



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

APR 15 2011

Ms. Pamela Bush, Commission Secretary
Delaware River Basin Commission
P.O. Box 7360
25 State Police Drive
West Trenton, New Jersey 08628

Dear Ms. Bush:

Thank you for providing an opportunity for the U.S. Environmental Protection Agency (EPA) Regions II and III to review the draft natural gas regulations issued by the Delaware River Basin Commission (DRBC) on December 9, 2010 to protect the water resources of the Delaware River Basin (DRB) during the construction and operation of natural gas development projects. We appreciate DRBC's efforts on this major regulatory action and the positive impacts it will have in protecting the environment.

EPA was pleased to see that natural gas development plans will be required, that ground water and surface water monitoring must occur prior to natural gas well construction and annually thereafter until wells are properly plugged and sealed, and that you have sought to account for the use and disposal of water throughout its life-cycle. We encourage you to continue these important efforts.

Enclosed are EPA's comments to DRBC's proposed rulemaking. Highlights of these comments are listed below. In addition, we have provided you with a recent Frequently Asked Questions document that was prepared to provide outreach to the public and the regulated community on wastewater issues related to shale gas extraction.

- The volumes/amounts of all chemicals/additives used in hydraulic fracturing fluids should be submitted to the DRBC in the natural gas development project application rather than in the post hydraulic fracturing report;
- Language in the regulation or regulation preamble should provide adequate notice to project sponsors of applicable Federal requirements, such as EPA's underground injection control or pretreatment programs that have not been delegated to the host states;
- EPA would like DRBC to consider whether baseline monitoring is appropriate for well pads with wells that are hydraulically fractured (not just high volume hydraulic fracturing) where the well pad is in a sensitive drinking water source area;
- EPA is fully supportive of the DRBC and the Basin states coordinating their functions to eliminate unnecessary duplication of effort. However, in light of the fact that some state requirements related to natural gas extraction are still in draft and subject to change, we strongly advise the DRBC to establish a minimum set of standards that any state requirements will need to meet for deference in order to ensure that the water resources of the DRBC are adequately protected; and

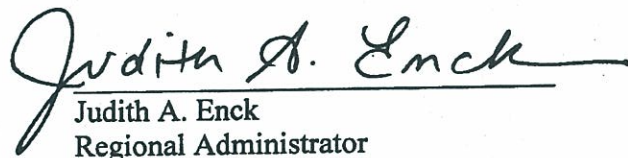
- The regulation should define fresh water sources consistent with federal programs as those waters with a total dissolved solids (TDS) below 10,000 parts per million (ppm).

Thank you, again, for the opportunity to comment on the DRBC's proposed natural gas regulations. If you have any questions, please do not hesitate to contact Mrs. Linda Boornazian at 215-814-5423 or boornazian.linda@epa.gov or Ms. Kathleen Malone-Bogusky at 212-637-4083 or malone.kathleen@epa.gov.

Sincerely,



Shawn M. Garvin
Regional Administrator
U.S. EPA Region III



Judith A. Enck
Regional Administrator
U.S. EPA Region II

cc: Brigadier General Peter A. DeLuca
Federal Representative to DRBC

Enclosures