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February 24, 2021

The Honorable Tom Wolf
Governor, Commonwealth of Pennsylvania
508 Main Capitol Building
Harrisburg, PA 17120

Dear Governor Wolf,

I am writing in advance of the Delaware River Basin Commissions (DRBC) scheduled special public business meeting on Thursday, February 25, 2021. It is my understanding that this meeting will include DRBC consideration of final action on a Proposed Amendment to the Administrative Manual and Special Regulations Regarding Hydraulic Fracturing Activities in the Delaware River Watershed. Please consider this correspondence written notice of my strong support of this Proposed Amendment that will protect a vital resource that supplies drinking water to over 13 million people.

Formed in 1961 through concurrent compact legislation of the four Delaware River Basin states and the federal government, the DRBC is bound by Section 5.2 of this Compact to, "assume jurisdiction to control future pollution ... in the waters of the basin," and further ensure that pollution from industrial or other waste does not, "injuriously affect the waters of the basin as contemplated by the comprehensive plan." It has been well documented by state and federal agencies that unconventional oil and gas extraction through a process referred to as high volume hydraulic fracturing (HVHF) has, by its very nature, an extreme risk of ground and surface water contamination. These risks range from turbidity or other disruptions in local groundwater formations during construction, to the creation of a pathway for toxic and radioactive fluid movement between the Marcellus and Utica shale geologic strata and naturally occurring drinking water resources, such as local aquifers. The Environmental Protection Agency (EPA) has identified 1,084 chemicals utilized during the HVHF process and this list does not include additives and chemicals considered Confidential Business Information not subject to disclosure by the oil and gas industries. It is imperative to public health and environmental safety that we do all we can to ensure these chemicals do not contaminate our public drinking water resources and the adoption of this proposed rule is a necessary and vital measure toward this end.

Further, testimony provided by the DRBC at the Pennsylvania House Democratic Policy Committee hearing on February 22, 2021 stated that over 13 million individuals rely on water resources from the Delaware River Basin. In Pennsylvania, 17 counties and 522 municipalities representing 5.6 million Commonwealth residents would be negatively impacted if this Proposed Amendment is not adopted. During the HVHF process, the EPA estimates that 70 to 90 percent of water withdrawn for hydraulic fracturing is permanently removed from the water cycle. This is primarily due to the fact that when used in hydraulic fracturing, our freshwater resources are returned as “produced water.” Produced water is known to contain high levels of chloride, bromide, sulfate, sodium, magnesium, calcium, barium, manganese, iron, benzene, toluene, oil, radioactive materials such as radium, and an unknown number of additional chemicals classified as confidential. Produced water cannot safely be returned to the water cycle without contaminating this resource. In addition, the significant volume of water required during the hydraulic fracturing process, often exceeding four million gallons for each fracturing event. The permanent removal of water from the Delaware River Basin places the entire system at risk, especially during periods of low precipitation or drought.

It is clear that it is in the primary interest of all Pennsylvania residents who rely each and every day on the water resources of the Delaware River Basin for the DRBC to adopt the proposed rule to permanently restrict hydraulic fracturing in the Basin. Communities throughout our Commonwealth have experienced undo harm and the complete loss of drinking water resources following unconventional oil and gas extraction. We cannot continue to allow for-profit corporations to abuse our Constitutionally protected water and environmental resources in the name of corporate profit. As a DRBC Commissioner, I urge your support and immediate adoption of the proposed amendments and draft rule prohibiting unconventional oil and gas activity in the Delaware River Basin. Anything less would be negligent and I am confident that you will vote to protect the people and natural resources of our Commonwealth.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katie Muth', with a stylized flourish at the end.

Senator Katie Muth, SD44