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FEDERAL JUDGE QUESTIONS DELAWARE RIVER BASIN COMMISSION'S ABILITY TO OVERSEE FRACKING

A U.S. Circuit Court of Appeals recent decision in favor of a natural gas company calls into question the Delaware River Basin Commission's ability to oversee hydraulic fracturing, or fracking, for natural gas in the watershed.



A federal judge ruled in favor of Wayne Land and Mineral Group LLC, which argued the Delaware River Basin Commission unfairly stopped it from fracking for natural gas in Pennsylvania. (APRIL GAMIZ / THE MORNING CALL FILE PHOTO)

The Commission - an intergovernmental body charged with protecting water resources in the Delaware River basin, which includes the Lehigh Valley - regulates projects that have a substantial effect on water within the region. But the commission's definition of the term "project" is ambiguous and may not include hydraulic fracturing, Judge Kent Jordan wrote in his opinion.

On July 3, Jordan sided with the company, Wayne Land and Mineral Group LLC, when he vacated a lower court's dismissal of the company's case and remanded it back to that court to determine whether the DRBC's founders would have intended to have the commission oversee natural gas fracking.

Wayne Land and Mineral Group sued the DRBC in 2016, contending it had been wronged by the commission's 2009 moratorium on fracking for natural gas. The company - which owns natural gas-laden land in Wayne County, within the Delaware River watershed - contended that moratorium "is wrongly impeding its investment-backed expectations," according to Jordan's opinion.



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