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New Jersey Strong Arms Delaware River Basin Commission on Gas Drilling

West Trenton, NJ – The Delaware River Basin Commission (DRBC) is in the process of reviewing 69,800 comments that were received during the public comment period on the their Draft Natural Gas Development Regulations issued Dec. 15, 2010.

(http://www.state.nj.us/drbc/notice_naturalgas-draftregs.htm) After the comment period closed April 15, 2010 the DRBC made it clear that the volume and substance of the comments were going to require some time to consider and the earliest the Commission could act on the proposed gas regulations would be September 2011. A moratorium on gas drilling was enacted by the DRBC until they adopt rules that would govern the activity within the Basin. This has held up gas development in the 13,000 square mile Watershed, which is 36% underlain by Marcellus shale in Pennsylvania and New York and supplies water to 15 million people in four states, including New York City and Philadelphia.

Now it seems the pressure to lift the drilling moratorium has reached a breaking point. The DRBC met on June 28, 2011 by teleconference to adopt their annual Budget for the fiscal year ending June 30, 2012. John Plonski, Assistant Commissioner for Water Resources Management at NJDEP representing Governor Christie of New Jersey, attached a stipulation to the State's approval of the Budget reserving the right of New Jersey to withhold its quarterly funding of the DRBC if the gas rules are not ready for action at their September 21 meeting.

Questioned by the public at the DRBC's regular meeting July 13, Plonski admitted to the stipulation and re-iterated that they do not want to stand in the way of gas development.

"It is wrong for a State to threaten to withhold funding to bend a public agency to its will. There is no place for sleazy politics using coercion rather than sound decision making in today's world of water resource policy. The water supply of 15 million people and the future of the Wild and Scenic Delaware River are at stake here. DRBC's issuance of natural gas regulations needs considered deliberation based on science and public protection, not slapdash action due to bullying and old fashioned strong arming", said Maya van Rossum, the Delaware Riverkeeper.

"We know what happens with inadequate regulations – just look at the proliferation of pollution and drilling problems in Pennsylvania. Almost 70,000 people spoke up to the DRBC on these proposed rules with a major theme of caution and the need for comprehensive environmental study. The DRBC should not have to choose between a careful process and whether or not they can continue functioning. These pressure tactics are intolerable," said Tracy Carluccio, Deputy Director, Delaware Riverkeeper Network.

DRBC is an interstate agency that was founded in 1961 by a Compact that resulted from a Supreme Court Decree responsible for managing the shared water resources of the Delaware River Basin. (<http://www.state.nj.us/drbc/regs/compa.pdf>) Voting members are the Governors of the four states that have land in the Basin – New York, Pennsylvania, New Jersey and Delaware -- and a representative of the federal government, the Army Corps of Engineers. The members are required to contribute to the agency's funding and vote each year on the Budget.

According to the DRBC website, "approved Fiscal Year 2012 budgets include the following signatory party funding amounts: Pennsylvania \$893,000, New Jersey \$893,000, federal government \$0, New York \$355,000, and Delaware \$447,000."

(<http://www.state.nj.us/drbc/budget.htm#2012>) A finance committee was also established at the June 28th Budget Meeting, which will be chaired by John Plonski, New Jersey's representative.

DRBC is already experiencing funding shortfalls; the federal government has not committed any funding for 2011. According to DRBC website, "The federal government has provided

funding to support its 20% 'fair share' of the DRBC's annual current expense budget during only one fiscal year since October 1, 1996. The cumulative federal shortfall over this 15-year-period now totals over \$8.5 million." (<http://www.state.nj.us/drbc/budget.htm#2012>)

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