

BEFORE THE  
DELAWARE RIVER BASIN COMMISSION

\* \* \* \* \*

IN RE: HYDRAULIC FRACTURING ACTIVITIES  
IN THE DELAWARE VALLEY

\* \* \* \* \*

BEFORE: WILLIAM FORD, Hearing  
Officer  
Steven Tambini, Executive  
Director, Delaware River  
Basin Commission

HEARING: Thursday, February 22, 2018  
3:00 p.m.

LOCATION: Lehigh Carbon  
Community College  
4525 Education Park Drive  
Schnecksville, PA 18078

SPEAKERS: Donald Miles, Karen Feridun,  
Bryn Hammarstrom, Joseph Hoffman,  
Stephanie Catarino Wissman, Jeanne  
Cimorelli, Jodi Roggie, Beth Kelley,  
Mark Lichty, Harriet Shugarman,

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Bill Shaughnessy, Ling Tsou, Dyanne  
Jurin, Edith Kantrowitz, Blayne  
Diacont, Thomas Stinnett, Nicole Jacob,  
Mary Ellen Cronly, Bruce Rosen, Faith  
Zerbe, Ned Fink, Lois Ann Oleska, James  
Orben, Ned Heindel, Gail Domalakes,  
Tara Zrinski, William Buskirk, Jr., Sam  
Bernhardt, Janet Little, Sue Mickley,  
Tracy Carluccio

Reporter: Gregory S. Jones

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NONE OFFERED

P R O C E E D I N G S

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HEARING OFFICER:

All right. Let me cover preliminary comments as people are settling in.

Good afternoon, everybody and welcome. My name is William Ford, F-O-R-D, and on behalf of the Delaware River Basin Commission, I welcome you to today's public hearing.

I will be serving as the Hearing Officer for this proceeding. And just to be clear, I am not a member. I am not a member of the DRBC staff. I am not a member of any environmental group. I do not own any property over natural gas rock formations.

I'm a retired Pennsylvania Judge. Actually, I was on the Court of Common Pleas of Lehigh County, and this is part of Lehigh County. So I used to be a Judge here in Lehigh County, and I retired two

1 years ago.

2 The DRBC has engaged me  
3 to conduct these hearings on its behalf  
4 to provide opportunities for --- for  
5 oral comment on the Commission's draft  
6 rules.

7 It is my intention to  
8 provide an orderly, safe and civil  
9 forum that allows for the creation of a  
10 clear recording of these proceedings.

11 At the end of my  
12 comments, which will last only a few  
13 minutes, I really see today as an  
14 opportunity, and I want to explain that  
15 to you. That'll be right at the end of  
16 my comments, and there may be some  
17 things that you're not aware of as far  
18 as how this is an opportunity for you.  
19 So bear with me. That'll be at the  
20 very end. I'll identify it as the  
21 comments pertaining to opportunities.

22 I ask that everybody keep  
23 their cell phones off or anything else  
24 electronic that could make noise during  
25 the proceedings here today. And just a

1        few reminders about building safety.  
2        In the unlikely event that we would  
3        need to evacuate this area, please make  
4        a note of the emergency exits here and  
5        we're right to the outside then. You  
6        can see the outside as soon as you step  
7        out into the hallway.

8                    Please keep all aisles  
9        and exits clear throughout the hearing.  
10       Before we start, on behalf of the DRBC,  
11       I would like to thank our hosts, Lehigh  
12       Carbon Community College, and also, I  
13       would like to thank the Pennsylvania  
14       State Police for the security that  
15       you're providing here today, and for  
16       your presence.

17                    What I'd ask you to do,  
18       please, would everybody rise if you can  
19       and we're going to start with the  
20       Pledge of Allegiance to the flag.

21       PLEDGE OF ALLEGIANCE RECITED

22                    HEARING OFFICER:

23                    Okay.

24                    Thank you, ladies and  
25       gentlemen. Okay.



1                   At this point, I'm  
2 actually going to read very closely  
3 from what I have in front of me for  
4 accuracy's sake, so please bear with me  
5 as I do that.

6                   The draft rules that are  
7 the subject of this hearing were  
8 proposed by the Delaware River Basin  
9 Commission to amend the Commission's  
10 administrative manual and special  
11 regulations regarding hydraulic  
12 fracturing activities and to provide  
13 for additional clarifying amendments to  
14 the Commission's rules of practice and  
15 procedure.

16                   A notice of proposed  
17 rulemaking along with the text of the  
18 draft rules and supporting documents  
19 were posted on the DRBC website on  
20 November 30, 2017 and have been  
21 published in the Federal Register and  
22 basin state registers.

23                   Information about the  
24 draft rules and the public process has  
25 and will remain available on the

1 Commission's website throughout the  
2 process.

3 As a total layperson in  
4 this area, I found the website very  
5 helpful and very informative. If you  
6 haven't done so, you may want to visit  
7 the website.

8 As set forth in the  
9 notice of proposed rulemaking by a  
10 resolution for the minutes on September  
11 13th, 2017, the DRBC Commissioners  
12 directed the Executive Director to  
13 prepare and publish for public comment  
14 a revised set of draft regulations to  
15 include, A, prohibitions relating to  
16 the production of natural gas utilizing  
17 horizontal drilling and hydraulic  
18 fracturing within the basin.

19 B, provisions for  
20 ensuring the safe and protected  
21 storage, treatment, disposal and/or  
22 discharge of wastewater within the  
23 basin associated with horizontal  
24 drilling and hydraulic fracturing for  
25 the production of natural gas where

1 permitted. And C, regulation of the  
2 inter-basin transfer of water and  
3 wastewater for purposes of natural gas  
4 development where permitted.

5 If adopted, the draft  
6 rules would add to the Commission's  
7 regulations a section on hydraulic  
8 fracturing in shale and other rock  
9 formations. This section would  
10 prohibit high volume hydraulic  
11 fracturing in such formations within  
12 the Delaware River Basin.

13 It would also require  
14 review under the Delaware River Basin  
15 Compact of any project that involves,  
16 first, the exportation from the basin  
17 of surface water, groundwater, treated  
18 wastewater or mine drainage water at  
19 any rate or volume for use in hydraulic  
20 fracturing or hydrocarbon bearing rock  
21 formations outside the basin.

22 Or, second, the  
23 importation into the basin and  
24 treatment and discharge within the  
25 basin of wastewater from hydraulically

1 fractured oil and gas wells.

2 We would also establish  
3 standards for the treatment and  
4 disposal of wastewater from  
5 hydraulically fractured oil and gas  
6 wells.

7 The Commission also  
8 proposes to amend its administrative  
9 manual, rules of practice and  
10 procedure, by the addition of project  
11 review classifications and fees related  
12 to the management of produced water  
13 from --- from hydraulic fracturing,  
14 hydrocarbon bearing rock formations.

15 Minor amendments to the  
16 project review classifications  
17 unrelated to hydraulic fracturing are  
18 also proposed. Copies of the proposed  
19 rules can be found on the DRBC website.

20 This is one of six public  
21 hearings on this matter. In addition  
22 to accepting oral comments at these  
23 hearings, the Commission is accepting  
24 written comments through 5:00 p.m. on  
25 Friday, March 30th.

1                   Written comments will  
2 receive the same consideration as oral  
3 comments. Written comments can be  
4 submitted online using the link that  
5 can be found on the DRB --- DRBC  
6 website.

7                   If you do not have access  
8 to a computer or to the internet and  
9 you would like to submit written  
10 comments, you may request an exception  
11 by writing to the DRBC at --- and I'll  
12 say the address twice and I'll say it  
13 slowly. This should be sent to the  
14 attention of the Commission Secretary,  
15 DRBC, P.O. Box 7360, West Trenton, New  
16 Jersey 08628. So that's, Attention  
17 Commission Secretary, DRBC, P.O. Box  
18 7360, West Trenton, New Jersey 08628.  
19 Okay.

20                   Ladies and gentlemen,  
21 today's proceedings are being  
22 videotaped over there to my left and  
23 recording over to my right, and a  
24 transcript will be created that will be  
25 --- that will become part of the

1 decision-making process, and will  
2 become part of the record for the  
3 proposed rules. The electronic  
4 recordings are being made to enable the  
5 DRBC Commissioners to see and hear your  
6 comments even though they cannot or do  
7 not attend any of the six hearings ---  
8 I don't know if they are or not, but  
9 I'm presuming that they're not. And to  
10 allow the DRBC staff in consultation  
11 with the Commissioners to prepare a  
12 detailed comment and response document  
13 that addresses the issues and concerns  
14 that you raise.

15                   And here is the procedure  
16 that will follow. First of all, the  
17 Commission thanks all who have  
18 registered in advance, either to attend  
19 or to attend and speak today. And some  
20 people have actually signed up today to  
21 speak that did not register previously  
22 and that's fine.

23                   Your doing so has helped  
24 the staff to prepare for these  
25 proceedings. Yeah. Let me say at this

1 point, ladies and gentlemen, I've been  
2 involved --- this is the fifth of the  
3 hearings that I've been involved in and  
4 as a layperson, they've been --- these  
5 hearings have been very educational for  
6 me.

7 It's been almost like a  
8 science project for me sitting in on  
9 these and the people have come forward  
10 and have given very factual things in  
11 terms of how matters affect them and  
12 other things, and scientific things.

13 I just think it was a  
14 wealth of information that has been  
15 given and will continue to be given.  
16 And one of the things that amazed me is  
17 that even as the comments went on, new  
18 things were added that somehow had not  
19 been stated previously. So we look  
20 forward to this. I know I do, as I get  
21 my education here on what's happening  
22 above Allentown, Pennsylvania. Okay.  
23 Let's see. And somewhat below, too.

24 All right. So I've ---  
25 personally, I found the comments to be

1 very thoughtful and I thought that was  
2 very, very helpful. What I'll do is, I  
3 will call speakers in the order that  
4 people have signed up previously, and I  
5 have that list here. And then after  
6 that, we'll go to the people who have  
7 signed up today.

8 And the way this reads  
9 is, that those who registered will be  
10 able to speak today and who have not  
11 already spoken at previous hearings.

12 Then let's see here.  
13 Anyone in the audience --- I think this  
14 will very manageable because it's not a  
15 large number. After we finish with the  
16 people that have signed up, if anybody  
17 wishes to add comments, if time  
18 permits, you'll be permitted to do that  
19 and hopefully it would be, you know, a  
20 different perspective or something that  
21 we have not heard before.

22 All right. What I'll do  
23 is, I'll call three names consistently  
24 so that you'll know that you'll be the  
25 next speaker or two down the line, so



1 to speak.

2 Let's see here. When I  
3 ask you to engage in the speaking,  
4 we're going to give each speaker a  
5 three-minute time limit. We have stuck  
6 with that and we're going to continue  
7 to speak --- stick with that in  
8 fairness to everybody that has  
9 testified previously and will testify.

10 A lot can be said in  
11 three minutes, so if you make your  
12 comments concise, it can be a very  
13 meaningful three minutes.

14 Okay. If you exceed the  
15 permitted time, you're going to hear a  
16 buzzer. All right? And I will also  
17 ask you to stop speaking. We have the  
18 time posted up there, and sure enough,  
19 there is a buzzer. Okay? And you're  
20 going to find me very strict on that.  
21 I'm going to stop and very respectfully  
22 ask that we move to the next speaker.  
23 All right?

24 Okay. Remember, that if  
25 you do try to continue speaking after

1 three minutes, you will be taking the  
2 time from someone else, so it really is  
3 a matter of courtesy and manners, and  
4 --- but, however, you'll have the  
5 opportunity to follow up in writing,  
6 you know, under the procedure that I  
7 told you about earlier.

8 While the subject matter  
9 of this hearing is something that many  
10 people are passionate about, the  
11 purpose of this hearing is not for  
12 public demonstrations.

13 The audience is asked to  
14 remain quiet while each commentator  
15 speaks --- I should say each commenter  
16 speaks --- so that the court reporter  
17 to my right and the recording devices  
18 can produce an accurate record.

19 Interrupting ---  
20 interrupting another's testimony with  
21 loud objections, or demonstrations or  
22 other disruptions is prohibited.  
23 Speakers are asked to state their names  
24 when they come forward, even though  
25 I'll call the name at first, and that's

1 for the recording purposes so it makes  
2 a nice recording.

3 You're asked to direct  
4 all comments to me. However, if you  
5 wish to direct them over toward the  
6 camera, you're welcome to do that.  
7 Please stay right there at the podium  
8 because that's what's being recorded,  
9 ladies and gentlemen. And it really  
10 doesn't matter how many people in the  
11 audience are speaking because you'll be  
12 recorded one on one with the camera and  
13 all of your comments will be recorded  
14 and typed into a transcript.

15 So the size of the  
16 audience, in the sense of recording,  
17 does not matter. You're also asked  
18 after you state your name, to state  
19 your affiliation.

20 Okay. And, of course,  
21 I'm somewhat repetitive here. Please,  
22 offer your comments in a respectful  
23 manner and be respectful of the other  
24 speakers and attendees.

25 If, as a part of your

1        comments, you ask a question, please do  
2        not expect a response during the  
3        hearing.

