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DETAILS 2A

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INSIDE
TODAY

Elite 24

FOOTBALL TEAM

Honoring the best
in Section 4 football.
SPORTS, PAGE 1F

Area athletes kneel to the Lord, too

Tebow's faith goes beyond a pass and a prayer

By William Moyer
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In the NFL land of giants, a proverbial David has downed Lions, Bears and Titans to slingshot his way into the local lexicon.

"We're not Tebowing, but we do pray after every game," said James Head, a 21-year-old senior basketball captain at Davis College in Johnson City. "Still, he's someone I look up to as a role model."

Tebowing is the act of praying at a sports event. It's named for Tim Tebow, the ferociously Christian quarterback of the Denver Broncos who drops God's name in reply to almost all questions.

In the NFL team's past eight games, Tebow has led the Broncos to seven wins — six with seemingly miraculous comeback heroics to resurrect Denver as a possible playoff team.

His biggest NFL challenge to date could come today, as Tebow's

Broncos host the New England Patriots, led by perennial all-pro quarterback Tom Brady, at 4:15 p.m.

But the former Heisman Trophy winner's faith is getting as much attention as his football.

Although he plays football in a stadium 1,700 miles and two time zones away from the Southern Tier, Tebow has become a tantalizing topic of discussion.

Call it a ripple from the Tebow

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Denver Broncos quarterback Tim Tebow prays in the end zone before the start of an NFL football game against the Chicago Bears.

ASSOCIATED PRESS

FRACKING IN 2012?

Only the attorneys are prepared for what's next

By Jon Campbell
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For natural gas companies and eager landowners hoping to tap into New York's vast underground reserves, 2008 was looking like "the year."

The same could have been said every year since.

It's been 3½ years since New York began assessing the risks and benefits of using high-volume hydraulic fracturing to extract gas from the Marcellus and Utica shale formations that lie deep beneath the state's surface.

And while the state has taken clear steps toward allowing the much-debated technique, the highly polarizing decision on whether to give the green light looks like it will drag on well into 2012 — if not longer.

"It's going to be the year we decide if democracy exists in Albany," Adrienne Esposito, executive director of the Citizens Campaign for the Environment, said about next year. "We have seen a record outpouring of public en-

ALBANY

'It's going to be the year we decide if democracy exists in Albany.'

We have seen a record outpouring of public engagement on this issue..'

ADRIENNE ESPOSITO

Executive director, Citizens Campaign for the Environment

agement on this issue, unlike anything I have seen in my 26 years doing this work."

Whether the state issues any hydrofracking permits in 2012 — or makes a determination not to move forward — depends on a number of moving parts, with a delay in any one piece having the potential to push the entire process back.

By its own admission, the DEC doesn't have enough manpower or equipment to regulate the anticipated gas-drilling boom, and a panel tasked with creating a fee structure to pay for more staff hasn't begun to put pen to paper.

Some of the fees under consideration, such as a severance tax on any gas produced, would need approval from the Legislature, far from a sure bet when lawmakers are as deeply divided on the issue as the electorate. Polls have shown

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Numerous questions remain unanswered in the Southern Tier

By Steve Reilly
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Locally, anticipation is growing that the state Department of Environmental Conservation will begin issuing permits for natural gas extraction through horizontal hydraulic fracturing in 2012.

For some municipal governments in the mineral-rich region, that means it's time to prepare for an influx of heavy truck traffic, socioeconomic changes and the arrival of new and unfamiliar industrial activity.

Others — most recently, the City of Binghamton — have taken a different tack.

"I think we're grossly unprepared," said Binghamton Mayor Matthew T. Ryan, who is backing a proposed two-year ban on hydrofracking within city limits.

Bans on hydrofracking have swept across Otsego and Tompkins counties in recent months, but have mostly remained on the outskirts of the area considered to hold the most potential for natural

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Above, a Schlumberger truck passes through Southport. At left, this rig is being used to drill for natural gas below Richard and Virginia Thomas' farm land in Troy Township, Pa. where the family still runs a dairy farm. JEFF RICHARDS / STAFF PHOTOS



Questions

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gas drilling.

A ban in Binghamton would change that.

Scott Kurkoski, an attorney for Levene Gouldin & Thompson, said there's "no rational basis for the city to have a ban," and it could dampen potential economic growth once drilling takes hold.

