

Testimony of Thomas J. Shepstone
Pennsylvania House Republican Policy Committee Hearing
Waymart, Pennsylvania - October 31, 2017

My name is Thomas J. Shepstone and I'm a professional planner from here in Wayne County. I have over 40 years of experience working with communities throughout the Commonwealth.

I also represent numerous private clients, including some in the natural gas industry and I've previously leased my own land for gas drilling but, unlike anyone in Western Pennsylvania out the Susquehanna River Basin I am unable to participate in the development of the natural gas resources I own. My rights have been stolen by the Delaware River Basin Commission.

The DRBC has over the last two decades been accumulating power to itself over land use and economic development with metastasizing regulations and fees that are rendering state governments more and more irrelevant.

The Delaware River Basin Compact between the states of Delaware, New Jersey, New York and Pennsylvania and the Federal government was signed in 1961. The Susquehanna River Basin Compact between the states of Maryland, New York and Pennsylvania and the Federal government was signed into law nine years later.

The majority of both commissions currently consists of the same three agencies: the Army Corps of Engineers for the Federal government, the Department of Environmental Conservation for New York State and the Department of Environmental Protection for Pennsylvania.

The respective compacts are also similar in that they are subject to these identical reservations:

Notwithstanding any provision of the Delaware River Basin Compact the Delaware River Basin Commission shall not undertake any project (as defined in such compact), other than a project for which state supplied funds only will be used, beyond the planning stage until—

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- (1) *Such commission has submitted to the Congress such complete plans and estimates for such project as may be necessary to make an engineering evaluation of such project, including—*
- (a) *Where the project will serve more than one purpose, an allocation of costs among the purposes served and an estimate of the ratio of benefits to costs for each such purpose.*
 - (b) *An apportionment of costs among the beneficiaries of the project, including the portion of the costs to be borne by the Federal government and by State and local governments, and*
 - (c) *A proposal for financing the project, including the terms of any proposed bonds or other evidences of indebtedness to be used for such purpose.*
- (2) *Such project has been authorized by Act of Congress...*

This language is of particular significance because it illustrates precisely what Congress and the states had in mind when they created both river basin commissions - water projects.

They were crafted with the intent to pursue joint development of water supplies for drinking, for commercial/industrial uses (that is to say economic development), for electric power and for recreation.

It was anticipated the parties would work together to develop water resources to meet the needs of growing regions with competing demands for water. It was expected the river basin commissions would keep their noses out of state business, while facilitating cooperative development of new and improved projects to supply more water.

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There is no indication of intent to give the DRBC or the SRBC control over every water resource. If no joint funding is not involved, in fact, these river basin commissions are legislatively directed to stay out of the way. They have no authority to pursue such "projects." Yet, today they are regulating ever more of our daily lives and now the DRBC wants to abscond with our mineral rights and regulate anything it wishes down to hairs on our head if we take showers.

The DRBC has already made itself an empire with \$30 million in the bank by charging fees for anything and everything while also ripping off its member states for contributions that ought be reduced to zero.

Now the agency is, slowly but surely, extending its control over land use by suggesting it can be require permits for any amount of water use in the DRBC region if it's connected to certain enterprises such as natural gas development; or even no water use in the case of pipeline development.

They even now propose prohibiting natural gas development in the DRBC region by formalizing a effective moratorium they accomplished by pretending to engage in the development of regulations with no end in sight after seven years.

The sovereignty of the states themselves is being erased bit by bit as the DRBC grabs more power and establish itself as overlord over the Commonwealth.

Worst of all, it's been done with acquiescence of two states — New York and our own Pennsylvania. Governors Cuomo and Wolf seem only too pleased to surrender their own authority so they don't have to make decisions themselves. Moreover, they taken the phrase “double-standards” to a whole new plane with the disparate treatment of the DRBC and the SRBC, both of which they effectively control yet treat totally different.

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Such corruption is to be expected from New York, where special interest politics is the only form known and the DEC Commissioner is a puppet of those special interests, but we haven't traditionally operated that way in the Commonwealth. It's time Pennsylvania started protecting the rights of all Pennsylvanians from this power-thirsty DRBC, stopped funding the beast and laid the plans to pull out of it.

Thank you!