



October 17, 2017

Re: Opposition to House Resolution 515

Dear Representative:

On behalf of PennFuture and our members, we urge you to OPPOSE House Resolution 515 (HR515) PN 2460. The Resolution seeks to undermine the authority of the Delaware River Basin Commission (DRBC or the Commission), the federally-established, interstate Commission tasked with protecting the water quality and quantity of the Delaware River Basin. HR515 mischaracterizes not only the state of natural gas development within the Basin but also the Commission's authority under the Delaware River Basin Compact.

Established in 1961, the Delaware River Basin Commission was created by a federal Compact between the four Basin states and the federal government with the purpose of managing and restoring water quality to the Delaware River. The Commission followed a unified approach to managing a river system without regard to political boundaries. And Pennsylvania's environment and economy has benefited as a direct result.

On September 13, 2017, the Commission approved a resolution to publish draft regulations addressing natural gas development activities within the Delaware River Basin. These regulations are clearly within the DRBC's mandate to protect, enhance, and develop the water resources of the Delaware River Basin for present and future generations.

Regrettably, HR515 calls on the Pennsylvania General Assembly members to urge the Delaware River Basin Commission to "suspend consideration of the moratorium on natural gas drilling in the Delaware River Basin," undermines the Commission's authority and elevate private monetary gains above the protection of one of the Commonwealth's most economically viable and environmentally critical rivers.

In particular, HR515 mischaracterizes the Commission's authority and the circumstances of fracking in the Delaware River Basin in the following ways:

- **By regulating natural gas development projects, the Commission *is* executing its mission.** HR515 erroneously implies that the DRBC's authority is limited to "water quantity and water quality data collection and analysis." But in fact, the Commission has authority over a wide range of matters, including water quality protection, water supply allocation, regulatory review (permitting), water conservation initiatives, watershed planning, drought management, flood loss reduction, and recreation. Its mission is to act as stewards of the Basin's water resources and to

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provide comprehensive watershed management.¹ Regulating natural gas development activities is clearly within the Commission's broad authority within the Basin.

- **Protecting the Delaware River from impacts of fracking is beneficial to Pennsylvania's economy.** Drinking water, agriculture, industrial, power generation, recreation, tourism, resource extraction, fishing, shipping, and treated waste water discharge are all important uses for the Delaware River which serves about 15 million people with water, many of whom live outside the Basin. According to the Pennsylvania Department of Conservation and Natural Resources:

The economic impact of direct river recreation represents *hundreds of jobs and millions in economic benefits*. Above the Delaware Water Gap, the economic benefits for river recreation *exceed \$70 million a year*. Fishing, canoeing, tubing, hunting, camping, and swimming draw tourists and local residents. In the bay region, fishing, boating, water-skiing and sailing, birding, historical and cultural resources, and urban opportunities draw visitors and promote tourism.²

Additionally, fishing in the Basin accounts for *\$1.5 – 3.2 million* in economic benefits annually.³ Yet the value of natural gas extraction has been calculated to only be about one-half on the *annual* value of the Delaware River watershed's recreational value.⁴ And the value of clean drinking water from the Delaware is in the *billions* of dollars, which is almost five-times that of natural gas extraction in the area.⁵ Given the relatively unspoiled nature of the upper Delaware River, the volatility of the natural gas industry, and the increasing focus on renewable sources of energy, allowing unchecked fracking in the Delaware watershed just does not make good economic sense.

- **For seven years the Commission has been active yet cautious on the issue of natural gas development in the Basin.** The repeated reference in HR515 to “inaction” on the part of the DRBC is disingenuous. Since 2010, when the Commission paused on issuing final regulations of natural gas development projects in order to gather and study more information on the potential environmental impacts, natural gas extraction activities were able to be permitted in the Basin, so long as the project first applied for and received Commission approval. There have been no such applications for any natural gas development projects within the Basin since 2010.⁶ Thus, the Commission has never placed a “moratorium” on natural gas development in the Basin.

¹ DRBC, Vision Statement, *available at* http://www.nj.gov/drbc/library/documents/DRBC_vision-mission.pdf.

² DCNR, Delaware River Basin Facts (Jun. 2010), *available at* http://www.docs.dcnr.pa.gov/cs/groups/public/documents/document/dcnr_20031252.pdf.

³ *Id.*

⁴ See Stutz, Bruce, *As the Fracking Boom Spreads, One Watershed Draws the Line* (Yale Environment 360, Oct. 20, 2015), http://e360.yale.edu/features/as_the_fracking_boom_spreads_one_watershed_draws_the_line (last visited Oct. 2, 2017).

⁵ *Id.*

⁶ DRBC, FAQs: Resolution to Publish Revised Draft Rules Addressing Natural Gas Development Activities within the Delaware River Basin (Sept. 13, 2017), *available at* http://www.state.nj.us/drbc/library/documents/naturalgas/FAQ_Res_initiate-rulemaking091317.pdf.

Importantly, neither is the Commission currently considering a “moratorium” on fracking. Rather, it is considering *regulating* fracking and fracking-related activities within the Basin based on scientific rationale and considerations of potential significant environmental impacts. Thus, contrary to the language of HR515, the Commission is presently developing draft regulations to be published no later than November 30th of this year.

- **The Susquehanna River Basin Commission (SRBC) also regulates natural gas drilling activities and recognizes the potential harmful impacts of fracking.**⁷ Since HR515 places emphasis on the SRBC, it must be mentioned that, by its own admission, the SRBC “modified its regulations such that its review and approval authority would extend to all water withdrawn or consumed for unconventional well development, regardless of quantity or source, which departed from the Commission’s traditional regulatory thresholds.”⁸ The SRBC recently acknowledged the potential problems inherent with fracking: “The potential impacts of hydraulic fracturing on public water supplies and on the integrity of surface and groundwater is cause for concern, both from a water quantity and water quality perspective.”⁹

The Delaware River is an important natural legacy that is central to our economy. Protecting this resource is paramount, and the Delaware River Basin Commission has the authority to implement regulations to accomplish this goal. HR515 attempts to pit one part of the Commonwealth against another, unnecessarily dividing rather than bringing together our citizens to protect Pennsylvania’s natural resources. Now, more than ever, we should all be rallying around our natural resources and the sustained economic vitality that they produce.

We urge you to safeguard the Delaware River, which provides not only a nationally-recognized recreational economy but also clean drinking water to over 8 million Pennsylvanians, by opposing House Resolution 515.

Sincerely,

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⁷ It is important to make clear that the May 8, 2013 press release entitled “SRBC Staying in Its Lane, Study Water Quantity” cited in the Resolution has nothing to do with fracking or the Susquehanna River Basin Commission’s authority to regulate natural gas development activities.

⁸ SRBC, Water Use Associated with Natural Gas Development: An Assessment of Activities Managed by the Susquehanna River Basin Commission, July 2008 – December 2013 (Mar. 2016), *available at* http://www.srbc.net/pubinfo/techdocs/NaturalGasReport/docs/SRBC_Gas_Report_For_Web_20160414.pdf.

⁹ SRBC, Natural Gas Development in the Susquehanna River Basin (Feb. 2017), *available at* http://www.srbc.net/pubinfo/docs/infosheets/Natural%20Gas%20Dev_Fact%20Sheet_FINAL2017.PDF.