

ULSTER COUNTY LEGISLATURE

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July 25, 2018

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

Commissioner Basil Seggos
NYS Department of Environmental Conservation
625 Broadway
Albany, NY 12233

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

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

Dear Governor Cuomo, and Commissioners Seggos, Zucker and Rhodes,

We, the below signed members of the Ulster County Legislature, 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.

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:

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;

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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:
 - 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_x burners (DLNB)
 - Low emission combustion (LEC)
 - SCONO_x 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;
4. Implementation of practices, identified through the National Gas Star program and else-where, 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;
5. Installation and use of 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;
6. Onsite verification of compliance with regulatory requirements and permit conditions by independent registered inspectors through scheduled and random visits;
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;
8. 48-hour or greater advanced notification 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;

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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;
10. Chain of custody records and tracking for all industrial waste removed from gas infrastructure facilities;
11. 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 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.


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.


The DEC 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.


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

We appreciate your time and consideration of this request.


Sincerely,


Manna Jo Greene, District 19

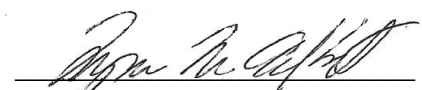

Hector S. Rodriguez, Min. Leader

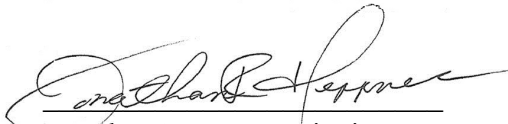

Lynn Archer, District 21


Tracey Bartels, District 16

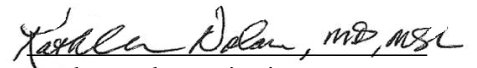

James Delaune, District 17



David B. Donaldson, District 6

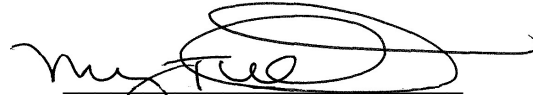

Lynn Eckert, District 5



Jonathan Heppner, District 23


Joseph Maloney, District 2


Kathy Nolan, District 22


Laura Petit, District 8


Mary Wawro, District 1


Brian Woltman, District 7

cc: NYS Senators Amedore, Bonacic, Larkin & Seward, and NYS Assemblymembers Cahill, Miller & Tague
Deputy Commissioner Jared Snyder, NYSDEC
Robert Sliwinski, NYSDEC
Ona Papageorgiou, NYSDEC
John Barnes, NYSDEC
Michael Higgins, NYSDEC
George Sweikert, NYSDEC
Densford Escarpeta, NYSDEC