

01 BEFORE THE
02 DELAWARE RIVER BASIN COMMISSION
03 * * * * *
04 IN RE: PROPOSED SURFACE WATER
05 WITHDRAWAL and MATOUSHEK 1 WELL SITE

06
07 PUBLIC HEARING
08 * * * * *

09 BEFORE: ROBERT TUDOR, Hearing Officer
10 WILLIAM MUSZYNSKI, DRBC Staff
11 CLARKE D. RUPERT, DRBC Staff

12 HEARING: Wednesday,
13 February 24, 2010
14 3:02 p.m.

15 LOCATION: Best Western Inn
16 Hunt's Landing
17 126 Routes 6 & 209
18 Matamoras, PA 18336

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22 Reporter: Andrew M. Minnick, Jr.

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01 P R O C E E D I N G S

02 -----

03 HEARING OFFICER:

04 All right. Good
05 afternoon once again. Welcome. My
06 name is Bob Tudor. I'm deputy
07 director of the Delaware River Basin
08 Commission. And I want to thank you
09 on behalf of the Commission for taking
10 time out of your busy schedules and
11 navigating the highways to participate
12 in this public hearing process. We're
13 going to be taking oral comment this
14 afternoon on a couple of draft dockets
15 that relate to water withdrawals and
16 natural gas well pad site location,
17 siting.

18 And what I'd like to do
19 is talk a little about the conduct of
20 the hearing before we get involved
21 with the details. First, I'd like to
22 introduce Sue Weaver. She is
23 representing the State of
24 Pennsylvania. She represents Governor
25 Rendell as the Commissioner on the

01 DRBC. And she is also, in terms of
02 her day-to-day job, chief of the water
03 use planning division at the
04 Pennsylvania Department of
05 Environmental Protection. I'm going
06 to look to Bill Muszynski. He's our
07 branch manager at DRBC and will speak
08 to the actual dockets. He's going to
09 give us an overview of the
10 description, a short PowerPoint, some
11 of the provisions of the dockets so
12 that we have a common understanding of
13 all the people in the room of what
14 actually is being proposed and what's
15 being considered by DRBC.

16 I also have Paula
17 Schmitt on my left. She's going to
18 help me make sure that we have an
19 orderly, evenhanded meeting. She's
20 taken up all of your registration
21 forms, and she's going to be helping
22 me time the testimony. If you haven't
23 read our website coming into this
24 meeting ---.

25 Karl, you can help me

01 out with the sound system here, as we
02 go along.

03 BRIEF INTERRUPTION

04 HEARING OFFICER:

05 Given the number of
06 people in the room --- can you still
07 hear me? Okay. We wanted to allow
08 for everybody to be heard, and we
09 wanted to do that in an evenhanded
10 kind of way. So we decided as initial
11 ground rules, at least, to establish a
12 three-minute time frame for each
13 person to be able to provide
14 testimony. If we are able to go
15 through everybody who has an interest
16 in speaking and there was time because
17 the hearing was set from 3:00 to 7:00,
18 we could then allow people to come up
19 a second time and speak in more detail
20 about any position they would have.

21 You'll see on the table
22 to the left of me we have a gentlemen
23 who is our court reporter
24 stenographer. We are trying to make
25 sure that we have a good written

01 record of everything you have to say
02 to us today. And the idea is we'd
03 like to be able to provide that
04 testimony to our Commissioners. In
05 addition to Sue Weaver from
06 Pennsylvania, there are commissioners
07 from three other states and the
08 Federal Government who would be
09 interested in hearing what your
10 recommendations are regarding these
11 draft dockets.

12 So I am going to try to
13 be rigorous in making sure that
14 everybody as they approach the podium
15 and indicates who they are, to state
16 their name clearly, maybe even spell
17 their last name for the assistance of
18 the court reporter, and then to speak
19 as clearly as you can so that he can
20 accurately record your testimony.
21 Paula is going to help me kind of
22 track the three minutes. And we will
23 let you know when your time is up.
24 And so if people could try to keep to
25 that schedule, then we could be sure

01 that everybody can be heard. And if
02 you're in the front, look to the back
03 and vice versa. There's a lot of
04 people here who would like some time
05 to put their comments on the record.

