NYC iSchool

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

February 21, 2011

Re: Comments on Draft Natural Gas Development Regulations issued December 9, 2010

I am writing for myself and for my class of 25 New York City high school students who are studying whether natural gas drilling using high-volume hydraulic fracturing should be permitted in New York State. Based on our investigations we agree completely with the position put forward in this letter.

Despite widespread opposition, the Delaware River Basin Commission (DRBC) prematurely issued draft gas development regulations for the Delaware River Basin.

We oppose the issuing of permits for hydraulic fracturing in the Delaware River Basin. Drilling for gas through this method has been problematic throughout the country. Allowing hydraulic fracturing would deplete and gravely imperil the core asset that the DRBC is charted to conserve: the water resources of the Delaware River Basin that serve the basic needs of some 15 million people.

Please do not issue regulations permitting hydro-fracturing without first addressing the following issues with the current draft:

- Regulations should be based upon a comprehensive Cumulative Impact Study, not on existing state regulations. This draft fails to take into account the cumulative impacts (across multiple wells) of water withdrawal and the full life cycle of well development among other topics.
- A lack of restrictions on the chemicals that may be used to hydraulically fracture gas wells. Chemicals currently used for fracking are known to be hazardous to human health.
- Poorly defined wastewater standards for all of the specific constituents of gas drilling wastewater.
- Reliance on flawed state regulations that are filled with exemptions and loopholes, and on state agencies that are not even remotely equipped to oversee widespread well development.
- Regulations should be Basin wide and uniform. Whenever various states or the federal requirements differ the most stringent regulations should always be required.
- Setback rules that do not incorporate buffers for floodplain/flood hazard areas.
- Allowance for fast-track approvals ("Approval by Rule") without public input.
- Lack of sufficient opportunity for public participation, including but not limited to hearings at places and times convenient to the major affected population centers.

It has not been established that drilling is safe. On the contrary, hydraulic fracturing is inherently contaminating and should not be permitted until and unless the following contextual issues are resolved:

- Externalization of risk via regulatory exemptions such as those written into the Energy Policy Act of 2005
- Lack of any effective regulatory regime, best practices, and safety culture that might mitigate the hazards inherent in this process
- Lack of demonstrated technical capabilities to detect and reverse the effects of accidents or mismanagement

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Given the value of the resources that the DRBC is chartered to manage, and the irreparable harm that can result from accidents or the mismanagement of drilling activities, the DRBC should permit no hydraulic fracturing until and unless all of the above mentioned issues are addressed and the process is proven safe as practiced.

My students say that as adolescents they are told to think before they act because their actions may affect not only themselves but others. They ask you responsible adults to stop and think before you act to permit this potentially disastrous technology to threaten the quality of their drinking water.

Recently we watched some historic testimony by the CEO's of the major tobacco companies testifying before Congress. They all swore that there was no evidence that cigarette smoking was either addictive or cancer-causing. My students thought that the claims by gas companies today that there is no evidence that hydraulic fracturing causes environmental pollution and endangers peoples' health sounded very similar – that these are self-serving corporate claims in the face of mounting evidence of public harm.

In studying about the shale gas formations the students also learned that this gas has been trapped in the rock for about 380 million years. They ask, "What is the hurry to get it out? Why can't the US Environmental Protection Agency properly study the long term environmental dangers of this drilling technology before more permits are given out?" The students have concluded that the only possible reason for the rush is to get it started before the scientific evidence can be evaluated and before widespread opposition by us and the millions of people who would be potentially affected can be organized. Could this be true?

Thank you for considering our views.

Sincerely,

Susan Herzog

Susan Herzog,
Science Teacher, and
NYC iSchool High School Students: Alexander A., Nilufa, Timothy, Alexander CY, Kyjah, Kassandra, Ofir, Katherine, Shiny, Maite, Ashley, Noah, Elijah, Ashlee, Carina, Cheyenne, Kwame, Sara, Yu Qian, Yamil, Justeen, Yazmin, Liam, and Jonah

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