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- [People](#)
- [Features](#)
- [Business](#)
- [Govt.](#)
- [Forum](#)
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- [PSA](#)
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The Marcellus Watch



The New York State Senate voted 48-9 late Tuesday to place a moratorium on permits to use hydraulic fracturing on gas wells drilled into the Marcellus Shale formation. In his latest column on gas drilling, journalist Peter Mantius of Burdett writes that the Senate's surprise move may represent a turning point in the fight over the future of drilling in the region.

Left: Peter Mantius

Is the Tide Turning?

By Peter Mantius

BURDETT, Aug. 4 -- The natural gas industry's campaign to bring a controversial drilling technique to the Finger Lakes suffered at least a temporary setback late Tuesday when the state Senate passed an 11-month moratorium on gas well permits.

The surprisingly lopsided 48-9 vote caps off a rough summer for the industry's push to tap the Marcellus Shale in New York State, where concern over drilling's risks to clean water and tourism have spiked this summer.

The bill now heads to the state Assembly, where insiders expect it to pass easily. And Gov. David Paterson is not likely to stand in its way.

The gas industry has fiercely opposed legislative efforts to slow down the drilling technique known as hydraulic fracturing, or hydrofracking, in New York State. And as recently as a week ago, those efforts -- spurred on by grass-roots activists -- were widely considered a long shot.

The Senate vote seems to signal that the tide is turning -- if not against hydrofracking in general, at least against hydrofracking conducted on rules tipped heavily in the industry's favor.

Hydrofracking is radically different from traditional gas drilling, which has been conducted for decades in the Finger Lakes with few problems. Fracking involves forcing millions of gallons of water, sand and unspecified chemicals -- many of them toxic -- into each well under heavy pressure to crack open shale and free trapped gas. Drill bits are directed down several thousand feet and then curved to dig horizontally along the shale bed, where the fracking occurs.

Opponents of fracking claim it can disturb fresh water aquifers thousands of feet closer to the surface, an assertion the industry has denied. The federal Environmental Protection Agency is now studying fracking to see which side is right.

Meanwhile, the industry has touted drilling as a powerful financial stimulus for the region. Thousands of landowners have leased their land for future fracking, and several local politicians have floated the idea of leasing public lands to raise money to balance budgets.

But deep suspicions about the environmental risks of drilling have been spreading.

In fact, a poll released recently by Cornell University found that New York State residents, by a 2-1 margin, believe the risks of gas drilling outweigh the potential financial benefits. Not only that, but every statistical category -- gender, race, region, age, party affiliation, etc. -- viewed the risks as greater than the rewards.

Still it wasn't clear that those sentiments would drive an immediate legislative response. But they did.

While the gas industry has spent big money on advertising and lobbying to downplay the potential risks of hydrofracking and to overpower its grass-roots opponents, several factors have worked against it:

-- The oil spill in the Gulf of Mexico that followed the April 20 explosion of a drilling rig leased to BP has wrecked the energy industry's credibility. Assurances that modern scientific techniques are more than enough protection against environmental disaster are close to worthless.

-- "Gasland," a documentary that won a Sundance Film Festival prize, painted a very negative portrait of gas drilling nationwide. After playing to packed houses of thrilled anti-drilling activists in places like Ithaca, it premiered on HBO in June. Then its hip producer, Josh Fox, was invited to appear on "The Daily Show With Jon Stewart."

-- In Pennsylvania, where gas drillers have been hydrofracking wells for more than a year, a steady stream of well explosions, contaminated water wells and dead livestock have tended to incriminate the industry.

-- Locally, a proposal by Chesapeake Energy Corp. to store highly toxic fracking

wastewater from Pennsylvania in an abandoned well less than a mile from Keuka Lake turned several leading Finger Lakes winery owners into vehement opponents of fracking. Under intense public pressure, Chesapeake withdrew its proposal.

Meanwhile, the state Department of Environmental Conservation has been working its way through thousands of critical comments about its proposed generic environmental impact statement, a document drillers hope to use to streamline the well permit application process.

Critics say the DEC document doesn't begin to account for the cumulative effects of hydrofracking conducted on the massive scale the industry has planned. Even so, the DEC has promised to adopt the controversial document later this year. That action would put an end to an existing state moratorium on fracking.

The agency director said he expected the first fracking permits to be issued early next year.

While the Senate vote only delays the DEC schedule by a few months, it signals the end of the agency's top dog role in deciding the central questions about the safety of hydrofracking.

Now that the state legislature has weighed in in response to overwhelming grass-roots interest, it's likely to follow up by taking a closer look at the DEC's long-held pro-industry assumptions.

It's about time.

Peter Mantius (pmantius@gmail.com) was a financial, legal and political reporter at The Atlanta Constitution for 17 years and editor of two business weeklies in the Northeast.

Note: This is the 11th column by Peter Mantius, To see his first column, click [here](#). To see his second column, click [here](#). To see his third column, click [here](#). To see his fourth column, click [here](#). To see his fifth column, click [here](#). To see his sixth column, click [here](#). To see his seventh column, click [here](#). To see his eighth column, click [here](#). To see his ninth column, click [here](#). To see his 10th column, click [here](#).

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