06 Also related to
07 comments, I mean, this is just the
08 oral testimony we're here to take
09 today. There's also an opportunity
10 through March 12th to provide written
11 comments in as much detail as you
12 like. They could be filed by e-mail,
13 mail, fax. But one thing we request
14 is please file them only once. In
15 earlier kinds of hearings like this
16 people feel like, you know, they want
17 to make sure their comments are heard
18 so they submit them to three different
19 people three different times, and it
20 makes it a little bit more involved.
21 So we are going to read your comments.
22 We're going to make them part of the
23 record, but file them only once,
24 please.

25 I guess that's what I

01 want to do in terms of just some
02 opening remarks as to the conduct of
03 the hearing. I think it's very
04 important that if there's 150 people
05 in the room and maybe another 50
06 people to show up by bus who have yet
07 to arrive, that we start with a common
08 understanding of what is being
09 proposed by Stone Energy in terms of
10 this water withdrawal docket and
11 natural gas well pad siting docket.
12 And so Bill Muszynski has put together
13 a presentation, and I would point to
14 him to walk through that if you would
15 please. And I think this will take
16 about 10 or 15 minutes. And if you
17 would bear with us to let us make this
18 overview, that would be great. Thank
19 you.

20 MR. MUSZYNSKI:

21 Thank you, Bob. As you
22 said, I'm Bill Muszynski, the manager
23 for the water resource management
24 branch.

25 HEARING OFFICER:

01 Bill, why don't you
02 spell your name just to get things
03 going off ---?

04 MR. MUSZYNSKI:
05 But he has my card.

06 HEARING OFFICER:
07 All right. All right.

08 MR. MUSZYNSKI:
09 Unless people want it.
10 It's M-U-S-Z-Y-N-S-K-I. There are two
11 dockets, two draft dockets, that we're
12 having a hearing on, both to Stone
13 Energy Corporation. One is 2009-13-1
14 located in Mount Pleasant Township,
15 Wayne County, Pennsylvania. And it is
16 for a surface water withdrawal up to
17 .7 million gallons per day from the
18 west branch of the Lackawaxen River.
19 And it's to support natural gas
20 exploration and development of wells
21 that are drilled into the Marcellus
22 Shale and other shale formations.

23 The second docket that
24 we'll be talking about today is the
25 --- is 2009-18-1. That's also for

01 Stone Energy, and it's located in
02 Clinton Township, Wayne County,
03 Pennsylvania. And that's the actual
04 natural gas well site that has
05 targeted the Marcellus shale. And
06 it's for the Matoushek number one well
07 pad.

08 I'll go to just a
09 general idea of the relationship in
10 terms of siting for the two. The next
11 one gives you a little bit more of an
12 idea of where the water withdrawal is.
13 And then we have a Google Earth-type
14 depiction of where this is located
15 relative to, say, Route 170.

16 The water withdrawal
17 docket essentially limits the water to
18 be used to natural gas development and
19 extraction activities at any Stone
20 well pad site/lease holding within the
21 Commonwealth of Pennsylvania, within
22 the Delaware River Basin and for wells
23 that are targeting the Marcellus Shale
24 and other shale formations that are
25 approved by DRBC and Pennsylvania. So

01 you have to meet those three criteria
02 to use water from this site.

03 Natural gas development
04 activities and extraction activities
05 include the actual --- the natural gas
06 well drilling activities, hydraulic
07 fracturing of the well stimulation,
08 mixing concrete at the site of well
09 construction, support vehicle, tire
10 washing, cleaning, onsite dust control
11 and access roads within their lease
12 holdings. The site facilities and
13 activities will include a submerged
14 water intake, withdrawal intakes, a
15 pump, an intake pump to withdrawal the
16 water 1,040 gallons per minute, up to
17 ten water storage tanks, 21,000
18 gallons each. It'll have metering
19 facilities. There will be restricted
20 access and there will be signage and
21 an onsite withdrawal site supervisor
22 that is required as part of the
23 docket.

24 The water use and
25 withdrawal, it will be primarily used

01 --- the majority of the water will be
02 used for hydraulic fracturing and well
03 stimulation. As I said, it's limited
04 to up to .7 million gallons per day.
05 And that has certain restrictions on
06 it that I'll get into in a minute. A
07 day we've defined as midnight to
08 midnight. One of their other
09 restrictions are that they cannot
10 withdrawal water from the stream when
11 --- if it would cause the stream to be
12 below 5.9 CFS. And they cannot resume
13 water withdrawal from the stream until
14 the stream is flowing at least 8 CFS.
15 This is part of the pass-by
16 requirements that we tend to place on
17 projects, and this is based on 25
18 percent of the average daily flow.

