

EPA Targets New York Fracking Standards

By **Kenneth Artz**

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The U.S. Environmental Protection Agency has sent a series of letters to New York state officials suggesting dozens of restrictions on natural gas fracking above and beyond those being contemplated by state officials. Although fracking regulation has always been handled by the individual states, many observers say EPA is firing a shot across the bow of New York and other states, indicating it may soon seek to usurp state authority on fracking.

Huge Energy Deposits

Upstate New York is sitting on huge deposits of natural gas that can now be mined through a process known as hydraulic fracturing, also known as fracking. Many farmers and local residents are eager to lease their lands to oil and gas companies and start collecting royalties. Independent studies have confirmed fracking will deliver tremendous economic benefits to the troubled state economy.

Nevertheless, EPA regional administrator Judith Enck is proposing dozens of restrictions in addition to what the New York Department of Environmental Conservation (DEC) is considering as part of its hydro-fracking environmental roadmap, released for public comment in September 2011. Among the additional restrictions, Enck is proposing a ban on fracking activities within one mile of selected water supply wells and giving the state Public Service Commission a voice in issuing fracking permits.

Fracking is already being utilized in Pennsylvania and other states, revitalizing local economies. In North Dakota, where fracking is unlocking substantial oil deposits beneath private lands, recent high school graduates can make more than \$100,000 per year in the oilfields, and the unemployment rate is hovering around 3 percent.

Toward a National Standard?

H. Sterling Burnett, a senior fellow with the National Center for Policy Analysis, says he fears Enck is seeking to impose unnecessarily burdensome restrictions in New York as a first step to EPA imposing similar restrictions nationally.

“She’s using the EPA to make New York’s fracking rules the toughest in the nation and wants the state to set the standards for the rest of the nation to follow,” **Burnett** said.

Citizens Eager to Lease Land

Noel van Swol, president of the Sullivan-Delaware Property Owners Assn., says landowners in Sullivan and Delaware Counties are desperately seeking approval to lease their lands to oil and gas companies.

“These are two of the poorest counties in New York,” Swol said. “We’re right on the Delaware River, with Pennsylvania on the other side, and we’re sitting on a fortune. The bonus money from gas drilling would turn this county around overnight.”

“Unfortunately,” said Swol, “there is a small cadre of independently wealthy people who have moved up here from New York City and who suffer from liberal angst, and think they know more about managing the environment than those of us who have grown up here and lived here for generations and who are the real environmental stewards of the area.”

Natural gas companies are willing to pay \$5,500 an acre and a 20 percent royalty to lease the land, said Swol.

“Fracking will transform New York and strike a strong blow for energy independence,” he predicted.

Outstanding Environmental Record

Bill Graby, a dairy farmer and cofounder of the Sullivan-Delaware Property Owners Assn., explains fracking has an outstanding environmental record in other states. Graby wonders why EPA and New York City transplants would want to forbid New Yorkers from reaping the energy value of their lands.

“The DEC is in the process of coming up with the strictest rules in the strictest state in the union for the most heavily regulated industry in the world. New York politicians are holding up progress—they aren’t aware of the facts, and they’re listening to environmentalists,” Graby said.

Fracking has been occurring in other states for decades, but EPA has yet to find a single case of drinking water contamination, Graby notes. “So what’s the hold-up?” he asks.

Competing Values

Graby says actor Mark Ruffalo, who lives in the area and has opposed fracking, is trying to make a name for himself by supporting this cause.

“The environmentalists want celebrities to jump on the bandwagon so that others will support their cause. I can venture to say that Mr. Ruffalo probably hasn’t been to the construction of one well site,” said Graby. “The people fighting for this are ordinary folks: farmers, teachers, lawyers, etc., because they want to grow the economy. But people like Ruffalo come here from the city because they want peace and quiet. They don’t want things to change.

“Three companies want to develop here. So far, they are unable to invest any money here because they are not sure of the outcome over fracking. If the people opposed to fracking studied the science and let the oil and gas people speak, they would see that fracking does not pollute the water,” explains Graby.

The wealthy activists are trampling on other citizens’ rights, says Graby.

“People in the state of New York desperately need fracking. Families can’t afford to stay here because taxes are too high and there are no jobs. We’ve worked out our differences with the oil and drilling companies. Now our fight is with the Park Foundation, Open Space Coalition, and the Mark Ruffalos of the world. They’re think they can come in here and throw lots of money around and take away our property rights by preventing natural gas drilling,” said Graby.