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BASIN COMMISSION

2011 APR 11 P 12:13

April 7, 2011

Commission Secretary  
Delaware River Basin Commission  
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West Trenton, NJ 08628

**COMMENTS TO DELAWARE RIVER BASIN COMMISSION'S PROPOSED  
NATURAL GAS DEVELOPMENT REGULATIONS (December 9, 2010 Draft)**

Catskill Citizens for Safe Energy ("CCSE") respectfully submits the following comments with respect to the December 9, 2010, draft Natural Gas Development Regulations (the "Draft Regulations") proposed by the Delaware River Basin Commission (the "DRBC").

Over 15 million people (approximately five percent of the nation's population) rely on the water of the Delaware River Basin for drinking, agricultural, and industrial use. The DRBC's core mission is to ensure that this life-sustaining and irreplaceable natural resource is adequately and fully protected for all who depend upon it today, and for generations to come.

**GENERAL COMMENTS**

1. As a threshold matter, the DRBC has recognized the necessity of a cumulative impact study of unconventional gas extraction employing horizontal drilling ("HD") and high volume hydraulic fracturing ("HVHF") in the Delaware River Basin (the "Basin"). Despite this recognition, the DRBC has elected, without adequate justification, to proceed to regulate HVHF and allow it to take place within the Basin in advance of such a study. The state members of the DRBC (Pennsylvania, Delaware, New Jersey, and New York) were evenly divided on this issue, with the decision to proceed without a cumulative study determined by the Federal vote, cast by the Army Corps of Engineers. CCSE submits that this decision should be reconsidered for the following reasons:

- First, the Federal vote was cast despite the objection of various other Federal actors, including the National Parks Service, the Fish and Wildlife Service, and Congressman Maurice Hinchey, and despite the pendency of a fully funded study by the Environmental Protection Agency of the effect of HVHF on water safety that is expected to be completed by 2012.
  - Second, since the vote was cast, emerging reports of water contamination in Pennsylvania and other states have demonstrated the deleterious effects of HVHF on ground and surface water, on the environment in general, and on public health.
  - Third, the documented irresponsible conduct of drilling companies in Pennsylvania during a period of less than stringent regulation suggests that, without, powerful economic disincentives and sufficient financial safeguards, irreparable damage will be done and the costs of remediation will be borne not by the industry, but by the taxpayers.
2. The Draft Regulations contain certain assumptions that lack basis and/or definition. Absent such definition, HVHF should not be permitted within the Basin. To wit:
- The Draft Regulations do not define the risks attendant to HD and/or HVHF. Such definition is necessary in order for the Draft Regulations to prevent, assign responsibility for, and enforce remediation for any negative consequence arising from HD and/or HVHF. At a minimum, the risks include contamination of surface water, ground water, and aquifers; air pollution; as well as fire, explosion, and loss of human life. The Draft Regulations should be revised to address each such risk.
  - The USGS Ground-Water Quality in the Delaware River Basin 2001 and 2005–2006 study have determined that a higher than normal instance of highly mobile radon exists in every sample taken. This fact leads us to believe that HVHF in the River Basin will release even greater amounts of the highly carcinogenic gas. We request a thorough scientific study of the concentration of radon and the effect on public health and the environment.
  - Terms such as *mitigation* and *remediation* are employed throughout the Draft Regulations, thus implying that mitigation and remediation are possible. However, the DRBC has not addressed whether either is possible, or how either could be effected. To our knowledge, current technology cannot remediate a contaminated aquifer. The Draft Regulations do not address situations in which remediation is impossible.
  - Since fracking fluid and flowback mud and fluid have been known to migrate into surface and ground-water sources, we ask that unique



markers be used in each frack to ensure that all accidents, spills, leaks, and incidents of negligence and out-of-zone fracturing are completely and legally traceable.

