

## Delaware Riverkeeper Network

Submitting a PDF of a letter signed by 126 organizations throughout the region representing millions of members who are advocating that the DRBC enact a complete ban on fracking in all hydrocarbon bearing formations in the Delaware River Basin, including a ban on the export of water from the Delaware River Watershed for fracking elsewhere, a ban on the import, storage, processing, treatment, disposal, and discharge of produced water and CWT wastewater from fracking within the Delaware River Basin.

Delaware River Basin Commission

March 30, 2018

Dear Commissioners,

We, the undersigned organizations, call upon the Delaware River Basin Commission (DRBC) to enact a complete and permanent ban on hydraulic fracturing for natural gas throughout the Delaware River Watershed, including a ban on the storage, processing, and discharge of wastewater produced by fracking and the withdrawal and export of water from the Delaware River Watershed for fracking elsewhere.

The Delaware River Basin Commission has prohibited natural gas extraction projects in the Delaware River Basin since 2010<sup>1</sup> based on the determination that natural gas projects, individually or cumulatively, will have a substantial impact on the water resources of the Delaware River Watershed.<sup>2</sup>

On November 30, 2017 the Commission issued draft regulations that propose a ban on hydraulic fracturing throughout the Delaware River Watershed but that also would allow the wastewater produced by fracking to be stored, processed, and discharged in the Delaware River Watershed and would allow water to be exported from the Basin to fuel fracking elsewhere. Many of our organizations advocated for a ban on fracking over the last year, including in a letter we submitted to you in March 2017 calling for a permanent ban on drilling and fracking and we reiterate that our support for a complete and permanent ban on fracking and its activities throughout the Watershed.

We are extremely concerned that the Commission would consider allowing wastewater produced by fracking to be discharged within the Watershed and water to be exported for fracking elsewhere despite your findings that fracking is too dangerous to allow within the Watershed. We oppose any regulations that would allow these activities related to fracking to occur and ask you to do the same.

We greatly appreciate the Commission's candor in its summary of the harms related to fracking and fracking wastewater, included in its Supplementary Information on the proposed regulations. Significantly, the Commission notes that high-volume hydraulic fracturing "presents risks, vulnerabilities, and impacts to the quality and quantity of surface and ground water resources that have been documented extensively." The Commission also documents the adverse effects of water withdrawals on aquatic ecosystems, streams, and water quality and that fracking is a consumptive use,

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<sup>1</sup> DRBC Meeting Minutes of May 10, 2010, accessed at: <http://bit.ly/2yOjPmC>

<sup>2</sup> Extracted from DRBC website 9.14.17: <http://www.nj.gov/drbc/programs/natural/archives.html#2> as per "Determination of The Executive Director Concerning Natural Gas Extraction Activities in Shale Formations Within The Drainage Area of Special Protection Waters", Carol R. Collier, Executive Director, May 19, 2009

depleting the water by as much as 96 percent. The Commission also states that fracking risks pollution from fracking fluids containing chemicals and that the “produced water” or wastewater from fracking contains materials that can harm human health and the environment, including radioactive elements, heavy metals, and compounds like benzene, a carcinogen.<sup>3</sup> The Commission warns that its disposal “poses a significant risk to the water resources of the basin.” Finally, the Commission advises that the resources of the Special Protection Waters of the Basin are at risk from the extensive landscape changes and forest destruction that fracking and gas development require.

New York banned fracking after six years of exhaustive study, and recently, Maryland followed suit. As part of New York’s determination, the New York State Department of Health concluded that the overall weight of the evidence demonstrated the likelihood that adverse health outcomes and environmental impacts from fracking could not be prevented.<sup>4</sup>

The Fifth Edition of the “Compendium of Scientific, Medical, and Media Findings Demonstrating Risks and Harms of Fracking,” issued March 2018 by Concerned Health Professionals of New York and the Nobel Peace Prize-winning group, Physicians for Social Responsibility, examined more than 1,200 peer-reviewed research articles and concludes, “fracking poses significant threats to air, water, health, public safety, climate stability, seismic stability, community cohesion, and long-term economic vitality. Emerging data from a rapidly expanding body of evidence continue to reveal a plethora of recurring problems and harms that cannot be sufficiently averted through regulatory frameworks. There is no evidence that fracking can operate without threatening public health directly or without imperiling climate stability upon which public health depends.”<sup>5</sup>

Our organizations pledge to defend the Delaware River Watershed, all of its tributaries, the Wild and Scenic Delaware River, the Delaware River Estuary and Bay and its communities and species from fracking and its associated activities. As the agency formed in 1961 to manage our water resources, the Commission members – the Governors of Pennsylvania, New York, New Jersey, and Delaware and a representative from the U.S. Army Corps of Engineers – represent the public’s interests and, by law, are responsible for protecting the Basin and the water supply of 17 million people now and for generations yet to come.<sup>6</sup> To do this, the harms of fracking and its activities must be prevented through a complete ban.

