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BASIN COMMISSION

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February 04, 2011

Carol Collier  
Executive Director  
Commission Members  
Delaware River Basin Commission  
P.O. Box 7360  
West Trenton, NJ 08628

Re: Natural Gas Development Regulations

Dear Director Collier and Commission Members,

Attached please find a sign-on letter from 15 organizations expressing serious concerns with the draft regulations on natural gas development being considered by this Commission.

Sincerely,

Kate Millsaps  
Program Assistant, NJ Chapter of the Sierra Club

February 04, 2011

Carol Collier  
Executive Director  
Commission Members  
Delaware River Basin Commission  
P.O. Box 7360  
West Trenton, NJ 08628

Re: Natural Gas Development Regulations

Dear Director Collier and Commission Members,

Please ensure that the Delaware River Basin will continue to provide clean drinking water to 15 million people in New Jersey, New York, Pennsylvania, and Delaware by adopting strong regulations on natural gas development in the Basin and increasing public participation in the rule adoption process. Public hearings must be held in the largest population centers dependent on the Delaware River Basin for clean water and the comment period must be extended by 60 days to encourage robust and meaningful public participation.

Preventing degradation of the Delaware River Basin by natural gas development is essential to protecting New Jersey's water supply. The exceptional quality of the Upper Delaware River's headwaters sustains the 7 million in New York City and 8 million downstream residents who drink from the Delaware as far south as Trenton, Camden/Philadelphia and Delaware State, a total of 15 million people. In New Jersey, it is estimated that close to 3 million residents drink water from the Delaware River, about one-third of the total state population.

Since shale gas extraction methods require between 2 to 9 million gallons of water be used to hydraulically fracture each well (on average, 4.5 million gallons), and since 200,000 acres are already under lease to gas companies in the Upper Delaware River Watershed alone, at least 30,000 wells are expected to be drilled, as estimated by the National Park Service and others. This translates into billions of gallons of fresh water that will be consumed for drilling purposes. This is a depletive loss as the water will not be returned to the source. The DRBC draft regulations do not put any upward limits on the amount of water that can be taken out of the river upstream. How will the loss of clean, fresh water from the River's headwaters impact this fragile and irreplaceable water source on which New Jersey depends?

Further, hydraulic fracturing ("fracking") with chemicals substantially threatens the water quality of the Delaware River, thereby risking pollution of New Jersey's water supply. Hundreds of dangerous chemicals and compounds are used in fracking fluids, many of them known carcinogens and endocrine disruptors. These fluids are pumped



into the well bore to crack open the rock and release the gas, risking migration of these pollutants into groundwater and streams. The DRBC draft regulations do not place any restrictions on the chemicals that drillers can use to stimulate the shale layer to release gas. Coupled with this injection of pollutants into the ground for fracking, the wastewater that is produced also contains toxic contaminants from the deep geologic formations where the shale is located such as radionuclides, arsenic and heavy metals, and hazardous hydrocarbons such as benzene, classified as a carcinogenic substance. Where will all this toxic wastewater and the resulting sludges go? Will it be discharged into the Delaware? Will it be shipped to New Jersey facilities? There are no wastewater facilities designed to remove all of these pollutants yet millions of gallons are being produced every day in Pennsylvania and will be produced in the Delaware River Watershed upstream of us if drilling moves ahead as planned, threatening New Jersey's water quality downstream.

The drilling of tens of thousands of wells in the Upper and Middle Delaware River Basin will constitute the largest land use change we have seen in the region since early deforestation more than a hundred years ago. The transformation of this healthy 89% forested watershed region into an industrial landscape will result in stormwater pollution, flooding and habitat destruction that will degrade the exceptional quality of our headwaters and natural ecosystems, potentially impacting everything and everyone downstream.

These dangers face us here in New Jersey with the development of Marcellus and other shale gas sources. We may even one day see energy companies attempting to recover gas or oil from New Jersey's shales; until three years ago, no ever expected shale gas in the Delaware River Watershed to be considered developable. The regulations that the DRBC adopts regarding natural gas development will indelibly impact New Jersey's water resources, public health, and the environment.

The adoption of natural gas development regulations requires a robust public participation component that provides New Jersey's residents every opportunity to take part in the decisions that are made.

The concerns outlined above underscore the gravity of the potential impacts to the Delaware River Basin and requires that the DRBC make a more substantial commitment to eliciting meaningful public comment both by extending the comment period and holding public hearings in the areas that will suffer the most if the Basin is degraded, including New York City and Philadelphia.

The desire of the public to actively participate in natural gas development regulatory decision making has already been demonstrated as the Commission has received over 8000 letters expressing concerns about potential impacts from natural gas drilling since April 2010.

We suggest the following for the Commission's public participation process:

- ✓ The public comment period should be extended by 60 days in order to allow for robust public participation; 90 days is wholly inadequate, especially considering that holidays occurred in the midst of the period.
- ✓ Verbal testimony is key to the input process, and three hearings will not be at all adequate to allow sufficient input from the affected public. Public hearings should be held at geographically accessible locations. There should be at least one public hearing in each Basin state: Delaware, New Jersey, New York, and Pennsylvania and at least one public hearing in each of the two largest population centers that rely on Delaware River water supply, New York City and Philadelphia. Since Pennsylvania is such a large state, one Hearing should be held in the Upper Delaware region, one in the central Watershed area and one in the southeastern area.

Thank you for your consideration of our comments concerning the public participation process and strength of the Commission's proposed natural gas development regulations.

Sincerely,

Maya K. van Rossum, Delaware Riverkeeper and Tracy Carluccio, Deputy Director,  
Delaware Riverkeeper Network

Jeff Tittel, Chapter Director, Sierra Club, New Jersey Chapter

Jim Walsh, Eastern Region Director, Food and Water Watch

William S. Kibler, Executive Director, South Branch Watershed Association

Amy Goldsmith, State Director, New Jersey Environmental Federation

Julia Somers, Executive Director, New Jersey Highlands Coalition

Dena Mottola Jaborska, Executive Director, Environment New Jersey

Jim Waltman, Executive Director, Stony Brook-Millstone Watershed Association

Eric Stiles, Chief Operating Officer, New Jersey Audubon Society

Cindy Ehrenclou, Executive Director, Upper Raritan Watershed Association

Cindy Zipf, Executive Director, Clean Ocean Action

Tim Dillingham, Executive Director, American Littoral Society

Alison Mitchell, Director of Policy, New Jersey Conservation Foundation

Sandy Batty, Executive Director, Association of New Jersey Environmental Commissions

Anne Maiese, President, League of Women Voters of New Jersey

Blanche R. Krubner, President, League of Women Voters in Ocean County