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Senate of Pennsylvania
CHARLES T. MCILHINNEY, JR.
SENATOR

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April 11, 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 15 P 3:42

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

Dear Director Collier and Commission Members,

As a Pennsylvania legislator, 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.

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.

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 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 Pennsylvanians, 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.

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 also requested that a cumulative analysis be conducted.

The pace of drilling in Pennsylvania is ramping up at a fast rate, yet concerns about where and what to do with the wastewater continue to be a concern. Pennsylvania is the only state where drilling is occurring that is using its streams to absorb 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? This needs to be figured out before this water is generated.

The gas has been in the Marcellus Shale for millions of years and it can wait for the science to be conducted to show us how hydraulic fracturing for gas 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;
- 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.

Sincerely,



CHARLES T. McILHINNEY, JR.
State Senator
10th Senatorial District

cc: The Honorable Tom Corbett, Governor of Pennsylvania
The Honorable Chris Christie, Governor of New Jersey
The Honorable Jack Markell, Governor of Delaware
The Honorable Andrew M. Cuomo, Governor of New York
Maya van Rossum, the Delaware Riverkeeper