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9 February 2011

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

Re: Draft Natural Gas Development Regulations—the Public Process

Dear Director Collier and Commission Members,

As a Pennsylvania legislator, I support broad and active participation by the public in government decision making. I believe that public input improves the outcome that is achieved and that more informed and effective decisions are made by regulatory agencies when the public robustly takes part in the process.

I urge you to expand the public input process for the proposed natural gas regulations that you issued on December 9. The 90 day comment period is simply not long enough for large numbers of people to meaningfully participate, especially considering the strong public concern about the impacts of natural gas development on drinking water and the complexity of the issues involved.

The dense 80 page rule that you have published requires in depth technical comments that will take time to develop and requires careful expert review. The development of policy comments by policymakers such as elected officials and relevant agencies as well as by nongovernmental organizations and the general public also requires a comprehensive analysis of the proposed regulations and an understanding of the Commission's regulatory regime. All of this takes time to be done right.

I request that the Commission expand the public participation process for the proposed regulations:

1. The public comment period should be extended from 90 days to 180 days in order to allow for robust public participation; 90 days is wholly inadequate, especially considering that holidays occurred in the midst of the original period.
2. Verbal testimony is an important way people can take part and three hearings are not sufficient to allow input from the affected public. Public hearings should be held at geographically accessible locations. In Pennsylvania, the state with the largest and longest land mass that drains to the Delaware, there should be at least one in the Upper Delaware, one in the Lehigh Valley Region and a public hearing in Philadelphia, where 1.5 million people get their drinking water from City intakes.

Thank you for considering my suggestions regarding the public's input into the Commission's proposed natural gas development regulations, a landmark rulemaking that will shape the future of the Delaware River Basin. Please advise me as to your intentions regarding expansion of the public participation process.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Payton, Jr.", with a stylized flourish at the end.

Tony Payton, Jr.

cc. Maya van Rossum, the Delaware Riverkeeper