



Press Statement
Responding to 1/6/2021 decision in the case
Wayne Land & Mineral Group v. Delaware River Basin Commission and intervenor Delaware
Riverkeeper Network

Statement of Maya van Rossum, the Delaware Riverkeeper, leader of the Delaware Riverkeeper Network responding to 1/6/2021 decision by Judge Robert Mariani, United States District Court for the Middle District of Pennsylvania, denying motions to dismiss in the case Wayne Land & Mineral Group v. Delaware River Basin Commission and intervenor Delaware Riverkeeper Network.

“While we would certainly have preferred that this case be decided on the summary judgement motions of the Delaware Riverkeeper Network and the Delaware River Basin Commission, we are not surprised that Judge Mariani declined to do so. The presentation of the law at issue is complicated. The science and facts regarding the devastating impacts of shale gas extraction are voluminous. And that WLMG was unwilling to admit to any of the demonstrable truths and impacts of shale gas extraction at issue here, and their strenuous efforts to dispute every reality postured by DRBC and the Delaware Riverkeeper Network, made it pretty impossible for the Judge to issue a summary judgement ruling. But we are confident that when we are given our full day in court, both through briefings and detailed oral argument, that the legal authority, right and obligation of the DRBC to fully regulate all aspects of fracking, including prohibitions, will be upheld by the courts.”

Judge Mariani ruled on the outstanding summary judgment motions on January 6, 2021, denying all three motions: the DRBC’s Motion for Partial Summary Judgment, the Plaintiff’s Motion for Summary Judgment and DRN’s Motion for Summary Judgment. The Judge issued a 39-page opinion in which he states in conclusion that:

“the Court does not decide that a discrete aspect of a planned natural gas development undertaking could not be considered a “project” reviewable under § 3.8 of the Compact. The Court simply finds that such a determination is not appropriate on summary judgment.”

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