19 Gauging stations will be
20 at the USGS gauge station at
21 Aldenville and a gauge that we
22 established at the withdrawal point.
23 Weekly checks are required of the
24 Aldenville gauge when the flow in the
25 stream is greater than 10 CFS and

01 daily when it's less. What we are
02 proposing to approve as part of the
03 docket is we have the water
04 withdrawal, but it does not --- this
05 particular docket does not include any
06 natural gas well development
07 activities themselves. Any such
08 activities require a separate
09 application for Commission approval,
10 one of which we'll be talking about in
11 the next docket.

12 The withdrawal docket
13 considers, and we always look at any
14 water withdrawal docket, where will
15 wastewater that is generated by the
16 approval of the water, where will it
17 be treated, assuming there is
18 wastewater that is generated. And so
19 we do look at it. We don't approve
20 that wastewater disposal site as part
21 of the docket. We just want to make
22 sure there is a place. Wastewater
23 disposal is approved either at the
24 disposal site itself or as part of
25 another activity, which in this case

01 wastewater disposal we also included
02 as part of the well site docket.

03 The docket requires an
04 operations plan. The operation plan
05 is required to be submitted to the
06 Commission and approved by the
07 executive director prior to any

08 withdrawal activities taking place.
09 The operation plans will include
10 compliance with the --- demonstration
11 so he understands and as fed back to
12 us in this operation plan, their --- a
13 demonstration that they can comply
14 with the withdrawal requirements that
15 we placed in the docket. The
16 conditions of the docket have things
17 such as daily withdrawal allocations,
18 pass-by flow monitoring requirements,
19 metering and reporting requirements,
20 automatic metering, reporting average
21 and total daily flows to us,
22 violations, if there is a violation
23 that they see of either withdrawal or
24 any other violation of the docket is a
25 conditional requirement to report them

01 within 48 hours to us. Also the
02 trucks that leave with the water are
03 to be metered and recorded as to where
04 they're actually going.

05 Other docket
06 requirements cover things like a non-
07 point source control plan. Each
08 withdrawal site in the special
09 protected water area has to have a
10 non-point source control plan and no
11 construction for withdrawals are to
12 take place at the withdrawal site
13 until such time as the executive
14 director has approved that plan.

15 Another condition it
16 talks about that this is consistent
17 with all of our docket approvals, that
18 the docket holder is subject to
19 conditions imposed by Pennsylvania
20 unless they are less stringent than
21 DRBC, and then DRBC's more stringent
22 requirements would take place. We
23 don't also alert the docket holder
24 that they're not exempt from obtaining
25 all necessary approvals from state and

01 federal or other local government
02 agencies.

03 Any constructions plans
04 and specifications are to be approved
05 by the executive director prior to any
06 clearing, site preparation,
07 construction or water withdrawal. And
08 there's an implementation program
09 required to monitoring control leakage
10 at any well pad sites. That's, again,
11 a standard condition for any
12 withdrawal sites that if you interfere
13 with somebody else's well there's a
14 whole set of interference reporting
15 and mitigation requirements, a notice
16 to the executive director, notice to
17 the affected party regarding the
18 condition requirements. In prior
19 years where we didn't have this
20 provision in there, sometimes the
21 party that was affected didn't know
22 that they could come to the Commission
23 with their complaints, as well as to
24 the company or the person who they
25 think is interfering with their

01 system. So now we have that the
02 docket holder must notify the person
03 who is filing the complaint that they
04 have the ability to come to the
05 Commission.

06 We have an investigation
07 required, mitigation which is approved
08 by the executive director. The
09 executive director's approval then is
10 final on that. And of course the
11 executive director has provisions that
12 she can modify or suspend the docket
13 or any provision in the document.
14 There's a drought plan required so
15 that during any droughts that are
16 declared either by the Pennsylvania
17 governor or by the drought coordinator
18 or by emergency resolutions of the
19 Commission, we want to know up front
20 how the particular operations would be
21 handled. If they have to shut down,
22 they have to shut down, but they may
23 have other alternatives to them. But
24 we want them to think about that in
25 advance, not when the actual drought

01 occurs.

