

Update: NY rules against hydrofracking

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NY's health and environmental commissioners rejected the prospect for hydraulic fracturing



(Photo: Keith Srakocic, AP)

ALBANY — Fracking is out in New York.

New York's health and environmental commissioners Wednesday rejected the prospect for hydraulic fracturing in New York, saying that health risks, the potential of local bans and limited available land would outweigh the benefits of the controversial drilling technique.

The conclusions by the state Environmental Conservation Commissioner Joe Martens and Acting Health Commissioner Howard Zucker brings to an end the state's uncertainty over whether it would proceed with fracking. The state has had a de facto moratorium since 2008.

Martens estimated that at least 63 percent of the land available in New York for hydrofracking -- mainly across the Marcellus Shale in the Southern Tier -- would be ineligible for high-volume hydraulic fracturing (HVHF) because of various health risks.

"I'd say the prospects for HVHF development in New York are uncertain at best," Martens said. "Given the wide-ranging potential or increased local regulation of HVHF, the extensive and growing number of restrictions that the state was considered and the increased cost of mitigation, the economic benefits are clearly far lower than originally forecast."

Zucker said many uncertainties remain, saying more study is needed to ensure that the land, water and air are protected from high-volume hydraulic fracturing.

The DEC early next year will issue a legal binding statement to prohibit fracking at this time, Martens said.

Zucker said that, "As the acting health commissioner, I consider the people of the state of New York as my patients. We cannot afford to make a mistake. The potential risks are too great. In fact, they are not fully known."

Cuomo said he would defer to the health experts to decide the issue. Cuomo said whether to allow for fracking has been the most emotionally charged issue he has dealt with.

"So let's bring the emotion down and let's ask the qualified experts what their opinion is," Cuomo said. "And all things being equal, I will be bound by what the experts say."

Both supporters and opponents of shale-gas drilling in the Southern Tier have long sought clarity in the state's review process, which has kept high-volume fracking on hold in New York since July 2008 and across two governor's administrations.

A court ruling earlier this year was a "game changer," Marten said, because it allows towns to ban fracking -- taking the control out of the state's hands.

Fracking is the process in which large volumes of chemical-laced water is blasted into underground shale formations, fracturing the rock and releasing natural gas.

A state board is also scheduled to reveal another major decision Wednesday: the recommended sites for up to four private casinos in the Southern Tier, Albany area and Hudson Valley/Orange County.

"They are on time to be delivered by the end of the year, yes," Cuomo said Monday on "The Capitol Pressroom," a public radio program. "And it's my understanding -- I'm not directly involved -- that the casinos will also be done on time. So we'll have by the end of the year, we should have positions on both that are clear and then we'll start the new year with some major decisions under our belt, so to speak."

Gas drillers have shown interest in the state's portion of the Marcellus Shale formation since 2008, with many believing the most gas-rich area to be along the Pennsylvania border in Broome, Tioga and Chemung counties. The formation stretches into the Catskills, but the DEC has previously proposed banning drilling within New York City's watershed.