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## Can 'waterless fracking' in New York sidestep Cuomo's ban?

By [Rob Nikolewski](#) / October 12, 2015 / [News](#) / [14 Comments](#)

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([http://watchdog.org/?attachment\\_id=241539](http://watchdog.org/?attachment_id=241539))

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ANOTHER DECISION LOOMS: New York Gov. Andrew Cuomo announced at a cabinet meeting last December a ban on high-volume hydraulic fracturing. But a county in the state's Southern Tier has applied for two applications to drill using another fracking method.

The administration of [New York Gov. Andrew Cuomo](https://en.wikipedia.org/wiki/Andrew_Cuomo) ([https://en.wikipedia.org/wiki/Andrew\\_Cuomo](https://en.wikipedia.org/wiki/Andrew_Cuomo)) has [shown no signs of backing off](http://watchdog.org/240857/new-york-fracking-ban-2/) (<http://watchdog.org/240857/new-york-fracking-ban-2/>) the statewide prohibition on hydraulic fracturing the Democrat announced at the end of last year.

But a collection of landowners in one of the most economically depressed areas in the Empire State hopes the Cuomo administration will give it the OK to drill without using conventional “fracking” techniques, in the hopes of reaching some of the vast natural gas deposits in the [Marcellus Shale formation](https://en.wikipedia.org/wiki/Marcellus_Formation) ([https://en.wikipedia.org/wiki/Marcellus\\_Formation](https://en.wikipedia.org/wiki/Marcellus_Formation)).

“This is the evolution of this kind of technology,” said [Adam Schultz](http://www.couchwhite.com/attorneys/Adam_J_Schultz_44_attorney.htm) ([http://www.couchwhite.com/attorneys/Adam\\_J\\_Schultz\\_44\\_attorney.htm](http://www.couchwhite.com/attorneys/Adam_J_Schultz_44_attorney.htm)), attorney for [Tioga Energy Partners](http://www.businesslookup.org/tioga_energy_partners_llc) ([http://www.businesslookup.org/tioga\\_energy\\_partners\\_llc](http://www.businesslookup.org/tioga_energy_partners_llc)) LLC, a collection of five farm families in Tioga County in what's called the [Southern Tier](https://en.wikipedia.org/wiki/Southern_Tier) ([https://en.wikipedia.org/wiki/Southern\\_Tier](https://en.wikipedia.org/wiki/Southern_Tier)) of New York.

Hydraulic fracturing is the process of sending highly pressurized water and chemicals from a well site deep into the ground to break up shale and rock formations to capture oil and natural gas.

But the [Snyder Farm Group](http://www.couchwhite.com/img/uploads/file/7-15-15_Snyder_Farm_Group_in_New_York_seeks_permission_for_waterless_fracking.pdf) ([http://www.couchwhite.com/img/uploads/file/7-15-15\\_Snyder\\_Farm\\_Group\\_in\\_New\\_York\\_seeks\\_permission\\_for\\_waterless\\_fracking.pdf](http://www.couchwhite.com/img/uploads/file/7-15-15_Snyder_Farm_Group_in_New_York_seeks_permission_for_waterless_fracking.pdf)), based in Barton, wants to do something different: Replace the water with a propane gel that, along with sand, loosens the rock to get to the gas.

By doing so, the group says it avoids the Cuomo administration's ban on “high-volume hydraulic fracturing,” which means using [300,000 gallons or more of water](http://www.ithacajournal.com/story/news/local/fracking/2015/08/07/propane-fracking/31278725/). (<http://www.ithacajournal.com/story/news/local/fracking/2015/08/07/propane-fracking/31278725/>)

“The state specifically excluded this technology from the ban,” Schultz told Watchdog.org. “We're not doing the high-volume hydraulic fracturing.”

Schultz said Tioga Energy Partners has applied for two permits from the [New York Department of Environmental Conservation](http://www.dec.ny.gov/) (<http://www.dec.ny.gov/>) to drill one vertical well 9,500 feet.

This “stratographic well” would study the site’s geologic makeup and, if the results are positive, the drill-bit would then turn horizontally 3,700 feet into the Marcellus Shale formation — provided the department signs off on the applications.

The gas would be collected on 53 acres jointly owned ([http://www.couchwhite.com/img/uploads/file/7-15-15\\_Snyder\\_Farm\\_Group\\_in\\_New\\_York\\_seeks\\_permission\\_for\\_waterless\\_fracking.pdf](http://www.couchwhite.com/img/uploads/file/7-15-15_Snyder_Farm_Group_in_New_York_seeks_permission_for_waterless_fracking.pdf)) by the five farming families.

Officials from Barton have [come out in favor](http://www.usatoday.com/story/news/nation/2015/07/08/tioga-county-fracking-proposal/29890337/) (<http://www.usatoday.com/story/news/nation/2015/07/08/tioga-county-fracking-proposal/29890337/>) of the plan and the [Tioga County Legislature passed a resolution](http://www.wbng.com/news/local/Supporters-are-optimistic-about-propane-fracking-coming-to-Tioga-County-321625432.html) (<http://www.wbng.com/news/local/Supporters-are-optimistic-about-propane-fracking-coming-to-Tioga-County-321625432.html>) giving its full support.

