
Opposition to 'fracking' affirmed by Common Council

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Buffalo lawmakers condemned a controversial natural gas mining technique known as "fracking" Tuesday, reaffirming their support for a proposed law that would ban the practice.

But an environmental lawyer wondered aloud why the Council would take up the issue when no one has proposed hydraulic fracturing in Buffalo.

"Doesn't the city council have better things to do?" asked Dennis P. Harkawik of Jaeckle, Fleischmann & Mugal LLP. "At least that's my personal opinion."

If the Common Council approves the yet-to-be-finalized bill, Majority Leader Richard A. Fontana said Buffalo could help lead a nationwide fight against hydrofracking.

But Harkawik says the Council has no legal power to impose a ban and that regulation would fly in the face of state laws that govern mining.

No known deposits of Marcellus Shale, which is rich in natural gas, underlie Buffalo. Last month, National Fuel said it "has no plans to pursue Marcellus Shale drilling in New York State." Opponents countered that the ban would not be specific to Marcellus Shale and would cover other gas extraction methods.

Critics insist the process that uses chemically treated water to help unlock natural gas in shale poses environmental hazards. One concern involves contamination of water tables.

In a 9-0 vote Tuesday, lawmakers reaffirmed their opposition to fracking. Last week, at a Council-sponsored hearing, many speakers urged the city to impose the ban. Some believe the action would be a "symbolic gesture" that could spur other communities to follow suit.

North Council Member Joseph Golombek Jr., the ban's lead sponsor, said the city Law Department has been working on a final version that will likely be submitted for Council consideration later this month. He disputed the idea that cities are powerless to regulate fracking.

"They can sue us if they want," Golombek said. "When it comes to the safety of our residents and protecting our environment, we do have a responsibility."

Golombek said "bad decision-making" in an earlier era when pollution was unregulated took a toll on the environment.

"It has to stop somewhere," he said.

The most controversial use of hydraulic fracturing involved so-called deep horizontal wells in Pennsylvania. The shafts descend for about a mile, then turn at almost a 90-degree angle and continue for a half mile or more horizontally, through relatively thin layers of Marcellus Shale.

Harkawik, who contacted a reporter after learning the Council was taking up the issue, said he currently has no clients involved in hydrofracking. He said state environmental conservation laws regulate mining operations, including processes that involve oil and natural gas. He added that the state is reviewing a draft environmental impact statement that, if approved, would be a "veritable bible" for regulating hydrofracking.

The attorney said he believes Southern Tier communities could gain substantial economic benefits through fracking.

"It's an area of the state that desperately needs economic development," he said.

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