

# Members of NYS Senate, NYS Assembly, and NYC Council

March 27, 2018

Commissioners  
Delaware River Basin Commission  
PO Box 7360  
West Trenton, NJ 08628-9522

RE: Proposed Special Regulations Part 440

Dear Commissioners,

We represent millions of residents in New York City and State who rely on the Delaware River watershed to supply our drinking water needs. We write to urge the Delaware River Basin Commission (DRBC) to enact a complete and permanent ban on natural gas development and hydraulic fracturing and all related activities (including drilling, fracking, wastewater processing, and discharges from and water withdrawals for drilling and fracking operations) throughout the Basin.

As the federal-interstate agency formed under a Compact in 1961 to manage the water resources of the Watershed, the DRBC members – the Governors of Pennsylvania, New York, New Jersey, and Delaware, and the federal government – are charged with protecting the shared waters that provide over 15 million people with drinking water, including ourselves and our constituents in New York City. The DRBC actions are based on its powers to establish standards, plans, rules and regulations, and to control, prevent and abate pollution from activities that may have a substantial effect on the water resources of the Basin. Through these means, the DRBC has worked to protect public health and preserve basin waters to meet "present and future needs." We applaud and support the DRBC's mission, which equally protects all watershed states, and those who live, work, and recreate here, now and in the future.

There is significant evidence that natural gas development, and its related operations, have substantial adverse effects on public health, property interests, agriculture, air, water, and land. This includes all the phases of the hydraulic fracturing ("fracking") process, from the first stage of industrial land preparation; to the storage, handling, and use of chemicals and additives for extraction and stimulation; to drilling and fracking; to the withdrawal of and degradation of large volumes of water; and its discharge and disposal as waste. The natural gas industry has received unprecedented exemptions from our nation's most important environmental and public health laws, including the Safe Drinking Water Act, Clean Air Act, and the Clean Water Act.

The DRBC currently prohibits permitting for natural gas extraction projects in the Delaware River Basin. The Commissioners enacted a drilling moratorium by Resolution in May 2010. As stated by the DRBC when Executive Director Carol Collier first removed the thresholds for project review in 2009, it was determined "that as a result of water withdrawals, wastewater disposal, and other activities, natural gas extraction projects in shale formations may individually or cumulatively

affect the water quality of Special Protection Waters by altering their physical, biological, chemical, or hydrological characteristics." The current de facto moratorium on gas drilling, fracking, and associated activities includes wastewater discharges and water withdrawals. DRBC permits for wastewater discharges since 2010 have been conditioned on the prohibition of wastewater produced by fracking, preventing its import and discharge.

After an exhaustive environmental and public health analysis, the State of New York prohibited fracking. The NY Department of Health concluded that the overall weight of evidence demonstrated the likelihood that adverse health outcomes and environmental impacts from fracking could not be prevented, leading to the Governor's decision to ban high volume hydraulic fracturing in the state.

The time has come to turn the current DRBC moratorium into a permanent ban on gas drilling and fracking and its related activities throughout the Delaware River Watershed. We oppose the storage, treatment, disposal, and/or discharge of fracking wastewater within the Basin, and the withdrawal of water from the Basin for fracking. We support a complete and permanent ban throughout the Basin and respectfully request that the Commissioners revise the proposed draft regulations to enact this ban now.

Sincerely,

Liz Krueger, State Senator  
Corey Johnson, Speaker, New York City Council  
Robert C. Carroll, Assembly Member

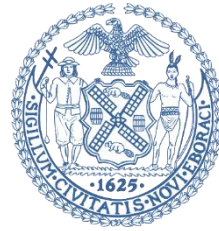
New York State Senators  
Joseph P. Addabbo  
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Leroy Comrie  
Martin Malavé Dilan  
Brad Hoylman  
Brian Kavanagh  
Velmanette Montgomery  
Kevin Parker  
Roxanne Persaud  
José M. Serrano

New York State Assembly Members  
Michael Blake  
David Buchwald  
Vivian Cook  
Deborah Glick  
Richard Gottfried  
Ellen Jaffee  
Michael Miller  
Walter Mosley  
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Félix W. Ortiz

Stacey Pheffer Amato  
Angelo Santabarbara  
Rebecca A. Seawright  
Luis R. Sepúlveda  
Jo Anne Simon  
Al Taylor  
Jaime R. Williams

New York City Council Members

Laurie A. Cumbo  
Costa Constantinides  
Jimmy Van Bramer  
Robert E. Cornegy, Jr.  
Vanessa L. Gibson  
Paul A. Vallone  
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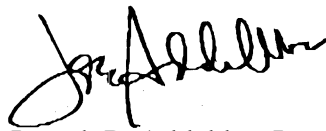
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State Senator



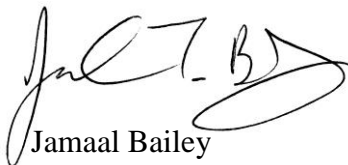
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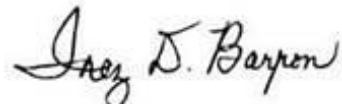
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