

DEC shifts fracking-rules timeline

Move delays final decision on drilling

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Don't look for the final rules that would allow fracking until the end of the year, at the earliest.

Even though Govs. David Paterson and Andrew Cuomo said the Department of Environmental Conservation would produce a draft version of those rules "on or about June 1," that date has been pushed ahead by new DEC Commissioner Joe Martens.

The proposed rules will now be released "sometime this summer," said DEC spokesman Michael Bopp, who did not want to get more specific.

That change delays the timetable for the horizontal gas drilling method of hydraulic fracturing, or fracking.

It's a timetable that includes a public comment period of "not less than 30 days" once the draft regulations are released, said Bopp. Public hearings could also be held since "they're customary," he added.

Once those written and verbal comments are reviewed and addressed (the previous draft version of those rules generated more than 13,000 comments and took months to review) the DEC will be able to prepare the final regulations.

"The goal is to complete the final plan by 2012," says Bopp, citing a timeline that, given the DEC's past delays and understaffing, might be ambitious.

Only then could the permitting process for drilling the Marcellus shale begin — although drilling opponents have already said they would file lawsuits challenging the regulations, which would further delay permits.

The reaction to the new DEC schedule reflects the great divide typical of this contentious issue.

Anti-drillers, who say drilling will pollute water and industrialize the landscape of rural places like Sullivan County, want to delay the rules as long as possible.

They don't want any state regulations to be released until the massive Environmental Protection Agency study on fracking's impact on water is complete — late next year.

"Let the EPA release the study and let the DEC take that into account," says Ramsay Adams, executive director of Catskill Mountainkeeper. "The timeline should be based on science, and science is coming."

Pro-drillers, who say drilling is safe and would provide an economic shot in the arm to depressed counties like Sullivan, say they've waited long enough — three years — while a previous version of the draft rules, or Supplemental Generic Environmental Impact Statement, of SGEIS, was released and revised.

"The SGEIS should be published as soon as possible," said Jim Smith, spokesman for the Independent Oil and Gas Association of New York. "If they need the time, fine. But three years is adequate to produce rules that will protect the environment. We don't think the DEC should be rehashing the same arguments that were released in the (previous) draft."