

Testimony of Paul V. Rush, P.E.
Deputy Commissioner, Bureau of Water Supply
New York City Department of Environmental Protection
at a Hearing of the Delaware River Basin Commission
Draft Natural Gas Development Regulations
Tuesday, February 22, 2011, 1 pm, Liberty, New York

Good afternoon, I am Paul Rush, Deputy Commissioner for the Bureau of Water Supply, at the New York City Department of Environmental Protection (DEP).

We commend the Delaware River Basin Commission (DRBC) for taking on the daunting task of updating the rules and procedures to address natural gas activities within the Delaware River Basin. Clearly this type of industrial activity has the potential to have a significant impact on the Delaware River and its tributaries and a strong regulatory framework is required. DRBC brings a much-needed regional perspective and consistency to this multi-jurisdictional issue. In particular, DRBC is in a unique position to address cumulative impacts of multiple water withdrawals and wastewater disposal sites. In the interest of time, I will confine my testimony to this issue; DEP will submit comprehensive comments by the March 16 deadline.

Any decisions about drilling for natural gas in the Marcellus Shale must be based on detailed scientific and technical reviews. DEP's own study determined that based on the best available science and the current state of technology, hydrofracking cannot safely be conducted in the New York City Watershed. Decisions about drilling within the shared Delaware River Basin should be made on the same strong analytical foundation. We continue to urge DRBC to conduct a rigorous analysis of the potential cumulative impacts natural gas development could have on water quantity and water quality in the Delaware Basin. Given what is at stake and the estimates of natural gas wells in the Delaware River Basin numbering in the tens of thousands, it would be prudent to complete such a comprehensive analysis prior to the promulgation of final regulations, so that it can inform the rules and restriction on natural gas exploration in the basin.

A cumulative impact assessment for the Delaware Basin must also include a depletive use budget for the basin, as recommended in the 1982 Good Faith Agreement. Depletive water use has a direct bearing on the basin's future development, its water quality, water quantity, ecological health, salinity intrusion, and drought management. This information is also critical for managing the effects of climate change, and must consider secondary impacts to other stakeholders as well. I urge DRBC to conduct and complete a cumulative impact assessment before issuing its natural gas regulations.

Thank you for the opportunity to comment. As always, New York City looks forward to working with our partners in the management of this common, precious resource.