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Smart Moves on Drilling in New York

By **PETER APPLEBOME**

It may be hard to believe, but New York's dysfunctional state government has done one big thing right over the past three years.

While neighboring Pennsylvania and other states have rushed pell-mell into the Northeast's version of an energy boom — making some people richer and some environments poorer — and while concern has steadily risen about the evolving industrial practices used to extract gas from shale, New York and Gov. David A. Paterson have held back. Instead of jumping in, the state has written fairly tough regulations that are still being tweaked and has added extra protections for the most sensitive areas, particularly the upstate watershed that provides drinking water to nine million people in New York City and its suburbs and exurbs to the north.

Now, with the catastrophic [oil spill](#) in the Gulf of Mexico and the federal moratorium on deepwater drilling in the background, the next act is approaching here. State legislators are considering two bills that would extend and make explicit the current de facto moratorium on the most intense drilling technologies upstate.

One bill would delay new drilling for a year from now. One would extend the current moratorium until 120 days after the release of a federal study of the industry's impact on water quality. The study timetable is uncertain. And around year's end, the State Department of Environmental Conservation is expected to release guidelines on gas drilling. All that's at stake is the regulation for what could be tens of thousands of gas wells — each using millions of gallons of chemically treated water — and the economic landscape for much of upstate.

Gas drilling isn't new in New York. There are 13,000 active wells in the state; the industry says

the first gas well was drilled at Fredonia in 1821. What's new is the combination of hydraulic fracturing and horizontal drilling in the rich gas deposit known as the Marcellus Shale, which runs roughly 600 miles — including in parts of Virginia, West Virginia, Ohio, Pennsylvania and New York. The process includes injecting millions of gallons of chemically treated water as much as 10,000 feet underground to break up shale and release the gas within.

Even some proponents of drilling say the D.E.C.'s measured pace has been wise. But the relative amity has pretty much reached its limit.

Anthony R. Ingraffea, an engineering professor at Cornell and a critic of drilling, says large-scale gas development is inconsistent with the upstate environment of agriculture, tourism and recreation. And he says no state has adequate regulations on drilling, particularly the disposal of the polluted water that either has to be kept on site or trucked to processing plants. He said escalating problems in Pennsylvania were indications that New York was wise to learn from the mistakes of others.

IN Pennsylvania, a recent well blowout sent gas and water polluted with drilling fluids as high as 75 feet in the air, and the Delaware River Basin Commission, citing risks to water resources, has temporarily banned new permits for natural gas drilling in the Delaware River watershed.

“What we've had in the past is child's play compared to wells drilled today,” Mr. Ingraffea said. “The gas industry wants to run in and develop as swiftly as they can, and only after the fact do they realize the harm that's been done.” Many landowners, frustrated with the pace of development, are increasingly vocal about wanting drilling to begin and are borderline apoplectic about the prospects of a moratorium.

“It's an awful idea,” said Scott Kurkoski, a lawyer for the [Joint Landowners Coalition of New York](#), which represents 37 landowners groups whose members own 800,000 acres. He said the failure to develop gas was an economic hardship to landowners and to the state. Proponents of drilling say that while New York has dithered, drilling in Pennsylvania has created 44,000 jobs and has had a \$1.8 billion economic impact. He added: “If there was a legitimate, rational reason to study this further, it would be one thing, but this has already been studied to death. The calls for a delay are coming from people who don't want to see it happen in New York.”

The proposed one-year moratorium is billed as a compromise. With the stakes rising on both

sides, the methodical pace thus far may have been the easy part. Still, with those gulf images seared into people's minds, now more than ever, getting things right might take precedence over getting things fast.

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