Schultz said his group is cautiously optimistic the DEC will approve the permits.



(<http://watchdog.org/195799/fracking-ban-new-mexico/natural-gas-rig-photo-courtesy-of-flickr-commons-2/>)

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**HOLD THE WATER:** The Tioga Energy Partners group says their “waterless” fracking method to drill for natural gas falls outside New York’s prohibition on high-volume hydraulic fracturing.

“It’s an interactive process,” Schultz said. “DEC officials have handled it very professionally. ... When you look at all the advantages and you look at the regulatory setting for this, I think we stand a very good chance.”

Watchdog.org sent an email and followed up with a phone call to DEC, asking about the status of the two applications, but did not receive a response. In August, [DEC said in a statement](http://www.wbng.com/news/local/Tioga-County-Legislature-shows-their-support-for-Propane-Fracking-321479011.html) (<http://www.wbng.com/news/local/Tioga-County-Legislature-shows-their-support-for-Propane-Fracking-321479011.html>) there is no firm timeline on making a decision.

[Walter Hang](http://www.toxicstargeting.com/), president of [Toxics Targeting](http://www.toxicstargeting.com/) (<http://www.toxicstargeting.com/>), an environmental database firm in Ithaca, is dead-set against what’s been called the “waterless fracking” proposal in Tioga County.

“I think it should absolutely not be allowed in New York,” Hang told Watchdog.org. “There’s no question it’s dangerous. Propane is flammable and potentially explosive.”

But Hang also said the Snyder Farm Group has a chance of getting its applications approved by the DEC because the fracking prohibition Cuomo signed “has a giant loophole” when it comes to defining what is and is not allowed.

“We need clarification right now,” Hang said.

**RELATED: Two recent studies won’t reverse NY fracking ban** (<http://watchdog.org/240857/new-york-fracking-ban-2/>)

Tioga County and the Southern Tier are going through tough times.

[Binghamton](http://en.wikipedia.org/wiki/Binghamton,_New_York) ([http://en.wikipedia.org/wiki/Binghamton,\\_New\\_York](http://en.wikipedia.org/wiki/Binghamton,_New_York)) is the largest city in the Southern Tier and between 1990 and 2011, the metropolitan area suffered a net loss of more than 10,000 jobs ([http://www.gobroomecounty.com/files/planning/\\_pdf/Comprehensive%20Plan/Comprehensive%20Plan%20Final/14%20WD%20County%20Comp%20Plan%20-%20Economic%20Development%20Recommendations.pdf](http://www.gobroomecounty.com/files/planning/_pdf/Comprehensive%20Plan/Comprehensive%20Plan%20Final/14%20WD%20County%20Comp%20Plan%20-%20Economic%20Development%20Recommendations.pdf)).

Along with the five other core counties in the Southern Tier, Tioga County has [fewer jobs today than in 2000](http://nypost.com/2015/04/30/how-new-york-government-keeps-failing-the-upstate-economy/) (<http://nypost.com/2015/04/30/how-new-york-government-keeps-failing-the-upstate-economy/>).

“This (waterless fracking proposal) is the one thing in Tioga County going for us,” Kevin “Cub” Frisbie of the Snyder Farm Group [told WBNG-TV in August](http://www.wbng.com/news/local/Supporters-are-optimistic-about-propane-fracking-coming-to-Tioga-County-321625432.html) (<http://www.wbng.com/news/local/Supporters-are-optimistic-about-propane-fracking-coming-to-Tioga-County-321625432.html>). “This is the one thing that can create jobs, create a tax-based revenue increase, so that negates the property taxes off of everybody. So everybody, whether they are at a well site or not, they will [get a boost] from an increase in tax revenue.”

“Every indication is that this is a very serious event that is being proposed,” Hang said. “And they are working very, very hard to get the approval.”

Some officials from neighboring counties are closely watching what happens in Tioga County.

“People here are hopeful that the DEC will approve that,” said Carolyn Price, town supervisor for Windsor and president of the [Upstate New York Towns Association](http://www.upstatenyta.org/about-us/) (<http://www.upstatenyta.org/about-us/>). “If they stop this, what hope do landowners have?”

“It’s a good process,” said Dan Fitzsimmons, executive director of the [Joint Land Owners Coalition of New York](http://www.jlcny.org/site/) (<http://www.jlcny.org/site/>) and a fierce critic of the Cuomo administration. “Environmentally, it answers all the problems. It cuts trucking down to less than a sixth of what they would be with water. You don’t have the water issues. You don’t have the chemical flow-backs to deal with, no earthquake problems then. It just answers everything.”

Not to anti-fracking activists such as Hang.

They’ve already mobilized opponents to the Tioga proposal and are trying to put pressure on the Cuomo administration through a number of tactics, including petition drives.

“The governor is going to face a firestorm of criticism if he allows this to go forward,” Hang said.

“If people sit back and take a look at the facts and the need for energy and recognizing there are pros and cons to supplying that energy from any source, including solar and wind, this is a very efficient and safe and environmentally friendly way to do so,” Schultz said. “And it should be encouraged.”

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Rob formerly served as staff reporter for Watchdog.org.

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