

**Berks Gas Truth * Catskill Citizens for Safe Energy
Catskill Mountainkeeper * Damascus Citizens for
Sustainability * Delaware Riverkeeper Network *
Environment New Jersey * Food and Water Watch
Hudson Riverkeeper * New Jersey Sierra Club**

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**Delaware River Basin Water Supply Hangs in Balance as
Delaware River Basin Commission Prepares to Vote on
Revised Gas Drilling and Fracking
Regulations November 21**

West Trenton, NJ – As the Delaware River Basin Commission (DRBC) prepares to tally votes on whether drilling and fracking of natural gas wells can commence in the Delaware River Watershed, groups who have been advocating “Don’t Drill the Delaware” are reviewing the revised regulations posted on the DRBC website on November 8, 2011 - regulations at: <http://www.state.nj.us/drbc/naturalgas-REVISEDdraftregs110811.pdf>, DRBC’s fact sheet at: <http://www.state.nj.us/drbc/naturalgas-REVISEDdraftregs-factsheet110811corrected.pdf>

While an ongoing comprehensive analysis of the revised rules is being done by technical experts and legal staff, the groups pointed out some of the most glaring problems in the revised rules, some of them substantial changes to the original draft. These span the gamut – from the weakening of water quality protections to the lack of any cumulative impact controls to the risking of public health. Attached is a bulleted list of a selection of obvious failures in the revised rules.

“It’s stunning that the DRBC has issued these substantially revised regulations, without any opportunity for public input, that essentially make a bad draft of half-baked

regulations worse. All the same fatal flaws that existed in the original draft are intact, and some sections have been made even weaker; unfortunately it seems we can more clearly than ever see the heavy hand of politics and special interests in these unacceptable proposed rules," said Maya van Rossum, the Delaware Riverkeeper.

"Why invite catastrophe, both the slow catastrophe of contamination and the fast catastrophe of blowouts, explosions and fires, when we don't need this gas? We DO need ecotourism jobs, energy efficiency jobs and clean energy jobs, all of which are being hurt by this industry. We demand a sustainable future instead of a chemical nightmare which poisons our children," said Iris Marie Bloom, Protecting our Waters.

"The amendments to the DRBC rules are as toxic as fracking fluid. The Commission's changes are making the rules even worse and they are trying to hide those changes just like the gas companies have tried to hide the toxins in their fracking fluids. When you actually analyze the changes you realize they threaten the drinking water for the 15 million people in the Delaware River Basin. Even the changes that do sound good have enough loopholes you could drive a drilling rig through them. They are ignoring the public comment of 69,000 people and siding with the gas industry over the future of our water supply," said Jeff Tittel, Director, New Jersey Sierra Club.

"That the natural gas industry would want to risk the safety of the drinking water for over 15 million Americans is beyond irresponsible and that our elected officials would let them do it is unconscionable," said Karen Feridun, founder of Berks Gas Truth.

Barbara Arrindell, Director of Damascus Citizens for Sustainability, stated "The Delaware River Basin is the place where millions of people live; it is not suitable for a live-in experiment putting the residents' health and safety at risk".

"Now we know why the DRBC wants to shut out public comment. These new fracking regulations give even more of a green light to drill the Delaware watershed," said Doug O'Malley, field director with Environment New Jersey. "This is an early Christmas present to the gas drillers."

"Since these rules were just been released on Tuesday, I have not yet decided which one causes me the greatest concern, but somewhere near the top of the list is a provision that would allow fracking companies to self monitor surface water for contamination," said Jim Walsh, Eastern Region Director, Food & Water Watch.

"Special protections have also been proposed for the watersheds draining to New York City's Delaware Basin Reservoirs, as though the rest of us are expendable," added Walsh.

"DRBC has chosen to ignore the many comments it received expressing concern about the lack of protection its draft fracking regulations afford the NYC watershed and the unfiltered drinking water for 9 million New Yorkers that comes from the Delaware Basin. The new draft regulations continue to leave the watershed open for dirty drilling." Kate Hudson, Riverkeeper Watershed Program Director.

DRBC released a draft of its proposed rules in December 2010 with a public comment period that closed April 15, 2011. A record number of comments were received by the agency on the draft - 69,800 comments - breaking all records for public involvement. Since then they have been reviewing the comments and announced last month that they would be voting on the draft regulations 10:00am -12:00pm on November 21, 2011 at a special meeting at the War Memorial in Trenton, NJ and that there would be no public hearing and no opportunity for public input into the new version of the regulations. A vote to approve gas regulations would lift the current moratorium on gas drilling in the Delaware River Basin.

The voting members of the DRBC - Governor Andrew Cuomo (NY), Governor Chris Christie (NJ), Governor Jack Markell (DE), and Governor Tom Corbett (PA), as the Governors of the four states that drain to the Delaware River and Colonel Christopher Larsen of the US Army Corps of Engineers, the federal representative - have been receiving a barrage of letters and phone calls over the past two months since the November 21 meeting was set, including a virtual march on the DRBC through social media and call-in days to voting members' offices. President Barack Obama as the elected federal official has also been receiving the communications. Several hundred people are expected to attend the DRBC Meeting to protest DRBC's consideration of the commencement of gas drilling, traveling from throughout the 13,000 square mile basin, including buses from as far as 5 hours away.

