

**Statement by the Delaware River Basin Commission (DRBC) on the Upper Delaware River
Being Named by American Rivers to its “America’s Most Endangered Rivers” List
June 2, 2010**

Being named to a “most endangered list” can lead uninformed people to draw incorrect conclusions that the quality of the Upper Delaware River is deteriorating. This is far from the truth and the five members of the Delaware River Basin Commission (DRBC) – Pennsylvania, New York, New Jersey, Delaware, and the federal government – intend on keeping it that way.

The DRBC recognizes the importance of natural gas development to the region and the nation, and is not opposed to the appropriate development of this natural resource. But we must make sure that any natural gas development is done smartly so we do not harm the incredible water resources of the Delaware River Basin (DRB) and the over 15 million people it serves.

Over three-quarters of the non-tidal Delaware River has been added to the National Wild and Scenic Rivers System. To support that federal action, DRBC has designated the entire 197-mile non-tidal Delaware River as Special Protection Waters (SPW) precisely because the water quality is better than the standards that protect the designated uses of the waterway. This designation provides these waters with protection under the DRBC’s anti-degradation regulations and coincides with the location of shale deposits in the DRB.

The collective effects of the thousands of wells and supporting facilities that are projected in the basin pose potentially significant adverse effects on the surface water and groundwater of the basin. Direct water resource concerns include 1) the potentially large amount of water consumed in the shale fracking process; 2) potential on-site spills and impacts to groundwater and nearby streams; and 3) storage, transport, treatment, and disposal of the “flow-back and production waters.”

There are also impacts to the land which can affect water resources. The headwaters region where gas drilling activities would be located is the most sensitive and vulnerable area of any watershed. Over 80 percent of the DRB headwaters area is covered with forests that are critical to the protection and maintenance of water resources. One big concern is the effect of forest fragmentation on our waters.

Both Pennsylvania and New York regulate gas well drilling activities in their respective states. The DRBC, which has separate legal authority over both water quality and water quantity-related issues throughout the basin, has also asserted its review over gas well drilling projects. The DRBC’s role, which complements state requirements, reflects the significance and importance of a basin that supplies water to over 15 million people. To date, the DRBC has not approved any natural gas well drilling within the basin or natural gas-related water withdrawal.

On May 5, 2010, the DRBC commissioners agreed that no natural gas well pad applications for shales would be considered by the agency until specific regulations are adopted. DRBC staff were already in the process of drafting the regulations, and the commissioners determined that it

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was logical for the development of new regulations to move forward in advance of any individual project decisions relating to natural gas well pads. The rulemaking process followed by the commission includes public notice and a full opportunity for public comment before the commissioners adopt the regulations.

Due to the May 2010 decision by the commissioners to postpone DRBC consideration of well pad applications until the new regulations are adopted, there has been a lot of recent interest about exploratory wells. Policy options now under consideration include: 1) possibly supplementing the May 2009 executive director determination to also cover wells intended solely for exploratory purposes; and 2) addressing both production and exploratory wells in the new regulations now under development.

The DRBC looks forward to working with the entire basin community to ensure that proper environmental controls are provided to safeguard the outstanding water resources of the Delaware River Basin both now and in the future.

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