- The Draft Regulations provide for Approval by Rule (“ABR”) for various actions and permits without indicating the criteria for projects’ or actors’ eligibility for such streamlined approval and/or allowance. CCSE respectfully submits that, at the very least, in advance of a cumulative study of the effects of HD and HVHF within the Basin, ABR should be withheld and the Docket procedure employed so that the general public has notice and opportunity to be heard with respect to all activities related to gas drilling within the Basin. Additionally, while CCSE understands that the implicit purpose of ABR is to allow the participation of smaller drilling companies, this loophole is susceptible of easy manipulation by larger concerns through the establishment of individualized entities that submit such applications.
  - Additionally, it is our concern that the small drilling operations [companies] to which ABR might apply require the same level of oversight and review as larger drilling companies.
3. Over strong public objection and the express complaints of various elected officials within the Basin, the DRBC has elected to pursue an unreasonably truncated public comment session with respect to the Draft Regulations.
- The number and location of public hearings are insufficient. Every potentially affected city with a population greater than one million should be afforded a public comment hearing, yet the DRBC has refused to schedule a public comment hearing in every such city affected.
  - Public hearings have been unduly restricted in overall length and in the length of time afforded to individual speakers, without justification. Each of the three public hearings is limited in length, and oral comments may extend for no more than two minutes. The DRBC should provide that hearings proceed on a day-to-day basis as necessary to receive oral comments from all interested participants. Oral comments should not be restricted in length.
  - The 128-day length of the public comment session is insufficient to afford the general public and interested entities and agencies an opportunity for analysis, study and proper response to the Draft Regulations. At a minimum, 180 days should be provided for public comments.
  - The DRBC has inappropriately restricted the manner in which comments may be submitted. All interested citizens and organizations should be



entitled to submit comments by customary methods: mail, overnight delivery, email, and telecopier.

4. The Draft Regulations are devoid of reference to a single scientific study of the effects of HD and/or HVHF on surface water, ground water, air quality and/or the environment in general. No provision is made for incorporation of any such study or adjustment of the regulations if they are ultimately promulgated in advance of the EPA Study currently in progress.
5. The Draft Regulations point to state regulation of gas extraction, HD, and HVHF without any examination of the involved agencies or their level or scope of regulation. Additionally, defaulting to state regulation ignores the already manifest gaps in regulation in evidence in Pennsylvania and New York with respect to new and emerging extraction techniques, as well as the lack of adequate enforcement personnel.
  - The draft rules rely on weak State regulations in many areas, such as storm-water management (much gas well development is largely exempted), drilling and casing construction and safety (substandard State requirements in Pennsylvania), air emission controls (Pennsylvania exempts gas wells from air standards), and inadequate setbacks and floodplain protection. Neither New York nor Pennsylvania has large enough buffers or adequately protective no-drill safety areas. Homes, public buildings, public roads, public water supply wells, and domestic water supply wells are all left out of DRBC oversight and relegated to inadequate state setbacks that have resulted in pollution incidents from gas drilling throughout Pennsylvania. This puts people and their health at risk, increases the likelihood of pollution incidents, and will foul air, kill aquatic species, and degrade the exceptional water quality of the River and its tributaries.
6. While a 500-foot setback of gas well pads from water bodies, wetlands, surface-water supply intakes, and water-supply reservoirs, and no siting of well pads in the DRBC's defined "flood hazard area" is proposed and is stricter than State requirements, still stricter requirements are needed. Setbacks should be based on a minimum 300-foot buffer beyond the floodplain/flood hazard area as defined by riparian soils to assure adequate protection for streams and to prevent flood damage. Water supply intakes and reservoirs need protection based on drainage patterns and the condition of the setback area in order to provide needed buffering; depending on conditions such as slope and vegetation, 500 feet may provide no protection. Water supply and floodplain protection as well as stream setbacks need to be based on site-specific analysis and require mandated management measures.
7. The draft rules do not place any restrictions on the chemicals that drillers can use to drill and hydraulically fracture gas wells. Considering the hundreds of



dangerous chemicals that are used, many of them carcinogenic, and the fact that diesel fuel, a toxic substance, is being used in some areas to stimulate gas extraction, the DRBC's "hands off" approach to this central aspect, which they could rightfully regulate is irresponsible. Why isn't the DRBC prohibiting the use of contaminants in gas extraction processes, or at least waiting for the EPA to finish its study of hydraulic fracturing practices to protect drinking water?

