



CLIFFORD W. CROUCH  
Assemblyman 107<sup>th</sup> District

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

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BASIN COMMISSION

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Ways and Means  
Rules

March 1, 2011

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

Dear Commissioners,

I would like to offer my comments in regard to the Delaware River Basin Commission's proposed draft regulations for natural gas development in the Marcellus Shale.

The stated purpose of the proposed new Article 7 of the Water Quality Regulations is to protect the water resources of the Basin during the construction and operation of natural gas development projects. DRBC also states that the provisions will rely on the state oil and gas regulatory programs of Pennsylvania and New York where separate administration by the Commission would result in unnecessary duplication. This sounds rather innocuous, but on further inspection, there seems to be numerous points of overlap and conflict.

In case of conflicting regulations, definitions, reporting requirements, who is the ultimate authority? Does the state agency or DRBC have the authority to approve any remediation plan if there is a spillage or contamination incident? Which agency is responsible for a compliance monitoring or schedule? How many fines get to be levied?

No one has an issue with DRBC's mission for providing comprehensive watershed management, preserving water quality and providing regulations and guidelines for water withdrawal, water allocations, water conservation, and drought management. I would expect DRBC to permit and regulate any water withdrawals used for the gas drilling. Also stated in DRBC's mission statement is that DRBC will promote effective inter-agency coordination to prevent duplication of efforts. In this vein I question the need for another layer of regulations that may be confusing, costly and ultimately be prohibitive for the economic development of the Marcellus Shale.

New York Department of Environmental Conservation is in the final stages of updating our regulations regarding gas drilling. I believe New York already has an excellent track record for gas drilling including the use of hydraulic fracturing. I would urge the DRBC to allow the

individual states to provide the regulatory permitting, oversight and monitoring for the Marcellus development and work with each agency for any specific regulations as necessary.

Thank you for your time and attention in this matter. If I can answer any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Clifford W. Crouch". The signature is fluid and cursive, with the first name "Clifford" being more prominent.

Clifford W. Crouch  
Assemblyman  
107<sup>th</sup> District