

New York's Fracking Ban Was Supposed to Set a Precedent -- but Gov. Cuomo Is Going Back on His Word

Ellen Cantarow and Dennis Higgins, Truthout | Report 8/9/17 <http://www.truthout.org/news/item/41547-new-york-s-fracking-ban-was-supposed-to-set-a-precedent-but-gov-cuomo-is-going-back-on-his-word>

New York banned high-volume hydraulic fracturing (fracking) two years ago, in a victory for persistent anti-fracking activists and a potential precedent for other states. Now, however, the state is poised to begin operating a power plant that will make fracking infrastructure fully operational throughout the state, completely undermining the ban. The \$900 million power plant planned by [Competitive Power Ventures](#) (CPV) in Orange County, New York, requires permits for only two short pipelines before it may begin operating. CPV will be among the largest of New York's [nearly 500](#) gas- and oil-fired power plants. Like more than half of currently proposed electricity generation in the state, this power plant will burn fracked gas from Pennsylvania's Marcellus Shale.

Opponents charge that the plant is not needed and serves only to further push [a warming world](#) to the tipping point of climate-change catastrophe.

On October 8, 2015, speaking with former Vice President Al Gore, New York [Governor Andrew Cuomo said](#) he would cut greenhouse gas emissions by 40 percent in the next 13 years, but climate scientists and engineers tell us CPV will emit 7 million tons of [carbon-dioxide-equivalent](#) pollution annually and add a full 10 percent from power generation to the state's current greenhouse gas inventory.

Natural gas produces less carbon dioxide to generate electricity than coal, but the methane leaked from gas wells, pipelines and compressor stations make fracked gas [worse than coal](#) for accelerating climate change.

When operating, the CPV plant, together with another power plant being developed by [Cricket Valley Energy](#) in Dover, New York, will provide 1750 megawatts to [offset](#) closure of the Indian Point nuclear power plant. Cornell University engineering professor Anthony Ingraffea lamented to Truthout, "New York had no plan 10 years ago for how to replace the nukes, and we still do not have a plan that replaces the nukes, shuts down all the gas fired plants, and keeps

us from freezing in the dark. We need a comprehensive plan that decreases demand for, and supply of, fossil energy and increases the demand for, and supply of, renewable energy, for all sectors, so there are no surprises [like Cricket Valley and CPV] in the future."

The Fight Against the CPV Power Plant

Anti-fracking activists in New York have been tenacious, and the fight against CPV is no exception. In December 2015, trying to slow construction on the CPV plant, [demonstrators](#) blocked the drive to the site. Arrested for trespass, they called themselves the Wawayanda Six. [Pleading guilty](#) and choosing jail time rather than paying a fine, actor and activist James Cromwell called on New Yorkers to put themselves on the line for their principles and for the planet.

This past April the Wawayanda Six [went on trial](#). There, Ingraffea and climate scientist Robert Howarth, also of Cornell University, testified that the project would produce millions of tons of carbon dioxide from burnt gas and leak millions of tons of methane, exacerbating global warming.

CPV is projected to burn about 130,000 dekatherms per day, which is almost 130 million cubic feet of gas. Since an average Marcellus well produces roughly four billion cubic feet of gas over its lifetime, this means that over forty years of operation CPV will require the fracking of nearly 500 gas wells. CPV will be the buyer, encouraging further toxic extraction, more leaking methane from gas wells to power plant, and tons more fracking waste requiring disposal -- despite the fracking ban.

Pramilla Malick, the chair of [Protect Orange County](#), summarized the CPV project's impacts for Truthout: "It is not only massive itself but necessitates a vast network of infrastructure that creates an even greater impact footprint, spanning from Pennsylvania to New York and requiring hundreds of fracked wells and more pipelines."

New York State's Department of Environmental Conservation is now considering projects that [Millennium Pipeline Company](#) has proposed separately, a "segmented" approach that cloaks greenhouse gas impacts. Both the [Eastern System Upgrade](#) and the [Valley Lateral](#) pipelines are needed to fire up CPV. Residents whose townships have partnered with the Department of Environmental Conservation to form "[climate smart communities](#)" have protested what they see as betrayal by the department: The massive pollution load from this new gas infrastructure will be felt first in townships that have worked with the Department of Environmental Conservation to cut their emissions and switch to renewables.

Meanwhile, New Yorkers are beginning to suspect that Governor Cuomo's seemingly [ambitious plans](#) for greenhouse gas reduction may be a lot of hot air. The Federal Energy Regulatory Commission, a national agency with wide jurisdiction over gas industry projects, approves almost all corporate requests, most recently including the CPV plant. State regulatory agencies may halt ventures approved by the federal commission by denying final permits. But New York's Department of Environmental Conservation has rubber-stamped all but a couple of projects in recent memory, often despite heated public outcry and civil protests.

