

**SUSQUEHANNA RIVER BASIN COMMISSION**  
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**SRBC COMMENTS ON SUSQUEHANNA BEING NAMED  
NATION'S MOST ENDANGERED RIVER IN 2011**  
**Call for SRBC to Cease Water Quantity Approvals for Natural Gas Drilling Is Misguided**

HARRISBURG, Pa. – Susquehanna River Basin Commission ([www.srbc.net](http://www.srbc.net)) Executive Director Paul O. Swartz today issued the following commentary in response to American Rivers' designation of the Susquehanna River as the nation's most endangered river in 2011.

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**Commentary by Paul O. Swartz, Executive Director, Susquehanna River Basin Commission**

Today's announcement by the national organization American Rivers declaring the Susquehanna River as the nation's most endangered river in 2011 does not come as a surprise to the Susquehanna River Basin Commission (SRBC). We are well aware that the development of natural gas is foremost on the minds of citizens, policy makers, organizations and water management agencies.

**Why the Susquehanna River is the Focus in 2011**

As in 2005, when American Rivers last gave the Susquehanna the dubious distinction of being the most endangered due to concerns about combined sewer overflows, it is clear to us and others that the designation does not really mean the Susquehanna is the most polluted river. It is primarily meant to raise awareness of an issue with the underlying hope to effectuate policy changes. The issue this time around is the practice of hydraulic fracturing (hydrofracing) to capture natural gas from shales and whether the practice should be halted.

SRBC commends American Rivers for raising awareness on the importance of protecting our nation's rivers and streams. Undoubtedly, the Susquehanna River and its 49,000 miles of tributaries that feed the river are vital for all life, healthy ecosystems and a vibrant economy.

**Why the Call for an SRBC Moratorium is Misguided and Legally Indefensible**

SRBC wholeheartedly disagrees with American Rivers' call for us to impose a moratorium on water withdrawal and use approvals for hydrofracing. Many in the public who oppose or are very wary of this practice believe the overriding concern relates to the potential impacts to water quality, which falls outside of SRBC's regulatory responsibilities. We believe the decision whether to impose a moratorium falls squarely within the discretion of SRBC's member states.

It is SRBC's job to wisely manage and conserve the water resources of the basin while encouraging their sustainable use and development. That is SRBC's prescribed mission.

We are aware of and sensitive to the public's concern about water quality and drinking water supplies, but the call for an SRBC moratorium is unfortunately misguided and would be legally indefensible on our part.

The Commission has a “limited” but very important role in the regulation of natural gas development, namely the regulation of water withdrawals and consumptive water uses.

The Susquehanna River Basin Compact – that established SRBC 40 years ago – directs SRBC to avoid regulatory duplication, particularly in the area of water quality. In the Susquehanna basin, water quality regulations fall in the domain of our sovereign member states, New York, Pennsylvania and Maryland, and the federal government. As such, while our regulations are intended to be protective of aquatic resources, we do not regulate and have never regulated water quality, nor are we contemplating doing so in the future.

When it comes to water quantity, the Commission solidly believes the largely water-rich Susquehanna basin can accommodate the natural gas industry’s water needs, especially during times when our waterways are flowing very high or at normal levels.

For times when water quantities are stressed such as during droughts, we impose many protective conditions on project sponsors to ensure the withdrawals cease until water supplies naturally recover. Those very measures were imposed on withdrawals last summer even before drought declarations were issued by the Commonwealth of Pennsylvania.

Given the Commission’s limited regulatory role, there is no legal basis for us to impose a moratorium. To do so would surely invite lawsuits that the Commission would expect to lose on legal grounds.

Throughout the Commission’s 40 years, instead of looking to costly and lengthy legal avenues, we have placed significant attention to instituting strong, science-based regulations and practicing governmental coordination and cooperation to effectively and efficiently manage water resources.

Our regulations are comprehensive and designed to protect the environment and other water users. Those same regulations and our Compact require us to review and act on reasonable and sustainable requests for water, without regard to sectors. We treat all sectors equally and uniformly.

In areas where a member state has determined that hydrofracing can occur, we legally can not deny a reasonable and sustainable request for water by a natural gas driller that conforms to our regulatory requirements and standards. Nor would we deny a legitimate request for water by a hospital, a school, a municipality, a water bottler, a public water supplier, a food processor, a pharmaceutical manufacturer, a farmer, a power plant or others that meet the requirements of our regulations. Those are just a sample of the types of water users that have a legitimate right to the basin’s water supplies.

In the Pennsylvania portion of the basin, where no direct or de-facto moratorium on hydrofracing is in place by the state, the Commission continues to review and act on withdrawal and use requests. SRBC believes the Commonwealth’s regulatory improvements, including well casing, impoundments and TDS standards, are significant and will help protect water quality.