8. Restrictions should be written into the regulations that address chemical disclosure and chemical restrictions and interactions. Levels of 4-nitroquinoline-1-oxide (4-NQO) have been consistently detected in flowback fluids in the Marcellus gas wells in Pennsylvania and West Virginia. It is suspected that 4-NQO is a result of chemical interactions that occur when wells are injected/fracked. 4-NQO is a dangerous carcinogen, toxic in parts per trillion (ppt), well below the levels detected in flowback. 4-NQO is especially dangerous as it mimics naturally occurring compounds when it enters the human body.
9. Nowhere in the DRBC regulations does it require drilling companies to use current best practices. Since much of the contamination of drinking water and other problems have resulted from poor practices, these regulations should insist upon a "best practices" approach to all drilling conducted in the watershed.
10. At \$125,000, the financial assurance requirement is wholly inadequate to protect citizens' interests. The amount must be sufficiently high to require compliance rather than a lower nuisance valued amount. One instance of failure to properly close a well will mean the entire project plan is null and void. No wells within the project plan should be released from financial insurance requirements.
11. The regulations should include a provision that any violation of water withdrawal permits will result in immediate revocation of the drilling plan.
12. The draft rules do not prescribe wastewater standards for all of the specific constituents of gas drilling wastewater that would require the removal of all toxic substances but rather require a treatability analysis that is poorly defined, does not address the contaminants used in hydraulic fracturing and present in most of the dangerous constituents in the flowback produced by hydraulic fracturing, and will lead to a discharge of pollutants. How can the DRBC move ahead without controlling this toxic wastewater, described by the U.S. Department of Energy as ten times more toxic than offshore oil well wastewater?
13. During the pre-alteration report, phase drillers should disclose to the current landowner and to the state regulatory authorities all chemicals planned to be used in the drilling process. The DRBC regulations should require the driller to pay for testing of the drinking water wells within the plan area for the specific chemicals

that are planned for the site. Testing of wells should occur two to three times before drilling begins. All expenses for such testing will be born by the drilling companies. Testing after drilling begins should be conducted at the drillers' cost every six months to continue for ten years after the well is capped and all drilling ceased.

### **Specific Issues By Section:**

#### **Section 7.1**

- Expand the scope to include noise and air pollution, especially since your stated goal is to link water quality and water quantity with the management of other resources and to avoid shifting pollution from one medium to another or adversely impacting other locations.
- Clarify what is required for approval of a natural gas drilling project. A project should be a total assessment of the impact of the maximum number of wells that could be drilled based on the total acreage leased by a particular company.
- It is inappropriate for the Commission to conclude that "management of natural gas development projects should promote use and development of the Basin's water resources in a sustainable manner . . ." since there hasn't been a peer reviewed study to determine what the impacts of drilling are and what pollution or injury to the water resources will be sustained.
- Require the use of seismic-testing technology for all drilling to ensure that drilling doesn't go outside of the planned drilling areas and is more likely to impact the aquifers and watershed.
- The regulatory framework relies on host state review and requirements. There is little or no consistency between states' regulatory requirements and their ability to enforce them. This depends on state budgets and political will, which vary dramatically from state to state.
- The Commission's Special Protection Waters anti-degradation program requires that a project cause no measurable change to existing water quality. Since the National Academy of Sciences has determined that drilling impacts surface water in streams and rivers even if there are no accidents, there will be degradation of the watershed if drilling occurs at all.



## **Section 7.2 Definitions**

Hazardous Waste: The DRBC should classify drilling fluids, produced waters and drilling muds, drill cuttings, and all wastes associated with drilling, fracking, and shale gas recovery as hazardous waste, which should be comprehensively defined in this Section.

## **Section 7.3**

- Approval by Rule should be eliminated from the regulations at this time. Until there is more experience with drilling and there is more science, only a full vote of the compact states should be relied upon for approval of any project within the watershed.
- Duration of approvals should be 1 year, not for up to 10 years. Annual reviews of all drilling operations in the watershed need to be noted, studied, and compiled to ascertain cumulative impacts. A period for “up to 10 years” effectively means no oversight or review for that period of time.
- No extensions of Natural Gas Development Plans should be allowed by the Executive Director but should be reviewed by the compact states and voted upon. Any extension should require a full review of the plan, actual practice under the plan, and a full review of all issues, complaints, and problems noted during that time period. A fully transparent reporting system easily available to citizens of the watershed must be established before the regulations are put into effect.
- Provisions need to be included for revocation of a Natural Gas Development Plan based on citizen reporting of problems and issues.
- Expiration of a project occurs when neither construction nor operation of the project has commenced. This needs to be defined in such a way that it prevents the drilling company from taking minimal action to keep the project upon. We suggest a criteria based on a percentage of planned project costs. For example, if at least 10% of expenditures directly attributable to the project have not been expended within 3 years of the project approval, then the project expires. Companies drilling in the watershed should be made responsible for annual reporting of expenses by project. Review of such reporting should be the responsibility of an outside compliance consultant hired by the drilling company whose reports are provided to the DRBC and the compact states.

