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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES

INSURANCE COMMITTEE, REPUBLICAN CHAIRMAN
CONSUMER AFFAIRS COMMITTEE

April 8, 2011

Carol Collier
Executive Director
Commission Members
Delaware River Basin Commission
P.O. Box 7360
West Trenton, NJ 08628-0360

RECEIVED/DELAWARE RIVER
BASIN COMMISSION
2011 APR 12 P 3:40

Re: Draft Natural Gas Development Regulations for the Delaware River Basin

Dear Director Collier and Commission Members,

As a life-long resident of the Philadelphia area who has seven grandchildren and seven great-grandchildren and a Pennsylvania legislator who has served since 1978, I urge the Commission to strengthen the proposed draft natural gas development regulations that are being considered to protect the drinking water supply for over 15 million people and the tremendous resources of the Delaware River. As a leader on health issues for decades working to ensure families have the healthcare they need, and serving on the House Health and Human Services Committee, I am especially concerned about the effects hydraulic fracturing could have on communities throughout the Commonwealth if the process is not done with the proper science and evaluations in place. The Delaware River remains one of the cleanest rivers in the nation; 5% of the US population relies on the River for its drinking water. Preserving the quality and health of this River is essential to ensuring sustainable and healthy communities here in the Delaware Valley for this generation and future generations so Pennsylvania will continue to be a thriving and healthy state where young families will want to settle down and live.

Since its inception in 1961, the DRBC has helped clean up polluted areas of the watershed and preserved the Delaware River through its Special Protection Waters Program that was put in place because of the healthy conditions of the River. The entire 197-mile non-tidal Delaware River is now designated Special Protection Waters because of its high water quality. The Delaware River is also a Wild & Scenic River and every year kayak and canoers flock to this stretch of the River to enjoy with their families, supporting local jobs and many liveries along the Delaware River. The National Park Service reports that the U.S. has 3.5 million miles of rivers, but only 11,434 river miles (just over one-quarter of one percent) are included in the National Wild and Scenic Rivers System – our Delaware River is part of this important designation. In New York, New Jersey, and Pennsylvania alone, the total economic contribution of outdoor recreation exceeds \$38 million annually, generating over 350 thousand

jobs and adding additional economic sales and tax revenues of more than \$32 million (Outdoor Industry Foundation, Fall 2006).

With these designations and such an important resource for Pennsylvanian's, it is critical that the DRBC strengthens proposed gas rules being considered to ensure protection of the resource and the drinking water supply. The DRBC should conduct a cumulative impact analysis of natural gas development on the resources of the Delaware River Basin before finalizing or voting on gas drilling regulations. This research would help inform the regulations and is a critical step. Thirty-six percent of the Delaware River Watershed is underlain with Marcellus shale so we cannot afford to develop this reserve without a clear picture and study in place. New York is in the process of doing a similar study so Pennsylvanians should also be given the same protections before moving forward with drilling in the Delaware River Watershed.

I am concerned that the proposed rules, if finalized, completed, and voted on by the Commissioners before a cumulative impact study of the Delaware River Basin is conducted, is putting in jeopardy the Basin's resources for which we all rely. Philadelphia City Council is also urging DRBC to conduct a cumulative analysis study and wait until the underway EPA study on hydraulic fracturing and impacts to drinking water is completed (projected to be completed in 2012). In addition, the Philadelphia Water Department has requested that a cumulative analysis be conducted. On our watch, we cannot get this wrong. We see the legacy of abandoned anthracite coal mining in Pennsylvania still costing taxpayers money for clean up decades later and towns where streams still run orange from abandoned mine drainage are often far from the vibrant boomtowns they once were when mining had begun. We can't make this same mistake again and must learn from our history.

The pace of drilling in Pennsylvania to the west of us is ramping up at a fast rate, yet concerns about where and what to do with the wastewater continue to be a large concern. Chemicals found in drilling wastewater like bromide, can react with water treatment processes forming carcinogens in drinking water. A recent March 25, 2011 study by Center for Healthy Environments and Communities (CHEC), University of Pittsburgh found bromide concentrations below one drilling wastewater treatment facility in Pennsylvania that discharged into Blacklick Creek to be 10,688 times the level (100 ppb level) at which authorities become concerned. Pennsylvania is the only state where drilling is occurring that is using its streams to absorb the waste and many of the plants taking this wastewater are not equipped to treat the water for the many chemicals found in the waste. Many of the chemicals used in hydraulic fracturing are known to cause human health impacts. Philadelphia Water Department also believes the DRBC should not allow the discharge of drilling wastewater anywhere above drinking water intakes in the Delaware and Schuylkill Rivers. The question of what will we do with all the wastewater as drilling continues to ramp up has yet to be answered? We see a nuclear waste issue playing out in Japan right now so we must do a better job of not pushing off the issue of waste from this industry to future generations. The New York Times investigative reports also indicate naturally occurring radioactive materials found in drilling wastewater in Pennsylvania. These issues need to be figured out before this wastewater is generated.

The U.S. Environmental Protection Agency is studying hydraulic fracturing, the stimulation process that is used to access shale gas; the study of the potential impacts on drinking water, public health and the environment is due out in 2012. Further, New York State is reexamining its high volume hydraulic fracturing environmental study and has a ban in place through July 1, 2011. These scientific studies need to be done to inform DRBC regulations to prevent pollution

and avoid degradation from gas development. Instead, the DRBC has fast tracked the process.

Let's use the precautionary principle and take our time here in the Delaware River Watershed for the sake of our community's health and future generations. The gas has been in the Marcellus Shale for millions of years. Extracting it needs to be done in a sustainable way that does not sacrifice our water and health for gas. We must wait for the science to be conducted to show us if hydraulic fracturing can be done safely and if it can be done without risking our water and health.

In addition to the need for a cumulative impact analysis for the Delaware Basin, my specific recommendations for DRBC's draft gas drilling regulations include:

- do not allow treated flowback wastewater to be discharged into the waters of the Delaware River Basin.
- do not allow impoundments or holding ponds for wastewater storage in the Basin;
- require more rigorous and extensive monitoring and the addition of tracers in fracking fluids to effectively track pollution events back to the source; require full disclosure to the public of chemicals being injected into the ground;
- require larger setbacks and buffer zones for drilling operations to ensure operations are not located near floodplains or wetland areas where pollution can easily travel downstream in times of high water. Larger setbacks from private wells are also needed; and
- require restoration of a pad site to native forested conditions after extraction.

Thank you for considering my input into the Commission's proposed natural gas development regulations, a landmark rulemaking that will shape the future of the Delaware River Basin and the health of the communities who rely upon it and live within it.

Sincerely,



Nicholas A. Micozzie
State Representative
163rd District

cc: Governor Corbett