



April 15, 2011

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

Re: Natural Gas Development Regulations – DRAFT

Dear Commission Secretary and Commissioners,

The undersigned organizations endorse and sign on to the attached Comments submitted by the Delaware Riverkeeper Network and Natural Resources Defense Council regarding the Commission's Draft Natural Gas Development Regulations.

These comments conclude that the Draft Rules do not provide the necessary means for the Commission to fulfill its legal mandate to protect the water resources of the Delaware River Basin during the construction, operation, and decommissioning of natural gas development projects. The Draft Rules rely in too many instances on the state oil and gas regulatory programs in Pennsylvania and New York (the "host states"), which are inadequate to accomplish the Commission's goals, legal obligations, and regulatory responsibilities. In instances where the Draft Rules exceed host state program requirements, the proposed standards do not provide sufficient controls to achieve "no measureable change except toward natural conditions" or to protect the water resources of the Delaware River Basin as required by the Compact, the Water Code, and the Administrative Manual: Rules of Practice and Procedure.

We join with our colleagues to request that the Commission withdraw the Draft Regulations, complete comprehensive environmental and cumulative impact analyses, learn from other scientific studies that are in process and accomplish necessary planning initiatives and key research efforts before redrafting proposed natural gas development regulations.

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The Delaware River's waters are protected under the terms of the Delaware River Compact and the Delaware River Basin Commission's Special Protection Waters Program. As such, the DRBC is legally obligated to enact regulations that ensure that no harm is done to the Special Protection Waters of the Delaware River. The Draft Regulations, if promulgated in their current form, will fail to meet this obligation.

Our conclusions are based upon facts and technical expertise contained in the eight expert reports that were commissioned to analyze the proposed regulations and upon the research and conclusions developed by our colleague organizations in developing this comment.

There are many areas of great concern regarding the potential impacts of natural gas development in the Delaware River Watershed that the Draft Regulations will not address:

- Lack of any cumulative impact analysis or any vehicles within the Draft Rules to address cumulative impacts
- Reliance on "host state" regulations regarding critical aspects of gas development such as gas drilling and well construction, most aspects of hydraulic fracturing, basic safety measures, and several key setback requirements
- Allowance for drillers to "self regulate" many essential areas of gas development that carry weighty environmental and human health impacts
- Very little opportunity for public participation in DRBC approvals and decisions; lack of transparency in many decisive aspects of gas development
- Inadequate setbacks from water bodies and other sensitive environmental features and allowance of intrusion into floodplains
- Inadequate setbacks from homes, schools, public buildings, and other public places
- Inadequate stream flow protections to protect them from flow reduction and disruption of healthy flow regimes
- Inadequate measures to prevent pollution and depletion of the drinking water for over 15 million people
- Inadequate wastewater controls
- No attention to air pollution and how air emissions impact water resources, including methane and other greenhouse gases
- Lack of robust data regarding Delaware River Watershed resources that would inform baseline conditions
- Inadequate stormwater and nonpoint source pollution controls
- No requirement for the use of Best Available Technology
- Inadequate control of exploratory gas wells and vertical wells
- Too many waivers, exemptions, and loopholes in regulations governing administrative, environmental and financial issues
- Lack of key planning accomplishments that would provide oversight, enforcement, and implementation of regulations

The attached comment and expert reports details these and many other crucial issues that are not addressed by the Draft Regulations.

Please withdraw the Draft Rules and begin the necessary scientific analyses and data gathering that are essential before regulations can be developed.

Thank you for the opportunity to address this most pressing issue.

Sincerely,

Association of New Jersey Environmental Commissioners, Sandy Batty, Executive Director NJ
Catskill Citizens for Safe Energy, Jill Wiener NY
Catskill Mountainkeeper, Wes Gillingham, Program Director NY
Citizens Campaign for the Environment, Sarah Eckel, Legislative & Policy Director NY
Clean Ocean Action, Cindy Zipf, Executive Director NJ
Comeback Farm, Mark Canright, Farmer, NJ
Cooper Union Institute for Sustainable Design, Professor Kevin Bone NY
Crafts Creek Spring Hill Brook Watershed Association Inc., Bob Tallon, President NJ
Damascus Citizens for Sustainability, Barbara Arrindell, President PA
Earthjustice, Deborah Goldberg, Managing Attorney
Earthworks Oil and Gas Accountability Project, Nadia Steinzor, Marcellus Regional Organizer
Environment New Jersey, Dena Mottola Jaborska, Executive Director, NJ
Environmental Advocates of New York, Katherine Nadeaux NY
Food and Water Watch, Jim Walsh, Eastern Region Director
Gasland Productions, Director, Josh Fox
Hackensack Riverkeeper, Bill Sheehan, Hackensack Riverkeeper NJ
Maiden Creek Watershed Association, Elaine Bartholomew, President PA
National Parks Conservation Association, Cinda M. Waldbuesser, Senior Program Mgr. PA
New Jersey Audubon Society, Eric Stiles, Chief Operating Officer NJ
New Jersey Conservation Foundation, Alison Mitchell, Policy Director NJ
New Jersey Environmental Federation, David Pringle, Program Director NJ
New Jersey Environmental Lobby, Mike Pisauro, Legislative Affairs Director NJ
New Jersey Sierra Club, Jeff Tittel, Director NJ
NYH2O, Joe Levine NY
Pennsylvania Forest Coalition, Richard A. Martin, Coordinator PA
Pompeston Creek Watershed Association, Debbie Lord, Vice President NJ
Potter's Farm, Leah Zerbe, Founder PA
Protecting Our Waters, Iris Marie Bloom PA
Raymond Proffitt Foundation, John Hoekstra, Executive Director PA
Riverkeeper, Inc., Kate Hudson, Watershed Program Director NY
Sustainable Delco.org, Kathryn Garza, Co-President PA
The Green Fund, Kathryn Garza, Treasurer PA
Theodore Gordon Fly Fishers, Dave Barker, Conservation Committee NY
United for Action, Sonia Herron, Co-founder NY