02 And there's a condition
03 in there about since some of these
04 reports and requirements will be after
05 we actually have the docket in front
06 of the Commissioners for approval that
07 the cost of those reviews and any
08 costs associate with that will be
09 reimbursed back to the Commission.

10 The second docket, which
11 is the Matoushek well number one site
12 gives you the general, sort of,
13 location of it. And then we have the
14 Google Earth location. The Matoushek
15 well is a well that has already been
16 installed, and it was subject to an
17 enforcement action by the Commission,
18 and we had a compliance settlement
19 with them on that. And as part of
20 that settlement, they were required,
21 if they were going to continue to try
22 to use this well, to come in and file
23 an application with, which they did.
24 And also that no work would be done
25 until they received a Commission

01 approval on the docket.

02 The facilities include a
03 vertical well about 8,300 feet total
04 depth. This is not going to be a
05 horizontal well that many people
06 normally talk about, especially with
07 respect to the natural gas
08 development. The site is about a 1.7
09 acre site. There's a fresh water
10 storage impoundment. There will be
11 restricted access. It will contain
12 eventually hydraulic fracturing flow-
13 back tanks, an access road and
14 portable toilets. The stimulation
15 activities will probably be stimulated
16 with approximately about a million
17 gallons with propping agents and
18 chemical additives.

19 Well water is delivered
20 to the site and stored at the site or
21 used at the site must be measured and
22 recorded to the DRBC. So this is part
23 of the requirement to control the
24 amount of water being used and making
25 sure that everybody's aware of how

01 much water's being used. Flow-back
02 water, the same thing, water that
03 comes back once the well is fractured.
04 That water and wastewater volume must
05 also be measured, and the requirement
06 in this docket is that it be captured
07 in steel tanks. All wastewater stored
08 at the site and removed from the site
09 must be measured and recorded to the
10 DRBC as well as the state. All non-
11 domestic wastewater generated there or
12 removed from the site can only be
13 treated and approved at approved
14 facilities outside of the Delaware
15 River Basin. There are no approved
16 disposal locations within the Delaware
17 River basin, so obviously they have to
18 take it out of the basin. We did get
19 an indication of which facilities they
20 are likely to take it to. And as I'll
21 talk a little bit later, you'll see
22 that no fracturing can begin until we
23 have confirmation that those
24 facilities are ready and able and
25 available to accept the fracking

01 wastewaters.

02 Well pad docket approves
03 the well but does not approve any
04 other natural gas wells at the site.
05 So this is a one-well approval only.
06 Any additional wells either on the
07 leased area of the site must come back
08 to the Commission under separate

09 application. The well pad considers,
10 again, where the wastewater will be
11 treated but does not approve the
12 disposal sites at this time. First of
13 all, the disposal sites are outside
14 the Commission's authority, which is
15 outside the basin. We have looked at
16 the sites that they indicated they
17 would be taking them to, the
18 facilities they would be taking them
19 to, and confirmed that they do have
20 permits to accept this type of waste.
21 But as far as a --- when they're ready
22 to actually begin the fracking
23 process, they once again have to
24 confirm to us the exact site and that
25 the site has the capacity to take

01 these.

02 In two, the well pad
03 site also has an operations plan
04 requirement on it. And no work can be
05 done until the operation plan is
06 approved. The operation plan will
07 approve a pre-alteration --- require a
08 plan and an actual implementation of
09 pre-alteration groundwater quality
10 survey plan. This is looking at any
11 water supply wells, either public or
12 private, within 1,000 feet and doing
13 some preliminary work testing those
14 water and representative samples of
15 those wells for target chemicals which
16 are enumerated in the docket itself.

17 This to us establishes
18 basically a baseline for those
19 facilities, for those wells that are
20 out there. It requires them to
21 provide the wastewater storage and
22 handling details. The disposal
23 locations, again, as I mentioned
24 earlier. There's a requirement for
25 measuring, recording, record

01 maintenance system, recording system
02 back to the DRBC and a preparedness
03 preventative contingency plan in case
04 anything happens at the site.

05 Other conditions include
06 a non-point source control plan
07 similar to what I discussed a little
08 earlier on the water withdrawal site.
09 Again, they're subject to all
10 conditions in Pennsylvania permits,
11 unless they are less stringent than
12 ours. They have to contain all
13 necessary local and federal and state
14 approvals. Metering recording and
15 reporting of volume of water used to
16 stimulate the well, they have to
17 report on those amounts and the flow-
18 back water as well. And we want to
19 know where the wastewater is going and
20 that it got where it's supposed to be
21 going.

