

## New York Publishes New Proposed Fracking Regulations

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On November 29, 2012, New York State Department of Environmental Conservation ("NYSDEC") released a revised set of proposed fracking regulations. As drafted, these regulations would open a large portion of the State to fracking, including the portions of the Marcellus and Utica shale plays in the State. The proposal includes additional reporting requirements for drillers seeking to refracture existing wells, and enhanced minimum standards for well closure. The regulations would also authorize public and private water treatment plants to accept fracking wastewater; a controversial provision given concerns about fracking fluids ending up in drinking water. Further, the regulations would impose enhanced financial security provisions, stricter disclosure requirements for fracking chemicals, and a 15-day public comment period on fracking permit applications.

The initial proposed New York fracking regulations were introduced in 2011, and generated roughly 80,000 public comments. The public comment period for the revised proposed regulations will extend from December 12 to January 11. The review process will also be extended to include a pending analysis of the health impacts of fracking by the Commissioner of Health. NYSDEC has not yet announced a projected date for finalizing the proposed regulations.

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