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## Out in left field

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of those drafts had been lost.

Brian Brock, a geologist from Franklin, eventually obtained under the Freedom of Information Law details of those draft regulations, as well as revisions DMN made to them in 2000 before the entire effort “got lost.” One provision -- deleted in 2000 -- had called for the DMN to assume explicit responsibility “to protect the public from hazards to public health, safety, and welfare that may result from regulated activities.”

But why bother? Who's looking?

Brock also unearthed documents showing that the DEC agreed to a follow-up review by the IOGCC in 2005. But the agency postponed it until 2006 and then cancelled the follow-up entirely. Seeking an explanation, Brock was referred to DMN director Field, who is New York's representative to the IOGCC. Brock said he didn't receive a response.

While spurning independent advice to move toward best practices in state oil and gas regulation, the division has worked assiduously to meet the needs of its energy industry clients.

For example, in 2005, the DMN allowed a lobbyist for Chesapeake, a leading natural gas driller, to draft legislation that enables drillers to compel landowners to participate in drilling projects regardless of the negative effects on their mortgage and home insurance contracts, let alone their health. The bill, one of the most extreme in the United States, passed easily because the DEC actively pushed for it.

Gov. Cuomo has never ordered a course correction.

He's offered platitudes about establishing drilling rules based on the best science, but he continues to led Field-- a signer of a petition that denies a human role in global warming -- to run the show.

Field's backward-looking oil and gas regulation division used the totally out-of-date 1992 GEIS as its template in drafting the latest supplemental generic environmental impact statement, or SGEIS, for high-volume, horizontal hydrofracking -- a process that didn't exist in 1992.

Cuomo could have -- should have -- insisted on broader input into the SGEIS from other state agencies: the state Department of Health (health impacts), the state Department of Transportation (roads and infrastructure costs), the state Public Service Commission (gas pipelines and compressors issues). Instead, the governor left the fate of state fracking regulation to a climate-change denier.

The public received DMN's latest draft regulations in December without an opportunity for a public hearing. A 30-day window for written comments drew more than 200,000 responses, overwhelmingly negative.

Corning, N.Y. — A disturbing picture is emerging of the narrow subagency of state government that Gov. Andrew Cuomo is relying on to write the regulations for fracking in New York.

The Division of Mineral Resources, or DMN, was formed in 1983 as a unit of the state Department of Environmental Conservation to regulate oil and gas exploration and production.

Throughout its 30-year history, DMN has operated as a powerful industry-friendly fiefdom run by only two directors, Gregory Sovas (1983-2001) and Bradley Field (2001-present), who have watched five governors come and go.

The division defines its role as “the fostering, encouragement and promotion” of oil and gas development. Its mission statement conspicuously omits any acknowledgement of responsibility to protect human health and the environment.

And DMN has for decades displayed an aversion to establishing formal regulations for oil and gas development.

In 1994, the division's chronic neglect of both environmental protection goals and energy development regulations was highlighted in an in-depth analysis of the DEC by the Interstate Oil and Gas Compact Commission and the federal Environmental Protection Agency. Its September 1994 report zeroed in on DMN practices and recommended more than a dozen corrective steps. (Don't look for the report on the DEC website. It's not there. Just Google “IOGCC New York 1994.”)

The IOGCC team, made up of officials from six different states, called on the DMN to “revise its rules to explicitly incorporate protection of human health and the environment and craft a mission consistent with this goal and objective.”

Nineteen years later that still hasn't happened.

The IOGCC team also concluded that DMN's oil and gas regulations were years out of date and required immediate revision. It brushed aside Sovas' claim that imposing conditions on permits for drilling was regulation enough.

The report noted that New York's oil and gas regulations dated back to 1972, and it called for the DMN to “establish and adhere to a schedule for completing its rule revisions as soon as possible.”

The DMN had started a rules revision process in the mid-1980s, culminating in a 1992 generic environmental impact statement for oil and gas projects. But that effort stopped short of its stated intention of establishing actual rules and regulations. In September 1994, the IOGCC team wrote: “The DMN hopes to publish proposed rules in early 1995, but has no schedule for final issuance.”

More foot-dragging followed. Sovas' division did get around to proposing draft regulations late 1997 and even held public workshops on them. But the DMN claimed as recently as last year that all copies

Cuomo has until the end of February to decide whether or not to rubber stamp the DMN's belated and slapdash regulations. If he does, turns his back on regulatory best practices and science.

Peter Mantius is a freelance journalist from Schuyler County who follows shale gas drilling issues. He is a former reporter at the Atlanta Journal-Constitution and former editor of two business weeklies in the Northeast.

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JoanneCorey

14 hours ago

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Thank you, Mr. Mantius, for exposing the incredible dysfunction of the Minerals Division. If the Governor is blind enough to allow any permitting of HVHF under the laughably inadequate regulations now under consideration, all this and more will be brought out in court in the inevitable lawsuits.

Ilij Ilij briggy

7 hours ago

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What great investigative reporting here of the IOGCC by Peter Mantius! It is alarmingly scary to view this article and not get emotional about how the IOGCC is basically a rubber stamp for the industry with no regard for health and safety of New Yorkers. We ought to demand all of these current bureaucratic agencies to clean house and start working for the people who pay taxes for their salaries, instead of these agencies working for industry. No wonder I don't feel safe with the supposed 'SGEIS regulations' which have no health impact study in them. Wow.

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