



**SIERRA
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FOUNDED 1892

NEW JERSEY CHAPTER
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March 1, 2011

Ms. Carol Collier, Executive Director
Commission Members
Delaware River Basin Commission
P.O. Box 7360
West Trenton, NJ 08628

Re: Natural Gas Development Regulations

Dear Director Collier and Commission Members,

The Sierra Club strongly urges you to extend the public comment period by 90 days and additional public hearings must be scheduled, especially in New York City and Philadelphia. These additional hearings will allow the people whose water supplies will be impacted by this Commission's natural gas development rules to have the opportunity to comment.

I personally attended both the afternoon and evening public hearings the Commission held in Trenton and felt the procedures used by the Commission to elicit public comment were wrong. The process disenfranchised dozens, if not hundreds, of people by allowing shale lease holders bussed into Trenton by the industry who testified at earlier hearings to testify before others who had not provided comments previously. Virtually every governmental organization allows people who have not yet testified go before those who have spoken at other hearings. People traveled hours from across New Jersey, Pennsylvania and New York City to testify and did not get a chance to speak as folks who provided comments a number of times before were heard again. Of the eighty-five speakers in the afternoon hearing, only twenty spoke in favor of the draft regulations, and those were the lease holders brought to Trenton on the industry's dime. The Sierra Club spoke to sixteen individuals that were blocked from speaking due to time constraints and we believe there were dozens more.

New information on hydraulic fracturing, its potential expansion in the Basin, and impacts from the practice have come to light and require that the comment period be extended so that the public can provide comments on this new information. Shale formations in the Basin outside the Marcellus have been identified and if they are proposed for drilling, they would be regulated under the rules being proposed by the Commission now. This includes the Utica Shale, which is throughout the Delaware River Basin and the Stockton Shale in New Jersey. New information is also being discovered about the toxicity of wastewater resulting from hydraulic fracturing and the inability of wastewater treatment plants to remove radioactive compounds and other contaminants from the water. These recent reports underscore the necessity to wait until the USEPA completes its cumulative impact study before the Commission adopts these regulations.

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as more and more potentially devastating consequences of hydraulic fracturing continue to be discovered.

The comment period must be extended to allow time for the necessary NEPA review of these draft rules with a full EIS on their impacts to the Delaware River Basin.

The current comment period and hearing schedule must be expanded as more public comment and participation in the adoption of these rules is needed.

Sincerely,

Jeff Tittel
Director, New Jersey Sierra Club



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April 6, 2011

Carol Collier
Executive Director
Commission Members
Delaware River Basin Commission
P.O. Box 7360
West Trenton, NJ 08628

Re: Natural Gas Development Regulations

Dear Director Collier and Commission Members,

Yesterday President Obama announced that he has asked the Department of Energy (DOE) to prepare a report on hydraulic fracturing and techniques to improve its safety within the next 90 days. The Delaware River Basin Commission (DRBC) must incorporate the recommendations of the DOE to improve safety into any natural gas development regulations it adopts.

It is critical that the Commission extend the comment period on the proposed natural gas development regulations for an additional 120 days. This will allow the public to comment on the findings and recommendations of the DOE study and how that information should be incorporated into the DRBC's draft regulations.

Further, following the release of the DOE study and the end of the extended comment period, the DRBC must re-propose its draft natural gas development regulations incorporating the new information. The DOE study will provide the latest data on best management practices, improved safety techniques, and environmental safeguards. That information must be included in the DRBC regulations to ensure the Basin and the drinking water quality for 15 million people is protected to the highest extent from the dangerous consequences of hydraulic fracturing.

The regulations that the DRBC adopts regarding natural gas development will permanently impact New Jersey's water resources, public health, and the environment. It is essential that the DRBC delay the adoption of natural gas development regulations in the Basin until the environmental studies currently being completed by the DOE and EPA are completed. Further, the public must have the opportunity to comment on the studies' findings and those findings must be incorporated into the a re-proposed set of regulations. Taking action to adopt natural gas development rules now, before the scientific studies are completed and impacts are known, is premature and may jeopardize New Jersey's water supply.

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