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RECEIVED/DELAWARE RIVER
 BASIN COMMISSION

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 SELECT COMMITTEE ON BUDGET AND TAX REFORM

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COMMITTEES:
 BANKS

HIGHER EDUCATION

HOUSING, CONSTRUCTION AND COMMUNITY DEVELOPMENT

RULES

SOCIAL SERVICES

January 26, 2011

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

Re: Proposed Regulation of Natural Gas Hydraulic Fracturing and Associated Activities

Dear Ms. Collier,

My colleagues and I write to urge you to rescind the draft Natural Gas Development Regulations and withhold further action until New York has completed its ongoing environmental review process and a thorough cumulative impact analysis of drilling's effects within the Basin has been conducted. Drilling using hydraulic fracturing has not been proven safe, and worse yet it has been tied to irreparable water pollution and the inability to use certain water resources for drinking water. Therefore, we see no reason to rush into a process that is connected to so many potentially dangerous impacts.

The Delaware River Basin Commission (DRBC) seems determined to proceed with a draft rulemaking over the objections of both the Governor of New York and the Mayor of New York City. Additionally, given the timeline laid out by DRBC, the rulemaking will likely not incorporate the scientific review or public deliberations taking place in New York as part of our process to supplement the State's Generic Environmental Impact Statement governing gas development.

As stated by New York's representative to the Commission, the DRBC has "no regulatory field presence, no significant experience with natural gas drilling and hydraulic fracturing, and inadequate enforcement authority and inadequate enforcement capacity."

Instead of acting unilaterally on an issue that it will not unilaterally oversee, the DRBC should simply participate in New York's statewide process already in place.

As you know, the Delaware River Basin supplies much of the drinking water for New York City, which has invested more than \$1.5 billion in watershed protection programs. These investments have improved water quality throughout its watershed to the benefit of all members of the Commission and the 15 million people who rely on the Delaware River watershed for clean drinking water. However, if we allow hurried rulemaking for the sake of satisfying the needs of a few gas companies, then we risk rendering these improvements obsolete.

Beyond jeopardizing water resources, finalizing DRBC's draft rules prior to the conclusion of New York's Environmental Impact Assessment may result in conflicting technical and regulatory protocols within the State. This could cause a number of problems including confusion within the regulated community and among concerned citizens, duplication of regulatory requirements and redundant regulatory fee assessments.

We believe that prior to moving forward with any drilling rules, all public officials must have the sound science and the completed cumulative impact analysis to guide regulation. It is this science that should drive any rulemaking to ensure that drilling can proceed safely before rules are issued.

We urge you to rescind the draft rules until the State's environmental Impact Statement is complete and a full cumulative impact assessment has been conducted. My colleagues and I will be monitoring this process closely, and will consider legislative action if we feel that the public health or our natural resources are threatened.

Sincerely,



Liz Krueger
New York State Senator