4                        Questions and comments  
5        will be addressed as part of the  
6        comment and response document that will  
7        be prepared by the Commission after the  
8        comment period is closed, and I'm  
9        certainly not equipped to be answering  
10       any questions, ladies and gentlemen.  
11       So we're going to restrict this to your  
12       input and there won't be any input from  
13       this end of it.

14                       We are scheduled to  
15       complete at seven o'clock and we'll  
16       just see how matters proceed.

17                       Okay. What is next?  
18       After all public input has been  
19       received, the DRBC staff and the  
20       Commissioners will develop a comment  
21       and response document that addresses  
22       each of the commenter's concerns.

23                       The Commissioners will  
24       consider changes to the proposed rule  
25       in response to the comments received

1 and will hold a vote to either approve  
2 the rules as proposed, approve the rule  
3 with changes or reject the proposed  
4 rules.

5 The decision makers on  
6 this and all rulemakings by the  
7 Commission, are the Commissioners  
8 themselves who may act through their  
9 appointed alternates.

10 The Commissioners are the  
11 governors of the four basin states,  
12 Delaware, New Jersey, New York and  
13 Pennsylvania, and also, on behalf of  
14 the federal government, the Division  
15 Commander of the North Atlantic  
16 Division of the U.S. Army Corps of  
17 Engineers.

18 Okay. And now let me  
19 identify as the opportunity, ladies and  
20 gentlemen, if you think of where we are  
21 in the sense of politically right now,  
22 we have a new Governor in New Jersey.  
23 And I went to the website to confirm  
24 this. The Governor of New York and the  
25 Governor of Pennsylvania are both up

1 for election in 2018 --- in 2018. I  
2 think the Governor of Delaware is there  
3 for a while yet. Okay. That's not to  
4 say they're doing a bad job or a good  
5 job. The point is this, I think,  
6 becomes a crucial time in deciding what  
7 these rules should be.

8 So this really is an  
9 opportunity for you perhaps to have an  
10 impact in the comments that you make.  
11 So please keep that in mind.

12 And just in meeting the  
13 staff, I really believe that you're  
14 going to get fair summaries of the  
15 things that are said here that are  
16 presented to the Commissioners.

17 All right. Okay. We are  
18 ready to proceed and what I'm going to  
19 do is, go to the people that have  
20 signed up previously for this meeting.

21 And here is the order of  
22 the first three speakers. Donald Miles  
23 would be first and then --- Mr. Miles.  
24 Okay. Recognize Mr. Miles. Then Carol  
25 Feridun and then Bryn Hammarstrom.

1       Okay.    Good.    If you just stay in place  
2       and then we'll call your name again  
3       when it's time.   Okay.   Mr. Miles, good  
4       to see you.

5                   MR. MILES:

6                   Good afternoon.

7                   HEARING OFFICER:

8                   Good afternoon.

9                   MR. MILES:

10                  My name is Donald Miles  
11       and I live in Bethlehem, Lehigh County.  
12       I'm here today speaking for the 32,000  
13       members of the Penn State chapter of  
14       the Sierra Club on the Board I sit, and  
15       for the 2,000 members of the Lehigh  
16       Valley Sierra Club who live in Lehigh  
17       Northampton, Carbon Counties.

18                  The Sierra Club supports  
19       the Commission's proposed regulation in  
20       banning high volume hydro fracking  
21       within the Delaware River Basin.   The  
22       Sierra Club opposes the Commission's  
23       proposal to permit the extraction and  
24       transfer of water from the basin  
25       streams, wetlands and groundwater to

1 fracking drilling sites outside the  
2 basin. Water for fracking is in ever  
3 shortage supply in the Susquehanna  
4 River basin to our west, and the per  
5 well water needs of each well now  
6 approach 20 million gallons.

7 Such water extractions  
8 and export is a consumptive use of  
9 millions of gallons removed in the  
10 Delaware basin that will never be  
11 returned. This removal will obstruct  
12 the seasonal flow regimes, and  
13 ecological habitats and species of the  
14 streams and wetlands, change the  
15 morphology of streams, increase water  
16 pollution due to the inability to  
17 dilute pollutants and affect the  
18 drinking water supplies during frequent  
19 dry spells within the basin.

20 The massive  
21 infrastructure needed of pipelines,  
22 pumps, rotors and truck conveys will  
23 also have adverse impacts upon streams,  
24 forests and water quality in the  
25 region.



1                   The Sierra Club also  
2                   opposes the Commission's proposal to  
3                   permit produced wastewater from  
4                   fracking operations to be discharged to  
5                   the lands and waters of the basin.

6                   The proposal would permit  
7                   untreated and diluted fracking water  
8                   and the Commission's own proposal  
9                   admits that such water poses  
10                  significant risks to human health and  
11                  environmental sustainability, but  
12                  proposes inadequate regulations to  
13                  permit such degradation to the streams.

14                  The proposal seeks to  
15                  regulate those fracking chemicals under  
16                  EPA established levels, but those EPA  
17                  standards do not cover all the  
18                  chemicals that are at present in frack  
19                  water.

20                  For instance, New York  
21                  regulator --- New York regulators have  
22                  listed 154 chemicals in flow back water  
23                  not regulated by the EPA, and the EPA  
24                  itself has identified over 1,600  
25                  chemicals in fracking water.

1                   We also want to point out  
2                   the great concern of the fact that flow  
3                   back water contains concentrated  
4                   radioactive substances such as variants  
5                   found in uranium-238, radon, which is  
6                   water soluble in our streams and  
7                   wetlands. Neither the DRBC nor the  
8                   state environmental agencies know how  
9                   to monitor or even accurately measure  
10                  these radioactive substances.

11                  In short, the proposal to  
12                  permit stream and groundwater  
13                  extraction and to permit wastewater  
14                  disposal within the Delaware River  
15                  basin are entirely inconsistent with  
16                  the DRB's proposal to ban fracking from  
17                  the basin. It's like declaring your  
18                  car is dangerous to the environment,  
19                  but the exhaust is okay.

20                  If fracking is too  
21                  dangerous to the health and welfare of  
22                  the streams, lands and residents of the  
23                  basin, fracking's tagalongs of massive  
24                  water extractions and wastewater  
25                  disposal are also too dangerous for the

1 health and safety of our streams, lands  
2 and people.

3 HEARING OFFICER:

4 Okay. Thank you, Mr.  
5 Miles. And please excuse my  
6 mispronunciation of names. With a name  
7 like Ford, I'm not challenged on them  
8 anyway. Okay. The next three speakers  
9 will be Karen Feridun?

10 MS. FERIDUN:

11 Yes.

12 HEARING OFFICER:

13 Okay. Feridun, Karen  
14 Feridun. And then there will be  
15 followed --- she'll be followed by Bryn  
16 Hammarstrom and then Joseph Hoffman.  
17 Okay. Ms. Feridun, please.

18 MS. FERIDUN:

19 Thank you. My name is  
20 Karen Feridun. I'm the founder of  
21 Berks Gas Truth and I live in Berks  
22 County in Kutztown. The Commissioners  
23 are to be commended for the decision to  
24 ban high volume hydraulic fracturing  
25 throughout the Delaware River basin.

1                   The draft regulations  
2           document contains a background section  
3           that states the use of hydraulic  
4           fracturing to extract oil and natural  
5           gas from shale formations presents  
6           risks, vulnerabilities and impacts to  
7           the quality and quantity of surface and  
8           groundwater resources that have been  
9           documented extensively, including  
10          comprehensive reports by the New York  
11          State Department of Environmental  
12          Conservation and the United States  
13          Environmental Protection Agency, among  
14          others.

15                   These reports identify  
16          the risk to water resources associated  
17          with each of the steps in the hydraulic  
18          fracturing water cycle. The document  
19          goes on to discuss those steps that  
20          include both water acquisition and the  
21          treatment of fracking waste. So it is  
22          impossible to understand why the  
23          Commission, in the same breath that it  
24          bans fracturing for all the right  
25          reasons, chooses to regulate water

1 extraction in the processing of  
2 fracturing waste.

3 Pennsylvania has  
4 experience with fracking that other  
5 watershed states do not have. It's  
6 been irresponsibly over the state,  
7 fracking. Only six studies have been  
8 done.

9 Ultimately, as has been  
10 the case with bans and moratoriums  
11 across the globe, Pennsylvania's  
12 experience helped form the decision to  
13 ban fracking in New York. Delegations  
14 from New York came to Pennsylvania and  
15 witnessed the damage firsthand.

16 There are more than 1,000  
17 studies on fracturing. Much of the  
18 data and the peer reviewed science the  
19 Commissioners consulted comes from  
20 Pennsylvania.

21 And so Pennsylvanians  
22 know that fracking is simply not worth  
23 it. They know what it's like to see  
24 their private water supply permanently  
25 fouled. They know what it's like to

1 see cattle die within an hour of  
2 drinking from a contaminated stream.

3 They know what it's like  
4 to stand in line at a volunteer water  
5 bank every week for a few gallons of  
6 clean water, in some cases, for years  
7 with no end in sight. They know what  
8 it's like to try to sell property with  
9 a water buffalo in the front yard and  
10 they know what it's like to submit  
11 water complaints to state regulators  
12 that fall on deaf ears.

13 When the Commission  
14 chooses anything short of a ban on  
15 fracking, on water extraction and on  
16 waste processing, Pennsylvanians know  
17 that it does a disservice to every  
18 community in the watershed that will  
19 quickly be exploited by an industry  
20 that has always taken a mile when it  
21 has been offered an inch and many times  
22 when it hasn't.

23 Pennsylvanians know that  
24 the water of the Delaware River Basin  
25 for fracking will never return to us as

1       potable water. The water we get back  
2       will be in such a highly polluted  
3       condition that we'll have no choice but  
4       to store it or dispose of it.

5               That is effectively an  
6       unsustainable cycle the Delaware River  
7       Basin Commission is proposing in the  
8       staff regulations. The Commission must  
9       remain its position and ban all of it.  
10      Thank you.

11                   HEARING OFFICER:

12                   Thank you. Bryn  
13      Hammarstrom would be next, and then  
14      Joseph Hoffman and then Stephanie  
15      Catarino Wissman. All right. This is  
16      Mr. Hammarstrom? Okay. Sorry.

17                   MR. HAMMARSTROM:

18                   Bryn Hammarstrom. Not  
19      --- I'm a member of Pine Creek  
20      Headwater Protection Group, actually,  
21      Vice President and Treasurer, but I'm  
22      not speaking on their behalf, out of  
23      Wellsboro, Pennsylvania. I grew up in  
24      the Lehigh Valley, specifically near  
25      Limeport. I drove down to this hearing

1 because I care deeply about the Lehigh  
2 Valley.

3 I now live in Tioga  
4 County where the incidental side  
5 effects occur periodically, bad apple  
6 subcontractors caught dumping or  
7 spreading dirty water in our forests or  
8 along roadways. Wells and waters being  
9 contaminated. Heavy truck traffic,  
10 heavy truck dust, truck accidents, et  
11 cetera, but the --- so our group, Pine  
12 Creek Headwater Protection Group, work  
13 to stop a company misnamed Clean Earth  
14 from dumping a half million tons of  
15 drilling returns to extend the  
16 Wellsboro Airport runway.

17 I spent three days in DEP  
18 file reviews, one in Harrisburg, two in  
19 Williamsport on the metals, salts and  
20 radiation in the drilling return. We  
21 were successful. Unfortunately, DEP  
22 allowed Clean Earth to withdraw its  
23 proposal so all of our documentation  
24 was for naught until someone else tries  
25 to send and run around Pennsylvania's



1 constitutional guarantee of clean air  
2 and clean water.

3 So while I did not study  
4 the produced water itself, the drilling  
5 returns contain the various  
6 contaminants, heavy metals, salts,  
7 radioactivity, and all the chemicals  
8 added by the frackers that were just  
9 referred to by Ms. Feridun. I --- the  
10 SRBC does not allow oil and gas  
11 companies to withdraw groundwater, but  
12 it does give river permits.

13 I certainly would oppose  
14 the Delaware River Basin Commission  
15 from allowing either water withdrawal  
16 or --- river water withdrawal, or  
17 surface water or groundwater.

18 The damage done in the  
19 Susquehanna River Basin Commission in  
20 allowing the water withdrawals and then  
21 dealing with the 4 million gallons per  
22 day limits that they allow Shell and  
23 Seneca are producing millions of  
24 gallons of water, which originally they  
25 dumped on roadways as dust control and

1 took to local sewage treatment plants  
2 until belatedly the SRBC banned those  
3 two methods.

4 The dirty --- I'm sorry.  
5 Let's see here. The other issue  
6 besides clean air and clean water from  
7 the methane lost in the production,  
8 which would be encouraged by DRBC  
9 allowing its waters to expand fracking  
10 in the Susquehanna basin, is the idea  
11 of liability. And I think all of this  
12 will result in long drawn out court  
13 cases by people whose water was ruined.  
14 Thank you.

15 HEARING OFFICER:

16 Okay. Thank you, sir.  
17 Thank you, sir. Joseph Hoffman would  
18 be next, and then Stephanie Catarino  
19 Wissman and then --- is Jeanne  
20 Cimorelli here?