22 We do encourage
23 conservation and reuse in terms of any
24 wells. At a site like this it's
25 probably not as important, but on

01 sites where there might multiple
02 wells, any opportunity exists to reuse
03 the flow-back water as part of the
04 fracturing process we have conditions
05 in there that certainly encourage that
06 to be done. They still have to come
07 back to us to use that. And again,
08 that's a condition that where they
09 must report to us before they do it.
10 We have the same interference in
11 reporting mitigation requirements,
12 notice to the ED, notice to the
13 affected parties, investigations, et
14 cetera. And there is, as I said, a
15 condition to require all non-domestic
16 wastewater to be temporarily stored in
17 steel water type tanks. And we also
18 have the review costs.

19 I'm going to leave this
20 up to the last slide, which gives you
21 the information that Bob mentioned
22 relative to getting us comments. We
23 are going to be accepting written
24 comments until 5:00 p.m. on March
25 12th. You can submit them today or

01 you can send them either via e-mail to
02 Paula.Schmitt@drbc.state.nj.us,
03 or you can
04 send through regular mail, I guess, to
05 the attention of the Commission
06 Secretary of DRBC. There's a phone
07 number 609-883 --- that's the fax
08 number 883-9522. There'll be a
09 limitation on the fax machine so, you
10 know, either keep it short or send it
11 by US mail, Post Office Box 7360, West
12 Trenton, New Jersey 08628 or by
13 special delivery. So thank you for
14 your attention and I look forward to
15 your comments.

16 AUDIENCE MEMBER:

17 Will this presentation
18 be posted to your website?

19 HEARING OFFICER:

20 Sure. We could do that.

21 AUDIENCE MEMBER:

22 Great.

23 HEARING OFFICER:

24 All right. Let's move
25 to the public testimony phase of the

01 hearing. And really the purpose of
02 today's hearing is to hear your oral
03 testimony. As Bill just pointed out,
04 there is additional opportunity to
05 file written comments in whatever
06 format you choose until March 12th.

07 I do want to say the
08 purpose of the hearing is not for DRBC
09 to respond to comments today. We need
10 to be able to digest all of the
11 information you provide for us over
12 the next two weeks and then make some
13 recommendations to the Commissioners
14 as to how to proceed on these dockets,
15 any revisions, any change in process,
16 that sort of thing, based on the
17 testimony you make and how compelling
18 that testimony is. We asked you to
19 follow a registration process, and I
20 am going to follow the order in which
21 you registered. And I see the first
22 name here is Bernard Handler. And
23 Bernard, I know you've provided
24 testimony at Commission meetings down
25 at DRBC in West Trenton and so I'm

01 going to ask you to help lead this off
02 right in terms of, you know, the
03 introduction and the three minutes and
04 get us off on a good start here.

05 MR. HANDLER:

06 Okay. Bernard Handler,
07 H-A-N-D-L-E-R.

08 HEARING OFFICER:

09 Could you say any
10 affiliation if there is one?

11 MR. HANDLER:

12 Okay. I'm with Damascus
13 Citizens for Sustainability.

14 HEARING OFFICER:

15 Thank you.

16 MR. HANDLER:

17 Okay. Three minutes
18 starts now?

19 HEARING OFFICER:

20 Yes.

21 MR. HANDLER:

22 Okay. God is in the
23 heaven and we all want what's His, but
24 power and greed and corruptible seed
25 seem to be all there is. Currently

01 the effects of hydraulic fracturing
02 are being reviewed by congressional
03 committees, a study by the EPA, the PA
04 DEP, and a moratorium is in effect in
05 New York State with the mantra, let PA
06 make all the mistakes first, is
07 current. In addition, this Commission
08 still hasn't made yet public its own
09 regulations. So these rules to this
10 comment section are still not
11 clarified.

12 Political pressure and
13 economics are forcing the Commission
14 to vote against the environmental
15 sustainability of the region. Let me
16 remind you that politics and
17 economical gain are transient and the
18 health of the river and the earth
19 paramount to the generations to come.
20 It is the duty of PA DEP and the
21 Commission to ensure clean air and
22 clean water as granted by the PA
23 constitution.

