Judge Rejects NY Gas Drilling Lawsuit against Feds

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ALBANY, N.Y. (AP) — A federal judge has rejected state Attorney General Eric Schneiderman's lawsuit seeking to force a full environmental review before the Delaware River Basin Commission allows natural gas drilling in a watershed that provides drinking water for millions of New Yorkers.

U.S. District Court Judge Nicholas Garaufis in Brooklyn ruled Monday in favor of the Army Corps of Engineers, the Environmental Protection Agency and other federal agencies. He said the lawsuit filed last year by Schneiderman was speculative, because the commission hasn't adopted final regulations yet.

Garaufis noted that there will be plenty of time to file lawsuits after the regulations are adopted.

Schneiderman said Tuesday that he's pleased the ruling left the door open for legal action at a later date. "This office will continue to review all options moving forward to ensure that the federal government meets its clear legal obligation to fully study the potential risks to New Yorkers' health, environment and public safety before allowing fracking in the Delaware River Basin," Schneiderman said in a statement.

A moratorium is in effect in the Delaware River Basin while the commission establishes regulations for high-volume hydraulic fracturing, or fracking. The commission, comprised of representatives from New York, New Jersey, Pennsylvania, Delaware and the federal government, released draft regulations last year. A special meeting to vote on the regulations in November was postponed to allow more time for review, and no new date has been set.

The commission regulates water use in a 13,539-square-mile area that supplies drinking water to 15 million people, including Philadelphia and half the population of New York City. About 36 percent of the watershed is in the Marcellus Shale region, a gas-rich area that extends from southern New York to Pennsylvania, eastern Ohio and West Virginia.

Gas is being extracted in the Marcellus Shale using horizontal drilling and fracking, which uses a mix of water, sand and chemicals to crack the shale thousands of feet underground. The commission has identified three major areas of concern over fracking: stream flow and aquifers may be impacted by huge water withdrawals; drilling operations may pollute ground or surface water; and millions of gallons of wastewater will have to be disposed of properly.

New York has kept fracking on hold since 2008 while it completes a massive environmental review that's expected to be finished later this year. Its proposed

regulations would ban drilling in the watersheds of New York City and Syracuse.

Landowners seeking gas leases in New York praised the court decision.

"We encourage the DRBC to complete its regulations promptly, and for New York to move on to the important business of developing our state's energy so that we may accomplish twin goals of improving our environment and boosting our economy," said Dan Fitzsimmons, president of the Joint Landowners Coalition of New York.

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