



June 7, 2010

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

Dear Ms. Collier and Members of the Commission,

We have been in touch with you in writing and at public meetings and have been advocating through public and administrative processes that the May 19 2009 Executive Director Determination (EDD) regarding natural gas drilling that was issued should be expanded to include all natural gas-related projects in the Delaware River Basin, including so-called exploratory wells. As stated in our May 21 Request for Hearing:

DRN advocates that the Commission include all natural gas projects, including exploratory wells, as reviewable projects under the EDD due to the potential for adverse impacts and degradation to the water resources of the Delaware River Basin and the water quality of SPW. The EDD states that "For this purpose a project encompasses the drilling pad upon which a well intended for eventual production is located, all appurtenant facilities and activities related thereto and all locations of water withdrawals used or to be used to supply water to the project." The well pad for all exploratory wells, the appurtenant facilities such as roads and ponds, and activities such as well drilling and handling of drilling muds and other potentially hazardous materials, have the potential for adverse impacts and degradation of the Basin's water resources and the water quality of SPW.

We also advocate that the Commission's decision at their public meeting of May 5, 2010 to review Natural Gas Well Projects after adoption of new regulation be expanded to cover all natural gas projects in order to prevent adverse impacts and degradation of the Basin's water resources and the water quality of Special Protection Waters.

If the Commission considers expanding the EDD to include exploratory wells, we advocate that all wells, whether or not a permit has been issued by a state agency, be included in the EDD. Excluding previously permitted wells from the EDD – and the basis used to justify such exclusion – has the potential to pose serious legal and policy problems that could undermine the Commission's position on several fronts, not limited to gas drilling permitting. Further:

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- There is no codified definition of test or exploratory wells and no procedure for how to permit and handle such wells.
- There is no established way to determine the level of impacts, individually or cumulatively, from test wells prior to the adoption of a definition, regulations, and analysis of how to measure those impacts on resources.
- The “grandfathering” of already permitted wells is potentially harmful loophole because of potential environmental impacts from natural gas projects.
- Other natural gas–related projects such as water withdrawals, wastewater discharges, and non-shale gas projects pose similar threats to the Commission’s goals of sustaining existing water quality and achieving improvement or no measurable change to Special Protection Waters. The potential for degradation and adverse impacts from all natural gas-related projects is substantial for all the reasons outlined in the May 19 EDD and should be included in any subsequent EDD.

If the Commission takes action regarding test or exploratory wells, whether in the form of another EDD or otherwise, we respectfully suggest that such action must include ALL natural gas-related projects, water withdrawals, wastewater discharges, non-shale gas projects and already-permitted test or exploratory wells.

Thank you for your consideration.

Sincerely,

Maya K. van Rossum
the Delaware Riverkeeper

Tracy Carluccio
Deputy Director