

COMMENTING ON STATE FRACK REGULATIONS: DEADLINE–January 11, 2013:

BACKGROUND:

In late November, the DEC illegally released a new set of proposed fracking regulations, and thereby opened up a new period for public comment, that will end on January 11, 2013. A few attorneys, led by Helen and David Slottje, will comment on how this attempt to avoid the mandates of the state's Administrative Procedure Act (APA) is illegal and it would seem make sense to leave this complex and technical legal challenge to the lawyers.

By releasing these new regs, the DEC is improperly attempting to avoid time limitations in the APA that mandated that the final decision on the sGEIS be made within one year of the last public hearing. Rather than start the entire process again with a 3rd sGEIS, they attempted to buy 90 more days with these new regs. We need to remember that regulations are supposed to be proposed only after a full environmental study, which has identified the environmental and human health risks; and so, issuing regs before the risks are acknowledged, is not only illogical, but also in violation of both the APA and SEQRA.

For the rest of us, there is a broad, state-wide effort to, yet again, flood the DEC with comment letters, with the goal of surpassing the 80,000 comments last year on the sGEIS. This effort is extremely important, as we all know that Gov. Cuomo's decision on whether or not to allow fracking in our state will be most impacted by his assessment of the political impact that such a decision will have on his long term, personal goals. We need to stay active to show the governor and others in Albany that our resistance movement is still strong, and in fact, growing each day.

SUGGESTIONS FOR HOW TO MAKE COMMENTS:

These new regs can be found on the DEC website:

<http://www.dec.ny.gov/regulations/77353.html>, where you can find them in 11 individual PDFs; or at: <http://tinyurl.com/NY2012NewFrackingRegs>, where you can find all of the new regs, in a single .zip archive.

Comments can be submitted electronically to the DEC, at: <http://www.dec.ny.gov/energy/76838.html>, however, we have been alerted to the fact that only plain text can be submitted, with no attachments: no Word documents, PowerPoints, videos or PDFs. It is strongly suggested, for several reasons, that you also mail a hard copy of your comments to:

Draft HVHF Regulations Comments
NYS Department of Environmental Conservation
6245 Broadway
Albany, NY 12233-6510

These regs are quite lengthy and it is not likely that everyone will have the time or expertise needed to wade through all of them and I highly recommend that you consider using Sandra Steingrabber's website: <http://www.30daysoffrackingregs.com/>, which lists one separate reg a day, with its content, its weaknesses and suggestions for comments on that reg. It also provides an easy comment form, at: New Yorkers Against Fracking, <http://nyagainstfracking.org/take-action/urgent-comment/>.

In order to make your comments more effective and more likely to register with the DEC, it is suggested that you refer directly, by number, to the specific reg commented upon, and with as much scientific and rational evidence as possible. Also, please consider providing links to supporting documents. See: [PSE Healthy Energy.org](http://www.psehealthyenergy.org) website for references. The more care that goes into

writing your comments, the more more difficult it will be for DEC to ignore or dismiss them.

Please forward this memo to your friends and neighbors and encourage them to make comments. Also, please consider going to Albany on January 9th, 2013, for the noon Rally to Ban Fracking at the [governor's] State of the State Address. Finally, please remember the excellent website of the Cortland group, Gas Drilling Awareness of Cortland County: <http://gdacc.org/> for more information, links to lots of good sources and information about up-coming local frack events.

Feel free to write Joe Heath, for more assistance in making comments; jheath@atsny.com.

One more day New York has not been fracked.

Joe