



## **Riverkeeper's 2020 Legislative Memorandum**

### **Support - S.6906/A.9678 (Metzger/Englebright) and Part WW of the 2021 TED**

*An act to amend the environmental conservation law, in relation to prohibiting horizontal drilling and high-volume hydraulic fracturing.*

Riverkeeper strongly supports S.6906/A.9678 (Metzger/Englebright) which would codify New York's ban on horizontal drilling, high-volume hydraulic fracturing, and gelled propane hydraulic fracturing. In addition, we support Part WW of the 2021 TED which would codify the fracking ban initiated by the Department of Environmental Conservation in 2015.

In 2015, Governor Cuomo initiated a ban on fracking in New York State. This ban was completed by the DEC through the State Environmental Quality Review Process (SEQR). The SEQR determination found that high volume hydraulic fracturing posed "significant environmental impacts." The DEC determined it would no longer process permits for high volume hydraulic fracturing which effectively prohibited this form of fracking in New York State. The determination did not address gelled propane fracking which is a fracking process posing many of the same risks to the environment and public health as high volume hydraulic fracturing.

The Governor's proposal in Part WW of the 2021 Article VII TED effectively codifies the high volume fracking ban determined by the NYSDEC. S.6906/A.9678 is consistent with the Governor's proposal to codify the existing fracking ban and is preferable because the legislation extends the prohibition to gelled propane hydraulic fracturing. Gelled propane fracking was not considered in the SEQR analysis in 2015 and had not officially been prohibited by the NYSDEC.

Riverkeeper supports the inclusion of S.6906/A.9678 prohibition on gelled propane fracking in the Governor's budget legislation banning fracking in New York State. Codifying the fracking ban with the inclusion of gelled propane fracking will ensure the state provides the greatest protection to our air, water, and public health.

### **Riverkeeper Supports - S.6906/A.9678 (Metzger/Englebright) and Part WW of the 2021 TED**