



Ask, and You Shall Receive

Rep. Hinchey publishes detailed list of additions to draft DEC Marcellus regs; turns out most are already in the DEC document

U.S. Rep. Maurice Hinchey (D-N.Y.) may be one of the chief authors of [a bill](#) in Congress that seeks a de facto, nationwide ban on [hydraulic fracturing](#) – creatively, by forcing operators to secure special permits from the EPA that the agency has no ability (statutory or operational) to issue. But at least back home in New York, with the state DEC poised to promulgate its final rules governing the safe and responsible development of the Marcellus, the congressman has emerged as a constructive participant in that debate.

For proof, look no further than [the press release his office sent](#) on December 23, 2009. Prepared as an accompaniment to the [written comments](#) the congressman formally submitted to DEC commissioner Pete Grannis the day before, the document lays out a series of changes to the underlying draft DEC framework that Mr. Hinchey believes DEC must make “before drilling should be permitted in New York.”

It’s a significant statement by Mr. Hinchey – one that, it would appear, puts him at odds with scores of national activists who have called on DEC to [throw the entire document in the trash](#) and keep the existing moratorium on all Marcellus activity intact. But that’s not what Mr. Hinchey appears to be demanding here, is it? Taking him at his word, he seems to be supportive of the idea of responsible, job-creating natural gas exploration – he just wants it to be done right. And thanks to his press release, we now know exactly what he believes is needed to make sure that particular standard is met.

So that’s the good news – but it gets even better from there. Examining the [Hinchey press release](#), it turns out the vast majority of changes the congressman would like to see incorporated into the final DEC regulatory document **can already be found in the draft underlying text – right now**. The congruity is striking. Take a look for yourself:

Rep. Hinchey's Demands Compared to Current DEC Draft
<p>"A cumulative impact analysis of natural gas drilling in the Marcellus formation to understand the full impact drilling could have on our water resources, air quality, local roads and infrastructure" (Release, Dec., 22, 2009)</p>	<p>6.13 Cumulative Impact 6-141 Site-Specific Cumulative Impacts 6-141 Regional Cumulative Impacts 6-143</p> <p>7.10 Mitigating Noise Impact 7-106</p> <p>7.11 Mitigating Road Use Impacts 7-109</p> <p>7.12 Mitigating Community Character Impacts .. 7-110</p> <p>7.13 Mitigating Cumulative Impacts 7-111 (Table of Contents)</p>
<p>"Require public disclosure of chemicals used in hydraulic fracturing" (Release, Dec., 22, 2009)</p>	<p>"[T]he Department proposes that full chemical disclosure be required with applications that propose the use of open surface impoundments. ... For well permit applications that do not propose use of open surface impoundments, the Department proposes to require identification of additive products and proposed percent by weight of water, proppants and each additive." (pg. 536)</p> <p>"The Department considers [Material Data Safety Sheets, which include full listings of materials used in the fracturing process] to be public information ineligible for exception from disclosure as trade secrets or confidential business information." (pg. 129)</p>
<p>"A thorough review of the growing number of incidents from other states, including Pennsylvania and Wyoming, in which gas drilling is alleged to have caused explosions, well-contamination, ecological damage and health impacts." (Release, Dec. 22, 2009)</p>	<p>Alabama: "There have been no documented cases of drinking water contamination that have resulted from hydraulic fracturing operations to stimulate oil and gas wells in the State of Alabama." – <i>Nick Tew, Ph.D.; Alabama State Geologist & Oil and Gas Supervisor</i> (pg. 705)</p> <p>Colorado: "To the knowledge of the Colorado Oil and Gas Conservation Commission staff, there has been no verified instance of harm to groundwater caused by hydraulic fracturing in Colorado." – <i>David Neslin; Colorado Oil and Gas Compact Commission</i> (pg. 707)</p> <p>Indiana: "There have been no instances where the Division of Oil and Gas has verified that <u>harm to</u> groundwater has ever been found to be the result of hydraulic fracturing in Indiana." – <i>Herschel McDivitt; Indiana Department of Natural Resources</i> (pg. 707)</p> <p>Louisiana: "The Louisiana Office of Conservation is unaware of any instance of harm to groundwater in the State of Louisiana caused by the practice of hydraulic fracturing." – <i>James Welsh; Louisiana Department of Natural Resources</i> (pg. 708)</p> <p>Oklahoma: "You asked whether there has been a verified instance of harm to groundwater in our state from the practice of hydraulic fracturing. The answer is no." – <i>Lori Wrotenbery; Oklahoma Corporation Commission</i> (pg. 709)</p> <p>Texas: "The practice of reservoir stimulation by hydraulic fracturing has been used safely in Texas for over six decades in tens of thousands of wells across the state." – <i>Victor G. Carrillo; Railroad Commission of Texas</i> (pg. 709)</p> <p>Wyoming: "No documented cases of groundwater contamination from fracture stimulations in Wyoming." - <i>Tom Doll; Wyoming Oil and Gas Conservation Commission</i> (pg. 711)</p>
<p>"Mandate that all baseline well water tests and complaints be handled by DEC, instead of county and local government as proposed in the dSGEIS, and be paid for by drilling companies." (Release, Dec., 22, 2009)</p>	<p>"Supplementary permit conditions for high-volume hydraulic fracturing will require the sampling and testing of residential water wells within 1,000 feet of the well pad ... All testing and analysis must be done by an [New York State Department of Health]-certified laboratory, and the results of each test must be</p>

Well, then. Now that we're all in agreement, who thinks it's about time to get work? Certainly we've got **jobs to create**, revenue for state and local governments to generate, and a clean energy future for New York to deliver. The good news is that now, hopefully, his edits adopted and concerns allayed, Mr. Hinchey can be part of that solution, both nationally and in New York. It'd certainly be a welcome development.