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Contact:

Maya van Rossum, the Delaware Riverkeeper, (c) 215.801.3043,
keepermaya@delawariverkeeper.org

Tracy Carluccio, Delaware Riverkeeper Network, (c) 215.692.2329,
tracy@delawariverkeeper.org

**Delaware Riverkeeper Network Files to Intervene in PA GOP Senators Suit that Seeks to
Overturn Moratorium on Fracking in Delaware River Basin**

DRN Legal Action Taken to Protect Public Health and the Environment

U.S. District Court for the Eastern District of Pennsylvania - The Delaware Riverkeeper Network and the Delaware Riverkeeper Maya van Rossum filed a Motion for Leave to Intervene as Defendants today in the federal lawsuit filed on January 11 against the Delaware River Basin Commission (DRBC). The Complaint was filed by State Senators Gene Yaw and Lisa Baker, the Pennsylvania Senate Republican Caucus and Damascus Township in Wayne County to overturn the current *de facto* moratorium on gas drilling, fracking, and related operations in the Delaware River Watershed. Delaware Riverkeeper Network's (DRN's) Motion for Leave to Intervene includes a Proposed Motion to Dismiss the complaint that was filed by the Pennsylvania Senate Republicans.

"By filing yet another legal action to force fracking on Pennsylvania communities in areas now protected, Senators Yaw and Baker are violating their oath to uphold the constitution of the Commonwealth of Pennsylvania and their duty to protect the health, safety and rights of all Pennsylvanians including future generations. To advance such deceitful and erroneous legal arguments clearly intended to serve the financial interests of the fracking industry, and perhaps even the legislators themselves, regardless of the devastating consequences for the environments, people and future generations of Pennsylvanians truly shocks the conscious, but sadly seems to be the local version of the abuses of power and law we are seeing at the national level," stated Maya van Rossum, the Delaware Riverkeeper, leader of the Delaware Riverkeeper Network and named party of the motion to intervene.

DELAWARE RIVERKEEPER NETWORK
925 Canal Street, Suite 3701
Bristol, PA 19007
Office: (215) 369-1188
fax: (215) 369-1181
drm@delawariverkeeper.org
www.delawariverkeeper.org

In the motion filed, the Delaware Riverkeeper Network seeks to intervene on behalf of its members and to carry forth its mission to defend the Delaware River Watershed. DRN's longstanding advocacy has involved watchdogging, participating in and engaging others in the DRBC's regulatory programs and policy decisions. Among important initiatives DRN has carried out with the agency is petitioning for regulatory changes to the DRBC's Water Code such as the creation of the Special Protection Waters (SPW) program and its designation applied to portions of the federally designated Wild and Scenic River. The SPW program has resulted in the Delaware River containing the longest stretch of protected anti-degradation waters in the nation and one of our country's cleanest rivers. As stated in DRN's Motion to Intervene, "These regulations and designations are fundamental to the moratorium at issue in this case."

In its Proposed Motion to Dismiss, which accompanied the intervention motion, the Delaware Riverkeeper Network claims the plaintiff parties to the Pennsylvania Senate Republican Caucus lawsuit lack standing because they are not suffering any requisite harm. DRN skewers the plaintiffs for perversely employing Article 1, Section 27 of the Pennsylvania Constitution, known as the Environmental Rights Amendment. The Proposed Motion to Dismiss states, for instance, that Damascus Township, as one of the Plaintiffs, subverts its role as a trustee by "promoting heedless economic motivations that the citizens of the Commonwealth overwhelmingly voted to thwart by adopting the Environmental Rights Amendment".

"DRN is seeking to defend the value of the Delaware River Watershed's irreplaceable natural assets and the quality and health of its ecosystems and communities from the Republican Senators' self-serving effort to expand fracking and the destruction it brings into the Delaware River Watershed. The DRBC was one of the first watershed-based commissions in our nation's history and it has implemented that approach for decades in the decisions it makes as it applies its regulations. The watershed perspective recognizes that what occurs on the land is inexorably connected with the quality, flows, and abundance of the receiving waters. The PA Senate GOP Caucus lawsuit ignores this or simply does not get this fundamental fact. DRN wants to make certain we are all fully protected from this specious litigious attack," said Tracy Carluccio, Deputy Director, Delaware Riverkeeper Network.

A copy of DRN's Motion for Leave to Intervene is here: <http://bit.ly/motiontointervene>

Background:

The DRBC is comprised of the four states with lands and tributaries within the Delaware River Watershed – New York, New Jersey, Pennsylvania, and Delaware, and a representative of the federal government from the U.S. Army Corps of Engineers. The five voting members of the DRBC make the policy decisions that guide the DRBC, vote on regulations and review and approve or deny permits for projects, called "dockets", at regularly scheduled public meetings.

The moratorium was put in place by a unanimous vote of the Commissioners in 2010. The *de facto* moratorium on gas drilling, fracking, water withdrawals, and wastewater discharges from fracking throughout the Delaware River Watershed was nearly ended in 2011 when the DRBC

Commissioners were set to vote on gas drilling regulations that would have allowed gas drilling and related operations to start. However, the Governors expressed opposition to the allowance of fracking in the hours leading up to the vote, citing water quality concerns, and the moratorium has been in place since then. The plaintiff's lawsuit intends to overturn this moratorium.

Delaware Riverkeeper Network and an active coalition of organizations have advocated with the public for stopping any shale gas development from commencing in the basin for more than a decade and have rallied continuously since 2017 for a full ban on fracking in the Delaware River Watershed, including a ban on frack wastewater processing and discharges and water withdrawals from the river to fuel fracking anywhere. The final vote on a full ban on fracking and its activities is pending at the DRBC.

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