



## Legislation Text

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**File #:** Res 0462-2010, **Version:** \*

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### Preconsidered Res. No. 462

Resolution calling on the Delaware River Basin Commission to refrain from issuing regulations governing gas exploration and production using hydraulic fracturing and for water withdrawal for the purpose of hydraulic fracturing within the Delaware River Basin until a cumulative impact study is completed to assess the risks and inform the development of adequate regulations for hydraulic fracturing in the Delaware River Basin.

By Council Members Gennaro, Koppell, Lander, Levin, Chin, Fidler, Greenfield, Jackson, Lappin, Rose, Sanders Jr. and Williams

Whereas, Over 15 million people, and approximately five percent of the nation's population, receives their drinking water from the Delaware River; and

Whereas, New York City gets approximately half its water from four large reservoirs located on tributaries to the Delaware; and

Whereas, The New York City watershed is dependent on a safe and reliable flow from the Delaware River, the East Branch of which feeds the Pepacton Reservoir and the West Branch of which feeds the Cannonsville Reservoir, supplying collectively about 290 billion gallons of water per year into the west-of-Hudson portion of the watershed; and

Whereas, The Delaware River Basin Commission ("DRBC") was established in 1961 when the Federal government and the states of Delaware, New Jersey, Pennsylvania and New York enacted concurrent compact legislation, creating a regional body with the force of law to oversee a unified approach to managing the water resources of the Delaware River; and

Whereas, The Delaware River Basin Commission's mission is to "conserve and protect the water basin or any existing or future water supply source" and is charged with "water quality protection, water supply allocation,

regulatory review (permitting), water conservation initiatives, watershed planning, drought management, flood loss reduction, and recreation”): and

Whereas, The Commission's Executive Director recognized the potential risks of hydraulic fracturing in the Delaware River Basin, determining in the Commission’s Executive Director Determination dated May 19, 2009, that, “[n]atural gas extraction projects in these shale formations may individually or cumulatively affect the water quality of Special Protection Waters by altering their physical, biological, chemical or hydrological characteristics.”; and

Whereas, The Commission’s Executive Director submitted an application for funding to the United States Congress on behalf of the DRBC to conduct the needed cumulative studies of how hydraulic fracturing will impact the Delaware River Basin; and

Whereas, Representatives Maurice Hinchey, Rush Holt and Joe Sestak have secured approval from the House Appropriations Committee, the Subcommittee on Interior, Environment, and Related Agencies of \$1 million for a United States Geological Survey-DRBC cumulative impact study on hydraulic fracturing within the Delaware River Basin; and

Whereas, On June 25, 2010, the United States Department of the Interior, acting on behalf of the National Park Service and the United States Fish and Wildlife Service expressed the agencies’ concern about gas exploration and drilling in the Delaware River Basin and its impact on Federal interests; and

Whereas, The, State of New Jersey’s representative to the DRBC, Commissioner Bob Martin of the New Jersey Department of Environmental Protection, stated in a letter to the Commission dated July 13, 2010 that gas regulations should be “expedited” and urged that the DRBC issue rules by September 30, 2010, prior to preparation of the cumulative impact study; and

Whereas, Despite the pending Federal funding for a cumulative impact study, the Commission is preparing to

finish regulations this year, allowing gas drilling and well production to begin before a cumulative impact study can even start; and

Whereas, There have been numerous recorded incidents of water contamination in states currently allowing hydraulic fracturing for gas exploration and production; and

Whereas, High volume hydraulic fracturing has been exempted from significant federal regulations protecting the public health and safety of New York City residents pursuant to the Clean Water Act, the Safe Drinking Water Act, the Clean Air Act, National Environmental Policy Act, Resource Conservation and Recovery Act and the Comprehensive Environmental Response, Compensation, and Liability Act ; and

Whereas, The injection of undisclosed chemicals into the ground would, but for the Safe Drinking Water Act exemption, come under the regulatory jurisdiction of the Federal Environmental Protection Agency; and

Whereas, There is a potential that hydraulic fracturing in the Delaware River Basin could contaminate the Delaware River; and

Whereas, The potential contamination of the Delaware River Basin from gas exploration and production using hydraulic fracturing could contaminate surface water and ground water, with the potential for a catastrophic public health and safety disaster for the residents of New York City, now, therefore, be it,

Resolved, That the New York City Council calls upon the Delaware River Basin Commission to refrain from issuing regulations governing gas exploration and production using hydraulic fracturing and for water withdrawal for the purpose of hydraulic fracturing within the Delaware River Basin until a cumulative impact study is completed to assess the risks and inform the development of adequate regulations for hydraulic fracturing in the Delaware River Basin.

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