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## Press Statement

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## **Delaware River Frack Ban Coalition Pledges Resolve to Protect the Watershed Groups Deeply Disturbed by DRBC Failure to Enact Full Frack Ban**

*Delaware River Watershed* - Delaware River Frack Ban Coalition organizations denounced the Delaware River Basin Commission's (DRBC) adoption of amendments to its regulations on December 7, 2022 that will allow the importation into the Watershed of wastewater produced by fracking and will allow the export of water from the Delaware River Watershed to support fracking operations elsewhere.

The Coalition and hundreds of thousands of members of the public had called for the DRBC to vote for a COMPLETE ban on fracking wastewater imports and the export of water for fracking from the Delaware River Watershed, with nearly 12,000 comments during the public comment period. The final rulemaking, however, allows fracking wastewater imports and water exports for fracking.

The Coalition announces its commitment to continuing our collective struggle to protect our watershed from the ravages of fracking and its polluting operations. Even though the DRBC has stopped short, the Coalition and our watershed community will not. The Coalition will not let fracking pollution overrun our cherished river, its watershed and those who live here. The struggle to defend the Delaware River Watershed carries on.

The Coalition does highlight that one important proposed prohibition that was included in the draft rules and remained in the final adopted rule was a prohibition on the discharge to water or land of wastewater produced by high volume hydraulic fracturing (HVHF or "fracking"). This provision received broad public support; the Coalition considered it an absolute necessity and spoke in strong support of this proposal. While

the Coalition applauds the inclusion of this prohibition in the final rules, the Coalition is making clear that it only goes part way towards the protection needed for the watershed and its communities.

Despite the extensive record submitted by the public and Coalition organizations regarding the damaging impacts of fracking wastewater, the final rules allow fracking wastewater to be imported, transported, stored, processed, treated, and reused in the watershed. The DRBC themselves produced an extensive body of evidence in its 2021 documentation of why it banned fracking in the basin, including the threat of depletion and degradation of fragile water resources that are the sole source of drinking water for millions and are essential for economic vitality in our region. But despite its own recognition of the threat to water quality, ecosystems, and public health posed by the toxic wastewater that is produced by fracking, DRBC did not fully protect our watershed and communities from the dangers and hazards of frack waste.

Among other hazards posed by the just passed rules, polluting hazardous air emissions will occur from fracking wastewater processing such as evaporative and incineration systems because DRBC does not regulate air emissions, meaning the control will fall to the watershed states that themselves allow these systems and therefore do not provide essential protection. Of additional concern, wastewater produced by what is termed “conventional” gas drilling (which also employs fracking and produces toxic and radioactive wastewater) is not covered at all by the final rule – it can be discharged to water, land, used on roadways, injected for disposal, etc.

Power plants and manufacturing such as cement making are allowed to use so-called “recycled beneficial use” wastewater, an invitation to importers. Wastewater tank facilities that are used in Pennsylvania to store fracking wastewater for years on end are also allowed under the final rules, despite numerous reports that spills, leaks, and venting from containers and transport are a major source of pollution caused by fracking nationwide.

The adopted rulemaking was slightly amended from the [draft fracking wastewater/water rules that were proposed in October 2021](#). Changes to the rules included clarification that the rules also banned:

- road spreading of HVHF wastewater;
- injection of HVHF wastewater into deep wells for disposal/storage;
- disposal of HVHF wastewater in landfills;
- discharge of leachate from any landfill in the Basin that accepts HVHF waste.

Statements about the requirement to contain pollutants to prevent spills of wastewater were included in the final rule but it is already illegal to discharge pollution in all of the Watershed states. The final rule also:

- states that DRBC will assess all proposed wastewater imports and exports of water carefully considering ecological and community impacts;
- further defined the circumstances of approval for the export of wastewater, clarifying that the export must be to an adjacent public water system, for public health and safety, and that alternatives were considered;
- defined more explicitly the meaning of “discharge” to include any type of discharge, including unintentional discharges and discarded wastewater containers
- defined that HVHF wastewater includes wastewater, brine, or sludge containing fracking contaminants.

“For over a decade the communities of the Delaware River valley have known they were protected from the direct ravages of fracking, and been proud in the knowledge that we were not helping to perpetuate the harms of this industry on other communities or future generations. That peace of mind, on both fronts, has now been taken by the Delaware River Basin Commission and its decision to allow our communities to become host to toxic frack wastewater and the source of water that will allow the industry to grow in its footprint and harm,” **stated Maya van Rossum, the Delaware Riverkeeper.**

“That DRBC chose to explicitly state that they are not regulating “conventional fracking waste and thereby inviting it into the Delaware Basin is horrifying,” **said B. Arrindell, Director of Damascus Citizens for Sustainability.** She continued, “It has been shown that increased trucking is tied to increased spills, accidents, and illegal dumping. The final rule does not take into account that the oil and gas workers are exempted from most OSHA rules so for example, can be driving exhausting hours resulting in more accidents.”