21 MS. CIMORELLI:

22 Yes.

23 HEARING OFFICER:

24 She is here. Okay. And  
25 then she would be next. All right.

1 Mr. Hoffman, please. Thank you, sir.

2 MR. HOFFMAN:

3 My name is Joe Hoffman.

4 I am not representing an organization  
5 at this time because I just recovered  
6 from kidney transplant surgery.

7 However, I did work for 15 years for  
8 Wildlands Conservancy and Berks County  
9 Conservancy, so I'm a little familiar  
10 with this idea.

11 I wanted to try something  
12 different for the benefit of the group  
13 today, and it's something that I had  
14 practiced 20 years ago in Berks County  
15 when I was at Berks Conservancy.

16 A group that is not very  
17 well represented at any of these public  
18 hearings are our children, our  
19 students, high school level, college  
20 level especially, but even of a younger  
21 age. And yes, they care very much  
22 about this issue. Their comments --- I  
23 went to eight different schools.

24 The schools involved were  
25 Emmaus, Parkland, Whitehall,

1 Northampton, Nazareth, Freedom, Easton  
2 and Liberty, all of which are very  
3 familiar to folks in the Lehigh Valley.  
4 What they had to say was very  
5 enlightening to me. For example, they  
6 identified properly that there was a  
7 Delaware River Basin Commission  
8 narrative saying that they want to ban  
9 hydraulic fracking in this region.

10 And their response was  
11 very simple, how can you say that if  
12 you're going to allow water transfers  
13 in and out? They said it makes no  
14 sense. You have a beautiful resource  
15 that we all use. We use it for parks,  
16 recreation, open space, the  
17 environment.

18 We have memories in all  
19 these places, every stream, every park,  
20 every hollow has our name on it and  
21 you're going to damage it and you know  
22 you're going to damage it. You say you  
23 don't want to and then in the next  
24 breath, you do. How can we explain  
25 that? How can we justify that? And I

1 really couldn't. I just listened and I  
2 listened to a surprising consensus  
3 among younger folks that, yes, indeed,  
4 they do know what fracking is.

5 And, yes, indeed, they do  
6 know how important the Delaware River  
7 basin is. One of them said to me, I  
8 think the only one more important in  
9 the whole United States is the  
10 Mississippi River. And they said that  
11 because their family, some relatives  
12 live on the Mississippi River.

13 So I would venture to  
14 guess that the Commission needs to find  
15 a way to have a youth forum to talk  
16 about this issue with people who really  
17 are going to be affected by whatever  
18 decision DRBC makes. If it's an extra  
19 meeting, if it's some other method,  
20 that's up to them, but they must do it.  
21 Those people need to be heard.

22 HEARING OFFICER:

23 Thanks, Mr. Hoffman.

24 Thank you, sir.

25 MS. CATARINO WISSMAN:

1                   Stephanie Catarino  
2           Wissman, and then it would be Jeanne  
3           Cimorelli and then Jodi Roggie.  
4           Probably mispronounced it. We'll find  
5           out. All right. Okay. And I'm sorry.  
6           Let's see. This is Stephanie Catarino  
7           Wissman?

8                   MS. CATARINO WISSMAN:

9                   Yes.

10                  HEARING OFFICER:

11                  Okay. Ma'am, please.

12                  MS. CATARINO WISSMAN:

13                  My name is Stephanie  
14           Wissman. I'm the Executive Director of  
15           API Pennsylvania, a division of the  
16           American Petroleum Institute. Our  
17           number one priority at API is to  
18           provide energy in a safe,  
19           scientifically sound manner also having  
20           the least possible impact on the  
21           environment. Our members take this  
22           responsibility very seriously.

23                  API is one of the federal  
24           and state agencies to develop, design  
25           standards, recommended practices and

1 guidance initiatives to bolster  
2 operational integrity and ensure the  
3 health and safety of our communities  
4 and the environment.

5 To this end our industry  
6 supports effective, science based  
7 regulation that fosters safety in air,  
8 land and water, rules that are clear  
9 with tangible benefits, and to work in  
10 concert with safe and responsible  
11 energy development.

12 Regulation and oversight  
13 are important to U.S. natural gas and  
14 oil restoration development and  
15 production, and our industry is well  
16 regulated by both federal and state  
17 governments.

18 The DRBC also centers its  
19 watershed management efforts on sound  
20 science. Accordingly, it is imperative  
21 that any final decision on the proposed  
22 special regulations regarding natural  
23 gas development activities be based on  
24 sound science as well.

25 The science clearly

1 indicates that energy production can  
2 and is being done right and that  
3 hydraulic fracturing is not leading to  
4 widespread systemic effects to drinking  
5 water resources.

6 EPA's exhaustive six  
7 years \$30 million study's finding of no  
8 widespread effects from hydraulic  
9 fracturing activities to drinking water  
10 quality is a reflection of the  
11 effectiveness of these practices.

12 A wide variety of recent  
13 reputable studies by both government  
14 agencies and academic institutions also  
15 support the conclusion that hydraulic  
16 fracturing is not a major threat to  
17 drinking water. Perhaps most  
18 importantly, the neighboring SRBC's  
19 extensive real time water quality  
20 monitoring network consistently shows  
21 that natural gas operations in the  
22 Commonwealth are not considered to lead  
23 to negative impacts on water quality in  
24 the basin.

25 A recent PWC study showed



1 that oil and natural gas production in  
2 Pennsylvania supports more than 320,000  
3 jobs in the Commonwealth, including  
4 direct industry jobs as well as jobs in  
5 the wholesale, retail, construction,  
6 manufacturing and other sectors. As  
7 API is a standard setting organization,  
8 we play a central role in leading the  
9 development of industry standards to  
10 protect our environment.

11 In fact, API has  
12 developed a series of hydraulic  
13 fracturing recommended practices that  
14 continue to be revised and updated.  
15 With these standards guiding our ever  
16 improving industry practices, and  
17 development and implementation of an  
18 extremely robust regulatory program  
19 managed by PA DEP and overarching  
20 federal regulations all working  
21 together, we have an effective  
22 structure that allows for the essential  
23 development of Pennsylvania's natural  
24 gas resources while also protecting our  
25 treasured environmental resources.

1 I want to urge the  
2 Commission to consider the scientific  
3 data, the available studies, both state  
4 and federal regulations and also  
5 industry best practices and the  
6 significant technology and engineering  
7 advancements in this industry that make  
8 safe and responsible development  
9 possible. We have seen it work across  
10 the Commonwealth and all over the  
11 nation. We can have safe and  
12 responsible development in the Delaware  
13 River basin as well.

14 HEARING OFFICER:

15 Okay. Thank you, ma'am.  
16 All right. Jeanne Cimorelli would be  
17 next, and then Jodi Roggie and then  
18 Beth Kelley. Okay. Jeanne Cimorelli;  
19 is that right?

20 MS. CIMORELLI:

21 Yes.

22 HEARING OFFICER:

23 Okay. Ma'am, please.

24 MS. CIMORELLI:

25 Good afternoon. My name

1 is Jeanne Cimorelli. I am a lifelong  
2 resident of Orange County, New York and  
3 I made a special long trip to be here  
4 today to speak to you guys.

5 I'm a regular visitor to  
6 the Delaware River. I'm an avid outdoor  
7 person, be it kayaking, I'm a wildlife  
8 enthusiast, bird watching, an arborist  
9 and photographer. And I visit the  
10 Delaware River all the way from north,  
11 all the way to the Delaware Bay to the  
12 parks that are down there.

13 Back in January, I  
14 attended one of the Commission's public  
15 hearings and I listened to comments  
16 from both sides of debate, statements  
17 ranging from save the environment,  
18 protect water to don't tell me what to  
19 do with my land and you're  
20 overreaching. And I sat and I listened  
21 and in today's political climate, I  
22 said, what is the common denominator?  
23 What's the common ground between these  
24 two sides?

25 And I came up with one

1 thing, and that one thing is the river.  
2 Even people who supported fracking on  
3 that side, they said, hey, now I'd be  
4 the first one to tell you, I don't want  
5 to see anything happen to the river.

6 So the love of the river  
7 and the preservation of the river is  
8 one common ground between both sides.  
9 Nobody wants to see anything happen to  
10 it. From what they said on the other  
11 side, on the pro fracking side, they  
12 said don't tell me what to do with my  
13 land.

14 They wanted to be able to  
15 sell rights or whatever. That to me is  
16 --- is --- that would benefit just a  
17 small number of property owners. If  
18 something were to happen with that  
19 storage, wastewater, byproduct storage  
20 of fracking hydraulics, it would be the  
21 municipalities and our first responders  
22 and the resources.

23 So while a few people may  
24 benefit from a monetary gain, it's  
25 going to be many people that have to

1 support the cleanup.

2 And to me, it's not a  
3 matter of if, it's a matter of when,  
4 because things do fail.

5 So in closing, I'd like  
6 to say that we here on the east coast  
7 have an abundance of water and I don't  
8 want the Commission to be complacent by  
9 thinking --- by not giving due respect  
10 to this valuable asset we have, this  
11 precious asset of clean water.

12 Many people on the west  
13 coast and drought-stricken countries  
14 would agree that you should do your  
15 best to safeguard this precious river  
16 and this precious asset that we have.

17 So to that end, I would  
18 urge you to continue to ban fracking  
19 and also a ban on any wastewater  
20 storage, byproduct storage and  
21 therefore, really most anything that  
22 could absolutely threaten this  
23 precious, precious clean water that we  
24 have. Thank you.

25 HEARING OFFICER:

1                   Okay. Thank you, ma'am.  
2                   Next will be Jodi Roggie, and then Beth  
3                   Kelley and then Mark Lichty. Did I  
4                   mispronounce your last name?

5                   MS. ROGGIE:

6                   Roggie.

7                   HEARING OFFICER:

8                   I guess I did. Roggie.  
9                   Okay. You're kind. All right. Ms.  
10                  Roggie, please.

11                  MS. ROGGIE:

12                  My name's Jodi Roggie.  
13                  I'm here as a private citizen, although  
14                  I support numerous environmental  
15                  organizations. I live in Lower Saucon  
16                  Township. I totally support the  
17                  proposed ban on fracking drilling, and  
18                  I'm confused and concerned about the  
19                  draft regulations that address storing  
20                  frack wastewater here and those have  
21                  addressed that our fresh water could be  
22                  used in fracking elsewhere.

23                  The only way I can  
24                  support addressing these issues, is to  
25                  have a total ban on all fracking

1 related activities in our watershed.  
2 No drilling, no accepting fracking  
3 wastewater, no withdrawal of fresh  
4 water. Anything else is too much  
5 potential for introducing contamination  
6 to our groundwater.

7 It's so easy to take for  
8 granted that we'll have safe water, but  
9 once I started learning about fracking,  
10 I realized that many businesses place  
11 their quest for monetary profit above  
12 the health of citizens and the  
13 protection of our environment.

14 The only way to protect  
15 our watershed is to prohibit all  
16 activities associated with fracking.  
17 It's vital to the health and wellbeing  
18 of the 16 million folks who depend upon  
19 water from the Delaware River basin.

20 Frack wastewater is a  
21 toxic kind of carcinogen. Studies by  
22 Yale and many others have found that  
23 this waste contains chemicals that  
24 increase the risk of cancer and it's  
25 well known that radioactivity exists in

1 fracking wastewater. Studies by New  
2 York State show that among the numerous  
3 radioactive elements is the longest  
4 lived isotope of radium. Any storage  
5 of fracking wastewater is just an  
6 accident waiting to happen.

7 The materials available  
8 to contain waste will surely degrade  
9 before this radiation is secured. And  
10 remember, we experience earthquake  
11 tremors in our watershed, which is just  
12 another opportunity for a containment  
13 site to be disrupted and release the  
14 waste.

15 We've had an  
16 environmental rights amendment in  
17 Pennsylvania since 1971. It clearly  
18 states our right to clean air and pure  
19 water and since Pennsylvania is a  
20 member, the DRBC should also be bound  
21 to defend these rights now and for  
22 generations to come.

23 Your existing water code  
24 requires consideration of alternatives  
25 for projects that withdraw wastewater,



1 with one of these alternatives always  
2 being no project.

3 Since our DEP and EPA has  
4 found that fracking operations have  
5 contaminated numerous wells, how can we  
6 ever consider any circumstance where  
7 watershed resources can be used to make  
8 fracking possible? Please ban all  
9 fracking.

10 HEARING OFFICER:

11 Thank you, ma'am. Beth  
12 Kelley, and then Mark Lichty and then  
13 Harriet Shugarman. Okay. Is this Ms.  
14 Kelley?

15 MS. KELLEY:

16 Yes. Before I start I  
17 just have to ask a question. Will the  
18 clock start when I introduce myself  
19 or ---?

20 HEARING OFFICER:

21 The clock will start as  
22 soon as you say your name and you need  
23 to start by saying your name.

24 MS. KELLEY:

25 I'm not going to

1 introduce myself or state what my ---

2 HEARING OFFICER:

3 Okay. We'll start right  
4 now. Go.

5 MS. KELLEY:

6 Okay. Hi. My name is  
7 Beth Kelley and I live in New York  
8 City. I have been following the  
9 fracking industry for about eight  
10 years. Ever since the de facto  
11 moratorium went into place, every time  
12 I read about fracking related incidents  
13 such as gas explosions, chemical  
14 spills, contaminated water, destroyed  
15 ecosystems and so and so forth I assume  
16 that the Commission is seeing the same  
17 things and that, of course, it knows  
18 that only a permanent ban will protect  
19 the Delaware River from the gas  
20 industry.

