumption; and

Whereas, the NYS Department of Environmental Conservation (DEC) regulations do not currently require Best Available Control Technology (BACT) or Lowest Achievable Emissions Rate (LAER) technology for facilities that are not designated under federal Title V requirements or are not located within non-attainment areas, although such requirements could substantially reduce hazardous air emissions; and

Whereas, the DEC does not require the use of emission control technologies for all gas infrastructure facilities that would provide a floor of protection and could significantly reduce emissions, even when such technology has become standard practice within the industry or is readily available; and

Whereas, the DEC does not require continuous air monitoring of pollutants or methane in real time for gas infrastructure facilities, even though the technology to do so is now readily available, nor does the DEC require that such data be made available to public; and

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<sup>3</sup> Environmental Health Project Report, October 2017: Health Effects Associated with Stack Chemical Emissions from NYS Compressor Stations: 2008-2014: <http://www.environmentalhealthproject-ny.org/>

<sup>4</sup> Reducing the staggering costs of environmental disease in children, estimated at \$76.6 billion in 2008, Trasande, L, et al, Health Affairs, May 2011: <https://www.ncbi.nlm.nih.gov/pubmed/21543421>

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Whereas, the DEC determines compliance with regulatory requirements and permit conditions through self-reporting by the industry without independent verification; and

Whereas, the DEC does not require rigorous inspection of gas infrastructure facilities to detect and eliminate natural gas leakage at gas infrastructure facilities; and

Whereas, the DEC lacks requirements for advanced notification of all planned blowdowns or other chemical releases, and for notification immediately following all unplanned blowdowns or other chemical releases in order for residents, public officials and first responders to take prompt emergency action; and

Whereas, the DEC exempts many emission sources that exist at gas infrastructure sites from regulation requirements and lacks adequate regulatory requirements for non-combustion emission sources; and

Whereas, the DEC does not require a sufficiently protective set of best management practices for gas infrastructure facilities to ensure protection of public health, safety, and the environment; and

Whereas, the DEC does not require the timely replacement or retrofit of technology and the update of site practices for existing gas infrastructure facilities to ensure appropriate consistency with requirements for new projects and adherence to current best management practices; and

Whereas, the U.S. Environmental Protection Agency hosts a voluntary Natural Gas Star program for partner companies to implement technologies and practices for the reduction of methane emissions and document results; and

Whereas, the DEC's State Environmental Quality Review (SEQR) process for gas infrastructure projects does not adequately address greenhouse gases and climate impacts; and

Whereas, the DEC has announced that it intends to rewrite or revise oil and gas regulations, which can be more stringent than federal requirements;

Now Therefore, Be It Resolved that the Town Board of the Town of Bethel in the interest of protecting its residents, businesses and institutions, strongly urges the NYS Department of Environmental Conservation (DEC) to adopt the following regulatory requirements:

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; and

3. Installation and use of specific emission control technology, identified through the federal National Gas Star Program and elsewhere, including but not limited to:
  - Dry seals on all centrifugal compressors
  - Automatic air to fuel ratio (AFR) controls
  - Oxidation catalysts and selective catalytic reduction (SCR) on exhaust stacks
  - Vapor recovery technology for reciprocating compressors, storage tanks, and other sources of fugitive or vented emissions
  - Static seals on reciprocating compressor rods
  - Dry low-NO<sub>x</sub> burners (DLNB)
  - Low emission combustion (LEC)
  - SCONO<sub>x</sub> or equivalent technology
  - Zero-emission dehydrators and similar closed-system technology to avoid venting of gas
  - Electric or compressed air starters
  - Electric or compressed air actuators instead of gas-operated pneumatic actuators
  - Post-combustion particulate matter controls such as electrostatic precipitators, baghouses, and scrubbers
  - Interior and exterior corrosion protection, such as plastic enamel sprays
  - Electric motor compressors where applicable; and
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, 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; and
5. Installation and use of air monitoring equipment at the stack, fence line, and within nearby communities to provide 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, with such data made readily available to the public, such as by online access; and
6. Onsite verification of compliance with regulatory requirements and permit conditions by independent registered inspectors through scheduled and random visits; and
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 the 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; and

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8. 48-hour or greater advanced notification to any Village Trustees/Town Board/City Council/County Legislature requesting it of all planned blowdowns, regardless of size, and other chemical releases; notification 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 when weather conditions would increase exposure to air pollutants; and
9. Timely replacement or retrofit of technology and update of site practices for existing gas infrastructure facilities to ensure compliance with current regulatory requirements and best management practices; and
10. Chain of custody records and tracking for all industrial waste removed from gas infrastructure facilities, and
11. Strict enforcement of all best management practices and protocols for gas infrastructure facilities to ensure protection of public health, safety, and the environment; and

Be it Further Resolved, that the DEC, in cooperation with the NYS Department of Health (DOH), should promulgate more stringent performance requirements, including but not limited to the 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; and

Be it Further Resolved, that the DOH in cooperation with the DEC should 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; and

Be it Further Resolved, that the DEC should develop State Environmental Quality Review (SEQR) guidance to ensure that state agencies adequately address all cumulative impacts including but not limited to greenhouse gases and climate change during environmental reviews for gas infrastructure projects; and

Be it Further Resolved, that the Town of Bethel Town Clerk shall forward this Resolution to the Governor of New York State, Commissioner of the New York State Public Service Commission, Commissioner of the NYS Department of Environmental Conservation, Commissioner of the NYS Department of Health, 100<sup>th</sup> Assembly District member, 42<sup>nd</sup> Senate District member, and the Sullivan County Legislature.

State of New York  
County of Sullivan  
Town of Bethel

This is to certify that I, Rita J. Sheehan, Town Clerk of the Town of Bethel in the said County of Sullivan, have compared the foregoing adopted by the Town of Bethel Town Board on July 11, 2018 with the original now on file in this office, and that the same is a correct and true transcript of such original and the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and affixed the seal of said Town this 17<sup>th</sup> day of July, 2018.



Rita J. Sheehan  
Town Clerk of the Town of Bethel  
Sullivan County, New York

Contact information:

The Honorable Andrew M. Cuomo  
Governor of New York State  
NYS State Capitol Building  
Albany, New York 12224

Commissioner Basil Seggos  
New York State Department of  
Environmental Conservation  
625 Broadway  
Albany, New York 12233

Commissioner Howard A. Zucker  
New York State Department of Health  
Corning Tower  
Empire State Plaza  
Albany, New York 12237

Commissioner John Rhodes  
New York State Public Service Commission  
Empire State Plaza  
Agency Building 3  
Albany, NY 12223

Honorable Aileen M. Gunther,  
NYS Assemblywoman  
100<sup>th</sup> Assembly District  
18 Anawana Lake Rod  
Monticello, NY 12701

Honorable John J. Bonacic  
NYS Senator  
42<sup>nd</sup> Senatorial District  
201 Dolson Avenue, Suite F  
Middletown, NY 10940

Resolution should also be emailed to:

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