Conversely, we have not been acting on any new applications for water use related to this activity in the New York portion while the state undergoes its comprehensive environmental assessment.

SRBC recognizes the sovereign authority of our member jurisdictions. As an extension of the members, it is our job and mission to support them, not to duplicate or hinder them. And the decision whether to continue or discontinue hydrofracing practices is squarely the responsibility of SRBC’s members, not SRBC. As evidenced by our divergent actions on applications in the Pennsylvania and New York portions of our basin, we clearly walk that walk.

## **How SRBC's Regulations Protect Streams**

When we became aware that hydrofracing was taking place in the Susquehanna basin, SRBC was out of the gates early imposing penalties on violators and strengthening and streamlining our regulations to protect the environment while meeting our mission to support the sustainable use and development of water resources.

We believe our actions and our regulations can be held up as models of good government. We rigorously protect the environment and other water users with passby flow requirements, incentives for the use of lesser quality waters and recycling and encouragement of water sharing that reduces potential impacts on streams and truck traffic.

The Commission has also been investigating and plans to move aggressively forward to implement revised passby flow requirements that dictate when water withdrawals must cease due to low streamflow conditions. We have been working with our member jurisdictions, resource agencies and The Nature Conservancy to establish new passby flow thresholds that more accurately reflect seasonal variability with respect to streamflow and associated ecosystem flow needs.

## **SRBC Does Monitor Water Quality to Protect Streams**

While we do not regulate water quality, SRBC has been a leader in water quality monitoring for more than 25 years. Good monitoring consists of using approved methodologies, collecting and carefully recording and analyzing data, following protocols for quality assurance and quality control, coming to proper conclusions based on sound science and then releasing the findings to agencies, policy makers and the public.

As a federal-interstate watershed agency, we are uniquely qualified to conduct monitoring programs without regard to political boundaries. While we are routinely involved in a variety of monitoring programs, I draw your attention to our newest monitoring program, the Remote Water Quality Monitoring Network that continuously records and feeds water quality data to SRBC. To date, SRBC has installed nearly 40 monitoring stations in northern tier Pennsylvania where natural gas drilling is most active and southern tier New York to collect pre-drilling baseline data.

SRBC makes the data readily available to other resource agencies and the public via its web site at [www.srbc.net/programs/remotenetwork.htm](http://www.srbc.net/programs/remotenetwork.htm). The data help environmental protection officials track existing water quality conditions and any changes in them on an ongoing, real-time basis. The data also help local public water suppliers, watershed groups and communities stay informed.

The Commission clearly understands that citizens are concerned about natural gas drilling activities occurring in the Susquehanna basin. Data collection efforts such as this monitoring network are critically important to establish existing background conditions and monitor changes in water quality.

## **Inaccuracies in American Rivers' Statements**

Among the statements and assertions made by American Rivers, there are several technical and misleading inaccuracies that must be corrected.

First, American Rivers indicates that about 1.5 times the annual flow of the Susquehanna River will be used to sustain natural gas drilling. This is misleading because it implies an ongoing extreme demand for water that in reality will be drawn out over the course of 2 to 3 decades. Further, the estimate includes water needs for wells drilled outside the basin that will not rely on basin water.

The Susquehanna River supplies the Chesapeake Bay on average 18 million gallons of freshwater inflows every minute of the day. The effects of withdrawals from the northern reaches of the Susquehanna River and its

tributaries will not diminish this quantity going to the bay. SRBC staff estimates that the maximum need for water at the height of drilling will be 30 million gallons per day, or less than two minutes worth of the average flow of the river. Further, considering the lowest flows ever recorded in the lower Susquehanna River, the maximum use for drilling is expected to consume less than 3 percent of the flow to the bay during an extreme drought.

Second, in that related sentence about the Susquehanna River, American Rivers points to the potential for 400,000 wells across the Marcellus Shale. This could lead readers to believe the 400,000 wells relates to the Susquehanna basin only, which is clearly not the case. No industry or governmental estimate comes close to indicating that many wells for the Susquehanna basin. American Rivers should have indicated it meant the entire Marcellus Shale region, which includes portions of West Virginia, Ohio, and portions of Pennsylvania, Maryland and New York not located within the Susquehanna basin.

### **About the Susquehanna River Basin Commission**

SRBC, which is celebrating its 40<sup>th</sup> Anniversary in 2011, is the governing agency established under a 100-year compact signed on December 24, 1970 by the federal government and the states of New York, Pennsylvania and Maryland to protect and wisely manage the water resources of the Susquehanna River Basin. The Susquehanna River starts in Cooperstown, N.Y., and flows 444 miles to the Chesapeake Bay at Havre de Grace, Md. Learn more about SRBC at [www.srbc.net](http://www.srbc.net).

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