- A project may not be transferred without a full review of the transfer by the DRBC. Such a transfer must be accompanied by a full review of the receiving entity as if it were making an initial application for a drilling plan.
- Public Notice Procedures should include a mailing to all residents of the submission of an application.
- Does the DRBC have any enforcement personnel? If not, then who will be the “authorized representative of the Commission” needing site access? There should be a minimum number of site visits required of the DRBC staff for each project plan. DRBC site visits should be unannounced. Provisions should be added for local citizens and groups to make site visits.
- The financial assurance requirement at \$125,000 is wholly inadequate to protect citizens’ interests. This amount should be increased to \$1M and should cover all potential costs of the drilling operations, not just closing costs. The amount must be sufficiently high to require compliance rather than a lower nuisance value amount. One instance of failure to properly close a well will mean the entire project plan is null and void.
- No wells within the project plan should be released from financial assurance requirements.
- Project Review Fees should be based on DRBC employee review time and projections. Since different state requirements may apply, a different fee structure by state may be necessary.
- Any violations of water withdrawal permits will result in immediate revocation of the drilling plan.
- Any environmental degradation that occurs because of the drilling process will result in immediate revocation of the drilling plan.
- Fees should be charged for additional wells added to approved well pads. Cumulative impacts of drilling must be considered and reviewed for.
- Replace the annual compliance and monitoring fee with a requirement that the drilling companies hire a state-approved consultant who will monitor compliance with all state and DRBC regulations.



- If the project sponsor fails to report a violation, then the project will be suspended with no drilling operations continuing until the violation has been remedied. All violations must be publicly disclosed.
- The executive director and states determination regarding complaints must be publicly disclosed and also delivered in writing to the person, organization, or entity making the complaint.
- Failure to cease project activity as determined by the Executive Director will result in the immediate loss of bond or other surety provided.
- Cessation of a project will remain in place until the complaint is resolved or adjudicated without exception.
- Penalty levels must be meaningful.

#### **Section 7.4**

- The scientific process employed to determine water withdrawals is omitted. It should be publicly disclosed.
- Water resources to be used from outside the watershed must be accompanied by approvals from the outside authority. A clear authorization for each delivery of water must be available.
- The DRBC should consider waiting for the completion of the EPA study, since it will be covering impacts of water withdrawal.
- What are the environmental impacts from using Mine Drainage Water?
- “Substantial effect” indicates there will be “thousands of natural gas development projects” with impacts from roads, well pads, pipelines, impoundments, and compressor stations, not to mention the drilling itself. This list is so extensive as to mitigate against drilling without a cumulative impact statement on all of these impacts.
- The thresholds established in the Rules of Practice and Procedure in Sec. 3.8 of the Delaware River Basin Compact admittedly protect the water resources of the basin. Therefore, those rules must be strengthened before these regulations are approved.

- Enforcement must be strengthened for withdrawal and disposal of water and wastewater. No drilling should be allowed until the State enforcement agencies agree that they can meet the DRBC standards, and certify that, as well as show how, they will ensure enforcement.
- Any approvals by the Executive Director under ABR procedures must be published for comment BEFORE the approval becomes final.
- The DRBC Compact should be amended to create a citizen watchdog group to monitor the ABR process. This group will need access to the DRBC information in a free and transparent manner.
- Meters used for water withdrawals should be required to have automatic shut-offs so that only authorized withdrawals are allowed. These meters need to be under the control and jurisdiction of the enforcement agencies but paid for by the drilling companies. There should not be a possibility of “excess” withdrawals that need to be reported to the Commission.
- If for any reason water usage is denied for any use to any town, company, or local governmental unit for any reason, then all water withdrawal allowed to natural gas drillers will be immediately curtailed.
- How will it be determined that the discharge water to surface water “will not adversely affect . . . aquatic life.” Isn’t this a cumulative impact issue?
- If the original request for water withdrawal requires full board approval, then additional requests should require full board approval and not be approved by ABR.
- Because of the value of the Delaware River Basin and its watershed, all regulations promulgated by the DRBC should be MORE stringent than any member state’s separate regulations.
- Before issuance of the DRBC regulations, the DRBC should provide for public comment a comparison of the state regulations subject by subject.

