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LOOPHOLE IN WATER WITHDRAWAL BILL GIVES FRACKING INDUSTRY UNLIMITED RIGHTS

Senate Bill Puts Public Water into Private Hands

WATKINS GLEN, NY – A loophole contained in a landmark water withdrawal bill now under consideration in the New York Senate will allow the fracking industry to take more than up 100,000 gallons of water per day from state rivers, lakes and ponds free of charge with no environmental oversight or permit.

Mainstream environmental groups have championed the water withdrawal bill (S3798) as “pro-environment.” But numerous grassroots environmental organizations oppose the measure because it gives free access to millions of gallons of clean, fresh drinking water to the oil and gas industry for use in hydrofracking for methane gas and could lead to widespread contamination of groundwater resources.

Companion water withdrawal legislation proposed in Canada three years raised similar concerns. The Polaris Institute, an Ottawa-based organization of social activists, said at the time, “What we are witnessing in Ontario is the quiet restructuring of water resource management. This includes giving private interests an equal footing with government and the community in defining watershed risk and the basis for granting water taking and water pollution permits, allowing for the diversion of Great Lakes water for bottled water companies and others...and...defining water in ways that give private interests the legal right to exploit it.”

The Canadian bill, part of the Great Lakes Compact by the governors of Great Lakes states and the premiers of Ontario and Quebec, limited corporations to withdrawing just 50,000 gallons of water per day before getting a required permit. And it imposed fees for obtaining the permit. New York’s version of the Compact (S3798) doubles the amount of water that corporations are allowed to extract with no permit, and imposes no fees.

But the bill contains loopholes that allow the fracking industry to escape even those limits.

“We estimate that if the hydrofracking industry were to segment their water delivery needs among various independent water haulers, the 100,000 gallon loophole would provide more than enough to fulfill their water needs for fracking, without the need for any permit,” said Kevin Bunger, a member of the Coalition to Protect New York, one of the grassroots groups opposed to the water withdrawal bill.

CPNY and other groups have filed a request under the state's Freedom of Information Law for documents and information relating to closed-door meetings that resulted in the controversial water withdrawal bill.

The Legislation has had no public hearings and received no input from citizens and small business owners who will be directly affected by this landmark piece of legislation.

"We don't understand why this bill was written in the first place," said CPNY Spokesman Jack Ossont. "But we particularly don't understand where the threshold limit came from that allows the oil and gas industry to take 100,000 gallons a day of our water for free, and with no real oversight."

"Apparently environmentalists in Canada recognized what our own elected officials and mainstream environmental groups here in the US fail to see," said Joe Hoff, Chairman of Keuka Citizens Against Hydrofracking. "This water withdrawal compact is masquerading as a pro-environment piece of legislation when it, in fact, gives the fracking industry, the water bottling industry and the chemical industry near total control over the public's drinking water."

As in Canada, opponents in New York presented strong legal arguments by water rights experts that the bill, which will determine water rights for small and large users for decades to come, will have unintended consequences at a time when oil and gas companies are targeting New York State for drilling for methane gas by hydrofracking. Fracking requires vast amounts of water. However, under the proposal being considered by the Senate, these oil and gas corporations will be able to extract billions of gallons of water from New York lakes, rivers and ponds free of charge.

The opponents will continue to urge its members to contact their local senators and urge them to open the process up and hold public hearings.

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