



Anti-fracking protesters outside the Empire Plaza Convention Center. | AP Photo/Mike Groll

State asks for more information on potentially allowable fracking plan

By **SCOTT WALDMAN** | 05/13/16 05:21 AM EDT

ALBANY — The state Department of Environmental Conservation is requesting more information about a proposal to frack for natural gas in the Southern Tier using propane and sand rather than water.

The energy industry and environmentalists agree the proposal has the potential to bypass the ban on fracking that Gov. Andrew Cuomo ordered in December 2014. The ban applied to high-volume hydraulic fracturing, which uses large volumes of water mixed with sand and chemicals to create fractures in rock that release gas.

Under the proposal by Tioga Partners LLC for test wells on a hay and corn farm in Tioga County, the fracking would be done using liquefied petroleum gas and sand instead of water to split the rock. The gelled propane would be recaptured as a gas when it rises back to the surface.

Last month, the DEC issued a notice of incomplete application for the proposal and requested additional information on such things as truck traffic, the length of the fracking process and the number of storage tanks that would be required. Linda Collart, the DEC's regional mineral resources supervisor, also wrote in the notice that the production phase of the process would be a "potential contributor of greenhouse gas emissions."

Collart said the department is trying to "make a determination if this relatively unique fracturing technology that has not heretofore been subject to a full environmental analysis has the potential to cause significant adverse environmental impacts."

Some environmental advocates say there are too many loopholes in the state's fracking ban and that the Cuomo administration needs to close them.

"Governor Cuomo should heed the requests of thousands of New Yorkers who asked his administration to make sure that all forms of shale fracking are included in our state's high-volume hydraulic fracking prohibition," said Walter Hang, an anti-fracking activist who runs Toxic Targeting. "It would be inconceivable and irresponsible for the Governor to permit propane fracking without first conducting a comprehensive State Environmental Quality Review as required by law."

It's unclear when the DEC will make a final determination on the proposal, but energy groups did not attack the state's fracking ban in court, as some had expected.

Tioga Energy Partners LLC, wants to site the project on a 53-acre tract owned by five Tioga County farm families. The proposed drilling would take place in the Utica shale formation.

"We are outside of the state's ban," Adam Schultz, the legal counsel for Tioga Energy Partners, told the Ithaca Journal when the idea was first proposed last year. "The state banned high-volume hydraulic fracturing, but that's not what we're doing."

New York has the biggest shale reserve of any state that has banned fracking. After banning fracking, the Cuomo administration has also started to reject applications for natural gas infrastructure, including the Constitution pipeline in the Southern Tier.

