

Legislation Text

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Calling on the City and the City Council of Philadelphia to support, as Friend of the Court, consolidated lawsuits brought by the Attorney General of the State of New York and others against the Delaware River Basin Commission (DRBC) and involved federal agencies to require that no drilling of Marcellus Shale take place until a full environmental analysis is completed.

WHEREAS, On March 25, 2010, the City Council of Philadelphia adopted Resolution 100209, sponsored by Councilwoman Blondell Reynolds Brown, which called on the Delaware River Basin Commission to halt hydraulic fracturing operations until a full environmental impact assessment has been conducted; and

WHEREAS, Resolution No. 100515 (adopted June 17, 2010) authorized Council's Joint Committees on Transportation and Public Utilities and the Environment to hold a hearing on the economic and environmental impacts that hydraulic drilling of Marcellus Shale will have on Philadelphia and the surrounding region; and

WHEREAS, On September 28, 2010, the Joint Committees on Transportation and Public Utilities and the Environment held the hearing authorized by Resolution No. 100515; and

WHEREAS, On October 14, 2010, Councilmembers Curtis Jones, Jr. and Blondell Reynolds Brown wrote to the DRBC requesting that the Commission halt hydro-drilling (fracking) and not issue draft regulations governing any project related to gas drilling in the basin at any time prior to the completion of the EPA study or its own cumulative impact study stating that "*science should guide environmental policy, placing the horse of science before the cart of policy,*"; and

WHEREAS, On December 15, 2010, Council's Joint Committees on Transportation and Public Utilities and the Environment adopted a final report, and issued said report to the full Council where on January 27, 2011 the Philadelphia City Council passed Resolution 100864-A adopting the aforementioned report; and

WHEREAS, The first recommendation of City Council's report on the impact of Marcellus Shale drilling on Philadelphia called for "*no drilling, or projects related to gas drilling (including exploratory wells and water withdrawals), [should be] permitted in the Delaware River watershed until both the EPA hydraulic fracturing risks study and the cumulative impact studies specific to the Delaware River Basin are completed, assessed, and publicly debated*"; and

WHEREAS, The Delaware River Basin Commission has announced plans to adopt drilling regulations at a special meeting on October 21, 2011, which could allow thousands of new gas wells in the Delaware River Basin; and

WHEREAS, On May 31, 2011, the New York State Attorney General filed litigation to stop the DRBC from issuing drilling regulations until a full environmental impact analysis is prepared. Several environmental organizations, The Delaware River Keeper Network, Damascus Citizens for Sustainability, the Hudson RiverKeeper and the National Parks Conservation Associations, have filed similar suits against the DBRC and other involved federal agencies. These lawsuits are pending in the United States District Court, Eastern District of New York; and

WHEREAS, If the combined results of both a national EPA study and a Delaware River Basin-specific cumulative impacts study, show the potential for catastrophic risk, potential costs, and the inherent and cumulative risks to water, air, climate, farms, food, economy, fish and wildlife, human health, scenic value, and the tourism base, the City of Philadelphia will determine whether it is advisable to call for the entire Delaware River Basin to be kept off limits to unconventional gas drilling techniques; and

WHEREAS, Neither the EPA environmental impact study nor a DRBC cumulative impact study have been completed; and

WHEREAS, According to the Philadelphia Water Department, the Delaware River provides drinking water to 17 million people, or ten percent of the US population and according to the Environmental Protection Agency the Delaware River is one of the busiest fresh water ports in the world; and

WHEREAS, The Delaware River Basin Commission is charged with protecting the water quality in the Delaware River; and

WHEREAS, Philadelphia City Council members are required to uphold not only the City Charter but also the Commonwealth of Pennsylvania's Constitution which provides in part at Article I, Section 27 "*The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people,*"; now therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That it hereby calls on the City and the City Council of Philadelphia to support, as Friend of the Court, consolidated lawsuits brought by the Attorney General of the State of New York and others against the Delaware River Basin Commission (DRBC) and involved federal agencies to require that no drilling of Marcellus Shale take place until a full environmental analysis is completed.

FURTHER RESOLVED, That a copy of this resolution be sent to the New York State Attorney General and all other parties to the consolidated lawsuits, as evidence of the grave concern of this legislative body.