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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

REPRESENTATIVE OF THE 182ND DISTRICT

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SUBSTANCE ABUSE

February 11, 2011

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

Re: Draft Natural Gas Development Regulations—the Public Process

Dear Director Collier and Commission Members,

As Chair of the State Government Committee, I have worked for years to remove barriers to voting; this government does not work without that. In the same vein, I support broad and active participation by the public in regulatory decision making; I believe there is no good decision made in our democracy that does not encourage robust public participation.

Therefore, I urge you to expand the public input process for the proposed natural gas regulations that you issued on December 9, 2010. Because of the large numbers of citizens who are deeply concerned and who want to participate meaningfully and because of the complexities of the issues involved, the 90 day comment period is simply not long enough.

The dense 80 page rule that you have published requires an in-depth technical analysis that will take time to digest and requires careful expert review. The development of policy comments by policymakers such as elected officials and relevant agencies as well as by nongovernmental organizations and the general public also requires a comprehensive analysis of the proposed regulations and an understanding of the Commission's regulatory regime. All of this takes time to be done right.

I request that the Commission expand the public participation process for the proposed regulations:

1. The public comment period should be extended from 90 days to 180 days especially since the original 90 period fell over the major end of year holidays, and

2. Three hearings are not sufficient to allow input from the private citizens and citizen-run advocacy organizations. Public hearings should be held at geographically accessible locations and in the evening as well as during the day. In Pennsylvania, the state with the largest and longest land mass that drains to the Delaware, there should be at least one in the Upper Delaware, one in the Lehigh Valley Region and one in Philadelphia, where 1.5 million people get their drinking water from City intakes.

Your ruling will shape the future of the Delaware River Basin; it is truly a landmark undertaking. Please advise me of your intentions and do not hesitate to contact me for any reason.

Yours,


Babette Josephs

BJ:jb

CC: Maya van Rossum, the Delaware Riverkeeper
Russell Brady, Clean Water Action
Christine Knapp, PennFuture
David Masur, PennEnvironment

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RECEIVED/DELAWARE RIVER
BASIN COMMISSION
2011 APR - 8 A 11:30

April 5, 2011

Carol Collier, Executive Director
Commission Members
Delaware River Basin Commission
P.O. Box 7360
West Trenton, NJ 08628-0360

Re: Draft Natural Gas Development Regulations for the Delaware River Basin

Dear Director Collier and Commission Members,

As a Pennsylvania legislator, I urge the Commission to strengthen the proposed draft natural gas development regulations that are being considered to protect drinking water for *over 15 million* people in this area.

Currently, the Delaware River is one of the cleanest rivers in the nation, and a full *five percent* of the United States population drinks its waters. Preserving the quality and health of this river is essential to ensuring sustainable and healthy communities here in the Delaware Valley for this generation and future generations; otherwise Pennsylvania will not continue to be a thriving and healthy state where anyone would want to settle down, work, and live.

In addition to the absolute necessity of quality drinking water, the Delaware supports an outdoor recreation industry that generates in excess of \$38 million annually, sustains over 350,000 jobs, and adds sales and tax revenues of more than \$32 million to the state's coffers (Outdoor Industry Foundation, Fall 2006).

In view of the absolute necessity of keeping the water pure and the forest productive, I strongly suggest that the DRBC should conduct a cumulative impact analysis of natural gas development on the resources of the Delaware River Basin before finalizing these gas drilling regulations. This research would help inform the regulations, and is a critical step. Thirty-six percent of the Delaware River Watershed is underlain with Marcellus shale so we cannot afford to develop this reserve without sufficient data. New York is in the process of doing a comparable study. I believe Pennsylvanians deserve to have similar information and protection.

Philadelphia City Council is also urging DRBC to conduct a cumulative analysis study and to wait until the underway EPA study on hydraulic fracturing and impacts to drinking water is concluded (projected to be completed in 2012). Moreover, the Philadelphia Water Department has also requested that a cumulative analysis be conducted.

In addition to the need for a cumulative impact analysis for the Delaware Basin, my specific recommendations for DRBC's draft gas drilling regulations include: not allowing treated flowback wastewater to be discharged into the Delaware; forbidding impoundments or holding ponds for wastewater storage in the Delaware basin; requiring more rigorous monitoring including adding tracers to fracking fluids to track pollution events back to their sources; mandating wider setback and buffer zones for drilling operators so as to protect floodplains and wetlands, and requiring restoration of the pad sites after extraction is completed.

Pennsylvania is the only state where drilling is occurring that is using its streams to absorb the waste which is known to contain dangerous carcinogens. We see the legacy of abandoned anthracite coal mining in Pennsylvania still costing vast sums of money for clean-up decades later.

We cannot make this same mistake again; we must learn from our history.

Yours,

A handwritten signature in black ink, reading "Babette Josephs". The signature is fluid and cursive, with the first name "Babette" and last name "Josephs" clearly legible.

Babette Josephs

BJ:jb

CC: Maya van Rossum, the Delaware Riverkeeper
Russell Brady, Clean Water Action
Christine Knapp, PennFuture
David Masur, PennEnvironment
Cecily Kihn, Agua Fund