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CC: Gerstman, Marc; Gill-IOGANY', 'Brad; Hennessey, Yvonne
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Subject: Stormwater Meeting

In preparation for our meeting this afternoon, we are transmitting the results of our research concerning whether the hydraulic fracturing process constitutes a discharge to the waters of New York State. As you will see, we do not believe that hydraulic fracturing is jurisdictional under the SPDES program because of the fact that the injection process is a carefully engineered process that occurs well below the groundwater zone in New York State. That fact together with the extensive casing and cementing requirements in New York State, preclude the release of hydraulic fracturing fluids to the waters of New York State, which is consistent with the experience in New York State and elsewhere.

The following persons will be attending the meeting in person today. We will also have several people participating by telephone.

1. Jim Carr
2. David Cornue
3. Mara Ginsberg
4. Dan Griffiths
5. Yvonne Hennessey
6. Tom West

Thanks for the ongoing dialogue concerning these issues.



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Attachments: 20110919 White Paper Re_Discharges to the Waters of New York O & G Industry_SGEIS.pdf