



Natural Gas Development Category

Status:

Ongoing threats in Pennsylvania and New York State in the Upper Delaware River headwaters region related to thousands of leases that have been signed by landowners with drillers.

UPDATE:

DRN's amicus brief in the gas drilling case filed with PA Supreme Court. <http://delawareriverkeeper.org/pdf/brief.pdf>

HOT GAS NEWS for June 2009!

The U.S. House and Senate have introduced companion bills on June 9 to overturn the "Halliburton Loophole" that allows hydraulic fracturing ("fracking") not to be regulated by the Safe Drinking Water Act. The "FRAC ACT" – Fracking Responsibility and Awareness of Chemicals Act, would bring this dangerous injection of chemical-laden fluids that the natural gas industry uses to stimulate gas production, under the Safe Drinking Water Act, as it should be. Action Alerts have resulted in thousands of letters sent by DRN members and others, to Congress in support of these Bills. PADEP Bureau of Watershed Management filed a letter June 1, 2009 supportive of industry claims that was used by representatives of gas companies to oppose the introduction.

The Bills would include the requirement for natural gas drillers to disclose the chemicals that they are injecting and to follow best management practices to protect drinking water from contamination from fracking. Primary sponsors of the House Bill are U.S. Representative Maurice Hinchey (D-NY), who represents the Delaware River Watershed in New York State, Diana DeGette (D-CO), and Jared Polis (D-CO). In the Senate, Senators Robert Casey (D-PA) and Charles Schumer (D-NY) are primary sponsors.

Congressman Patrick Murphy (D-PA) of the 8th District is a co-sponsor of the House Bill. Pennsylvania and New York, particularly the Upper Delaware River Watershed where the Marcellus Shale is forecasted to be the most prolific, hold shale gas and are expected to be areas where natural gas will be developed by the use of hydraulic fracturing. Nockamixon Township, Bucks County, PA passed a resolution in May in support of the Bills and shared their concerns with Congressman Murphy and Senator Casey. Nockamixon Township has legally fought to maintain municipal controls over gas drilling within their municipality; Arbor Resources has filed for permits to drill.

Delaware River Basin Commission (DRBC) Executive Director Carol Collier issued a Determination in May that shale gas extraction will substantially impact the water resources and water quality of the Delaware River watershed and therefore needs to be regulated by the DRBC (see DRN News and Letters). June 19 was the deadline for adversely affected parties to appeal the ruling. No natural gas representatives filed a protest. DRN filed a letter as an interested party (see 6.19.09 letter to DRBC).

New York's Governor Paterson has put forth a program bill that would enact a severance tax on natural gas in NYS, assessing a gas at a rate of 4% per McF. Pennsylvania's proposed severance tax is 5%.

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