"If the City of Binghamton is to ban drilling, then when these opportunities come to New York, companies will not want to establish their businesses in the city," he said. "And that's true whether they're oil and gas companies, or all of the other service companies that work with the oil and gas companies"

Bans debated

Kurkoski and other ban opponents say the stipulations under DEC's proposed regulatory framework for water use would prohibit drilling within the city's borders.

Additionally, state law forbids municipal governments from regulating mineral extraction. Pending lawsuits over fracking bans in the towns of Dryden, in Tompkins County, and Middlefield, in Otsego County, are expected to settle the issue in court.

Nevertheless, Ryan cited concerns about wastewater disposal, road use and water contamination — and urban drilling that has taken hold in Fort Worth, Texas — as ample reason to hold off.

"We want to make sure our community is safe," Ryan said.

A ban could result in a potential liability to landowners who own parcels near or in the city who want to sign leases, said Dan Fitzsimmons, president of the Joint Landowners Coalition.

"If we were to get a deal, and if they were to be in a (production) unit or have a chance to be in a unit — and now with this happening with the ban — is (Binghamton) going to pay them for their mineral rights?" he said.

Other municipalities might face pressure to contemplate a ban as well.

A petition that now bears hundreds of signatures is being circulated for a hydrofracking ban in Vestal, where a coalition of landowners interested in signing leases represents about one third of the land in the town.

Sue Rapp, co-founder of Vestal Residents for Safe Energy, said the group questions the wisdom of allowing the activity in the town.

"We are now exploring this possibility with the town board, the zoning board and other Vestal residents about how to control through zoning a poten-



People at an anti-drilling barricade hold signs as others listen to speakers in September between sessions of the EPA hearing on hydraulic fracturing in Binghamton. FILE PHOTO

tially dangerous and disruptive industrial development," Rapp said.

Some say the bans are an eleventh-hour effort to undercut state regulations in the months before permits are issued.

But, Walter Hang, president of Ithaca-based Toxics Targeting and one of the leading opponents of the DEC's proposed regulatory guidelines, said the bans are a sign of an increasingly strong anti-drilling movement.

"Now, suddenly, you've got those areas saying 'we don't want to be guinea pigs,'" he said. "I think that really begins to focus the public's concerns in the Southern Tier that they don't want to be the DEC's learning experience."

Road use

State environmental conservation law gives the DEC near-total control of regulation for oil and gas extraction, leaving only taxation and local road protections in the hands of municipal governments.

The latter has attracted the close attention of municipal leaders in the run-up to potential natural gas drilling.

Hydraulically fracturing, a typical well can require up to 1,340 truckloads of liquid hauling, in addition to extra traffic from other sources, Broome County Attorney William Gibson said at a recent forum on the issue.

"The experience in other areas has been that this high volume can result in significant damages to local highways, bridges and culverts," he said.

Broome County took the lead

last year when it enacted a measure to protect its 343 miles of county-owned roads.

Under the county law, operators of vehicles that are oversized or weigh more than 80,000 pounds can either obtain a special hauling permit for each trip of every vehicle that uses county roads, or arrive at a road use maintenance agreement with the county.

Local governments have also begun to work on road use laws, but few have been approved.

Some towns, such as the Town of Windsor, plan on working directly with the gas companies on road use maintenance agreements that hold gas companies responsible for road repairs.

Windsor has already had experience using this model during the construction of a 9½-mile length of the Laser Pipeline.

The Town of Dickinson — a small, suburban community with few leased parcels — passed a road use law this year under which trucks with more than three axles will have to obtain a permit to travel on more than 100 miles of town roads over any five-day period.

