

NY DEC Final Hearing Held on November 30th, 2011

January 3, 2012

The New York Department of Environmental Conservation's (DEC) public hearings held throughout New York State, with its final hearing held in Manhattan on November 30th, drew thousands of people. In response to the turnout at the public hearings and the already high volume of comments to the latest draft of the Supplemental Generic Environmental Impact Statement (SGEIS), which is being used to establish fracking guidelines, the DEC has extended the public comment period on SGEIS from the original closing date of December 12, 2011 to January 11, 2012.^[1]

Environmental groups critical of hydraulic fracturing see the extended period as a small victory but this has not changed DEC's position that the review of hydrofracking will be completed by late next spring, which means that drilling permits for fracking will quickly follow. The DEC believes that drilling can be done safely, with comprehensive and strict regulations in place.^[2]

The extended deadline for comments on the fracking regulations frustrates gas drillers, who view the extension of the comment period as a continuation of the already 3-year moratorium on fracking in New York.^[3] The industry has already complained that the new rules are too strict with respect to drilling near watersheds and imposing excessive permitting and regulatory requirements. This has all led to the speculation that the drilling industry will lose hope of drilling in New York and move on.^[4]

The proposed regulations seem to discourage drilling in New York. In response, gas companies have already cut back or closed their New York operations. Talisman Energy has moved their Marcellus Shale headquarters from Chemung County to a Pittsburg suburb.^[5] Others have done this as well. Many small gas operations in the state are also laying off workers when New York is already struggling for much needed jobs.^[6] The sentiment has been that the DEC has taken the approach of addressing every "fear" raised by those opposed to drilling and making fracking so "safe" that little drilling will actually occur.

- ^[1] Steve Gelsi, New York Delays Ruling On Hydraulic Fracturing Amid Controversy, Wall Street Journal (December 2, 2011), <http://online.wsj.com/article/BT-CO-20111202-710643.html>.
- ^[2] Marie Cusick, DEC fracking report as soon as spring 2012, Innovation Trail (December 2, 2011), <http://innovationtrail.org/post/dec-fracking-report-may-come-soon-spring-2012>.
- ^[3] Edward McAllister, New York City fracking hearing draws opposition, Reuters (November 30, 2011), <http://www.reuters.com/article/2011/11/30/us-newyork-fracking-idUSTRE7AT2NX20111130>.
- ^[4] Jerry Zremski, Fracking boom could go bust in N.Y., BuffaloNews.com (November 13, 2011), <http://www.buffalonews.com/city/capital-connection/washington/article631309.ece>.

5. [5] *Id.*

6. [6] Abby Wisse Schachter, Fracking in NY: death by 1,000 stalls?, New York Post (December 5, 2011), http://www.nypost.com/p/news/opinion/opedcolumnists/fracking_in_ny_death_by_stalls_wQpwT7jdxhc3ki1TtLHe