Public debate has raged over the past 3 years in the Watershed due to the environmental impacts of gas drilling where it is occurring and continuing revelations that drilling and fracking is not safe and is causing hundreds of pollution incidents. The DRBC has not done comprehensive environmental analyses to assess the immediate and cumulative impacts of natural gas development on the water resources of the Delaware River Basin, water supply for over 15 million people, including New York City, Philadelphia and large populations in all four watershed states, jeopardizing this sole source of water.

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Top Ten Mistakes in DRBC Revised Gas Rule

1. They reduce the setbacks of gas well pads from a stream, water body, or wetland from 500 ft to 300 ft (greater of 300 ft. from wellbore or 100 ft. from nearest disturbance) exposing streams, rivers, and public surface water supplies to greater pollution. 500 feet is not adequate and 300 feet is even less. Setbacks recommended by commenters to DRBC were in the thousands of feet, not hundreds and are to be measured from the end of the horizontal wellbore, not the vertical well bore or surface disturbance.
2. They backed down on the treatability study DRBC was requiring for wastewater discharges and allow the host state or federal treatability study to be used instead. The host states do not require special treatability studies for the discharge of gas drilling wastewater and no treatment facilities have been built that can treat all of the contaminants in the wastewater, including Pennsylvania where the drilling frenzy is producing millions of gallons daily. Federal government agencies are studying hydraulic fracturing, including the wastewater. Due to the complexity of the technical issues involved, the Environmental Protection Agency's study will not be done for several years; no federal guidance exists for treatability and without Delaware River-specific analysis, the Special Protection Waters requirements for the Delaware River cannot be met.
3. They continue the promotion of large centralized open wastewater pits that would hold toxic flowback and gas drilling wastewater. While the DRBC on one hand recommends closed tanks for this highly contaminated wastewater, on the other hand they promote very large basins that will hold hazardous fluids over long periods of time, open to the environment.
4. They encourage use of potentially contaminated sources of "reused" water for fracking without the institution of water quality standards to detoxify the fluids -- allowing minimal review of the quality and the source (even allowing for importation of wastewater into the Basin) of everything from mine drainage, gas flowback wastewater, non-contact cooling water from power plants and elsewhere, to treated sewage or industrial effluent, to be re-injected to frack a well.
5. They continue to relegate the regulation of gas well drilling and/or fracking of gas wells to the host states, where there is minimal regulation that, in practice, assures the pollution and degradation of our aquifers.
6. They have not completed a cumulative impact analysis or a comprehensive environmental study so they continue to lack the data and analysis necessary to accurately assess the potential effects or the means to prevent pollution and environmental and community degradation. The paltry 18 month Assessment provision is meaningless as a means to address cumulative impacts. A staff "review" after 18 months (with no defined scope) would then trigger a six-month review by the Commissioners for "adjustments". Bottom line, the rules they vote

on 11/21, if approved, will be carved in stone for two years with no limits on pace and density of well development – in PA 2,843 wells were drilled in 2010; so far in 2011 2,375 wells have been drilled – if that pace keeps up for the last 2 months of 2011, 2,855 wells will have been drilled. So that means in two years 5,693 wells were drilled in PA and could also occur in our Basin since DRBC has put no limits on development. There is no way that cumulative impacts (or individual well impacts) can be undone after the well(s) is drilled. DRBC is opening the flood gates to unbridled development of gas wells and the cumulative impacts will accrue uncontrolled.

7. Continue to allow drillers of 5 well pads (i.e. at 10-12 wells per pad that is 50 to 60 gas wells) or owners of less than 3200 acres of leaseholdings (and there are loopholes to escape that aggregation) to proceed with their operations without the benefit of any sort of comprehensive review or planning and without public participation in the review and permitting of these wells.
8. A new provision would allow fracking companies to self-monitor surface water for contamination, opening up serious conflicts of interest. The original regulations proposed have no mention of self-monitoring, just an imposed fee for monitoring to be conducted by DRBC. Considering that drillers in Pennsylvania are violating environmental permits at the rate of 10.5 violations per day and PADEP just can't keep up with it, water pollution is even less likely to be caught and stopped.
9. The rules continue to default to weak and loophole-ridden stormwater management largely based on host state regulations which contain major exemptions for oil and gas activities. Where gas drilling and its infrastructure is surging forests are being cut to shreds by gas wells and the required appurtenant development, farms are being ruined by the industry's heavy footprint, and streams are being loaded up with pollutants and sediment, choking out life and degrading water quality.
10. Continue to ignore air pollution, which is a major source of water contamination through the deposition of hazardous pollutants on the land and water surface. The local and far-reaching impacts of the emissions from gas well development is grossly unregulated due to exemptions in the law and people's health and safety is paying the price of the substantial increase in air pollution.

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