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New deadline for N.Y. fracking review draws mixed reviews

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Written by Jon Campbell

ALBANY -- A directive last week from Gov. Andrew Cuomo's office to expand the state's ongoing review of natural-gas drilling and hydraulic fracturing drew praise from environmental groups and some lawmakers.

But it was the very last line of that directive that left some of them a bit miffed.

After asking the DEC to visit the site of a Pennsylvania gas well blowout, Cuomo's office ordered for a second draft of the DEC's environmental review to be "completed for issuance by July 1, 2011."

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The move enacted a firm deadline for the first time, and it gave the gas industry a glimmer of hope that the process is moving ahead.

Some environmentalists said they weren't pleased with the new deadline, urging the Cuomo administration not to place any time limits on the nearly three-year-old review process.

"For us, I think it's disappointing," said Roger Downs, conservation associate for the Sierra Club Atlantic Chapter. "We know (the DEC) has an enormous amount of work to do, and that now the administration has loaded up another study to do and it appears they've given them less time."

High-volume hydrofracking is the injection of millions of gallons of a mix of water, sand and chemicals to break up shale formations, such as the Marcellus Shale.

Proponents say it could bring a much-needed economic boost to the upstate region, while some say the environmental risks outweigh the potential rewards. Meanwhile, high-volume fracking remains on hold in New York until a final, non-draft version of the DEC review is put in place.

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An executive order from former Gov. David Paterson and extended by Cuomo asked for a second draft of the environmental review to be released "on or about June 1," but DEC Commissioner Joseph Martens had said publicly the department had planned to work on it over the summer.

Martens, a Cuomo appointee, twice declined to speak with reporters as he headed to meetings in the Capitol on Thursday, and a spokesman said the commissioner would be unavailable for comment on Friday.

Michael Bopp, the DEC spokesman, said the department is in the process of putting a plan in place to meet the new deadline. A Cuomo aide said the governor's office is confident the DEC has the resources to complete the draft.

"DEC is organizing staff and workflow to ensure we meet the target date," Bopp said. "Plans for public review and comment are pending and will be announced when we complete the revised draft."

A spokesman for a gas-industry trade group said three years is long enough when it comes to this type of review, and the July 1 deadline was much welcomed.

"I think this is good news, because we were potentially looking at a later date," said Jim Smith, spokesman for the Independent Oil & Gas Association of NY. "It appears that this date is more solid, and I think represents progress, and progress is good. We're looking forward to see (the draft review) and moving to the next stage of this process."

Assemblywoman Barbara Lifton, D-Ithaca, said the deadline is ill advised. She sent a letter to the governor last month, urging him to put an immediate pause to the process so the public can comment on new issues that have come to light since the DEC began the review in July 2008.

"I'm glad the governor is asking the DEC to look at the blowout in Pennsylvania. That's the positive news," Lifton said. "But it's a little contradictory to say you have to do more -- go to Pennsylvania and study this blowout -- but then move it up from end of summer to July 1."

Not all environmentalists, however, share her concern. William Cooke, director of government relations for Citizens Campaign for the Environment, said his group is monitoring the situation, but doesn't believe the new deadline will make much of a difference.

Even after the second draft of the report is released, the DEC would still have several steps to take before hydrofracking permits are to be issued. A public comment period would follow, and a final review would have to be issued before that can take place.

"We don't have enough information to really be able to understand its intent," Cooke said of Cuomo's new deadline. "Was it an unusual twist? Sure. Was it totally out of left field? No."

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