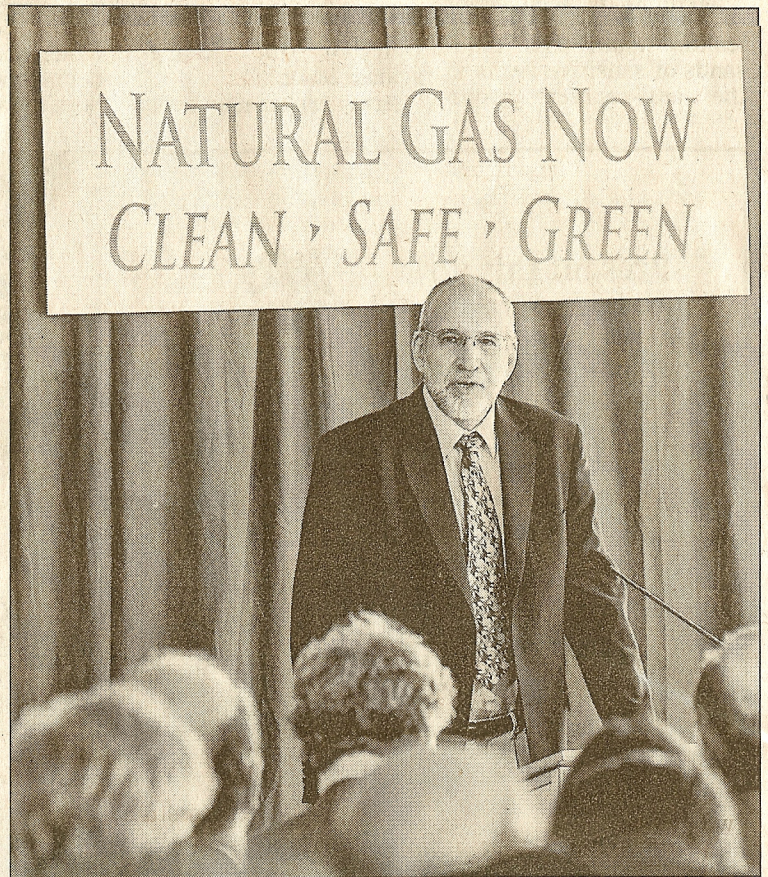
The Town of Fenton has commissioned Delta Engineering for a road study, but has not passed an ordinance yet.

Waiting game

Will the Southern Tier see natural gas drilling in 2012?

Like just about every question that has arisen in New York's 3½-year debate, it depends who you ask.

"From what we've been told, definitely," Fitzsimmons said. "They've repeatedly come back



The Broome County Executive's Office held a press conference in June 2010 to discuss natural gas in the region. Dr. Ron Siegel, professor of earth sciences at Syracuse University spoke. FILE PHOTO

and said that they're going to have this done and there will be permits going out by the end of this spring (or) early summer. It looks like DEC is going to keep us on track, and I think it's going to happen."

Hang is equally certain that won't be the case.

"I just can't envision how the governor is going to say 'we're keeping all these regulatory exemptions in place that only bene-

fit the gas industry; we're not going to deal with this massive staffing inadequacy problem; we're going to just keep plowing ahead, saying that everything is honky-dory despite all the withering criticism,'" Hang said.

A public hearing on Binghamton's ban will be held at 6:30 p.m. Wednesday at Binghamton City Council Chambers, and council could vote on the ban the same day.

Frack

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New Yorkers are effectively split on hydrofracking.

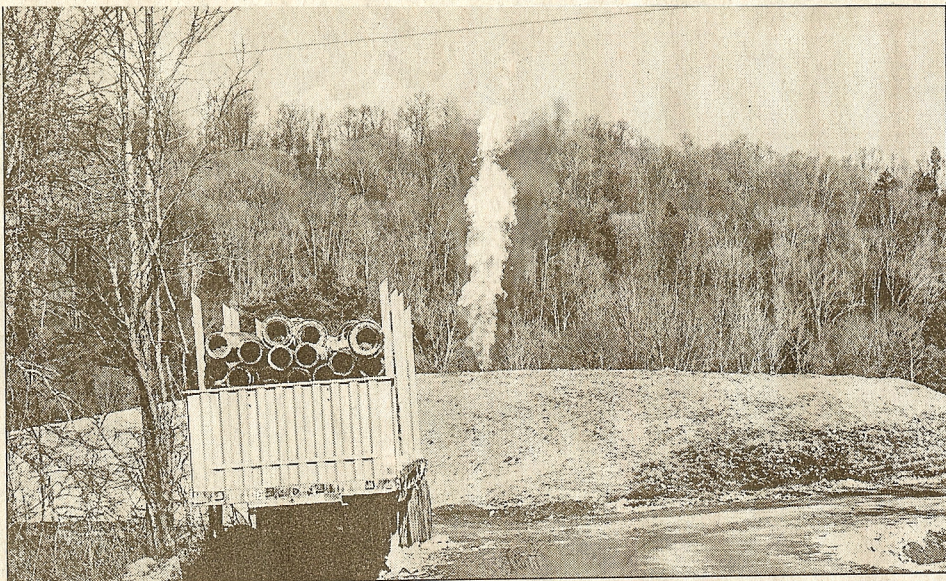
The DEC, which has shed about 800 full-time workers since 2008, has estimated it will need 140 new staffers and an additional \$20 million the first year permits are issued.

The agency also has to respond to each comment it receives on its September draft review and regulations, as well as make changes to its proposals as warranted. With the comment period set to close on Jan. 11, the agency had already received more than 15,000 comments by mid-December.

