



SENATOR DAVID CARLUCCI  
38TH DISTRICT

THE SENATE  
STATE OF NEW YORK  
RECEIVED/DELAWARE RIVER ADMINISTRATIVE REGULATIONS  
BASIN COMMISSION REVIEW COMMISSION

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April 4, 2011

Commission Secretary, DRBC  
P.O. Box 7360  
25 State Police Drive  
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**Public Comment for Natural Gas Development Regulations (FR Doc. 2010-32981)**  
**NYS Senator David Carlucci**  
**Chairman, NYS Senate Administrative Regulations Review Commission**  
**845-A/LOB**  
**Albany, NY 12247**

Dear Sir/Madam:

While I am not convinced of the benefits of high volume hydraulic fracturing (hydrafracking), I would like to praise the Delaware River Basin Commission (DRBC) for its attempt to regulate natural gas development, including hydrafracking, within the Delaware River Basin.

After reviewing the Draft Natural Gas Development Regulations that propose a new Article 7 to DRBC Water Quality Regulations (18 CFR Part 410), I support Commission plans to identify geographic and hydrological constraints to natural gas development and to identify measures to minimize these impacts. One of my principle fears concerning high volume hydrafracking is that our pristine waterways and aquifers will be polluted from nearby gas well drilling and continued operation. I support the Commission's efforts to limit natural gas wells and drilling in areas that are prone to flooding (section 7.5-3i). DRBC's regulatory sections (7.5-2A/B) concerning requirements for pre- and post-project monitoring of surface and groundwater near well pads is sound policy and a necessary component for any permit granted for this type of drilling.

In addition to pollution concerns, I have a serious problem with the fact that natural gas drilling companies do not have to disclose the composition of their fracking fluid. At this time, I would ask DRBC to insert language within the proposed regulations that would require any

company doing business in New York to disclose the chemical composition of the fracking fluid they are using. I have grave concerns that typical fracking fluid consists of many toxic chemicals that government and citizens are unaware of.

I have concerns regarding set-back requirements for all natural gas well pad sites. Section 7.5(b)4 states that all natural gas well pad sites must adhere to a 500-foot setback from water bodies, wetlands, surface water supply intakes and water supply reservoirs. While I am not a geologist, it appears to me the 500 foot setback requirement is too close to these very important water sources. I would ask that DRBC take another look at the setback footage and consider increasing the setback requirements.

I have concerns with section 7.6 that detail uses for recovered wastewater generated by natural gas development. According to the draft regulations, DRBC would mandate wastewater be transported to a licensed water treatment facility. Currently, many of our water treatment facilities are in need of serious upgrades to handle increased municipal flow and new Environmental Protection Agency storm water mandates. At a time when local governments are struggling to maintain water treatment facilities under new federal mandates how can we expect these facilities to handle wastewater from natural gas drilling operations? In addition, there are many reports that wastewater can sometimes include radioactive material which cannot be processed at local water treatment facilities.

It appears the administrative and financial requirements are questionable at this time concerning the proposed rule. I would recommend increasing penalties for violations and financial assurance. Section 7.3(k)8 mandates that a \$125,000 financial assurance requirement or surety bond will be needed for each well pad. It appears to me that \$125,000 may not be enough to properly remediate a site if environmental disaster were to occur. Also, DRBC should consider increasing penalties for violations of natural gas drilling from the current threshold of \$1,000 for each offense and \$1,000 per day for continuing violation.

I am supportive of promulgating regulations concerning natural gas drilling and hydrafracking. High volume hydraulic fracturing is a relatively new process to extract gas from the earth and we must be vigilant with the pursuit of this drilling technique to be sure it is done safely and without jeopardy to the environment.

Sincerely,

  
David Carlucci  
Member of Senate