Activists who are [planning a rally](#) against the CPV plant in Albany, New York, for August 10, say that to meet the state's greenhouse gas reduction commitments, the Department of Environmental Conservation should be rejecting every piece of proposed fossil fuel infrastructure. In fact, Gov. Cuomo himself proposed a [plan](#) to root out the sources of state methane leakage. But advocates argue that this effort, too, seems disingenuous, as studies have measured more methane leaking in Manhattan alone than the New York State Energy Research and Development Authority estimates statewide.

Damages to Public Health and the Environment

The toll on public health, the environment and the planet comes from burnt gas yielding carbon dioxide and from methane leaking at rates found to be anywhere between 5 percent and 12 percent from Pennsylvania well-heads to delivery. Thus, with 2.5 million metric tons of carbon dioxide from combustion and 4.5 million metric tons of [carbon-dioxide equivalent](#) emissions (using a conservative leakage rate of 5.8 percent), the total carbon dioxide emissions load is over seven million metric tons per year.

The EPA puts [the social costs](#) of carbon dioxide at \$36/ton. At that rate, CPV will cost society a quarter of a billion dollars per year. This is a genuine toll -- in floods and droughts, in sicknesses, and deaths -- which the Department of Health, Department of Public Service, the Department of Environmental Conservation, and the Office of the State Comptroller don't seem to want to acknowledge. New York and the entire planet will pay the cost of this project in rising ocean levels and super storms.

Even these estimates don't tell the whole story. "Economists have found that the models typically used to measure the economic cost of climate change (and in turn, the social cost of carbon) do not take into account a number of significant costs," Jannette Barth, a specialist on the [economic impacts of shale gas development](#), told Truthout. These costs include treatment for cancer and respiratory illnesses from toxic emissions, and for diseases related to accelerated

climate change. There are also business costs from flood damage, and costs to communities, individuals and farms when aquifers dry up.

Barth says recent peer-reviewed research indicates that the full fiscal costs of extreme weather events have not been measured properly, and that the real costs of climate change are growing substantially with time. But none of the agencies in New York's alphabet soup of regulators wants to discuss the social costs incurred by carbon dioxide and methane emissions when natural gas projects are proposed.

New York's Empty Promises in the Fight Against Fracking

While Cuomo's defiance of Trump's anti-environment agenda has made the news, there has been little coverage of the disconnect between what the governor pledges to do and what his administration actually does. In his [2017 State of the State](#) message Cuomo told New Yorkers we need to "double down" on our efforts to stem the import of fracked gas from neighboring states. Yet New York has increased its demand for shale gas every year since banning high volume hydro-fracking.

Cuomo's [Reforming the Energy Vision](#) program encourages gas-centric microgrids and conversion of oil to gas for heating. If the state were serious about meeting its goal of 50 percent renewable electricity generation by 2030, we would see a visible surge of wind and solar construction underway across New York. That's not happening.

Instead, federal prosecutors and the media have showed that deception and betrayal are the real midwives of the CPV project. In September 2016 federal charges were announced against aides of Gov. Andrew M. Cuomo, among them Joseph Percoco and Todd R. Howe. According to a [79-page criminal complaint](#), Percoco and Howe sought personal gain by helping companies receive "hundreds of millions of dollars in state contracts and other official state benefits." Percoco, Gov. Cuomo's former executive deputy secretary, was accused of soliciting and taking more than \$315,000 in bribes from Competitive Power Ventures, which was then trying to get approval for the power plant, and from another company seeking to build projects in the Syracuse region. The two companies were clients of Howe, who arranged the bribes.

The Cuomo administration is not the only entity whose actions don't match its words when it comes to addressing New York's emissions. Eager to maintain ties to the administration and consequently reluctant to challenge Cuomo's rhetoric, many "big green" non-governmental organizations have become part of the problem. Even while touting their anti-fracking stance, the Natural Resources Defense Council (NRDC) and the Sierra Club have engaged in a campaign to shut

down coal in New York that credits Cuomo for leading the way. These campaigns have provided cover for fossil fuel companies and government to promote "natural gas" as a solution. Meanwhile, cheap gas has all but shuttered coal-fired power plants in the state.

Times Union and Politico tracked donors who had given Cuomo over \$100,000; among them is NRDC Board of Trustees Chair Dan Tishman. Tishman owns AECOM, which prepared air permits for the Minisink Compressor Station and more recently surveyed for the Millennium Valley Lateral Project. Pramilla Malick suggests this conflict of interest accounts for the fact that the NRDC has refused to oppose the Valley Lateral pipeline or CPV. Until 2013, Malick says, the NRDC's endorsement was on CPV's website.

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Climate-change activist Bill McKibben, who leads the 350.org effort, minces no words: "This project is a climate boondoggle -- it just pours greenhouse gases into the atmosphere, as if the scientists had taught us nothing. Real leadership demands saying no, loudly."