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AP Interview: NY drilling regs may take all summer

Associated Press

ALBANY, N.Y. — The new head of New York's Department of Environmental Conservation believes that gas drilling in the massive Marcellus Shale formation is the most daunting environmental issue the agency has faced in its 40-year history, and he's hopeful rules will soon be in place to address the potential impact.

In an interview with The Associated Press on Wednesday, Joe Martens said DEC staff will meet twice each week starting in early April and through the summer to complete a new environmental impact statement for gas drilling that addresses issues raised in the 13,000 comments received on the 809-page first draft completed in September 2009.

New York has had a moratorium on gas drilling in the Marcellus Shale since 2008 while the new rules are being developed for high-volume hydraulic fracturing, or "fracking," which injects millions of gallons of chemical-laced water into shale thousands of feet underground to create cracks that release natural gas.

Environmental groups and others who fear fracking will contaminate drinking water supplies have implored DEC to hold off on permitting Marcellus drilling until the Environmental Protection Agency completes a review of the technology.

Before being appointed DEC commissioner, Martens was head of the land-preservation group Open Space Institute and was among those calling for New York to wait for the EPA.

Gas industry backers, including landowners and elected officials in the Southern Tier eager to reap the economic benefits of an anticipated gas boom like that seen across the border in Pennsylvania, fear Gov. Andrew Cuomo and Martens will delay and hinder it.

In an executive order before he left office, former Gov. David Paterson directed DEC to complete its drilling guidelines by June 1. Martens said Wednesday that wasn't a hard deadline and that the work would likely continue through the summer. Then there will be a public comment period of at least 30 days.

"We have to figure out just how long we want to make that comment period," Martens said. "If our revisions are extensive, and I think they will be, we'll allow more time for public comment. Then we'll take time to digest those comments before we put out a final document that will be the basis for the regulatory program."

He didn't rule out various options called for by environmental groups.

"Some people say we should reopen the process. We're looking at all of that," Martens said. "We're trying to solicit and digest all the information we can and put it into a document that addresses all the concerns raised to date. It's a really formidable task."

Martens said New York's permitting guidelines will address problems that have been seen in other states,

particularly Pennsylvania, where Marcellus Shale drilling and fracking has been blamed for contamination of water wells and rivers.

With the state's budget and staffing cuts, which have hit DEC particularly hard, critics say the agency isn't prepared to handle the volume of drilling permit applications that will come after the moratorium is lifted. Martens doesn't see that as a problem.

"We will only deal with the number of permits that we have the staff to handle," he said. "So if we can only handle 10 applications a year, we'll do 10, even if 150 come in the door.

"Both the industry and the environmental community want us to have the staff to handle it, so I don't have any concerns about the resources not becoming available."

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