

From: Thomas West <twest@westfirmlaw.com>
To: Maglienti, Jennifer; Russo, Steven; Crocker, Alison
CC: Hennessey, Yvonne
Date: 8/17/2011 3:26:27 PM
Subject: RE: Draft Oil and Gas Regulations

Thanks for the update Steve. We will endeavor to get the Department as much meaningful information as possible within the time allotted. We had a conference call with our group this afternoon and laid out a schedule to meet your deadline. The sooner you can get us the draft General Permit, the better. Our information will be organized consistent with what is contemplated by the State Administrative Procedures Act. Since IOGA New York includes a number of operators that will be active in the shale plays and fall within the definition of a small business under SAPA, you should be preparing a Regulatory Flexibility Analysis in addition to the Regulatory Impact Statement. We will get you information on that subject matter as well.

Thomas S. West
The West Firm, PLLC
677 Broadway - 8th Floor
Albany, NY 12207
Direct Phone: 518-641-0501
Direct Fax: 518-615-1501
E-Mail: twest@westfirmlaw.com
Website: www.westfirmlaw.com

*This transmittal is subject to our standard e-mail legend.

From: Steven Russo [mailto:scrusso@gw.dec.state.ny.us]
Sent: Wednesday, August 17, 2011 1:36 PM
To: Alison Crocker; Jennifer Maglienti; Thomas West
Cc: Yvonne Hennessey
Subject: RE: Draft Oil and Gas Regulations

You may not get the GP until tomorrow. If you are not able to provide information within the time period proposed, or with the information provided, please let me know asap as it will have implications for our schedule going forward for both the rule making and the DSGEIS.

As for duplication of efforts, I assure you it is our intent to create a coordinated process for issuance of the requisite permits should this activity go forward.

Steven C. Russo
Deputy Commissioner and General Counsel
NYS Department of Environmental Conservation
625 Broadway
Albany, New York 12233-1010
Ph: 518-402-9401/Fax: 518-402-9016
>>> Thomas West <twest@westfirmlaw.com> 8/17/2011 1:03 PM >>>

Thanks for the clarification Steve. We will comment on what you have provided or will provide to us by the close of business today, but it will be difficult to get meaningful information in such a short period of time. In addition, we remain concerned about the duplication of efforts by different programs within the DEC. Since the unnecessary duplication of efforts by state agencies is a theme of the Cuomo administration, you should expect comments from our group to that effect as part of our official comments.

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Website: www.westfirmlaw.com

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From: Steven Russo [mailto:scrusso@gw.dec.state.ny.us]
Sent: Wednesday, August 17, 2011 12:54 PM
To: Alison Crocker; Jennifer Maglienti; Thomas West
Cc: Yvonne Hennessey
Subject: RE: Draft Oil and Gas Regulations

I did not say that. Everything DOW is proposing to regulate is presented in the materials previously provided, and you will have more detail as to precise stormwater regulations as described in the draft GP. The items such as the additive assessment will appear in DOW regulations, as well as the DSGEIS setbacks ... so a number of items beyond the stormwater requirements will be in DOW regulations, though they have already been outlined in the PSGEIS and in the material previously provided. Some items like the setbacks may appear in both draft parts (minerals and water) but if we do our job correctly they should be consistent with each other.

Hopefully the information as described will be sufficient.

Steven C. Russo
Deputy Commissioner and General Counsel
NYS Department of Environmental Conservation
625 Broadway
Albany, New York 12233-1010
Ph: 518-402-9401/Fax: 518-402-9016
>>> Thomas West <twest@westfirmlaw.com> 8/17/2011 12:49 PM >>>

Thanks for the update Steve. If everything the Division of Water is proposing will be in the GP, then we will do our best within the timeframe that you are proposing. If they are going to propose additional regulatory requirements in the regulations, which seemed evident from the discussion on Monday, then we will need an outline of those requirements, similar to what Minerals has provided, to get you a meaningful analysis. Of course, any information that we are able to submit will be subject to the caveat that the information is based upon the outline of proposals that was provided to us and our responses

may change once we get to see the actual proposed rules and regulations.

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Sent: Wednesday, August 17, 2011 12:43 PM
To: Alison Crocker; Jennifer Maglienti; Thomas West
Cc: Yvonne Hennessey
Subject: RE: Draft Oil and Gas Regulations

We are going to send you a DRAFT (with an emphasis on draft) of the GP for purpose of developing costs of compliance. As for other details, you have what we can provide at this time which I think should be sufficient to develop some cost information.

Not much more we can do beyond that and hopefully it will be sufficient. We need the information by a week from Monday. Please do your best.

Steven C. Russo
Deputy Commissioner and General Counsel
NYS Department of Environmental Conservation
625 Broadway
Albany, New York 12233-1010
Ph: 518-402-9401/Fax: 518-402-9016

>>> Thomas West <twest@westfirmlaw.com> 8/17/2011 12:38 PM >>>

Thanks Jen. We will also need to see a similar list of proposals from any other Divisions or Bureaus in the DEC that will be proposing regulations. We are particularly concerned about some of the proposals that are being developed in the Division of Water, which seem to overlap some of the functions at Minerals. Since the cost of implementing and overseeing this program will remain a significant issue in New York State, it will be important for the DEC to avoid unnecessary overlap.

Thomas S. West
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Albany, NY 12207
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Direct Fax: 518-615-1501
E-Mail: twest@westfirmlaw.com
Website: www.westfirmlaw.com

