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## Wayne County Department of Planning/GIS

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Delaware River Basin Commission  
25 Cosey Road  
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### **RE: Proposed Draft Regulations Banning Hydraulic Fracturing within the Delaware River Basin.**

To the DRBC:

Recently, the Delaware River Basin Commission (DRBC) announced that it would accept written comments regarding its Revised Draft Hydraulic Fracturing Regulations. The Wayne County Planning Commission along with the supporting efforts by the Wayne County Commissioners and the Wayne Economic Development Corporation (WEDCO) provide these written comments in support with one another on behalf of the citizens of Wayne County, PA.

As Governor Tom Wolf recently observed, “Pennsylvania has a once-in-a-generation opportunity to develop and implement a strategy that will cultivate a manufacturing renaissance and transform our economy across the Commonwealth”. This opportunity is, of course, the development of natural gas. In Northeast Pennsylvania this means the responsible use of the Marcellus Shale Formation.

This formation extends not only into the area regulated by the DRBC but also into the SRBC’s jurisdiction. Sensible, responsible development of this natural resource is allowed in the Susquehanna River Basin, but is not permitted in the Delaware River Basin. Besides the existence of the same geological formation in both river basins, there is at least one more prominent feature which their commissions share. Pennsylvania is a member of both the DRBC and SRBC. At present, Pennsylvania’s governor, Tom Wolf, chairs each commission.

The 2016 Annual Report of the SRBC noted that “Through 2013, the Commission’s monitoring programs have not detected discernible impacts on the quality of the Basin’s water resources as a result of natural gas development, but continued vigilance is warranted.” This report, which covers 2008-2013, found that “... the quantity of the Basin’s water resources are sufficient in magnitude to accommodate the water demands of the industry concurrently with other water users operating within the Basin.” Pennsylvania, it should be noted, voted with the majority of the SRBC in approving regulated water use in the Susquehanna River Basin for development of natural gas. So far, Pennsylvania has not supported the same development in the Delaware River Basin, citing concerns that hydraulic fracturing will “... carry risks for groundwater and surface water resources.” See p.8, DRBC posting, 1/8/18.

For many generations, Wayne County property owners have been excellent stewards of all of natural resources, including water and land. According to Pennsylvania's Department of Environmental Protection (DEP), over 94% of Wayne County streams are designated as Special Protection Waters. This result from years of dedication and hard work by landowners, farmers, townships, the County and by DEP. Wayne County is committed to the high standards for our water which have only been achieved after much effort. This proposed hydraulic fracturing ban within the Delaware River Basin would cover roughly 452,000 acres of land just in Wayne County, PA alone.

Any analysis of the current situation must consider the following factors:

- 1) The existence of the Marcellus Shale Formation and its' "... once-in-a-generation opportunity";
- 2) The safe, responsible development and regulation of that resource in the Susquehanna River Basin;
- 3) The existence of the same natural resource in the Delaware River Basin as currently exists in the Susquehanna River Basin;
- 4) The prohibition of development in the Delaware River Basin of that same resource.

As noted earlier, both the DRBC and Pennsylvania express concerns about risks to groundwater and surface water which may be posed by hydraulic fracturing. Of course, this is the same method of extraction which has been in continuous use in the neighboring SRBC since 2008. The most recently available report of the SRBC shows no evidence of the risks which form at least a part of the DRBC's reluctance to approve this activity.

In fact, all Pennsylvanians repose trust in our state government, and in the commissions it joins, to act wisely, prudently and in our best interests. Conversely, when state government follows conflicting policies, such as approving an activity in the Susquehanna River Basin while prohibiting the exact same activity in the Delaware River Basin, only confusion and distress can result. No reasonable person can think that Pennsylvania would allow the residents of the Susquehanna River Basin to knowingly be exposed to a risk involving their drinking water. This is why Pennsylvania allows hydraulic fracturing in the Susquehanna River Basin. No one will argue that that the value of a resource, or of a single human life, is more valuable in one basin than in the other.

The only sensible thing, both for state government and for the DRBC to do, is to bring these opposing treatments of the same natural resource into harmony. This means allowing development in the Delaware River Basin. To do otherwise runs counter to every American value of fair play, consistency and the rule of law. Our collective sense of justice is eroded every time government takes an action which has no firm basis in fact or necessity.

Please allow this written testimony to serve as the Wayne County Planning Commission's formal opposition to any permanent ban of natural gas hydraulic fracturing within the Delaware River Basin.



William F. Troop, Chairman  
Wayne County Planning Commission

Cc: File