

More delay likely on fracking rules

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ALBANY — The state Department of Environmental Conservation on Friday signaled it anticipates missing a little-noticed deadline for its proposed hydraulic fracturing regulations — a move that could force the agency to restart its rule-making process and reopen the regulations to public comment.

Missing the deadline would further cloud the already murky situation surrounding the state's decision on high-volume fracking, which is currently not allowed in New York as the DEC continues an environmental review that has stretched on for more than four years.

In an email to Gannett's Albany bu-

reau, DEC spokeswoman Emily DeSantis said a newly expanded review of the health effects of hydrofracking for natural gas will likely cause the agency to miss a late November deadline.

"Given that DEC has said no regulations or final decision will be issued until the completion of (Health Commissioner Nirav Shah's) review, should high-volume hydraulic fracturing move forward, it is expected that a new rule-making process would be undertaken," DeSantis wrote.

Last year, DEC officials proposed formal regulations to govern the natural gas industry that would carry the force of law. The agency held a set of public hearings afterward, the last of which was on Nov. 30.

Under state law, the DEC has one year after holding its last public hearing to finalize the regulations, though it can file for a 90-day extension. If it misses the deadline, the rule-making process restarts, complete with a new comment period. The deadline was first reported Thursday by the blog Shale Gas Review.

The rule-making process is separate from the DEC's overarching environmental review. That review, which was begun in July 2008 and contains thousands of pages of proposed guidelines for gas-drilling permits, would not have to be restarted if the November deadline is blown.

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