“For Delawareans, there is no difference between allowing fracking and allowing importation of fracking waste. Only a complete ban will keep radioactive materials from contaminating the Delaware River. No treatment system in use removes these materials from water that is returned to streams. These radionuclides will remain in the sediment of the estuary and bay, poisoning the food chain for thousands of years,” **said Coralie Pryde of the League of Women Voters of Delaware.**

"Allowing the transportation, storage, evaporation or treatment of frack waste into the Delaware Basin is a disaster waiting to happen," **said Jeff Tittel, Environmental**

**Activist.** “The Governors need to keep their commitment and put a complete ban on fracking in place.”

“The future of the Delaware River Watershed is in grave jeopardy now that DRBC has opened the Watershed’s doors to fracking wastewater. But we will fight on, resisting every attempt the industry makes to dump its waste here and take our water to ruin other watersheds by fracking,” **said Tracy Carluccio, Deputy Director, Delaware Riverkeeper Network.**

“The Delaware River Basin Commission missed an important opportunity to ban fracking-related activity fully in the Basin, resulting in regulations that do not go far enough to protect our waters and our health. We need regulations that include a ban on the import of frack wastewater and the export of water for fracking,” **said Taylor McFarland, Conservation Program Manager for the Sierra Club, New Jersey Chapter.** “Without a complete ban on using our water for fracking-related activities, we still proliferate an industry that is jeopardizing public health, the environment, and our tourism and fishing industries from hazardous fracking waste.”

“Last year’s action by DRBC on banning fracking activities was crystal clear – fracking activities were too much of a threat for the region’s drinking water. DRBC’s action on fracking waste instead is a blinking red light instead of a stop sign to ban fracking waste. The job is not done because the Delaware River watershed should not be used as a conduit for the ravaging impacts of fracking waste on our environment and our watershed. We urge the DRBC Commissioners to return to this issue to fix these loopholes to ensure there is an outright ban on all fracking activities across the Delaware River watershed,” **said Doug O’Malley, Director of Environment New Jersey.**

“Regulations have never worked to make fracking safe. Regulations enforced by the Pennsylvania DEP have worked even worse. Although the Commissioners’ vote affects the entire watershed, the likelihood is that Pennsylvania, the source of the problem, will also be the place where most of the activity occurs. Our current governor, like his fellow Commissioners, promised a full ban. Our new governor who as AG cited the regulatory failures of our DEP needs to lead his colleagues toward achieving the full fracking ban that will protect the watershed from the industry, and in PA, from our regulators,” **said Karen Feridun, Founder, Berks Gas Truth.**

“The fossil fuel industry can’t be trusted, and we can never be sure what loopholes they might find to exploit our region’s environment at the cost of human lives and the planet’s health. Anything less than a complete ban on fracking activities—including the import and export of toxic fracking wastewater—leaves the Delaware Basin vulnerable to contamination by this climate trashing industry. Until the Delaware River Basin

Commission bans all fracking activities in the Delaware River Basin, we will continue to push them to protect this nationally important watershed,” **said Wes Gillingham, Catskill Mountainkeeper.**

“We have been calling for a full and total ban on fracking activities including water withdrawals and frack waste imports. Unfortunately the DRBC did not deliver, so instead of finding closure after more than a dozen years of campaigning, we must renew our commitment to keep fighting,” said **Eric Benson, Clean Water Action.** “The Delaware River Basin is too precious of a resource to put at risk from dangerous, toxic, frack waste”.

### Background:

The campaign for a FULL ban launched in 2017 when the DRBC issued the 2017-2018 iteration of draft fracking water regulations and continued after the DRBC banned fracking in the watershed that is contained in the four states that make up the Delaware River Basin. In 2018, 104,000 signed petitions were submitted to the DRBC Commissioners, the voting members of the DRBC – the Governors of New York, New Jersey, Pennsylvania, and Delaware and the Army Corps of Engineers representing President Biden – calling for a FULL ban.

After 10 years of a *de facto* moratorium imposed in the Basin by the DRBC on fracking, water export for fracking, and fracking wastewater treatment, fought for by the public, the agency permanently banned fracking in February 2021.

When the [draft fracking wastewater/water rules were proposed in October 2021](#) without a full ban, nearly 12,000 people submitted comments to the DRBC during the comment period that closed February 28, 2022, virtually all calling for the FULL fracking ban. A public [sign on letter](#) submitted last month to the DRBC Commissioners was signed by 191 organizations and 7,575 individuals calling for the FULL fracking ban. This issue has ceaselessly gripped the entire region and has earned a national profile.

The Delaware, the longest undammed river east of the Mississippi, is a Wild and Scenic River, a National Estuary, home to biologically diverse and treasured iconic species, some of which are gravely endangered, and the source of drinking water for up to 17 million people, including New York City and the greater Philadelphia region. Over 8 million people live and work within the Basin and rely on the highly valuable yet vulnerable assets the river provides. Fracking in Pennsylvania is widely recognized as causing devastating human health harms and long-lived unmitigated environmental damage. The climate impacts of the release of methane by fracking and its operations is well documented by scientists as a major driver of atmospheric warming, feeding the climate crisis.

The Delaware River Frack Ban Coalition includes Berks Gas Truth, Catskill Mountainkeeper, Clean Water Action, Damascus Citizens for Sustainability, Delaware Riverkeeper Network, Environment New Jersey, Food & Water Watch, League of Women Voters of Delaware, Natural Resources Defense Council, and New Jersey Sierra Club. Collectively, the organizations represent several hundred thousand members who are devoted to the Delaware River Watershed.

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