21 When the DRB Governors  
22 made a big announcement last year that  
23 they were going to ban permanently  
24 fracking, I thought, yes, finally.  
25 Then the draft regulations were

1 released and it became obvious that  
2 celebrating was premature. As the  
3 Sierra Club's Jeff Tittel said so  
4 aptly, these proposed regulations are a  
5 dirty water deal hidden behind the  
6 fracking ban. So here we are.

7                   Seventeen (17) million  
8 people rely upon the Delaware River  
9 basin for safe drinking water. Over  
10 eight million of them live in New York  
11 City, but DRBC must not want to hear  
12 what many of these 17 million people  
13 think about these regulations since  
14 there are no hearings in New York City,  
15 no hearings in New Jersey, no hearings  
16 in Delaware.

17                   A lot of people have to  
18 travel hours to get to the hearing.  
19 This says a lot about the so-called  
20 public input process of the DRBC.

21                   So my friends and I are  
22 here to lend our voices to eight  
23 million New York City residents who are  
24 incredibly fortunate to have such great  
25 tasting, safe drinking water from the

1 upper Delaware Catskill watersheds.  
2 The water is so clean, so protected  
3 that the city doesn't have to filter  
4 it.

5 If it did have to filter  
6 it, it would cost billions of dollars  
7 and this would be on top of the  
8 billions that the city already needs to  
9 maintain its aging infrastructure such  
10 as the current \$1 billion repair of the  
11 Delaware aqueduct tunnel.

12 It is unconscionable that  
13 the fracking industry doesn't have to  
14 disclose all the chemicals it uses.  
15 Nobody knows exactly what is in  
16 fracking fluid and in fracking waste.  
17 How can DRBC regulate what it doesn't  
18 know?

19 We don't know the effects  
20 of water withdrawals and so many  
21 fracking activities because the  
22 industry doesn't have to provide the  
23 data that scientists need.

24 The unprecedented  
25 exemptions given to this industry have

1 proven very convenient to them. And by  
2 the way, anyone that thinks that this  
3 industry could be discouraged is  
4 certainly misguided.

5 Because of all the known  
6 and unknown risks that fracking  
7 presents, DRBC must evoke the  
8 precautionary principle and ask how  
9 much harm is avoidable, instead of how  
10 much harm is acceptable? In order to  
11 carry on its mandate to protect the  
12 quality and quantity of the water,  
13 DRBC must prohibit fracking and all  
14 fracking related activities.

15 HEARING OFFICER:

16 I'm going to have to stop  
17 you at this point.

18 MS. KELLEY:

19 This informed decision  
20 will affect generations to come.

21 HEARING OFFICER:

22 Ma'am, you have to stop.

23 MS. KELLEY:

24 Do not fail them.

25 HEARING OFFICER:

1                   Okay.

2                   MS. KELLEY:

3                   I read it a little slower  
4 than I practiced. Thank you.

5                   HEARING OFFICER:

6                   Okay. Next, will be Mark  
7 Lichty, and then Harriet Shugarman and  
8 then Bill Shaughnessy.

9                   MR. LICHTY:

10                  Hi. My name is Mark  
11 Lichty and I'm here as business person  
12 and as a manufacturer. I want to make  
13 the comment about the API testimony.  
14 We know from five years ago that the  
15 gas companies told us that there was no  
16 leakage from wells. We know that they  
17 claimed five years ago that it was  
18 safe. We know the DEP five years ago  
19 said that there was no leakage from  
20 wells from fracking.

21                  Well, indeed, today we  
22 know differently, that there has been  
23 leakage from wells. There's leakage  
24 from fracking in wells, and so I  
25 question the credibility of those

1 statements.

2 Now, I'm here today as a  
3 manufacturer, and I think my story is  
4 an important story because my story is  
5 one of enlightenment. My story is one  
6 of awakening.

7 I was totally pro  
8 fracking. Now I'm anti-fracking. I  
9 spent \$200,000 on a manufacturing plant  
10 very close to the Delaware River, by  
11 the way. I spent \$200,000 based on my  
12 belief in the gas company's propaganda,  
13 that this little blue flame was safe.  
14 I didn't learn until later that it  
15 wasn't about the little blue flame. It  
16 was about the process of extreme  
17 extraction that produced that little  
18 blue flame. That process was the  
19 problem. Meanwhile, I had spent  
20 \$200,000 on converting from oil to gas.  
21 I'm stuck with gas now.

22 I can't spend that  
23 \$200,000 on a clean energy future. I'm  
24 stuck with gas now. We've had over a  
25 thousand studies that indicate and

1 establish the health and environmental  
2 consequences of fracking. We need no  
3 more studies to establish the health  
4 and environmental consequences of  
5 fracking, and it doesn't matter whether  
6 it's the fracking process itself or the  
7 related activities.

8 It's all bad. It's all  
9 bad, and so as a manufacturer, as a  
10 businessman --- and I know you don't  
11 often have manufacturers and  
12 businessmen to speak here because  
13 they're reluctant to speak here, but  
14 today I speak. We need to have a ban  
15 on any related activity to fracking in  
16 the Delaware River Basin Commission.  
17 Thank you.

18 HEARING OFFICER:

19 Thank you, sir. Harriet  
20 Shugarman, and then Bill Shaughnessy  
21 and then Ling Tsou. All right. This  
22 is Ms. Shugarman. If you would,  
23 please, ma'am.

24 MS. SHUGARMAN:

25 Thank you. I'm Harriet



1 Shugarman, the Executive Director of  
2 Climate Mama, a national organization  
3 with members from all the basin state.  
4 And I'm here also in my capacity as the  
5 New York City Chair of the Climate  
6 Reality Project.

7 I'm an adjunct professor  
8 at Brownville College of New Jersey  
9 where I teach a senior level course in  
10 global climate change policy, and I  
11 traveled here from Bergen, New Jersey  
12 today.

13 I will be focusing my  
14 remarks on the climate impacts that  
15 threaten the basin. The realities that  
16 climate change already brings to bear  
17 the region must be considered, as must  
18 the future climate change impacts as  
19 best we can. I'm not sure how closely  
20 you've been following the arrival of  
21 day zero in Cape Town, South Africa.

22 Cape Town is a  
23 sophisticated city with sustainability  
24 programs that serve as models around  
25 the world, yet as early as July 9th of

1 this year, the taps for nearly one  
2 million people will be turned off. The  
3 drought that has created this near Max  
4 Max scenario came seemingly out of  
5 nowhere in the last three years.  
6 Providing them water is not an easy  
7 task, particularly as we live climate  
8 change.

9           It is one that you as  
10 guardians of our basin are working to  
11 arrive at. I know that. With the  
12 impacts of climate change ever present,  
13 though, anything that threatens the  
14 flora and the fauna that rely on the  
15 Delaware to survive and the absence of  
16 more than 15 million people who live in  
17 the basin to the clean and reliable  
18 waters of the Delaware must be stopped.

19           Earlier this week,  
20 astonishing scientists, the Arctic  
21 recorded temperatures above zero, 45  
22 degrees above normal. It's not an  
23 anomaly.

24           This is something that's  
25 happened numerous times over the past

1        few years. This occurs as we in the  
2        northeast are also baking in an  
3        unseeingly warm February for the second  
4        year in a row. New York City, D.C.,  
5        Boston and Portland, Maine all set new  
6        high temperatures this week, with  
7        Pittsburgh breaking a 127-year heat  
8        record, hitting 78 degrees yesterday.  
9        These types of extremes are happening  
10       with more regularity and frequency all  
11       around the world.

12                    This past summer New York  
13       magazine published the article, an  
14       Uninhabitable Earth. They looked at  
15       the worst case scenario of unchecked  
16       climate change.

17                    As policy makers, we  
18       often use the middle of the standard  
19       deviation when assessing possible  
20       scenarios. There are no clear settings  
21       to tell us how soon or when climate  
22       impacts will be catastrophic, but this  
23       asks us to look one to two standard  
24       deviations away from the norm.

25                    There were push-backs

1 including from climate scientists, yet  
2 we should not use the precautionary  
3 principle when considering something as  
4 critical as our access to fresh water?

5 I am sure that some of  
6 you are parents or grandparents, uncles  
7 or aunts. Climate change is happening  
8 on our watch. Visualize your children  
9 as you make these critical and very big  
10 decisions. We have seen time and again  
11 unexpected and unimaginable scenarios  
12 that do occur and we can only control  
13 what we can control. You control what  
14 happens next.

15 Anything short of a  
16 complete ban on drilling and fracking  
17 related activity including water  
18 related withdrawal and storage  
19 wastewater would be a dereliction of  
20 your stated vision and your leadership.  
21 Thank you.

22 HEARING OFFICER:

23 Thank you. Bill  
24 Shaughnessy next, please, then Ling  
25 Tsou and then Dyanne Jurin. Okay.

1 This is Mr. Shaughnessy?

2 MR. SHAUGHNESSY:

3 Yes.

4 HEARING OFFICER:

5 Okay.

6 MR. SHAUGHNESSY:

7 Good afternoon. My name  
8 is Bill Shaughnessy. I live in  
9 Meadowbrook, Pennsylvania, just outside  
10 of Philadelphia. I'm also a Wayne  
11 County landowner and I am an  
12 environmentalist. I grew up in this  
13 basin. I had an organic garden. I  
14 drew on the basin's waterways. I built  
15 boxes for water on my property.

16 I plant food from  
17 wildlife. I fish the waters of the  
18 basin. I stock my own streams with  
19 trout on my own dime for my family to  
20 enjoy. Those trout travels down the  
21 creek all the way to the Delaware for  
22 all to enjoy. I'm a true steward of  
23 this basin, and I am here today to tell  
24 the DRBC you have no right and  
25 authority to take my family's future,

1 the future of my land and my mineral  
2 rights, my Constitutional right to  
3 harvest my oil and gas.

4 The DRBC has sat on its  
5 hands for over seven years refusing to  
6 vote on its own regulations that has no  
7 authority to rule on whatsoever. You  
8 give me three minutes to comment on an  
9 issue that is already a foregone  
10 conclusion in your eyes. This isn't a  
11 public hearing. It's a circus. The  
12 Susquehanna River basin has all the  
13 same characteristics as the Delaware.

14 It's a scientifically  
15 proven success story, yet the Delaware  
16 River basin ignores them in favor of  
17 anti-gas special interests. How can  
18 the Commonwealth of PA see the very  
19 same success of the Susquehanna, allow  
20 the Susquehanna to successfully drill  
21 for gas and successfully monitor the  
22 stringent regulations from our own DEP  
23 yet deny the same circumstance in the  
24 Delaware River basin?

25 This is a clear taking on

1 the part of DRBC, the very Commonwealth  
2 I live in and pay taxes to.

3 The DRBC has a lawyer  
4 representing them in the mineral gas  
5 states. He has a habit of fainting in  
6 front of the Judge on Direct  
7 Examination. You better wrap him up in  
8 bubble wrap because he's going to spend  
9 a lot of time on the floor when he sees  
10 what's coming down the pipe in the form  
11 of a lawsuit. DRBC can't take my  
12 mineral rights. If they want them,  
13 I'll sell them.

14 I want 100,000 acre. You  
15 owe me \$22.8 million. The  
16 environmentalists are not the  
17 individual human resources of the  
18 basin. The environmentalists are the  
19 landowners who create and care for our  
20 land. We know best how to do just  
21 that. You cannot pass your proposed  
22 and illegal regulations. Thank you.

23 HEARING OFFICER:

24 Thank you. Next, would  
25 be Ling Tsou, and then Dyanne Jurin and

1 then Edith Kantrowitz. Okay. Ma'am,  
2 would you start by stating your name,  
3 please?

4 MS. TSOU:

5 Sure. My name is Ling  
6 Tsou and I reside in New York City, and  
7 I'm with United Action. I urge DRBC to  
8 issue regulations to completely and  
9 permanently ban fracking for natural  
10 gas and fracking-related activities  
11 including water withdrawal and  
12 wastewater processing storage and  
13 discharges throughout the Delaware  
14 River watershed.

15 The Delaware River basin  
16 provides drinking water to 15 to 17  
17 million people in New York, New Jersey,  
18 Pennsylvania and Delaware including the  
19 urban areas of New York City and  
20 Philadelphia. The irreplaceable  
21 resources of the Delaware River  
22 watershed with its important economic  
23 benefit to all four states will be  
24 greatly jeopardized by fracking and  
25 this polluting operation, and must be



1 protected for the public and future  
2 generations.

3 Fracking pollutes  
4 groundwater, destroying the quality for  
5 generations to come. The toxic  
6 chemicals in fracking fluids will  
7 migrate to water and to the surface.  
8 Considering groundwater flow, the  
9 environment created by the gas  
10 extraction process including the lack  
11 of durability of the cement sealing and  
12 steel casings, aquifers and surface  
13 waters are not sufficiently isolated  
14 from the toxic fluids and deep geologic  
15 --- geology pollutants by drilling and  
16 fracking.