**Section 7.5(iv)(A)(B)**



- The allowance of Centralized Wastewater Facilities conflicts with the requirement in Section 7.5 (iv) (A) that “all wastewaters must be stored in such a manner as to prevent their release into the environment.”
- Centralized wastewater facilities are by definition temporary structures and do not fall under the state guidelines of permanent water features such as dam and even farmers ponds. Since there is allowance by the states in the basin for wastewater impoundments that could be as large as 40 acres, we request that EIS studies and strict regulations be drawn up regarding placement, size, and structure of these pits. Centralized wastewater facilities should never be subject to Approval By Rule. Public participation is essential and must not be sidestepped.
- By nature most organic compounds are lighter than water and will float and concentrate to comprise essentially 100% of the top layer of any open pit. The compound layer will volatilize and aerosolize, affecting air quality and in turn water quality.
- Since wastewater storage facilities are meant to take in flowback from more than one well site, we ask that a full study of possible chemical reactions be made. Furthermore, since flowback will be reused, we ask for strict testing procedures and records of chemical composition of the reused flowback before it is used to frack any well. We also ask that unique markers be made mandatory to trace flowback water leaks, spills, accidents, and negligent behavior.

### **Section 7.5**

- Whether approved or not, all variances must be publicly reported.
- Since each well pad may have up to 16 wells drilled, any Natural Gas Drilling Plan should be based on the number of wells planned rather than the number of well pads planned. Water withdrawals, pollution potential, road use, etc., can be significantly impacted by the number of wells drilled, not just the number of well pads.
- Local communities, governments, and industries must be allowed to comment on the Drilling Plans before they are approved. Negative impacts to citizens and other industries, such as tourism and agriculture must be considered before the plans are approved. The DRBC must notify all interested parties before approval so they might appeal the approval. No drilling will be allowed until the appeal process is complete. Those bringing the Appeal have a right to participate in that appeals process.

- Natural Gas Drilling Plans must be submitted for any drilling done in the DRBC area regardless of the number of acres and well pads planned. This is to ensure that the possibility of a cumulative impact of the drilling can be ascertained. There should be NO exemptions from preparing a Natural Gas Drilling Plan.
- Concerning the Circulation Plan, maximum levels of vehicular pipeline or utility access must be articulated and if exceeded, it must be known what the penalties are. This drilling process creates an industrialization of a recreational, agricultural community, and maximum limits need to be set and adhered to. These standards need to be set in conjunction with tourism and agricultural requirements and authorities. No DRBC regulations should be issued until such consultation has taken place.
- The Approval by Rule applications should never apply to the management areas of the National Park Service, including the Upper Delaware Scenic and Recreation River and the Delaware Water Gap National Recreation Area. Concurrence by those authorities must be obtained before drilling is allowed.
- Question: Why is special deference given to the New York City watershed and use of the Approval by Rule applications?
- Any additions or changes to a Lease Area Map must be accompanied by an analysis of the impacts of the change, including but not limited to: the number of wells to be drilled, sources of water required for the drilling, wastewater disposal, and impacts on road usage.
- Wastewater cannot be disposed of within the Basin area because of the toxic chemicals and the potential of radioactivity contamination.
- If the project sponsor fails to report as appropriate to local, state, and federal agencies any environmental problem, then all permits should be revoked immediately. No second chances.
- Any complaint by an "impacted user of wells" should be considered serious enough to suspend drilling operations until there is an investigation by the DRBC or other authorized authority.



- “Qualified professionals” investigating notification of problems must be appointed by an independent party such as the DRBC, rather than the drilling operations.
- During the pre-alteration report, phase drillers should disclose to the current landowner and to the state regulatory authorities all chemicals planned to be used in the drilling process. The DRBC regulations should require that the driller pay for testing of the drinking water wells within the plan area for the specific chemicals that are planned for the site. Testing of wells should occur two to three times before drilling begins. All expenses for such testing will be born by the drilling companies. Testing after drilling begins should be conducted at the drillers cost every six months, to continue for ten years after the well is capped and all drilling ceased. All of this testing is at the drilling company’s expense.
- How will the DRBC or State authorities determine and monitor the wastewater treatment plants’ ability to handle the volume produced by the drilling unless estimated as part of a cumulative impact study? How can such drilling be approved without such analysis?
- How can the DRBC monitor the “flowback water volumes” after the fact? How is this data verifiable? All data required in reporting by the drillers must be able to be independently verifiable through meter readings or other means.
- All “samples” must be independently drawn and reported simultaneously to both the drillers and the governing agencies. The cost for drawing and reporting all samples should be born by the drillers.
- Any leakage from wastewater storage facilities is cause for suspension of all drilling activities in the Basin area until corrected. Full public disclosure of the leakage is required and ample time given for response by local and governmental authorities and citizens. Such local and governmental authorities and citizens may protest resumption of drilling activities. If such protest is denied, then the denial is subject to appeal. Drilling may not continue until the appeals process is completed.
- Discharge flowback must be stored and sampled on a periodic basis (no less than once a month) by the supervising regulatory agencies.

