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# Cuomo Will Seek to Lift Ban on Hydraulic Fracturing

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The Cuomo administration is seeking to lift what has effectively been a moratorium in New York State on hydraulic fracturing, a controversial technique used to extract [natural gas](#) from shale, state environmental regulators said on Thursday.

The process would be allowed on private lands, opening New York to one of the fastest-growing — critics would say reckless — areas of the energy industry. It would be banned inside New York City's sprawling upstate watershed, as well as inside a watershed used by Syracuse, and in underground water sources used by other cities and towns. It would also be banned on state lands, like parks and wildlife preserves.

It will most likely take months before the policy becomes official. On Friday, the State Department of Environmental Conservation will release a long-awaited study of the process, widely known as hydrofracking. The report will include recommendations about how to proceed, and then there will be a lengthy period for public comments before a final determination can be made.

The agency detailed its recommendations [in a statement it released on Thursday afternoon](#).

"This report strikes the right balance between protecting our environment, watersheds and drinking water, and promoting economic development," said [Joseph Martens](#), the commissioner of the department, a state agency controlled by the governor's office.

[Hydrofracking](#) has prompted intense protests from some environmental activists, who say it threatens the cleanliness of groundwater. [The process involves](#) injecting large volumes of water, mixed with sand and chemicals, deep into the ground to break up rock formations and release natural gas. It is legal in a number of other states, including Pennsylvania.

A primary concern among environmental groups has been the leftover wastewater [that can be contaminated](#) with toxic materials buried underground, including naturally occurring radioactive elements, or carcinogens like benzene. Proponents, on the other hand, focus on

the potential benefits. Drilling for natural gas has been promoted because it burns more cleanly than coal and can reduce dependence on imported energy sources, and it can also bring jobs to economically battered regions of the state.

The statement released by the agency said hydrofracking would be permitted on private lands “under rigorous and effective controls.”

Among the other restrictions, there would be no permits for drilling “within 500 feet of a private water well or domestic-use spring,” or within 2,000 feet of a public reservoir or drinking water supply without further study. The agency is also creating an advisory panel of environmental and industry experts to make recommendations on monitoring steps to mitigate potential hazards and explore fees that would be levied on the industry.

Gov. [Andrew M. Cuomo](#) has generally had good relations with environmental groups; he shielded them from the kind of large cuts he dealt to hospitals and schools this year. He has also [repeatedly called for the closure](#) of the [Indian Point](#) nuclear plant in Westchester County, a popular move with advocacy groups. Last week, a top Cuomo administration official delivered that message directly to an executive of the plant’s operator, Entergy, during the administration’s first high-level meeting with the company.

The governor telegraphed his position about hydrofracking [in a campaign document on energy policy](#) he released last year. It referred to the potential development of the [Marcellus Shale](#), a rock formation that stretches from southern New York State to Ohio and West Virginia.

“The economic potential from the Marcellus Shale could provide a badly needed boost to the economy of the Southern Tier and even many environmentalists agree we want to produce more domestic natural gas that reduces the need for environmentally damaging fuel sources such as coal,” his campaign statement said, while adding, “Existing watersheds are sacrosanct, and Andrew Cuomo would not support any drilling that would threaten the state’s major sources of drinking water.”

In 2009, [a previous version](#) of the Department of Environmental Conservation’s report, known as an environmental impact study, recommended allowing hydrofracking in the watersheds; environmental groups intensely criticized it. Gov. David A. Paterson vetoed a bill passed by the Legislature last year that would have formally banned hydrofracking, but effectively put a ban into place until further study was completed.

The recommendations come amid growing political and legal challenges to hydrofracking.

In May, Attorney General Eric T. Schneiderman of New York filed a lawsuit against several federal agencies that are affiliated with the Delaware River Basin Commission, a multistate entity including New York that regulates the river basin, to block the commission from issuing final regulations on hydrofracking until a full environmental review could be conducted. This month, Mr. Schneiderman also subpoenaed five of the largest companies in the country that do natural gas drilling to determine whether they were accurately disclosing the risks of hydrofracking.

“Before any decisions on drilling are made, it is our responsibility to follow the facts and understand the public health and safety effects posed by potential natural gas development,” Mr. Schneiderman said earlier this year.

Some environmental groups have mixed feelings.

“Until they make a commitment to updating the state’s regulations and the legal framework, we would oppose them moving forward in New York,” said David Gahl, policy director of Environmental Advocates of New York. But he said his group was not entirely opposed.

“Our position has always been that the state needs the right framework to govern this process,” he said. “We’re not against driving a car, but a car needs to have seat belts, speed limits and cops on the road.”

Others are more firmly opposed.

Elizabeth Bouiss, a New York City schoolteacher who has a house in the Marcellus Shale area, has been an organizer of protests against hydrofracking.

“I’ve been concerned about it since I first heard about the possibility a couple of years ago,” she said, adding, “There’s no safe way to put toxic chemicals into the ground and control them.”

Business groups see the issue as one that could boost the upstate economy, and the Republican-led State Senate — whose majority caucus includes a number of upstate lawmakers — has been supportive.

“Safe drilling for natural gas has the potential to create thousands of new jobs and millions of dollars in economic investment,” the Senate majority leader, Dean G. Skelos, said in a statement.

Mayor Michael R. Bloomberg praised the plan, saying the governor and Commissioner Martens “deserve an enormous amount of credit for protecting the unfiltered drinking water

supplies of more than nine million New Yorkers, while increasing our ability to harness the benefits of New York's natural gas resources.”

*This article has been revised to reflect the following correction:*

***Correction: June 30, 2011***

An earlier version of this article misstated the recommendation of a previous version of the Department of Environmental Conservation's report. The report had recommended allowing, not prohibiting, hydrofracking in watersheds.