17 After exhaustive study,  
18 the State of New York prohibited  
19 fracking based on environment and  
20 public health analysis. Fracking uses  
21 enormous volumes of water. Water used  
22 for fracking is lost, either by being  
23 polluted or by being consumed since  
24 most of the water injected for fracking  
25 is not recovered and is not returned to

1 the source. This withdrawal of water  
2 depletes the surface waterway and our  
3 groundwater from where it is taken.

4 Considering that only one  
5 percent of the earth's water is  
6 drinkable, how we manage water will  
7 define our future and the future of the  
8 planet. Substantial damage is caused  
9 by the wastewater produced by fracking,  
10 which contains many dangerous  
11 pollutants including radioactive  
12 materials that cannot be fully removed  
13 by treatment, and those damages can  
14 substantially harm the water quality of  
15 our streams and the life in them.

16 The supersized wells with  
17 horizontal well bores up to 4 miles  
18 long use 10 million, 20 million gallons  
19 of water per well. This increased use  
20 of water for fracking translates to  
21 wastewater that must go somewhere. The  
22 need for more places to get rid of this  
23 wastewater is a problem becoming so  
24 acute that the industry is now  
25 targeting the Delaware River basin.

1                   And with those --- with  
2 these draft regulations, the DRBC is  
3 opening the door. We urge DRBC to  
4 completely and permanently close this  
5 door. Thank you.

6                   HEARING OFFICER:

7                   Dyanne Jurin, please, and  
8 then Edith Kantrowitz and then Pat  
9 Carullo. Okay. Ms. Jurin?

10                  MS. JURIN:

11                  Hi. My name's Dyanne  
12 Jurin and I'm a resident of  
13 Pennsylvania, and I'd like to thank the  
14 DRBC for taking this bold step using  
15 their scientific knowledge to put that  
16 knowledge where our mouths are in our  
17 regulations. I'm thankful that they  
18 are proposing to ban fracking in the  
19 Delaware River basin.

20                  This is a solid step in  
21 decreasing the impact of gas production  
22 has on our environment. The scientific  
23 data is incontrovertible. Our planet is  
24 heating up and sea levels are rising.  
25 The biggest contributors to warming of

1       our planet and to water acidification  
2       are CO2 and methane gas.

3                       I'm thankful to the DRBC  
4       for their proposed tough regulations on  
5       water that will be withdrawn and  
6       returned for gas fracking production,  
7       but I'm confused. If you have  
8       scientific knowledge that lets you know  
9       that CO2 and methane gas are destroying  
10      our planet, then why just say not in  
11      our back yard? Why let other people's  
12      back yards be impacted by this?

13                      The DRBC has to give a  
14      clear statement that scientific  
15      knowledge lets us know we have to turn  
16      away from gas production so that we can  
17      show other water basins that you have  
18      this power to regulate this.

19                      And we have to stop  
20      having and leaning on the gas and oil  
21      industry thinking that they can  
22      continue to make profits on the  
23      environment's impact and destruction.  
24      Please speak and use your integrity.  
25      Thank you.

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HEARING OFFICER:

Thank you, Dyanne. Edith Kantrowitz, then Pat Carullo and then Blayne Diacont. Okay. Ma'am, please.

MS. KANTROWITZ:

I'm Edith Kantrowitz from United for Action. I urge a complete ban not only to gas drilling, but all activities related to fracking including water withdrawals, wastewater processing, storage and discharges.

It's important that we remember we're already in a time of extreme climate crisis, and you should know that natural gas methane is 86 times more deadly than carbon in the atmosphere over a 20 year period.

Current technology does not control the release associated with methane operations to the point that emissions from gas development in Pennsylvania are currently expected to prevent the achievement of Pennsylvania's climate goals.

As intelligent and moral

1 people, I ask, you how can we allow  
2 this to happen? This watershed  
3 supplies water for 17 million people in  
4 four states including New York City and  
5 Philadelphia, as well as many economic  
6 and recreational benefits.

7 An irreplaceable resource  
8 that must be protected for the public  
9 and cannot be allowed to suffer the  
10 impacts that will inevitably result  
11 from fracking operations or its related  
12 activities. The DRBC's regulations do  
13 not allow the Delaware River basin  
14 water quality to be diminished in any  
15 way.

16 The DRBC policy of  
17 protection and preservation for these  
18 states that it shall be policy to  
19 discourage exploitation of water from  
20 the basin, and that it should be policy  
21 to discourage importation of wastewater  
22 that we significantly reduce the  
23 capacity we receive from the streams.

24 By allowing water  
25 withdrawal and wastewater importation

1 related to fracking, the DRBC would  
2 therefore be in direct contradiction of  
3 its own stated goals and policies.

4 Water use for fracking is  
5 completely lost in the system either by  
6 contamination or by the natural  
7 evaporation cycle. At least 90 percent  
8 of Marcellus Shale frack water remains  
9 underground.

10 Water withdrawals also  
11 have the potential to disrupt or  
12 diminish the flow of water to  
13 hydrologically connected wetlands and  
14 bodies such as ponds and streams. And  
15 water removal is reducing fresh water  
16 available to residents to use.

17 It has repeatedly been  
18 demonstrated that gas fracking  
19 contaminates groundwater. Toxic water  
20 resulting from fracking also ---  
21 wastewater from fracking also  
22 contaminates streams with dangerous  
23 pollutants.

24 While drilling companies  
25 in the Marcellus Shale are looking

1 forward to decreasing the amounts of  
2 their wastewater that is contaminated  
3 with benzene, bromide, toluene, xylene  
4 and radioactive materials, there is no  
5 reason why the Delaware River basin  
6 should be the recipient of this  
7 toxicity.

8 For all these reasons, we  
9 must have a complete ban not only on  
10 fracking, but on its related activities  
11 of water withdrawal and wastewater  
12 processing. Thank you.

13 HEARING OFFICER:

14 Pat Carullo, please, and  
15 then Blayne Diacont, and then it would  
16 be Thomas Stinnett. Okay. Is --- is  
17 Pat Carullo here? Pat Carullo?

18 All right. Blayne  
19 Diacont, please. If you would, sir,  
20 please. And I'll call Pat Carullo's  
21 name later. Perhaps that person's  
22 late, coming later. And then it'll be  
23 Thomas Stinnett and then Nicole Jacobs.

24 Okay. Mr. Diacont,  
25 please.



1                   MR. DIACONT:

2                   Thank you. My name's  
3                   Blayne Diacont. I grew up in Lehigh  
4                   Valley. I'm an outdoorsman. I also  
5                   kayak the Delaware. I studied geology  
6                   in college. I worked as a  
7                   hydrogeologist, private consulting for  
8                   over ten years providing cleanup to  
9                   groundwater contaminations and  
10                  developing high capacity water supply  
11                  wells for drinking water purposes.

12                  I then worked for the  
13                  SRBC for six years where I co-authored  
14                  the aquifer testing guidance document,  
15                  managed surface water withdrawals in  
16                  the natural gas industry.

17                  HEARING OFFICER:

18                  If you could keep your  
19                  voice up and use the microphone,  
20                  please?

21                  MR. DIACONT:

22                  For the last seven and a  
23                  half years, I worked as a water  
24                  resource manager and operator for the  
25                  natural gas industry. I'm speaking

1       today as a scientist, as a worker for  
2       the natural gas industry. I believe in  
3       science and what we do.

4               We have the ability to  
5       successfully produced clean burning  
6       natural gas, and also being great  
7       stewards to the environment. In my  
8       company, my division, we sourced all  
9       the water for the least five years in  
10      the main branch of the Susquehanna  
11      River. We recycle 100 percent of our  
12      water. We drastically reduced our  
13      fresh water by utilizing produced water  
14      at a rate of 60 percent of our total  
15      volume. The document produced by the  
16      DRBC states a lot of concern regarding  
17      water demand and usage. I'm in a  
18      unique position to state I strongly  
19      believe these concerns are  
20      overemphasized and misrepresented, and  
21      that each one of them can be addressed  
22      in the appropriate regulation.

23              You only need to look at  
24      your adjacent basin and sister agency  
25      for guidance in this regard. Their

1 existing regulations in the basin are  
2 utilizing both protection policies in  
3 determining what water stream is  
4 sufficient to support withdrawals,  
5 condition approval to limit rates,  
6 performing impact analysis, and  
7 performing studies can all be done at  
8 your agency as they have successfully  
9 done so at SRBC.

10 Utilization of the 2016  
11 SRBC assessment report as a footnote to  
12 document the basin is at best  
13 troublesome. The SRBC document states  
14 things like to date the Commission  
15 monitoring programs have not detected  
16 discernible impacts to the quality of  
17 the basin's water resources as a result  
18 of natural gas development. This  
19 discrepancy is either a lack of  
20 understanding of regulatory tools  
21 available and used by the SRBC and  
22 other agencies, or a lack of effort to  
23 coordinate with those agencies.

24 Although I can speak at  
25 length of misconceptions presented in

1 the 22-page document, today, I'd also  
2 like to just speak on two specific  
3 points. Number one, the DRBC stated  
4 that 70 percent of their watershed is  
5 underlain by the Marcellus and Utica.  
6 This is an unrealistic representation  
7 when considering what part of the basin  
8 is actually underlain by developed  
9 natural gas.

10 I believe that looking at  
11 a map briefly, it's more like ten  
12 percent. The report also attempts to  
13 equate the fact that our industry  
14 continues to achieve longer laterals  
15 for horizontal wells and that there is  
16 more water required for the well. In  
17 the context of the report, it implies  
18 that it's a bad thing. Instead, longer  
19 wells should see some positive  
20 technological advances because longer  
21 laterals can ---.

22 HEARING OFFICER:

23 You got 15 more seconds,  
24 sir, because of the interruption. You  
25 have 15 more seconds.

1                   MR. DIACONT:

2                   Thank you.

3                   HEARING OFFICER:

4                   If you make perhaps, the  
5                   second point.

6                   MR. DIACONT:

7                   Yeah. Your attempt to  
8                   equate the fact that our industry  
9                   produced longer laterals for horizontal  
10                  wells and that this equals more water  
11                  required to complete the well, in the  
12                  context of the report it implies that  
13                  it's a bad thing. Instead, it is a  
14                  positive technological advance because  
15                  longer laterals equals less water  
16                  needed to complete the wells. It's  
17                  irrelevant as long as the withdrawal is  
18                  properly regulated, managed and  
19                  performed to avoid impacts to the  
20                  source.

21                  HEARING OFFICER:

22                  Okay. I have to stop you  
23                  there. Okay.

24                  MR. DIACONT:

25                  Thank you.

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HEARING OFFICER:

Okay. Thank you, sir.  
All right. Thomas Stinnett, please,  
and then Nichole Jacobs and then Mary  
Ellen Cronly. All right. Mr.  
Stinnett, please.

MR. STINNETT:

Hi. My name is Thomas  
Stinnett, and I am President of Borough  
Council of Riegelsville Borough, a  
little borough that runs right along  
the Delaware River. And we are ---  
have a pipeline that's going right  
across part of our borough and are  
really concerned about its presence,  
but we're also concerned about the  
Delaware River Basin Commission's  
proposals to dump wastewater processing  
and discharges from fracking into the  
Delaware River basin.

And the Borough of  
Riegelsville supports the continuation  
of the prohibition and we also consider  
the weight of evidence that shows  
natural gas development operations

1 cannot be done safely or without  
2 degrading the exceptional water quality  
3 of the Delaware River and its tributary  
4 systems.

5 And the Borough of  
6 Riegelsville calls upon the Delaware  
7 River Basin Commission to enact a  
8 complete and permanent ban on natural  
9 gas development and hydraulic fracking  
10 and all related activities including  
11 drilling and fracking, processing  
12 discharges from, and water withdrawals  
13 for drilling and fracking operations  
14 throughout the basin.

15 This was all --- there  
16 was an awareness in the meeting that I  
17 did not conclude. This is a resolution  
18 that was passed on January 10th, 2018  
19 by the Borough, and we have submitted  
20 this in writing to the Commission  
21 previously. Thank you.

22 HEARING OFFICER:

23 Thank you. Nicole  
24 Jacobs, and then it would be Mary Ellen  
25 Cronly and then Bruce Rosen. Just one

1 moment, please, ma'am. All right. And  
2 this is Nicole Jacobs? Okay. Ms.  
3 Jacobs, please.

4 MS. JACOBS:

5 My name is Nicole Jacobs  
6 and I am a manager at the ---.

7 HEARING OFFICER:

8 Can you speak louder?

9 All right.

10 MS. JACOBS:

11 But even more so, I'm a  
12 wife of a diesel mechanic who has  
13 worked on sites for fracking. And I'm  
14 a mother of two little girls that we  
15 are raising in the Susquehanna River  
16 basin. It's all around us. So when I  
17 discuss the impact of development, I'm  
18 not just telling you about the  
19 research, although there is extensive  
20 research. I'm speaking about something  
21 that has been a part of my community  
22 and taking place within a mile of my  
23 own home since 2008.