24 Stone Energy has already
25 violated the rules of the DRBC by

01 drilling in the basin without
02 permission. They're also
03 nonresponsive to the Commission's
04 request. Now we're supposed to take
05 them as responsible drillers. They've
06 already drilled a pass, drilled down
07 8,350 feet, transported toxic water
08 and buried drill cuttings under
09 ground. The last of these is a great
10 concern to me because no tests have
11 been done on what's been drilled ---
12 what's been put under the ground
13 there, and that's above our water
14 supplies.

15 The Lackawaxen River has
16 just received the river of the year
17 award. Your award for withdrawing ---
18 is withdrawing 21 million gallons per

19 minute from its headwaters, the purest
20 water of the river. While you can
21 pump approximately 17 GPS (sic) you
22 will only stop when you go down to 5.9
23 CFS. This 25 percent rule is a
24 drastic measure. It can make channels
25 very narrow and affect the natural

01 spawning of the trout stream. A 50
02 percent rule would be much more
03 acceptable to the headwaters for
04 aquatic life.

05 Some see natural gas as
06 something to explore. A real treasure
07 is our clean air and abundant supply
08 of clean water. An EIS should be
09 undertaken by the Commission before
10 any drilling occurs to protect the
11 most valuable resources. Permitting
12 one well at a time without regarding
13 the cumulative effect of hundreds and
14 thousands of wells in the area along
15 with all of its water withdrawals,
16 compressors, pipelines, troughs, et
17 cetera do not take the total
18 industrialization of the rural area
19 into account. Doing less is a
20 tragedy. You don't know what you got
21 'til it's gone is a quote. Thank you,
22 Bernie Handler, landowner, taxpayer,
23 steward of the land and member of the
24 DCS.

25 HEARING OFFICER:

01 That was perfect. Thank
02 you, Bernard. The next ---.

03 AUDIENCE MEMBER:

04 Point of order, Mr.
05 Chairman. Are we going to listen to
06 applause after each speech? Is that
07 the deal?

08 HEARING OFFICER:

09 That's a good point. If
10 people could restrain themselves for
11 applause after each one, it would
12 provide for more structure and maybe a
13 little bit less emotion as we go
14 along. Thank you.

15 AUDIENCE MEMBER:

16 Thank you.

17 HEARING OFFICER:

18 All right. James Barth.
19 Could you state your affiliation when
20 you come up here as well?

21 MR. BARTH:

22 Good afternoon. My name
23 is James Barth, B-A-R-T-H. And I am a
24 member of Damascus Citizens. If the
25 Commission permits Dockets 13-1 and

01 18-1 you'll be saying that select
02 water fracturing is an acceptable
03 threat to the service and drinking
04 water in the Delaware River Basin and
05 that it is a manageable risk. To the
06 contrary, it would be an act of gross
07 negligence to allow the fracturing to
08 occur, especially in this piecemeal
09 fashion without a cumulative impact
10 study.

11 For 70 years the tobacco
12 industry claimed that cigarette
13 smoking was not addicting and
14 harmless. During that time, my father
15 inhaled about 500,000 cigarettes over
16 a period of 45 years. During those 45
17 years, no doctor was able to document
18 a single cancer cell in his body that
19 was caused by those cigarettes. He
20 stopped smoking when he was 64. Two
21 years later he was dead from lung
22 cancer. Some things take time to
23 accumulate. Drilling and fracturing
24 on an industrial scale is not a
25 manageable risk.

01 The modern application
02 of horizontal drilling and hydraulic
03 fracturing began in shale in 2005.
04 These processes have poisoned plenty
05 of wells and streams. Surface waters
06 are a major issue in the Delaware
07 River basin. As to ground water
08 contamination, what tests have been
09 performed on modern hydraulic
10 fracturing in shale? The only study
11 that I'm aware of is the recent New
12 York City DEP report that calls this
13 process catastrophic if permitted in
14 watershed areas.

15 I ask the DRBC to
16 deliver the comprehensive study that
17 Executive Director Collier promised
18 and to then formulate uniform
19 regulations for the entire basin.
20 Until that is accomplished, the
21 Commissioners should declare a
22 moratorium on such gas drilling and
23 hydraulic fracturing. Will the DRBC
24 fail to protect the public from gas
25 extraction industry the same way the

01 other regulatory bodies fail to
02 protect the public from the tobacco
03 industry? If you vote to permit the
04 Stone Energy applications, you will be
05 sanctioning the false claims of the
06 gas industry. You will be opening up
07 the basin to potential catastrophe and
08 it will make you a party and
09 accomplice to it.

