

State shifts focus to hydrofracturing hearings, report

11:07 PM, Sep. 10, 2011|

ALBANY — As the state looks at the effects of hydraulic fracturing for natural gas, all eyes have been on an Environmental Impact Statement meant to serve as a blueprint for the controversial technique to move forward in [NewYork](#).

But with the release Wednesday of the Department of Environmental Conservation's latest 1,537-page draft came this news: The agency will release a new document in October that could be even more important as the state inches toward allowing high-volume hydrofracking.

The DEC will move next month to put out a set of proposed regulations that would give their enforcement efforts more teeth, but it has environmentalists concerned that the state is moving too quickly.

The regulations, which DEC officials say will include all of the recommendations included in the agency's Environmental Impact Statement, would have the same force as law when finalized. As it stands, the document includes guidelines if the agency permits high-volume hydrofracking, but not hard-and-fast rules that must be followed in any circumstance.

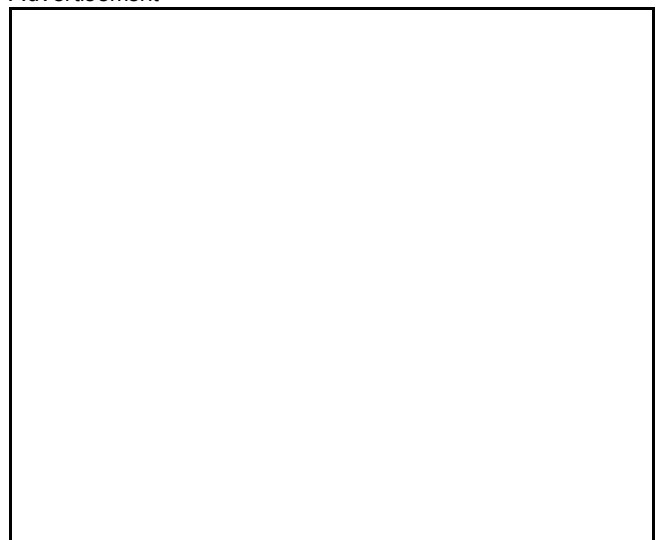
"We look forward to receiving comments from the public that will help inform the final conditions for high-volume hydraulic fracturing in New York state," DEC Commissioner Joseph Martens said this week in a statement. "The proposed environmental mitigation measures and the regulations that codify those measures go hand in hand."

A comment period on the DEC's Environmental Impact Statement will run until Dec. 12, and the proposed regulations will be folded into that comment period when they are released. A set of four public hearings in November will be open to comments.

For environmentalists, the issue isn't the idea of imposing regulations.

Instead, several are concerned that a comment period on the regulations will be held simultaneously with the Environmental Impact Statement. They say it's only being done to speed up the process and allow high-volume hydrofracking, which has been

Advertisement



on hold in New York but allowed in some other states.

"We think that's a bad decision," said Adrienne Esposito, executive director of Citizens Campaign for the Environment. "It's designed to speed up the process, not make it a better process, and that's what troubles us."

Esposito said if the DEC wants to use a "legitimate process," the agency should use the findings from its final Environmental Impact Statement to craft a set of comprehensive regulations, not develop them concurrently.

DEC officials disagree. In his statement Wednesday, Martens said it "makes sense" to hold simultaneous comment periods and public hearings.

Any revisions the DEC makes to its impact statement will be included in its final regulations, DEC spokeswoman Emily DeSantis said Friday.

"There is no reason why draft regulations and a draft (Environmental Impact Statement) cannot or should not be considered in tandem," DeSantis said in a statement. "The draft regulations are simply an enforceable legal structure for most of the mitigation measures recommended in the draft (impact statement)."

Brian Conover, president of the CNY Land Coalition, said any accusation that the state is fast-tracking hydrofracking is misguided.

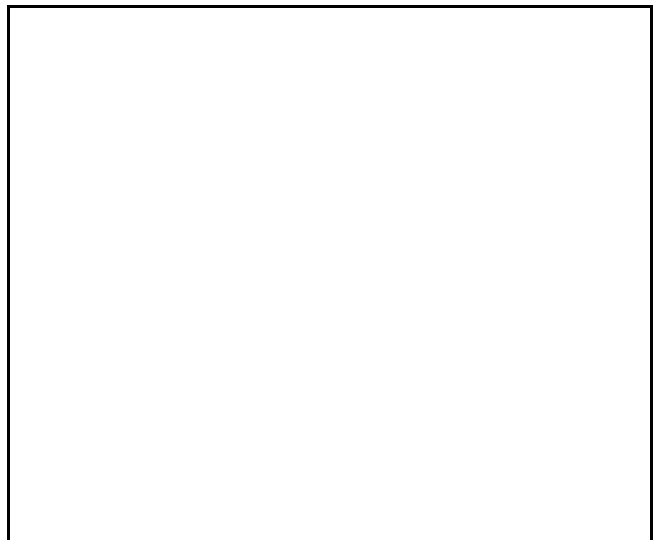
He pointed to the three years that the technique has been [Oxac]on hold since the DEC began its review.

"I would say they've taken their time and done their research," said Conover, whose group represents landowners who are hoping to lease their gas rights in a bloc. "Some say the process has been too slow and some say it's too fast. My guess is they're probably doing it right."

The DEC's latest draft review included a study that shows the potential economic benefits of hydrofracking, which involves the injection of **water**, sand and chemicals deep underground to break up shale formations — such as the Marcellus Shale — and release natural gas.

The study, performed by Buffalo-based Ecology & Environment Inc., said opening the state's doors to the technique could generate anywhere from 6,200 to 37,000 direct **newjobs** over the next 30 years, depending on how aggressively drillers develop in New York.

Advertisement



Conservation groups, however, have their concerns, pointing to a number of spills and accidents in other states, as well as instances of methane-contaminated water wells.

The DEC will still move forward with issuing permits when the impact statement is finalized next year, regardless of whether the final regulations are adopted by that time, DeSantis said.

"It definitely shows that they're interested in moving this quickly," said Dan Hendrick, spokesman for the New York League of Conservation Voters.

"By doing it that way and linking the two actions, they're basically treating it as one action to really expedite things," he said.

Advertisement