24 And there's a lot of  
25 talk. I'll try to keep my remarks so



1 as to not take a lot of time. Thank  
2 you for the opportunity to do so. Many  
3 have commented on a recent study and  
4 the lack of impacts to the Susquehanna  
5 River basin. Many of the studies being  
6 used as evidence of harm, in fact, show  
7 no causation and base their conclusions  
8 on assumptions absent any actual  
9 samples. To the contrary, asthma rates  
10 and hospitalizations and mortality  
11 rates have fallen following extensive  
12 shale development.

13 The bottom line is that  
14 the shale industry did not have any of  
15 the negative impacts that are being  
16 expressed as possibilities here. For  
17 instance, fracking is not negatively  
18 impacted. Two industries that are an  
19 especially important part are the  
20 economy and culture. Tourism has not  
21 been negatively impacted in this state  
22 or in others with extensive oil and  
23 gas.

24 In Texas, tourism is the  
25 second largest driver of the state's

1 GDP behind oil and gas. Mobile County,  
2 Alabama is not only known for their  
3 beautiful beaches and gulf shores that  
4 draw tourists from all over, but they  
5 also have some of the most extensive  
6 oil and gas development in Alabama.

7 The Bradford County  
8 Conservation District's 2015 study,  
9 show that from 2007 to 2012, 1,100 of  
10 the county's more than 1,400, the  
11 number of farms and acreage of farms  
12 increased by 12 and 15 and a half  
13 percent, respectively.

14 Farms hire more workers  
15 at higher wages and the value of  
16 Bradford County farms increased by 25  
17 percent. Fracking has not negatively  
18 impacted that culture.

19 This industry is strictly  
20 regulated at the federal and state  
21 level and that includes the Water  
22 Commissions such as yourself that  
23 oversee water, not land use, to ensure  
24 that we continue to have some of the  
25 best fishing and recreational spots in

1 the country.

2 The choice to allow  
3 fracking in the Delaware River basin  
4 does not have to be an either/or choice  
5 between our environment and health or  
6 our economy, nor does it have to be a  
7 choice between different economic  
8 drivers. We can and are building a  
9 better tomorrow for our children and a  
10 major part of that for most of  
11 Pennsylvania and what could be the  
12 Delaware River basin includes the  
13 natural gas industry. Thank you.

14 HEARING OFFICER:

15 Okay. Thank you. Okay.  
16 Now, that was Nicole Jacobs. Correct?  
17 Okay. All right. And it'll be Mary  
18 Ellen Cronly next, and then Bruce Rosen  
19 and then Faith Zerbe.

20 MS. CRONLY:

21 My name is Mary Ellen  
22 Cronly. I'm with UFA, which is a total  
23 volunteer group and I traveled here  
24 from New York City today. I'm a  
25 concerned citizen concerned for the

1 health of our children and of all  
2 people. The proposed regulations allow  
3 DRBC to grant applications to export  
4 water for fracking and import toxic  
5 fracking wastewater into the Delaware  
6 water basin.

7 The proposed regs  
8 authorize toxic wastewater to be dumped  
9 into waterways after, quote, unquote,  
10 treatment by a facility. Many toxic  
11 chemicals used in fracking are unknown.  
12 How are the facilities going to treat  
13 chemicals that are unknown?

14 The gas and oil industry  
15 has a federal exemption. They are not  
16 required to reveal all the chemicals  
17 that they use. Exporting water for  
18 fracking will deplete the basin and  
19 concentrate the pollutants in the basin  
20 even further.

21 The proposed regs have no  
22 acceptable standards. They merely  
23 state that DRBC will discourage water  
24 export and wastewater import. An  
25 agency such as the DRBC and its

1 officials can be bribed by the gas  
2 industry. They can be undermined by  
3 politicians to reduce staff, withdraw  
4 funding and put their own cronies in  
5 charge.

6 How are they going to  
7 regulate the toxic chemicals that are  
8 in the wastewater? Allowing  
9 applications to authorize water removal  
10 for fracking and wastewater will  
11 support fracking in neighboring states.  
12 Fracking in neighboring states causes  
13 cracks in the underground rock  
14 formations which go for many miles.  
15 This has been shown by a New York City  
16 study by a --- by an --- by a ---  
17 excuse me, environmental engineering  
18 firm.

19 Allowing fracking  
20 chemicals to travel underground many  
21 miles, we don't know how far,  
22 eventually into our water supply and  
23 farming regions, fracking in neighbor  
24 states put methane leaks into the  
25 atmosphere. It causes global warming

1 and destructive climate changes to the  
2 region and climate. Fracking in  
3 neighboring states will eventually  
4 poison the air we breathe, the water we  
5 drink and the food we eat.

6 We need to ban fracking,  
7 not support fracking in our region.  
8 I'm not against businesses making money  
9 and people being able to earn a living,  
10 but it cannot be at the expense of our  
11 water, food and climate. Thank you.

12 HEARING OFFICER:

13 Okay. Thank you, ma'am.  
14 Bruce Rosen, please, and then Faith  
15 Zerbe and then Ned Fink. Okay, Mr.  
16 Rosen.

17 MR. ROSEN:

18 Hi. My name is Bruce  
19 Rosen. I'm a retired city planner from  
20 New York City and a product of its  
21 public schools from kindergarten  
22 through my Baccalaureate. I mention  
23 that because when I was in junior high  
24 school, one of our classes was earth  
25 science.

1                   And we, of course, got to  
2                   use what created the area, which is  
3                   constant glaciers, so both the  
4                   landscape and the hydrology. One of  
5                   the things that we were told --- I was  
6                   in a part of Queens that draws water  
7                   from the aquifer as opposed to most of  
8                   the rest of the city drawing from  
9                   upstate --- was that because of the  
10                  salinity balance, eventually, we, too,  
11                  were going to be drawing from that same  
12                  water source.

13                  Well, in the same way  
14                  that Brooklyn was taken out of the  
15                  aquifer in the beginning of the 20th  
16                  century, a million people in southern  
17                  Queens ended their --- at the close of  
18                  the 20th century.

19                  So all 8.6 million people  
20                  in New York City are now drawing water  
21                  from the Delaware basin, and coming  
22                  behind them, as you were told, the 2.8  
23                  million people in Nassau and Suffolk  
24                  Counties.

25                  Now, despite a million

1 people exiting in Queens, there's a  
2 salinity problem that Nassau is facing.  
3 And all the coastal area, which is very  
4 largely New York and New Jersey has the  
5 same balance problem. So we're now  
6 talking about 17 million people being  
7 dependent upon keeping this  
8 extraordinary resource of fresh water.  
9 Double that.

10 That's the number of  
11 people that are all over New Jersey,  
12 lower New York, southeastern  
13 Pennsylvania and all of Delaware, 33  
14 million people. So we cannot touch  
15 that water. By the way, as --- as you  
16 may know, our Attorney General is suing  
17 the firm that was based in our state  
18 that lied about what to do about  
19 climate change.

20 The family that got  
21 wealthy over that firm, their  
22 foundation is now withdrawing from that  
23 industry. That industry, as you know,  
24 was born in the State of Pennsylvania  
25 in the mid 19th century.



1                   So we've had a lot of  
2                   illusions and delusions that have  
3                   profoundly affected the way public and  
4                   private investments have been made, and  
5                   we cannot continue to do this. We have  
6                   as much fresh water on the planet,  
7                   actually less than when human beings  
8                   appeared, and we have to properly  
9                   protect the water that we have.

10                   So in no way should the  
11                   water resources of the Delaware River  
12                   basin be used for resources like this.  
13                   Thank you very much.

14                   HEARING OFFICER:

15                   Faith Zerbe, please. And  
16                   then it would be Nick Fink and then  
17                   Lois Ann Oleska. Okay. Ms. Zerbe,  
18                   when you're ready.

19                   MS. ZERBE:

20                   Good afternoon. Thank  
21                   you to the DRBC for holding the  
22                   hearings, but as many of our folks have  
23                   talked about, there certainly are not  
24                   hearings in the other basin states  
25                   where 17 million people get their

1 drinking water. I'm here today ---  
2 there are so many things to really talk  
3 about when it comes to fracking.

4 But I think one of the  
5 key things as I listened to people  
6 talking that I really wanted to share,  
7 is the issue of the rose-colored  
8 glasses in the drilling area of the  
9 Susquehanna basin.

10 That's simply not true.  
11 We had many speakers talk about the  
12 science. There's over 1,000 studies  
13 showing the harms of drilling and  
14 fracking. I have friends who have  
15 premature babies who've been born near  
16 fracking wells.

17 We've had plenty of  
18 people with contaminated water and, of  
19 course, the Delaware River Basin's  
20 mission has been out to the fracking  
21 region.

22 The thing I think we need  
23 to remember is the cumulative impact.  
24 We need to also remember the politics  
25 of things. I grew up in the abandoned

1 mine drainage area of --- of Schuylkill  
2 County. Anthracite mining was there.

3 My grandfathers were coal  
4 miners. They mined. They --- they did  
5 their job, but they were also farmers.  
6 We know the legacy of fossil fuel  
7 pollution is not a sustainable way  
8 forward for the future.

9 We've learned that in  
10 Pennsylvania. Just a few weeks ago,  
11 the Department of Environmental  
12 Protection looked at how many miles of  
13 streams in the Commonwealth are  
14 polluted, mostly from abandoned mine  
15 drainage.

16 19,000 miles of streams  
17 are contaminated, a lot due to  
18 abandoned mine drainage. We have about  
19 86,000 miles of streams in Pennsylvania  
20 and 19,000 are impacted. That's a lot  
21 of legacy pollution, so we have the  
22 science and we have the history. We  
23 have those of us who have borne the  
24 sacrifice of the fossil fuel industry.  
25

1                   So when we hear API and  
2                   multibillion dollar corporations  
3                   talking about safety every other word,  
4                   it's a sham. How many times will we  
5                   allow that? It's time to stop.

6                   In 2010, we gathered in  
7                   Upper Delaware. DRBC took a  
8                   precautionary principal, but again,  
9                   there are so many people have decided  
10                  it does not make any sense, nor is it  
11                  morally ethical for our fresh water,  
12                  that one percent of fresh water on the  
13                  planet that we have to keep using since  
14                  the dinosaurs. Right?

15                  We still have the same  
16                  amount of fresh water. We have seven  
17                  billion people on the planet and we're  
18                  going to frack with fresh water or take  
19                  it over to our neighbors in the  
20                  Susquehanna basin where people are  
21                  suffering from drilling?

22                  And, again, the  
23                  cumulative impact is just starting. We  
24                  just started this industry.

25                  We have over 1,000

1 studies. Geologists back in 2010 said  
2 to us the failure rate might be five to  
3 ten percent. Well, the science is  
4 bearing out. DEP has had over 4,000  
5 incidents where the public has said  
6 there has been problems with their  
7 drinking water. There's been over  
8 1,000 studies from the physicians for  
9 state energy, a health database. They  
10 have over 180 studies about the health  
11 impacts.

12 HEARING OFFICER:

13 I have to stop you.

14 MS. ZERBE:

15 So we need to stop  
16 drilling and we do hope the Governors  
17 will do the right thing. It is an  
18 election year. We're watching and the  
19 world is watching. End fracking now,  
20 all of it.

21 HEARING OFFICER:

22 Ned Fink, please. And  
23 then it would be Lois Ann Oleska and  
24 then James Orben. Okay, Mr. Fink.

25 MR. FINK:

1                   Okay. My name is Ned  
2 Fink. I'm from Coopersburg, PA and I'm  
3 just a taxpayer. And I'm against  
4 fracking, but I'm not going to thrash  
5 over everything the people here said I  
6 agree with. So there's no sense in me  
7 talking about that, but what I do want  
8 to talk about is, we're trying to clean  
9 up the Delaware River and the Delaware  
10 Bay.

11                   And a lot of people don't  
12 know this, but all the municipalities  
13 in the drainage are going to have to  
14 clean up their storm sewers out.  
15 They're going to have to put strainer  
16 bags in. Every time there's a  
17 rainstorm, they're going to have to  
18 clean their storm sewers out again, put  
19 more strainer bags in and the Borough  
20 are going to have to build a retention  
21 pond.

22                   And that's going to cost  
23 over a half million dollars, and  
24 they're probably going to have to take  
25 some homes because they want it on the

1 south side of the borough. Now, all  
2 this will only reduce the sediment that  
3 goes into the bay by ten percent, but  
4 the taxpayers are going to have to pay  
5 for all this.

6 So at a time when we're  
7 trying to clean the bay up, then we're  
8 going to go along with all this  
9 fracking and --- and you can't have  
10 that type of chemicals and everything  
11 winding up in the Delaware River. Now,  
12 I know in the Susquehanna River ---  
13 Towanda, PA, their fracking byproducts  
14 wind up in the Susquehanna River. And  
15 the Susquehanna River is having a  
16 problem right now and the bass don't  
17 reproduce anymore.

18 They're all small and  
19 stunted and they just don't reproduce.  
20 Now, I don't know if that's from  
21 fracking, but it --- it seems funny  
22 that's just happened recently in the  
23 last few years.

24 Now, Pennsylvania is a  
25 Commonwealth and if you look in the

1       encyclopedia, it tells us that a  
2       Commonwealth is a government where we  
3       the people have something to say, but  
4       it seems more and more in the  
5       Commonwealth of Pennsylvania, nobody  
6       heeds what we have to say. So I just  
7       would like to thank you for the time.

