

**CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515**

(202) 225-2011
February 24, 2010

Delaware River Basin Commission
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Written Comment for the Delaware River Basin Commission's Special Public Hearing on Stone Energy Corporation (Draft Dockets D-2009-13 and D-2009-18-1)

Dear Commission,

I want to thank the Delaware River Basin Commission (DRBC) for giving Pennsylvanians the opportunity to have a voice in the critical decisions that are being made about expanding natural gas drilling operations in the Delaware River Basin. I would also like to thank the citizens who attended the February 24, 2010 hearing for actively participating in this process.

The two DRBC permits in question today would allow Stone Energy Corporation to hydraulically frack its existing vertically oriented natural gas well and to withdraw 700,000 gallons of water per day from the West Branch of the Lackawaxen River in order to complete this process.

I would like to strongly encourage the DRBC to defer any permits for drilling in unconventional shale plays, including these, until Pennsylvania passes the regulations and the legislation necessary to protect the environment and to ensure people's rights to their health and property; and, should even the best safeguards fail, to guarantee them just compensation. Acting now could put the river basin and those that live within it at unnecessary risk.

As you know, the Stone Energy Corporation applications are the first permits being issued in the Delaware River Basin for shale gas extractions and development. As such, the Delaware River Basin Commission's decision will establish critical guidelines for the future of natural gas development in the region.

The scale of the natural gas boom in the Marcellus Shale region is unprecedented. In 2008, 195 wells were drilled in the Marcellus Shale. In 2009, more than three times that number. Now, in 2010, the expected number of applications is 5,200.

Just to put that in perspective, an unconventional natural gas play in Texas, the Barnett Shale, drilled around 10,000 wells, two times the number expected this year in Pennsylvania, over the course of ten years.

Before any permits are issued in the Delaware River Watershed, the DRBC should give itself the time to finish developing its natural gas-specific regulations. In addition, a comprehensive analysis should be completed of the cumulative effects on the impacts of natural gas related projects, including gas wells, water withdrawals, and treatment facilities.

For example, the DRBC must have the capacity to accurately assess the impact of Stone Energy Corporation's withdrawal from the West Branch of the Lackawaxen River, taking into account the ecological needs of the living resources of the stream and downstream water users. This decision should be based on the

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ecological flow model that the DRBC is currently developing, not on an abstract formula. Moreover, in order to create a more holistic approach to the management of water withdrawals from the Delaware River, the DRBC also needs to adopt changes to its Water Code for the main stem river before allocating water flows from the Delaware River and its tributaries.

Promising protections have also been introduced such as those by the Pennsylvania Department of Environmental Protection (PA DEP), which would adopt effluent standards for some gas drilling wastewater contaminants and provide new construction and safety standards for natural gas wells. In addition, State Representative Camille “Bud” George has also introduced legislation in the Pennsylvania State House to strengthen environmental laws regarding natural gas drilling and to provide some protection to those who lease their land to oil and gas drillers.

At the federal level, I have co-sponsored legislation in the U.S. House of Representatives called the Fracturing Responsibility and Awareness of Chemicals Act in order to close the “Halliburton Loophole” that was passed in the 2005 Bush Energy Act. This legislation would place the added protection of EPA Safe Drinking Water Act oversight to regulate the natural gas industry and give an added level of protection to help ensure that the desires of industry did not outweigh the voice of Pennsylvanians’ who want safe water for themselves and their children.

We have the opportunity to create a future in which natural gas drilling is pursued with clear and transparent reporting, strong oversight, and attention to the true cost of developing our private lands and state lands—over one third of which have already been leased.

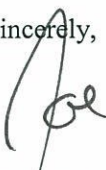
The 15 million people who rely on the Delaware River for their water supply deserve the benefit of regulations that will allow for the responsible development of the natural resources with which Pennsylvania is blessed.

The coal industry left our state a legacy of 2,500 miles of deteriorated streams; 250,000 acres of contaminated land; and a \$15 billion cleanup bill. Let us not make that mistake again. Lack of governmental and regulatory foresight should not leave Pennsylvanians to needlessly bear the burden of the increased cost to our infrastructure; risks to our health and safety; and environmental degradation again.

For these reasons, I ask that the Delaware River Basin Commission defer these permits until further regulatory and statutory safeguards are in place and the Commission has more information and tools with which to evaluate them.

I have no doubt that if the best science, public policy, and leadership are applied to this extraordinary opportunity, protections will result that will simultaneously benefit our environment and our economy in a way that will make the Commonwealth of Pennsylvania the global standard for responsible stewardship of natural resources. We should settle for nothing less.

Sincerely,



Joe Sestak
Member of Congress