



LEAGUE OF WOMEN VOTERS®
OF PENNSYLVANIA

April 16, 2010

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ADMINISTRATIVE DIVISION

Commission Secretary
Delaware River Basin Commission
25 State Police Drive
P.O. Box 7360
West Trenton, NJ 08628-0360

RE: Public Comment – Stone Energy Docket

Dear Ms. Schmitt:

The League of Women Voters of Pennsylvania (LWVPA) requests that you delay any permits for Marcellus Shale drilling and water withdrawals in the Delaware River Basin for at least five years. Given the evolving nature of permitting, regulating, and monitoring the extraction of natural gas from Marcellus Shale, approval would be short-sighted and potentially hazardous to the water supply of more than 15 million residents of New York, New Jersey, Pennsylvania, and Delaware who depend on this resource for their drinking water.

Currently, wastewater regulations in Pennsylvania have been updated, but are yet to be implemented. Amendments are currently being proposed to bolster drilling regulations that do not adequately address the fracturing process. Air quality standards are also in need of monitoring and potential revision. While the DRBC standards tend to be more stringent than those of the Commonwealth, the LWVPA encourages the DRBC to review and modify, if needed, its water code and regulations for re-use of flowback before permitting occurs. It is important to clarify the difference between injection wells, regulated by the EPA, and fracturing wells that, over time, use consecutively more concentrated toxic wastewater – 90% or more of which remains underground. In Pennsylvania, the centralized, streamlined issuing of drilling permits, without review of local County Conservation Districts, has created problems. The volunteer efforts of concerned citizens cannot replace the consistent, systematic monitoring of drilling operations by adequate and appropriate State inspection that has fallen victim to tough economic choices. Time is required in bringing essential money, manpower and expertise to meet the challenges of comprehensive oversight.

In looking at cumulative impacts of Marcellus Shale drilling, the EPA recently announced a \$1.9 million regional study to investigate the impact of hydraulic fracturing on water quality and public health. By looking at each well individually, as is being done at this time by DRBC, it is difficult to assess manageable risk and establish uniform regulation. With federal legislation pending to eliminate the exemptions of the oil and gas industry

to the Safe Drinking Water Act, there should be no need to rush drilling in our specially protected watershed. We encourage you to follow the timeless adage of Ben Franklin, "An ounce of prevention is worth a pound of cure!"

If we learn from recent experiences in Pennsylvania, accidents will happen. Two significant spills have occurred in the Sproul State Forest and the Pine Creek Gorge of the Tiadaghton State Forest. We need to protect and conserve the pristine and nationally recognized public lands of our Commonwealth such as the Delaware River Basin. Given the legacy of the coal industry, we need to be sensitive to the long-term costs and consequences of environmental degradation that come with drilling for natural gas from Marcellus Shale. Although the economic potential created by natural gas extraction from Marcellus Shale is significant, the League is also concerned about the loss of revenue created by the possible loss of tourism to the Commonwealth.

In addition to broad areas of question, the LWVPA has specific issues with the Stone Energy dockets. First, this company already violated the public trust by drilling in the Delaware River Basin without permission. Why would the DRBC reward bad behavior by granting Stone Energy permits for water withdrawal and natural gas extraction? Second, in the case of water withdrawal, an analysis is needed to justify the water used relative to the area served. Should high quality water be withdrawn at the rate of 1040 gallons/minute and used for such purposes as dust control, mixing concrete, and washing truck tires? Can we trust Stone Energy to provide realistic descriptions of anticipated impacts of drilling and water withdrawals on water resources as required by the Water Management Plan? Will this operator report violations within 48 hours and accurately monitor pass by flow metering, daily allocations, and total daily flow? Third, the LWVPA is also concerned that the Executive Director of the DRBC has the power to alter the permit conditions unilaterally and without public consideration. Should one individual, who is responsible to four states and a federal agency, approve the construction, mitigation, and erosion, sediment and storm water control plans? This allows decision-making processes to occur outside the realm of public review and possibly under undue pressure from political forces. Transparency is important in promoting good government and civic participation.

Give the Delaware River the gift of time. Delay decisions until we have the results of impact studies and procedures are in place to protect this valuable natural resource. The most important role of the DRBC is to prevent environmental degradation not to manage it.

Sincerely,



Olivia Thorne, President,
LWVPA