

DEC Opens Eighty Percent of N.Y. to Fracking

By **Peter Mantius**, on July 1st, 2011

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Reversing his agency's previous position, New York State's chief environmental regulator now recommends an outright ban on high-volume hydrofracking within the New York City and Syracuse watersheds.

Joseph Martens, commissioner of the Department of Environmental Conservation, made the announcement July 1 just before the agency released major portions of its heavily revised rules for the controversial natural gas drilling technique.

Martens, who was appointed by Gov. Andrew Cuomo in January, also said the DEC would drop its recommendation to allow drilling within state forests, wildlife areas and parklands. It also seeks for the first time a ban on fracking in primary aquifers.

The proposed new fracking bans represent a major departure from the DEC's 2009 supplemental generic environmental impact statement.

"We know there were inadequacies in the 2009 SGEIS," particularly in its treatment of the likely socio-economic impacts of a fracking boom in upstate New York, Martens told a press conference audience in Albany.

The announcement drew strong reactions from drilling opponents.

The environmental group Catskill Mountainkeeper called on the DEC to follow the New Jersey Legislature's recent example and extend the fracking ban statewide.

"This is a clear signal by the Cuomo Administration that we're creating a roadmap for hydrofracking to go forward in New York," said Wes Gillingham, the group's program director.

Richard Lippes, a Buffalo attorney who rose to prominence in the Love Canal toxic chemical case in the late 1970s, called Martens' announcement "a step in the right direction," though one that does not go far enough.

"I wonder why outright ban is necessary for folks in New York City and Syracuse but not the rest of the state," Lippes said.

But Lippes praised the advisory panel Martens has assembled to help complete the details of fracking regulation in New York, saying it was far superior to a similar advisory panel in Pennsylvania, which is stocked with gas industry insiders.

"Clearly, the advisory board in New York attempts to assure that the environmental community is represented," Lippes added.



Martens released most of the revised 2011 SGEIS July 1, but noted that it would be amended in late July to include conclusions about socio-economic issues reached by a private consulting firm, Ecology & Environment Inc. of Buffalo.

After the draft SGEIS is completed on or about Aug. 1, the DEC will open a 60-day public comment period. Then it will review all comments and incorporate responses, as necessary, into a final SGEIS.

The provisions in the final document will then be codified into formal regulations. Previously, the DEC had said such regulations were not necessary. Martens said that writing well drilling permit conditions in formal state rules was a "belt and suspenders" precaution.

The DEC will begin accepting permit applications after the final SGEIS is completed in several months, Martens said. It is "highly unlikely" permits would be granted this year, he added.

When asked whether permits would be considered and possibly even granted before the rule-making process was finished, Martens quickly answered. "Yes."

Gillingham of Catskill Mountainkeeper said that stance confirms that the DEC is committed to opening the door to fracking throughout most of New York State despite the fact that cities, regions, states and foreign countries are turning to outright fracking bans.

Martens said that "upwards of 80 percent" of New York's natural gas-rich Marcellus Shale area would be available for fracking under the recommendations he described at the press conference.



The most common form of modern high-volume fracking involves a combination of horizontal drilling and the use of up to 4 million gallons of water, along with chemicals, in each well. Water that flows back to the surface after fracking, typically 1 million or more gallons per well, is extremely salty and is often laced with radioactive elements and other dangerous compounds.

At the July 1 press conference, Martens acknowledged that the DEC lacks sufficient staff to process a flood of fracking applications.

Martens said his advisory panel would recommend funding to support hiring an appropriate number of new environmental regulators to handle the demand. He said if the DEC does not obtain additional staff, a backlog of well permit applications could develop.

The Independent Oil and Gas Association of New York said they would withhold comment until they had a chance to read the full DEC document. But in a prepared statement issued June 30, IOGA-NY spokesman Brad Gill said:

"IOGA of New York looks forward to reviewing the SGEIS to determine if the protections outlined by the state Department of Environmental Conservation strike a fair balance between protecting New York's environment and allowing the expansion of natural gas exploration in New York's Southern Tier."



Peter Mantius

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if hydrofracking comes to the Southern Tier, everyone needs to look elsewhere for living quarters. Horseheads, NY which has become a focal point for the gas well industry, is being overwhelmed by the industries size and it accompanying habits. If hydrofracking comes to the southern tier within 18 months, the small village of Horseheads and its naive residents will be inundated with an interesting crowd of new residents looking for non-existent housing. The tourist industry will nosedive because the gas well companies will book all the local hotels/motels for their out-of-state workers. And the County Executive Tom Santooli will look around and wonder what happened. The bars and taverns will load up with roughnecks with little or no recreation other than (you fill in the blanks)

Check out Hammondspport, Cooperstown or Asheville. They all look attractive after driving through Canton/Troy.

The train derailment at Wygant Road on Tuesday(7/19/11) is a shot across the bow for what is to come. What happens if a derailment is more extensive and occurs in the aquifer which is located within fifty feet of the current derailment. The old Norfolk Southern track is shaky and it is an environmental disaster waiting to happen. What precautions

are currently in place? Nothing!

If toxic materials are accidentally dropped in the aquifer, the fish kill will stretch to Seneca Lake and Watkins Glen before DEC can be notified. This is the economic engine which local politicians say will save the day. God help us!

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Tamerrose

The economic impact will cover what is lost in tourism. The scope of this is much larger than you're allowing yourself to see. People in these communities only see the landowner and the oil company making money and they get an attitude because they don't have anything to gain DIRECTLY! Hotels, restaurants, grocery stores, etc fill up pumping money into a near lifeless economy (fyi I'm from Jamestown). The owners of those establishments hire more locals to cover the demand. These businesses expand requiring local contractors to get to work. Some out-of-towners who are not roughnecks but engineers and scientists buy old and non-existent housing? New

Construction! Woohoo! In a time when the housing market is contracting it will grow there. And the economic prosperity will continue to trickle-down. A cautionary word, Horseheads will be a boom town for a time and if people reinvest and don't go out and waste their new found money they will be able to sustain their prosperity long after the out-of-towners have gone.

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Both comments have merit. However, the locals can only prosper far into the future if their property and the surrounding environment is not destroyed. After the fracking industry moves on, what will be left? The gas industry does not have to follow either state or federal environmental regulations, if they hydrofrack in NYS. Why doesn't this industry have to follow the same regulations imposed on other industries in the state? And why are the DEC's proposed hydrofracking guidelines weaker than those in Pennsylvania - and according to the documentary film Gaslands, PA's are really quite awful. Why can't there be a balance of protecting people and the environment in which we live with job creation and corporate profits? I just don't get it. Who of our public officials is going to stand up and recommend strict environmental protocol if fracking is on the table?

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