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BASIN COMMISSION

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## Darby Creek Valley Association

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DCVA – 25 Years: Protecting and Connecting in the Darby Creek Watershed

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To: Delaware River Basin Commission [DRBC]  
25 State Police Drive  
PO Box 7360  
West Trenton, NJ 08628-0360

Re: Gas Drilling and Fracturing in the Delaware River Watershed

Date: March 27, 2011

Dear DRBC Board:

The Darby Creek Valley Association [DRBC] voted at our March 20, 2011 meeting that the 26 member Board of Directors support protection measures for the Delaware River Watershed. Honoring our mission "to protect and enhance the Watershed of Darby Creek and its tributaries through education, conservation, and citizen action" we implore the Delaware River Basin Commission [DRBC] to apply similar values to their enormous charge: the Delaware River Watershed.

Therefore, the Darby Creek Valley Association stands by the recommendations of the *Delaware River Keeper, Protecting Our Waters*, and the call for data gathering, scientific analysis, and cumulative impact modeling for environmental and public health protection throughout the Delaware River Basin **before the current moratorium on Gas Drilling is lifted.**

Our position is reinforced in the words of the Delaware County Planning Department's "*Darby Creek Stream Valley Park Master Plan*." The Master Plan prepared in April, 2009, following the lead of the DCVA "emphasizes protecting the floodplain, steep slopes, and wooded vegetation in the area. Protecting the natural resources will help with flood control and water quality in Darby Creek." We should expect no less diligence from the DRBC with respect to the Delaware River Watershed where the welfare, safety, and health of millions of our people hang in the balance.

On March 29, 2011, the DCVA participated with the US Army Corps of Engineers [USACE] Philadelphia District, and the Pennsylvania Department of Environmental Protection [PADEP] in a "Stakeholder Workshop" Regional Watershed Improvement Project being conducted in three Southeastern Pennsylvania Counties with the purpose to identify "regional needs and discuss opportunities for collaboration to develop solutions for...water quality, and ecosystem/stream restoration issues. This authority (section 566, WRDA 1996) will lead to the design and construction of priority watershed improvement projects within the project area."



The DCVA "project area," the Darby Creek Watershed, covers 31 municipalities over 3 Counties in Southeastern Pennsylvania from Easttown to the Delaware River Watershed. It is tiny compared to the Mighty Delaware River and its Vast Watershed. Nevertheless, the principles of water behavior are constant. The disruption of natural conditions that exacerbate flooding and lead to degradation of water quality are by definition quantifiable and qualitative: they can be analyzed, understood, and ameliorated by applying good science and planning. The USACE and PADEP have constructed a comprehensive, systematic, five-phase approach to watershed improvements: Public Coordination; Data Collection, Organization & Analysis; Decision Support Tool [DST] Development; Project Alternatives Development; and, Preliminary Project Design [<http://www.nap.usace.army.mil/Projects/spe>].

We hereby petition the Army Corp Representative Member and the rest of the DRBC to conduct a similar comprehensive analysis using the existing USACE model scaled to the enormity of your charge: Protection of Water Quality in the Delaware River Watershed--**prior to lifting the current moratorium on Gas Drilling in the Delaware River Basin.**

Proposals from the Natural Gas Development Industry for Gas Drilling and exploration in the Delaware River Watershed are so extensive, and if Permitted will occur in such a short period of time, that no existing regulatory process, no local Code Enforcement, Planning Commission, Board of Health, or First Responders in the event of emergency will be able to handle it.

Therefore, we appeal to the DRBC to allow more time for research, evaluation of process, long range planning, and local citizen input and education about the Watershed **prior to lifting the current moratorium on Gas Drilling in the Delaware River Basin.**

The Atlantic Coastal Plain touches Pennsylvania where Darby Creek flows through the Heinz National Wildlife Refuge, a freshwater tidal estuary at the confluence with the Delaware River. A toxic spill, radioactive waste, frack water contaminants, or other industry pollutants coming down the Delaware River from anywhere upstream in the Delaware River Basin will flow past the mouth of Darby Creek in tidal waters where the contaminants can be driven back into the Estuary by tidal action. This phenomenon of Darby Creek reversing direction, flowing back up stream, can easily be observed from the Heinz NWR walking path.

All of the surface water that leaves the Delaware River Watershed flows past us on its way to the Atlantic Ocean. We are the recipients of any toxic problems produced upstream. Further downstream, fresh water from the Delaware River mixes with salt water from the Atlantic Ocean and the Delaware River widens into Delaware Estuary and Delaware Bay. Here "*Partnership for the Delaware Estuary*", a nonprofit organization established in 1996, takes a leadership role in protecting, enhancing, and working to improve the environmental health of the Delaware Estuary. As one of 28 Congressionally designated National Estuary Programs throughout the coastal United States, "*Partnership for the Delaware Estuary*" partners in three states to increase awareness, understanding, and scientific knowledge about the Delaware Estuary, the region's most important cultural, economic, and recreational resource.

The mission of the "*Partnership for the Delaware Estuary*"--"to lead collaborative and creative efforts to protect and enhance the Delaware Estuary and its tributaries for current and future



generations" is a recognition that, as unresolved water pollution issues from upriver soon become our problem; likewise will our children inherit for better or worse the results of actions we take today. Therefore, we think it would be highly appropriate that the DRBC cooperate with the *"Partnership for the Delaware Estuary"* in developing guidelines relevant to our current and future water protection needs.

In considering the importance of our fresh water supply, its sensitivity to abuse, and vital role in sustaining life and the security of our people, our conviction is that Pennsylvania's water purity is sacrosanct, and the right of our people to pure water is inalienable.

Therefore, we urge the DRBC to recognize before Permitting fracking in the upper Delaware Watershed: it is more cost affective to "do no harm" by not adding toxic chemicals to our water than to suffer the consequences. There is no safe dilution rate for radiation contaminated water, nor do sewage treatment plants test for or remove it and some of the more volatile toxins added during the fracking process. Storage in surface pools, dumping, or discharging "produced water," or other hazardous waste must be prohibited in the Delaware River Watershed. There must be systems in place for testing, tracking, and full disclosure of all fracking chemicals used in the Gas Recovery process; and full accounting for all waste produced and translocated. All environmental impact monitoring techniques, violation and emergency reporting systems, and base line data must be in place **prior to lifting the current moratorium on Gas Drilling in the Delaware River Basin.**

Respectfully submitted:



Alan Samel, President



Timothy Devaney, Director