- All plans submitted by the drilling companies under these regulations are subject to public comment. Any comment received must be addressed by both the drilling company and the regulatory agencies.



## Section 7.6

- The Draft Regulations inadequately address the analysis, treatment, and disposal of wastewater. Wastewater standards for all of the particular contaminants associated with HVHF must be addressed. Controlling toxic fluids must be a clear priority for the DRBC, and more stringent guidelines should be inserted into the regulations.
- The Draft Regulations should explain why the level of toxic substances must not exceed "0.3 Toxic units (acute), except in small mixing areas near outfall structures that may be established by the Commission." What are "toxic substances"? Why is "0.3 Toxic units (acute)" an important level for assessment? Is this level confirmed by independent scientists?
- The Toxic Substances segment of these regulations needs to be explained in Plain English with an understanding of the impacts of the recommendations.
- Wastewater imports should be banned rather than limited because of the "... basin waters . . . limited assimilative capacity and limited capacity to accept conservative substances without significant impacts."

Dated: April 7, 2011

Respectfully submitted,

Catskill Citizens for Safe Energy

By: 

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BASIN COMMISSION

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Delaware Riverkeeper Network  
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January 9, 2010

Carol Collier, Executive Director  
P.O. Box 7360  
West Trenton, NJ 08628-0360

Dear Ms. Collier:

At a time when the DRBC is promulgating gas drilling regulations that could profoundly affect the public health of more than fifteen million Americans who depend upon the basin for their drinking water, the commission appears to be deliberately discouraging input in a decision-making process that deserves intense public scrutiny.

This is evident in the limited public comment period of ninety days and the commission's plans to hold just three public hearings on the matter. Today, almost three weeks after the public hearings were announced, the precise times and locations of these hearings still have not been disclosed, though it appears that none of them will be held in Philadelphia or New York City. These cities have a combined population of ten million, and both have registered their strong opposition to the commission's plan to promulgate regulations without first conducting a cumulative impact statement and without the benefit of any credible peer-reviewed studies of hydraulic fracturing and drinking water safety.

Moreover, the stated intention of holding two hearings on the same day will further restrict the opportunity for public participation. It appears that Feb. 22, will be the only day that hearings will be held in the Marcellus shale fairway. If a member of the public is unable to appear on that particular day, then their opportunity to submit oral testimony may well be lost. This is neither fair nor equitable.

These procedural deficiencies have already been subject to well-deserved, ongoing and widespread criticism, but we are writing today to protest another insidious policy that seems to be expressly designed to thwart the submission of public opinion to the public record. We are referring to the online comment process which the DRBC describes as follows:

The Commission will only accept comments received through the electronic comment collection system accessible through its webpage, during the public hearing or at the addresses listed above. Comment



received through any other method, including email, fax and telephone, will not be considered or included in the record.

First, the online comment procedure seems unduly cumbersome; it requires the user to click through five pages from the DRBC home page before finally arriving at a page where it is possible to submit a comment. This procedure can and should be streamlined.

More importantly, the public has come to rely on not-for-profit citizen's organizations such as Catskill Citizens for Safe Energy and the Delaware Riverkeeper to assist them in having their voice heard by the commission. Many of our members are deeply disturbed by the abbreviated public comment period and the inadequacy of the yet-to-be specified public hearings. Hundreds, if not thousands, have already taken the time to respond to our Action Alerts to the commission on this subject. But the DRBC has, in effect, set up a firewall that prevents these expressions of concern from becoming a part of the public record. It has done this by failing to provide an email address to receive this type of communication, and by expressly refusing to consider communication sent by fax.

The promulgation of drilling regulations without appropriate scientific study has sparked concern and outrage; the DRBC should not compound its mistakes by attempting to ignore and conceal the public reaction it has engendered. We respectfully ask that all the comments received by the commission be made part of the public record regardless of the manner of transmission. We also ask that the commission move quickly to change its procedures so that public comments submitted through organizations such as ours can be properly recorded in the future and for the future.

Sincerely,



Bruce Ferguson  
Catskill Citizens for Safe Energy



Tracy Carluccio, Deputy Director  
Delaware Riverkeeper Network