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# United States Senate

WASHINGTON, DC 20510

RECEIVED/DELAWARE RIVER  
BASIN COMMISSION

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February 8, 2011

Ms. Carol Collier  
Executive Director  
Delaware River Basin Commission  
25 State Police Drive  
P.O. Box 7360  
West Trenton, NJ 08628-0360

Dear Ms. Collier:

I want to thank you for the efforts of the Delaware River Basin Commission in moving forward with regulations to manage the development of Marcellus Shale in the Delaware River Basin.

After reviewing the Commission's draft regulations, I am very pleased to see the focus the Commission has placed on the protection of both ground and surface water in the Basin. It is clear that the Commission has put significant thought and work into drafting regulations that promote sound practices to prevent and mitigate potential impacts on water resources associated with natural gas development.

However, there are two areas in which I believe the draft regulations could be strengthened. As I discussed in my October 13, 2010 letter to the Commission, the use of toxic chemicals in the fracturing fluids is a serious concern should these chemicals be released into the environment. As such, it is critical that drilling companies fully disclose the chemical composition of the fracturing fluids. I have called attention to the need for full disclosure of the chemicals used in hydraulic fracturing as part of the Fracturing Responsibility and Awareness of Chemicals (FRAC) Act (S. 1215 in the 111<sup>th</sup> Congress).

While Section 7.5 of the draft regulations do require drilling operators to maintain a record of the volume of chemicals used and a list of the individual chemicals and additives, and to report this information to the Commission within 60 days after a hydraulic fracturing event, I would urge the Commission to also require that the operators provide detailed chemical composition information in their Natural Gas Development Plans (NGDP). Since the NGDP is required prior to an operator being approved to drill in the Basin, this requirement would provide the Commission, first responders, and the public advance notice of the chemicals in the event of an accident or spill before the operator begins drilling or hydraulic fracturing. With the industry becoming much more proactive in disclosing its hydraulic fracturing chemicals this requirement should not create any additional burdens on drilling companies.

Directly related to the need to further focus the draft regulations on disclosure of hydraulic fracturing chemicals is the issue of emergency response. I also identified this issue in my October 13<sup>th</sup> letter. I am pleased to see that Section 7.5 of the draft regulations speaks to the need for the operator to report any release or threatened release of hydraulic fracturing contaminants to the Commission and appropriate local, state, and federal agencies.

However, I would also ask the Commission require that a detailed spill or accidental release action plan be included in an operator's NGDP, and that the emergency response plan be evaluated by the Commission as part of its approval process. I have outlined a list of emergency response procedures for gas wells in the Faster Action Team Energy Response (FASTER) Act (S. 3964 in the 111<sup>th</sup> Congress) that could serve as a basis for enhancing the Commission's draft regulations relating to emergency response.

Again, I want to commend the Commission for its efforts to draft regulations that will protect the Delaware River Basin and the 15 million people who rely on the Basin for their water supplies. I would strongly urge the Commission to incorporate into the final regulations the recommendations I have made regarding disclosure and emergency response.

Thank you for your attention to this matter. I look forward to continue working with you in the future.

Sincerely,

A handwritten signature in black ink that reads "Bob Casey, Jr." in a cursive, slightly stylized font.

Robert P. Casey, Jr.  
United States Senator