

An analysis of A8748

Attempts		Fails
1.	In Section 1, Legislative Intent 1, the bill recognizes that fracturing components are “often toxic,” “non-biodegradable, and. . . virtually impossible to remove once they enter the natural environment.”	Once these toxic, non-biodegradable substances enter the environment, they are there permanently. Yet in S 23-2901.3 , the DEC is said to be empowered to “order immediate remedial action” to insure “full remediation.” Section 1, Legislative Intent 1 completely contradicts this assertion.
2.	The state must exclude these components “from any area that is significant for public drinking water resources or any other area that is environmentally sensitive.”	The DEC - not local citizens - decides what is “significant” or “environmentally sensitive.”
3.	“. . . highly transformative of rural landscapes . . . threatening property values . . . traditional rural economic activity,” wildlife “natural habitat” and “public health and quality of life.”	S 23-2901.4 accepts the occurrence of spills and recognizes that some drillers may not report a spill <i>or</i> clean it up when so ordered.
4.	Nothing will prevent the state of NYC from protecting the “quality and safety of the sources of the drinking waters of New York State.”	S 23-2903.1A: All components of hydraulic fracturing materials would be disclosed to a government agency or a health professional if someone needs emergency medical attention. The affected person and the public are not mentioned. Disclosure is intended — but only <i>after</i> the damage is done. This law protects “confidentiality” of “proprietary” materials, protecting drilling corporations. The public is excluded from access to this information, diminishing chances for both prevention and redress.
5.	No open storage ponds; only corrosion-proof tanks.	
6.	S 23-2905.1 Drillers are responsible for mitigating any drilling damage.	This bill accepts that damage will likely occur to “air, wetlands, stream corridors, and endangered and threatened species habitat.”

7.	S 23-2905.2: Well permits will not be granted if drilling jeopardizes the recovery of threatened or endangered species, or if it destroys or degrades other “unique natural or scenic resources.” Also exempted are areas that include those designated forever wild, state forests and state parks.	The DEC decides what’s unique. The DEC decides what constitutes degradation or destruction.
8.	The DEC can impose fees to compensate local governments for any costs due to drilling	
9.	There are several protections for landowners who sign a contract or lease, and for landowners and residents adjacent to a drilling site. S 23-2907.9 requires issuance of guidance documents to inform landowners off their rights “to prevent unfair treatment.”	Three paragraphs prior, S 23-2907.6 totally accepts compulsory integration’s violation of private property rights.
10.	Drillers are responsible for “all environmental damage.” If a property is designated as a brownfield site, the driller is responsible.	Which will occur. The driller may be held liable for brownfield site designation, but the landowner is stuck with the brownfield.
11.	S 23-2909: Withdrawal of more than 5,000 gallons of fresh water a day for drilling requires a permit. Withdrawals cannot “harm stream ecology or fishery resources.”	Who will know, monitor, or enforce?