8                   HEARING OFFICER:

9                   Okay. Thank you. Ms.  
10       Oleska, Lois Ann Oleska, and then James  
11       Orben and then Ned Heindel. All right.  
12       And this is Lois Ann Oleska.

13                   MS. OLESKA:

14                   Correct.

15                   HEARING OFFICER:

16                   All right. Yes, ma'am,  
17       please.

18                   MS. OLESKA:

19                   I'm Lois Oleska. I am  
20       Moose Creek Watershed Board, a resident  
21       of Durham Township. I live on the  
22       creek, and it is part of the Delaware  
23       River watershed basin or watershed. As  
24       a member of the Moose Creek Board, we  
25       have many activities to educate our



1 members, our children, about water.  
2 One of the activities involves a  
3 scientific water model which is set up.  
4 It kind of looks like a fish tank.

5 We have wells set up,  
6 landscaping and then you can see all  
7 the groundwater. You add water into a  
8 well. You inject it as if it's being  
9 fracked or injected into the well. It  
10 shows up in the groundwater. When you  
11 see that, it's such a visual impression  
12 that it makes on you when you see what  
13 happens when fracked water is either  
14 added to a watershed or you have  
15 fracking that happens in a watershed.  
16 So there's a real visual model that we  
17 use for educational purposes.

18 Today, I ask the DRBC to  
19 ban and do a complete ban on all  
20 fracking and its activities in the  
21 Delaware River watershed in the basin.  
22 Our water is of the highest  
23 consideration. Durham Township has  
24 only wells that we use for drinking  
25 water. They can become contaminated if

1       contamination in our mother watershed  
2       happens. Our water is for drinking as  
3       well as for economic and recreational  
4       purposes. The river is our back yard  
5       playground.

6                       We hike along it. We  
7       have the Delaware canal right in our  
8       back yard. We fish in it, we swim in  
9       it. We notice when there's a drought,  
10      we notice when there's a flood. I'm  
11      not a scientist, but as a human being,  
12      I visually see in my model, the  
13      scientific model, the devastating  
14      effect of pollution or contamination on  
15      our water. Let's put the human race  
16      first, not the industry. Thank you.

17                    HEARING OFFICER:

18                    Okay. Thank you, ma'am.  
19      James --- James Orben and then it would  
20      be Ned Heindel and then Gail Domalakes.

21                    MR. ORBEN:

22                    Okay. Sir, please.

23                    MR. ORBEN:

24                    Hello. I am James Orben.  
25      I live in the Cooks Creek watershed in

1 Bucks County. Cooks Creek watershed is  
2 a Pennsylvania exceptional value  
3 watershed. I and everyone else who  
4 lives in the Cooks Creek watershed  
5 depend on it for our drinking water.  
6 The Delaware River watershed supplies  
7 water to its residents and millions  
8 more.

9 The introduction of the  
10 cocktail of poisons used in hydraulic  
11 fracturing threatens the quality of the  
12 water in the Delaware watershed and the  
13 health of people who rely on that  
14 water. The taking of water from the  
15 Delaware River watershed threatens the  
16 flow in the streams and rivers of the  
17 watershed.

18 We need the water we have  
19 and we need this water to remain free  
20 of the poisons used in hydraulic  
21 fracking. Thank you.

22 HEARING OFFICER:

23 Okay. Thank you, sir.  
24 Okay. Ned Heindel. And then after Mr.  
25 Heindel, it'll be Gail Domalakes and

1 after Gail Domalakes it will be Tara  
2 Zrinski. Okay. Mr. Heindel.

3 MR. HEINDEL:

4 I'm Ned Heindel. I live  
5 in the Fry's Run watershed area. In  
6 fact, we own the headwaters of Fry's  
7 Run in Lower Williams Township. I have  
8 a Ph.D. in pharmaceutical chemistry and  
9 I have taught the last 52 years at  
10 Lehigh University in the area of health  
11 science. I've taken graduate courses  
12 in toxicology. I have 320 publications  
13 in the area of toxicity of chemicals in  
14 a beneficial way, as to how they can be  
15 controlled.

16 I'm here to talk about a  
17 few of the chemicals that are used in  
18 fracking, but I'd like to start with a  
19 quote from Francis Von Holkeim  
20 (phonetic) in 1555. Professor Von  
21 Holkeim said the only thing that  
22 separates a toxin from a medicine is  
23 the dose.

24 We seem to lose of the  
25 fact that while we all have a common

1 human genome, we process chemicals  
2 differently.

3 We process  
4 pharmaceuticals rather markedly  
5 differently. For one example, many of  
6 us clear, inhale and ingest benzene and  
7 metabolize it as benzene. We do have  
8 differences in human metabolism, and  
9 it's critical to understand that  
10 because something that is safe for a  
11 lot of the population, may not be safe  
12 for all of the population.

13 We have idiosyncratic  
14 metabolic differences. 352 chemicals  
15 have been identified as being part of  
16 the cocktail used in fracking. That's  
17 the number that is studied by a man  
18 named Colburn, said go down wells. The  
19 number that come up is even larger  
20 because it has an extracted effect. A  
21 review of the 352 chemicals used in the  
22 United States for fracking, shows that  
23 25 percent are demonstrated for  
24 potential carcinogens, 45 percent have  
25 an effect on the immune system and 37

1 percent have a long lasting effect on  
2 the endocrine system.

3 Chemical effects can  
4 occur long after the exposure. I give  
5 you just a couple examples of that.  
6 Individuals exposed to one of many  
7 toxic gases like dichloromethyl sulfide  
8 develop immune system collapse 20 years  
9 afterwards. Streptozotocin toxins are  
10 cumulative toxins for --- to self  
11 poisoning.

12 You've got to consider  
13 that these low level chemicals which  
14 then are not removed quantitatively by  
15 cretin --- and remain in the drinking  
16 water can have cumulative effects  
17 differentially across the human race.

18 I would like to ask the  
19 committee if they would receive from me  
20 --- and they can throw it in the  
21 nearest wastebasket, ten recent  
22 publications, one from last week's  
23 issue of the journal showing you a  
24 correlation of exposure to fracking  
25 chemicals and human ---.

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HEARING OFFICER:

Yes, you can send it to that address, sir, and actually, I'll repeat the address. It'd be actually a convenient time to do it. I'll wait until you take your seat and then I'll say the address. The answer is yes. Give me just one moment. Okay. Just before we start, ma'am, I'm going to state that address again. Okay. Let me give the address. Oh, okay.

You have to submit it online, sir, to the DRBC website. The DRBC website. All right? Okay. And let me just catch up here. That was Dr. Heindel and then Gail Domalakes?

MS. DOMALAKES:

Yes.

HEARING OFFICER:

Okay. Ms. Domalakes, please.

MS. DOMALAKES:

I'm Gail Domalakes. I live in Bethlehem, Pennsylvania. I don't really have anything prepared. I

1 just signed up now. I would --- I also  
2 grew up in the anthracite coal region  
3 of Pennsylvania, Schuylkill County, and  
4 I'd just like to say those streams are  
5 still dead. And I would just like to  
6 reiterate that I would hope we can  
7 learn from our experience.

8 Pennsylvania, my  
9 understanding is that we have more  
10 miles of stream density than any state  
11 in the union. That's a lot of water  
12 that can be contaminated. And  
13 sometimes I feel like we're being asked  
14 to choose between cheap energy and  
15 clean water, and I will take clean  
16 water every time. Thank you.

17 HEARING OFFICER:

18 Okay. Thanks. Okay.  
19 Tara Zrinski. And then the next  
20 speaker would be William Buskirk.  
21 Okay. Ms. Zrinski, please.

22 MS. ZRINSKI:

23 Hi. My name is Tara  
24 Zrinski. I am a Northampton County  
25 councilwoman. My concern today is



1 obviously for the cumulative impacts of  
2 fracking. I really think that we do  
3 need to ban it. And in my county, in  
4 particular, what we're dealing with is  
5 part of these cumulative impacts with  
6 the PennEast Pipeline. It's coming  
7 along 22,000 acres of the Water  
8 Authority where 118,000 people get  
9 their drinking water.

10 There are at least 50  
11 parcels of land. Ned and Linda Heindel  
12 are in my county, and they are one of  
13 the parcels of land that will be  
14 impacted by eminent domain.

15 Now, people are losing  
16 their property. They're losing their  
17 drinking water, potentially. This  
18 pipeline is going underneath the Lehigh  
19 River, and it is also going under the  
20 Delaware River. To me, this is  
21 something that we can't take lightly.

22 I know that there are so  
23 many things in the cumulative impacts  
24 from --- along the way from where the  
25 --- where people are actually being

1 fracked with those 700 different  
2 chemicals going into the earth and high  
3 pressure, and take and extract that  
4 natural gas.

5 And that natural gas is  
6 now going to thunder through a 36 inch  
7 diameter pipeline right near our  
8 drinking water.

9 And from what I  
10 understand, it's within 100 vertical  
11 feet of the Segal (phonetic) pipeline,  
12 which is also almost 80 years old, that  
13 will supply those 118,000 people with  
14 water.

15 To me, I don't understand  
16 why we can't fight this and why we  
17 can't put a stop to this and transition  
18 into renewable energy. We have sources  
19 that can give us by 2050, you know ---  
20 we have resources that can give us  
21 renewable energy and solar wind and  
22 hydro power by 2050.

23 And we need to transition  
24 and we're not going to be able to  
25 transition if people don't step up and

1 say that we don't need this dirty  
2 energy anymore, that if we keep putting  
3 in pipelines and we keep transporting  
4 this energy and we keep selling the  
5 public on the idea that they can have  
6 clean, safe natural gas, we're just  
7 really deceiving the people.

8 And it really bothers me  
9 that I have to watch people in my  
10 county --- over 50 parcels of land that  
11 is not only going through people's  
12 property, but also farmlands and open  
13 spaces that have been preserved with  
14 taxpayer money that are now going to be  
15 undermined by this pipeline. So for  
16 all these reasons that I mentioned  
17 above, I really think that we need a  
18 ban on fracking, not only in the  
19 Delaware River basin, but also  
20 statewide. So thank you.

21 HEARING OFFICER:

22 Okay. Thank you, ma'am.  
23 William Buskirk, please. Okay, Mr.  
24 Buskirk.

25 MR. BUSKIRK, JR.:

1                   Good evening. My name is  
2                   William Buskirk, Jr. I've been a  
3                   lifetime resident of Northampton County  
4                   and the Lehigh Valley. My concerns are  
5                   a number of things, both based on  
6                   history and the experience of dealing  
7                   with corporations.

8                   There's always the issue  
9                   of unintended consequences,  
10                  unanticipated consequences, and who is  
11                  going to be in the neighborhood?

12                  I have come to be opposed  
13                  to fracking. I oppose people coming  
14                  into the neighborhood with waste that  
15                  wasn't produced in the neighborhood. I  
16                  think this year since it is, I believe,  
17                  the 50th anniversary of Mr. Rogers,  
18                  it's time to think about the  
19                  neighborhood again. I believe that no  
20                  water should be taken from the Delaware  
21                  River basin to use for fracking, and  
22                  that the storage of fracking waste  
23                  should occur in the Delaware River  
24                  basin.

25                  I point to two instances

1 that I'm aware of. That is the  
2 pollution of the Chesapeake Bay as a  
3 result of pollution in the Susquehanna  
4 River basin, and --- obviously,  
5 unintended consequences. The cleanup  
6 is still going on. And it appears that  
7 the present EPA is attempting to  
8 sabotage the waters of the United  
9 States by somehow diluting what's been  
10 put forth as a way to solve the  
11 pollution in the Susquehanna River  
12 basin.

13 And then, of course,  
14 people in this area are well familiar  
15 with the zinc industry in Palmerton,  
16 and what impact that had on the  
17 Palmerton area.

18 You have defoliation that  
19 occurred and even today, although the  
20 zinc industry ended decades ago, the  
21 impact is still obvious in the  
22 Palmerton area and the Little Gap area.

23 Finally, my mother's  
24 property is being impacted by the  
25 PennEast Pipeline and our dealings and

1 --- in Congress with PennEast have been  
2 less than satisfactory.

3 They're going to be  
4 subject to eminent domain proceedings  
5 apparently, although the information  
6 we're getting about what's going on in  
7 that regard seems to be not coming to  
8 the landowners.

9 We understand that a suit  
10 was filed, but the landowner, in our  
11 case at least, has never been notified  
12 of what's going on and --- what's  
13 happening there. Thank you for your  
14 time.

15 HEARING OFFICER:

16 Thank you.

17 MR. BUSKIRK, JR.:

18 And I appreciate it that  
19 you chose to have another public  
20 hearing here in the local area. The  
21 only thing I'm wondering about is why  
22 hearings aren't happening closer to the  
23 Delaware River.

24 HEARING OFFICER:

25 Thank you, sir. All

1 right. We're going to take a break at  
2 this point. We've gone through all of  
3 the registered speakers, so we're going  
4 to take a break and we'll just touch  
5 base as to where we are. Okay? So  
6 we're in recess, so to speak. Thank  
7 you.

