

Delaware Riverkeeper Network ♦ Environment New Jersey Food & Water Watch ♦ NJ Environmental Federation ♦ NJ Sierra

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New Jersey Governor CV's Frack Ban **Environmental Organizations Cry Foul and Will Seek Over-ride!**

Trenton, New Jersey – Today New Jersey Governor Chris Christie vetoed the New Jersey Ban Bill (S-2576), flying in the face of the public and the New Jersey Legislature and forfeiting the opportunity to make New Jersey the first state to ban hydraulic fracturing or “fracking” in modern times. During the Senate’s session August 25, the Governor issued a conditional veto (CV) that set a one year moratorium on fracking in the State. Environmental groups dismissed the moratorium as meaningless and vowed to work for an over-ride of the CV. The Frack Ban Bill arose out of a public rallying cry for pro-active action by the State to prevent the water, land and air pollution that is occurring everywhere where fracking is being used to extract natural gas from deep geologic formations such as Marcellus and Utica Shale.

“This is a dismal day for New Jersey. Governor Christie had the opportunity to stand up for clean water and to protect present and future generations from the ravages of fracking in New Jersey, instead he opted for a political out, a conditional veto that opens the door to fracking and drilling in New Jersey’s future, including all the poisoning of the water, air, land and people it brings. Exxon, Shell, Hess, and other drilling big wigs have been lobbying long and hard to get Christie’s support for fracking, it seems they are succeeding,” said Maya van Rossum, the Delaware Riverkeeper. “Fracking for gas ruins drinking water and the environment; the practice isn’t safe and can’t be made safe. The terrible truth is that New Jersey’s 8.8 million people packed into an 8,722 square mile area, the most

densely populated state in the nation, have nowhere to go to replace a contaminated water supply,” van Rossum added.

The NJ Legislature passed the Frack Ban Bill by a sweeping majority on June 29, 2011, reflecting enormous public and constituent support for a ban on hydraulic fracturing in the State. In the Senate the vote was: Yes, 33; No, 1; Not Voting, 6. In the Assembly the vote was: Yes, 58; No, 11; Not Voting, 2, Abstains, 8. The Legislature can over-ride the CV by a 2/3 majority vote or can consider amending the Ban Bill according to the Governor’s CV. If no action is taken by the Senate and Assembly on the CV, the Frack Ban Bill will die.

"Governor Christie’s veto of New Jersey's fracking ban is disappointing to say the least. His veto is compromising the drinking water of New Jersey residents leaving it open to exposure to thousands of toxic, carcinogenic chemicals; threatening our once-protected public lands with destruction in pursuit of profit; and putting the interest of corporations over public health and safety. We look now to the NJ Legislature to override the governor's veto enacting a fracking ban, which could serve as a model for neighboring New York and Pennsylvania, where gas drilling companies are waiting anxiously to begin fracking across the states and in the Delaware River Basin." - Jim Walsh, New Jersey Director, Food & Water Watch

“New Jersey needs a ban on fracking, plain and simple” said Tracy Carluccio Deputy Director of the Delaware Riverkeeper Network. “We know fracking pollution can’t be avoided or remediated, now or in the future. We will fight for an over-ride of the CV and believe we can succeed considering the large margin of Legislative support for the Frack Ban and the strength of the critical water supply issues at stake.” Carluccio added.

“The Governor has sold out clean water in New Jersey with his vetoing of the fracking ban bill. His veto threatens drinking water and open spaces here in New Jersey because of the potential for fracking in the north western part of our state. Our Governor supports weak regulations at the Delaware River Basin Commission and supports gas lines that go through the Highlands coming from fracking in Pennsylvania. This shows Governor Christie is more concerned with the gas industry than the interest of the people of New Jersey,” said Jeff Tittel, Executive Director of NJ Sierra Club

“Gov. Christie fails the test for standing up to protect New Jersey’s drinking water,” said Doug O’Malley, field director for Environment New Jersey. “Fracking is a dangerous business, and the Governor is bowing to natural gas companies that want to drill now, and ask questions later. The Governor is putting natural gas companies ahead of protecting our drinking water sources.”

“The Governor has failed to prioritize people’s drinking water over Big Oil’s profits. The Legislature has already rejected a 5 year moratorium as not protective enough so when the bipartisan super-majority that passed the Bill over-rides the one year moratorium the permanent ban will become law”, said Dave Pringle, NJ Environmental Federation Campaign Director.

This overwhelming concern about pollution and degradation from fracking began about three years ago when interest in gas drilling began in the Upper Delaware River Watershed in New York and Pennsylvania, where energy companies began buying up mineral rights to land underlain by Marcellus Shale. At least 200,000 acres of land has been leased for gas drilling in the Upper Delaware River region.

Drillers must use hydraulic fracturing, or “fracking”, to force the gas out of the tight shale formations and they employ horizontal drilling to reach laterally into the layers of shale. Water and air pollution from drilling and fracking operations, water depletion due to the millions of gallons of water required to frack a well, and the degradation of streams, landscapes and habitat due to the large scale of natural gas development are causing extensive problems where gas drilling is occurring. In Pennsylvania, PADEP’s oil and gas program reported more than 11 violations of environmental permits per day by drillers so far in 2011, up from about 6 per day in 2010.

New York State has a moratorium in place while they update their environmental impact study to address hydraulic fracturing and horizontal drilling. In Pennsylvania, gas drilling is proceeding at breakneck speed in the Marcellus Shale. Utica Shale, now also being explored by energy companies, is located beneath the Marcellus and intrudes into northwestern New Jersey. While there is no drilling there now, there could be development of the Utica in the future.

The Delaware River Basin Commission (DRBC), the agency that oversees the water resources of the Delaware River Watershed, also has a moratorium in place while natural gas development regulations are being developed. Huge controversy has surrounded the gas rulemaking process with 69,800 comments filed with DRBC on their draft rules, a record number. DRN and numerous others have criticized the DRBC’s proposed gas rules as inadequate to prevent gas drilling pollution and environmental degradation and have vowed to challenge the rules in court should they be issued as drafted.

Delaware Riverkeeper Network (DRN) filed a lawsuit with other organizations on August 4, 2011, to force the DRBC to conduct an environmental impact study and cumulative analysis of gas development in the Basin before issuing any regulations. To see the complaint:

<http://www.delawareriverkeeper.org/resources/Comments/FrackingComplaint.pdf>

The New York Attorney General has also filed a suit against the Army Corps of Engineers, which occupies a seat on the 5 member DRBC (the Governors of New Jersey, New York, Pennsylvania and Delaware all are voting members as is the Army Corps, the federal representative) and is bound by the National Environmental Policy Act to conduct a comprehensive environmental study before proceeding with regulations and the lifting of the DRBC's drilling moratorium. These matters are before federal court in New York and may keep fracking from starting in the near future.

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