DEC Commissioner Joe Martens said on a public television program earlier this month that he expects the agency to wrap up its review "well into the spring," and hasn't made any promises on whether permits would be soon to follow.

"People always want to know: When is the final day? Well, we don't know what the final volume of questions are yet," Martens told New York NOW.

"And it's not just questions. We're getting technical reports out of the larger organizations, who will give us consultant reports. It's not just a simple two or three-page letter with comments, it's volumes. So it



could take some time."

It's all led advocates on both sides of the issue — who were once convinced hydrofracking was a done deal for 2012 — to question whether the decision-making process will stretch into 2013.

For environmental and anti-fracking groups, a slowdown is a good thing. They point to places like Pavilion, Wyo., where the U.S. Environmental Protection Agency said earlier this month that hydrofracking may be to blame for a contaminated water supply. The gas industry has disputed the findings.

They hope Gov. Andrew Cuomo, who has been careful to say he believes "science" should govern the process and "not emotion," will take time to assess his

administration's position.

"The 'fracking express' has slowed down a bit," said Eric Goldstein, senior attorney at the Natural Resources Defense Council. "It's likely that the Cuomo administration is going to spend the early months of the new year both reviewing the thousands of comments they've received, and both rethinking and recalibrating the direction and scope of their drilling plans."

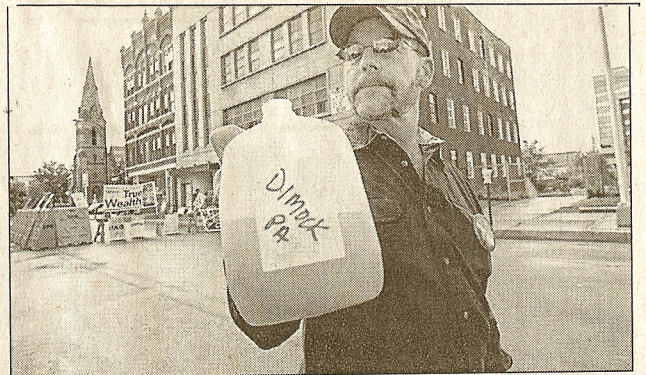
The industry and landowners, however, say the state has done its due diligence, and say the technique can be used safely to extract gas. They point to Bradford and Lycoming counties in Pennsylvania, which have seen their hotels packed and unemployment rate decrease since drilling started there in

late 2007.

Gregory Sovas, a consultant to the gas industry and landowners who served as the DEC's director of mineral resources from 1983 to 2001, said that even if the state issues permits next year, its proposed regulations may price gas companies out of New York — and into states like Ohio.

"In the big scheme of things, I would like to think that we are moving forward, but I'm afraid that we've missed the crest," Sovas said. "What's happened is the companies are not going to invest here because it's going to cost them a lot more money for things that are really not going to provide any more environmental protection."

The best-case scenario for the gas industry is the



Left, a natural gas drilling site in Dimock, Pa. in 2010.

Above, Craig Sautner, a resident of Dimock, Pa., holds a jug of his well water outside of The Forum in Binghamton in September during the final public meeting on the U.S. Environmental Protection Agency's hydraulic fracturing study. Sautner lives 976 feet from a Cabot Oil natural gas drill.

FILE PHOTOS

DEC finishes its review during the first quarter of 2012 and begins issuing permits during the summer, said Dennis Holbrook, chief legal officer for Norse Energy, whose regional office is in Buffalo. "I don't see any scenario that gets it any sooner than that," said Holbrook, whose company laid off about two-thirds of its Buffalo office earlier this year as it waits for the go-ahead in New York.

"Could it go beyond summer of 2012? Realistically, that's a possibility. It would be an unfortunate possibility for companies like mine and for New York state."

Sen. Thomas Libous, R-Binghamton, said the state is getting to a point where it has to make a determination one way or another. The Senate's second-

ranking member, Libous has been one of the leading advocates for drilling.

"I think the time has come," Libous said. "We've spent close to four years discussing the issue, DEC is collecting their data, and I think 2012 is it. It's just time."

Even if the DEC does complete its review, it remains to be seen what kind of lawsuits or legal maneuvering could tie the process up. Some environmental and anti-fracking groups have hinted they may challenge the DEC's review process, and Assembly Democrats have vowed to push for a hydrofracking moratorium in 2012.

A temporary moratorium was passed in 2010, but was later vetoed by then-Gov. David Paterson.