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<sup>3</sup> <https://www.atsdr.cdc.gov/toxfaqs/tf.asp?id=38&tid=14>

<sup>4</sup> [http://www.dec.ny.gov/docs/materials\\_minerals\\_pdf/findingstatehvhf62015.pdf](http://www.dec.ny.gov/docs/materials_minerals_pdf/findingstatehvhf62015.pdf)  
[http://www.health.ny.gov/press/reports/docs/high\\_volume\\_hydraulic\\_fracturing.pdf](http://www.health.ny.gov/press/reports/docs/high_volume_hydraulic_fracturing.pdf)

<sup>5</sup> <http://www.psr.org/resources/fracking-compendium.html>

<sup>6</sup> United States: Public Law 87-328, Approved September 27, 1961, 75 Statutes at Large 688; Delaware: 53 Delaware Laws, Chapter 71, Approved May 26, 1961; New Jersey: Laws of 1961, Chapter 13, Approved May 1, 1961; New York: Laws of 1961, Chapter 148, Approved March 17, 1961; Pennsylvania: Acts of 1961, Act No. 268,

Our organizations represent hundreds of thousands of members who are calling on you, as the DRBC's Commissioners, to ban fracking throughout the Delaware River Watershed and to ban the storage, treatment, disposal, and/or discharge of fracking wastewater within the Basin, and the withdrawal of water from the Basin for fracking elsewhere. Please enact a complete ban now.

Sincerely,

350 Philadelphia

350.org Bucks County

350Brooklyn

500 Women Scientists Philly Pod

Accord, NY

Advocates for Morris

Advocates For Springfield

Alliance for a Green Economy

Already Devalued and Devastated Homeowners of Parsippany

Aquashicola/ Pohopoco Watershed Conservancy

Beaver Valley Preservation Alliance

Berks Gas Truth

Beyond Extreme Energy

Breast Cancer Action

Bronx Climate Justice North

Bucks County Green Party

Bucks County Sierra Club

Bucks Environmental Action

Bus For Progress

Catskill Citizens for Safe Energy

Catskill Mountainkeeper

Citizen's Coalition For a Safe Community

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Approved July 7, 1961.

Citizens for Oceanfront Preservation  
Citizens For Water  
Citizens United for Renewable Energy (CURE)  
Clean Ocean Action  
Clean Water Action New Jersey  
Clean Water Action Pennsylvania  
Coalition Against Pilgrim Pipelines-New York (CAPPNY)  
Coalition Against the Pilgrim Pipeline - New Jersey  
Coalition Against the Rockaway Pipeline  
Columbus Community Bill of Rights  
Common Ground Community Trust  
Complete It Cuomo  
Compressor Free Franklin  
Concerned Citizens of Lebanon County  
Concerned Health Professionals of New York  
Concerned Residents of Oxford  
Daily Kos  
Damascus Citizens for Sustainability  
Delaware Interfaith Power & Light  
Delaware Riverkeeper Network  
Delaware Sierra Club  
Don't Gas the Pinelands  
Earth Ethics  
Earthworks  
Environment New Jersey  
Environmental Board City of Oneonta, NY Member  
Food & Water Watch  
Fossil Free Tompkins

Frack Action  
FreshWater Accountability Project  
Friends of Lenape Everywhere  
Gas Free Seneca  
gasland  
Genesis Farm  
Gloucester County Food & Water Watch  
Green Justice Philly  
Green Party of Delaware  
Green Sanctuary Committee, CCNY, UU  
Guernsey County Citizens Support on Drilling Issues  
Illinois People's Action  
Lake Nockamixon Sail Club  
Lambertville City Pipeline Committee  
Lebanon Pipeline Awareness  
Lenape Indian Tribe of Delaware  
Marcellus Outreach Butler  
Middlefield Neighbors  
Milford Doers/Residents of Crumhorn Mtn.  
Mohawk Valley Keeper  
Monmouth Community Climate Coalition  
Natural Resources Defense Council  
New Jersey Highlands Coalition  
New Jersey Revolution Radio  
New Jersey Sierra Club  
New Jersey Tenants Organization  
New Paltz Climate Action Coalition  
New York Climate Action Group

New York Communities for Change (NYCC)  
Newark Science and Sustainability Inc.  
NJ State Industrial Union Council  
NoFrackingBucks.net  
Northern New Jersey Chapter, National Organization for Women  
Nuclear Age Peace Foundation  
NYC Friends of Clearwater Inc.  
NYH2o  
Oil Change International  
Otsego 2000, Inc.  
PA Forest Coalition  
Pennsylvania Council of Churches  
Pennsylvania Federation BMWED-Teamsters  
Pennsylvanians Against Fracking  
People Demanding Action  
People for a Healthy Environment  
Philadelphia Chapter of Pennsylvania Interfaith Power & Light  
Physicians for Social Responsibility - NY  
Physicians for Social Responsibility National, Washington DC  
Physicians for Social Responsibility New York City  
Physicians for Social Responsibility Pennsylvania  
POWA - Protect Our Water & Air  
Progressive Democrats of America  
Rachel Carson Council  
Raritan Headwaters  
Raritan Riverkeeper  
REF REinforcing Education on Fracking  
Religious Society of Friends

Resist Spectra  
Rootskeeper  
Roseland Against the Compressor Station (RACS)  
Sasd, New York  
Schaghticoke Tribe  
Sierra Club Atlantic Chapter  
Sierra Club National  
Sierra Club New York City  
Stop NY Fracked Gas Pipeline  
Strike Anywhere Performance Ensemble  
Sullivan Alliance for Sustainable Development  
Sullivan Area Citizens for Responsible Energy Development  
Tidewaters Gateway Partnership Inc.  
Topanga Peace Alliance, MLK Coalition of Greater Los Angeles  
Trout Unlimited East Jersey Chapter  
United for Action  
WATERSPIRIT  
West Branch Conservation Association  
Wilmington In Transition  
Wittenberg Center for Alternative Resources