8 SHORT BREAK TAKEN

9 HEARING OFFICER:

10 Ladies and gentlemen,  
11 we're going to resume. We're going to  
12 resume. We have one other person  
13 that's signed up. I'm sorry. Was that  
14 --- no. Okay. We have one other  
15 person that's signed up to speak.  
16 Could you please take your seats?

17 And then I'm also going  
18 to ask, is there anybody else that  
19 would like to speak who has not already  
20 spoken, but if there's anybody else,  
21 those people would have --- you'll have  
22 an opportunity, ma'am. Okay. Good.  
23 Thank you.

24 Okay. And it looks like  
25 we're ready to proceed. Sam Bernhardt.

1 Mr. Bernhardt. This is Mr. Bernhardt.

2 Okay. Yes, sir.

3 MR. BERNHARDT:

4 Hi.

5 HEARING OFFICER:

6 Hi.

7 MR. BERNHARDT:

8 My name is Sam Bernhardt.

9 I'm Pennsylvania Director for Food and  
10 Water Lodge. I just wanted to respond  
11 to several comments that were made by  
12 folks here looking to allow fracking in  
13 the watershed, stating that --- stating  
14 --- talking about EPA studies that said  
15 no widespread systematic water  
16 contamination was --- that fracking  
17 does not cause widespread systemic  
18 water contamination.

19 That title has been  
20 stated several times by those who want  
21 to open up our watershed to fracking.  
22 However, that is no longer the title of  
23 the EPA study. That is because the EPA  
24 study actually found that fracking can  
25 cause water contamination, and that the



1 study never stated that there was no  
2 widespread systemic water  
3 contamination. It was a poorly titled  
4 study and EPA's Science Advisory Board  
5 actually made the EPA walk back the  
6 title of this study.

7 They reviewed all the  
8 evidence, and they actually required  
9 the EPA to revise the title of this  
10 study to reflect the evidence that's  
11 actually contained in this study, which  
12 showed that fracking is associated with  
13 water contamination.

14 And so our opponents  
15 would like to believe that that is not  
16 the case, but the study was revised.  
17 So I wanted to put that on the record.

18 HEARING OFFICER:

19 Okay. Thanks, Mr.  
20 Bernhardt. Thank you. Ma'am, would  
21 you like to address this, please? If  
22 you don't --- okay. If you come  
23 forward, please. Yes. And then if  
24 you'd start by stating your name,  
25 please.

1                   MS. LITTLE:

2                   Yes. I'm Janet Little,  
3 J-A-N-E-T, L-I-T-T-L-E. I reside in  
4 Upper Macungie Township. I am a  
5 retired registered dietitian who has  
6 held leadership roles at local, state,  
7 and national and professional  
8 associations including hunger and  
9 environmental nutrition, dietary ---.

10                   By calculating the  
11 hydration needs of patients, residents  
12 and clients, I and my colleagues do not  
13 even consider that unknown toxic  
14 chemicals from the fracking industry  
15 may be in the water. This is because  
16 the DRBC has protected us from this.  
17 We consider --- we dietitians consider  
18 food a medication interaction. It's  
19 like conducting a nutrition assessment  
20 of a patient.

21                   How do you --- how do you  
22 know how unknown toxins interact with  
23 medications and food consumed by people  
24 who have medical issues and also  
25 healthy people? There are many people

1 who are not in facilities that are kept  
2 alive on medications that enable them  
3 to live their lives as productive  
4 citizens without them even knowing that  
5 they have a condition. We don't want  
6 to interfere with that.

7 Please continue the  
8 protection of not only banning  
9 hydraulic fracking for natural gas  
10 within the Delaware River basin, but  
11 also banning any support of that  
12 industry elsewhere. Ban withdrawal of  
13 the water from the Delaware River basin  
14 to these areas and then processing and  
15 storage of waste that is generated  
16 elsewhere in the DRB. Thank you.

17 HEARING OFFICER:

18 Okay. Thanks, Ms.  
19 Little. Is there anybody else that  
20 would like to address the Commission  
21 who has not spoken yet? Yeah, I think  
22 I covered all of the list. You don't  
23 have to be on the list. Okay. Would  
24 you like to address the Commission?

25 MS. MICKLEY:

1 Yes.

2 HEARING OFFICER:

3 Okay. If you would,  
4 please.

5 MS. MICKLEY:

6 Thank you.

7 HEARING OFFICER:

8 I say that because of the  
9 recording of it. All right?

10 MS. MICKLEY:

11 Sure.

12 HEARING OFFICER:

13 And if you'd start by  
14 stating and spelling your last name.

15 MS. MICKLEY:

16 My name is Sue Mickley,  
17 M-I-C-K-L-E-Y. I'd like to address the  
18 quotes of 1,100 research papers. This  
19 is an excerpt from a petition from Fast  
20 Paced Regulation authored by Steve  
21 Malloy. It was put together February  
22 20th and I'm presenting excerpts of it.

23 It's addressing the lack  
24 of epidemiological standards that  
25 threaten efforts to reduce

1 overregulation. It is a safe bet that  
2 virtually all epidemiological based  
3 federally regulated efforts for the  
4 past 25 years or so may be considered  
5 as safe science or junk science. This  
6 is because federal agencies, especially  
7 the EPA --- and I add here the DRBC's  
8 current regulatory efforts --- of  
9 taking action to issue regulations  
10 based on the statistical noise that is  
11 weak associated --- association  
12 epidemiology.

13           The state's science  
14 should be held up to new robust federal  
15 epidemiological standards, and then  
16 validated or discarded based on its  
17 actual merits. The data used in these  
18 studies are often of such poor quality  
19 that epidemiologists refuse to share  
20 their data with independent researchers  
21 for the purpose of peer review. This  
22 is a tradition to confirm scientific  
23 method.

24           The first efforts to  
25 issue standards for interpreting

1 epidemiological studies was articulated  
2 by famed British epidemiologist, Sir  
3 Austin Bradford Hill, in 1965. Hill  
4 almost uncannily foresaw the most  
5 common abuse of epidemiological  
6 problems we see today, i.e.,  
7 inappropriate reliance on weak,  
8 statistical correlations, also called  
9 weak associations, that likely reflect  
10 only poor data quality or chance versus  
11 meaningful results.

12           The adage correlation is  
13 not causation should come to mind. Not  
14 only is the adage true, but also weak  
15 correlations or weak associations never  
16 portend causations. Weak associations  
17 are just meaningless statistical noise.  
18 There's not a single example in the  
19 scientific literature of a weak  
20 association epidemiological study whose  
21 reported association turned out to be  
22 scientifically valid, not one.

23           I would like to summarize  
24 the processing in going through using  
25 these studies to argue the dangers of

1 fracking. This process could easily be  
2 compared to the Salem witch trials,  
3 with the oil and gas industry and its  
4 workers --- responsible citizens being  
5 convicted by mass hysteria. I conclude  
6 real world results from fake science  
7 today.

8 You have real world proof  
9 in the Susquehanna River basin right  
10 next door. They've proven reliability  
11 and a safety of this industry. It's  
12 not a new industry. It's been out  
13 there. Thank you.

14 HEARING OFFICER:

15 Okay. Thank you, ma'am.  
16 Okay. Let's see. Ms. Zerbe? I got  
17 the right name? Ms. Zerbe; is that  
18 correct? Is your brother here?

19 MS. ZERBE:

20 He's in traffic.

21 HEARING OFFICER:

22 Okay. Is there anybody  
23 else here that would like to address  
24 the Commissioners?

25 Okay. Ma'am, I think

1 you've already had your turn though.  
2 Am I correct about that?

3 MS. CARLUCCIO:

4 Yes. I signed up after  
5 everybody else because I spoke at a  
6 different place, not here.

7 HEARING OFFICER:

8 Yeah, but during one of  
9 the five meetings; right?

10 MS. CARLUCCIO:

11 Yes.

12 HEARING OFFICER:

13 Okay. Yeah, I believe  
14 under the rules, that the three minutes  
15 is what everybody gets.

16 MS. CARLUCCIO:

17 That's not my  
18 understanding.

19 HEARING OFFICER:

20 I don't know. Let's see.

21 MS. CARLUCCIO:

22 There are other  
23 people ---.

24 HEARING OFFICER:

25 Okay. Hold on a second,



1 ma'am. Okay. You can come forward,  
2 ma'am.

3 MS. CARLUCCIO:

4 Thank you.

5 HEARING OFFICER:

6 Yep.

7 MS. CARLUCCIO:

8 Thank you. I'm Tracy  
9 Carluccio, Deputy Director of Delaware  
10 Riverkeeper Network.

11 HEARING OFFICER:

12 Okay. Would you spell  
13 your last name? Okay. We'll start  
14 after we go through this. All right?  
15 Tracy, would you spell your first name  
16 and your last name?

17 MS. CARLUCCIO:

18 T-R-A-C-Y,  
19 C-A-R-L-U-C-C-I-O. Here in the area of  
20 --- of the Delaware River watershed in  
21 Carbon and neighboring counties not far  
22 from the college are shale formations  
23 that could be fracked for gas. It is  
24 essential that we, as watershed  
25 residents, understand the impacts of

1 shale gas extraction and mine fracking  
2 must be banned completely. That means  
3 banning fracking throughout the  
4 Delaware River watershed, any frack  
5 wastewater import, or storage,  
6 processing discharge here and banning  
7 the export of Delaware River for  
8 fracking elsewhere.

9 One of the reasons  
10 fracking has caused so much harm where  
11 it is occurring in Pennsylvania, is  
12 because frack fluids are so toxic and  
13 have adverse human health impacts that  
14 can lead to disease and to reproductive  
15 and/or developmental problems for our  
16 most vulnerable populations, developing  
17 fetuses, infants and children.

18 For example, one  
19 scientific study conducted in 2017  
20 identified 67 fracking related  
21 chemicals that are routinely used to  
22 frack gas or that are found in  
23 wastewater produced by fracking. The  
24 67 chemicals were found to be  
25 constantly associated with reproductive

1 or developmental toxicity and include  
2 many compounds including sulfurs,  
3 pesticides, metals, volatile organic  
4 compounds and polycyclic aromatic  
5 hydrocarbons. Why is this a problem?

6 Because those chemicals  
7 cannot be widely controlled or removed  
8 before they are released into the  
9 environment by the fracking process.

10 Science, through many  
11 peer review reports, warns us that  
12 these fracking chemicals move out of  
13 the shale formations into aquifers and  
14 into the surface through several  
15 pathways.

16 Transport, storage,  
17 handling, discharge, are more of these  
18 pollution pathways, and according to  
19 the Environmental Protection Agency,  
20 fracking pollutants have contaminated  
21 water and will continue to do so,  
22 because fracking cannot be made safe.

23 Pennsylvania DEP reports  
24 itself that water supplies, private  
25 water wells, over 300, have been

1 contaminated by oil and gas activities  
2 within the Commonwealth.

3 This is in a watershed  
4 that some people today said are not  
5 being affected. So the only way to  
6 control this is to prevent the  
7 pollution. The only way to prevent the  
8 pollution is to actually ban fracking  
9 and ban wastewater imports and  
10 discharges here and ban water from  
11 being removed from our watershed.  
12 Because when you remove it, you don't  
13 have it at the source in order to  
14 provide a fresh supply. That is the  
15 basis of the 17 million people that can  
16 get their water from the Delaware River  
17 watershed. We also need that water to  
18 replenish and make healthy the habitats  
19 of the Delaware River watershed, the  
20 water you see in the river and our  
21 awesome lands that feed that river.  
22 Thank you.

23 HEARING OFFICER:

24 Okay. Thank you, Ms.  
25 Carluccio.

1                   Is there --- is there  
2 anybody else that would like to speak,  
3 actually, whether you've spoken before  
4 or not? Okay. I stand corrected on  
5 that. Is there anybody else that would  
6 like to speak?

7                   MR. TAMBINI:

8                   I apologize for the  
9 confusion.

10                  HEARING OFFICER:

11                  That's my fault.

12                  MR. TAMBINI:

13                  If they've spoken today  
14 --- if they haven't spoken today, then  
15 they can certainly speak.

16                  HEARING OFFICER:

17                  Okay. Anybody else? All  
18 right. Well, I don't know how long  
19 we'll be here, but thank you everybody  
20 for coming. Okay? And I won't go back  
21 through the process. You know that,  
22 but thank you everybody and have a good  
23 evening and safe trip home. All right?  
24 Okay. Thank you.

25                                   ---

1 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

2 ---

3 HEARING OFFICER:

4 All right. Ladies and  
5 gentlemen, is there anybody else that  
6 would like to speak this evening? Is  
7 there anyone else? Okay.

8 What we're going to do is  
9 close the proceedings with our thanks  
10 to everybody for your interest in all  
11 of this and for your comments  
12 throughout this particular hearing.

13 So thank you, everybody.

14 All right. Again, safe travels.  
15 Thank you. Thank you. Thank you.

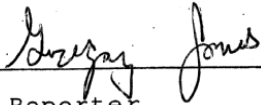
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17 \* \* \* \* \*

18 MEETING CONCLUDED AT 5:31 P.M.

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CERTIFICATE

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

  
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Court Reporter

Gregory Jones

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