10 Your job is to prevent

11 contamination, not permit and manage
12 it. I thank the Commission for
13 holding these hearings. I suggested
14 that another hearing is held so that
15 the people in the lower half have the
16 opportunity to speak. And I am
17 saddened to see that the normal
18 Commissioners --- or the usual
19 Commissioners are not in attendance
20 today. Thank you very much.

21 HEARING OFFICER:

22 Thank you, Mr. Barth.
23 Please note, though, that we are
24 transcribing the proceeding, so that
25 the other Commissioners would have the

01 benefit of this testimony as we move
02 forward. Next we would go to Barbara
03 Arrindell. And I hope I'm saying your
04 name correctly. Arrindell (changes
05 pronunciation). Barbara, as with the
06 others, could you please state your
07 affiliation? And is that accessible,
08 that microphone?

09 MS. ARRINDELL:

10 Well, what do you think?

11 HEARING OFFICER:

12 It's good.

13 MS. ARRINDELL:

14 Okay. Yes. My name is
15 Barbara Arrindell. My affiliation is
16 Damascus Citizens for Sustainability,
17 DCS. First, the comment period is
18 much too short for such an important
19 issue. And there should be a hearing
20 in the lower basin. Second, I would
21 like to know the status of test wells
22 like the Robson gas well in Oregon
23 Township that had a drill and
24 operating gas well permit from the
25 State of Pennsylvania. How many other

01 test gas wells will be ignored by the
02 Basin Commission?

03 Now the rest of my
04 comments. The Delaware River Basin
05 Commission has the authority to do an
06 environmental impact statement. And
07 the DRBC has an obligation to do one
08 to assess the cumulative impacts of
09 gas drilling, especially with

10 hydraulic fracturing before allowing
11 any drilling, even so-called test
12 wells. Assuring the quality and
13 quantity of water in the Delaware
14 River and the safeguarding of the
15 health of the river is the reason for
16 the DRBC's existence. In the mid
17 1980's the DRBC gave up doing
18 environmental impact statements,
19 shifting the responsibility to the
20 member states of the Compact.
21 Pennsylvania has no legal capacity to
22 do an EIS. So how can DRBC give away
23 that responsibility to a state that
24 has no legal provision to do that
25 work?

01 The only study looking
02 at unconventional gas drilling into
03 deep well permeable shale is the New
04 York City study completed in December
05 '09. This study determined that the
06 expected 6,000 gas wells in the New
07 York City watershed would be
08 catastrophic. Obviously then 20,000
09 to 50,000 gas wells in the entire
10 Delaware Basin would be equally
11 catastrophic. DRBC has an obligation
12 to look at cumulative impacts.
13 Regarding the Matoushek well as an
14 individual project is illegal
15 piecemealing. Are the hundreds of
16 other unspecified gas wells to be
17 supplied with water from the Stone
18 Energy withdrawal from the Lackawaxen
19 River to all also be individual
20 projects? The gas drilling project
21 encompasses the whole Delaware Basin.
22 How can the DRBC not look at the
23 potential effect on the water supply
24 quality and quantity in the areas
25 immediately around the drilling and in

01 areas downstream before allowing
02 drilling to proceed? This is criminal
03 negligence. Remember, at least 20
04 tons of chemicals, many toxic, are
05 used in each million gallons of water
06 in just one of the drilling processes.
07 Pollutants move. PCBs from the upper
08 reaches of the Hudson River have moved
09 to the mouth of the Hudson River 200
10 miles. Philadelphia gets all of its
11 water from the Basin, 60 percent
12 directly from the Delaware River. New
13 Jersey gets half it's total water
14 supply from the Delaware River from
15 direct withdrawals and from recharge
16 of the coastal aquifers.

17 Gas drilling has
18 inflicted damage to water everywhere
19 it is done. This is a public health
20 issue. DCS unfortunately has many
21 horror stories reflecting the
22 intrinsically contaminating nature of
23 the process, a result of the
24 exemptions the industry has and
25 stridently protects. Drilling must

01 not be permitted until a rigorous ---.

02 HEARING OFFICER:

03 Barbara.

04 MS. ARRINDELL:

05 I have one more

06 sentence.

07 HEARING OFFICER:

08 Okay.

09 MS. ARRINDELL:

10 Must not be permitted

11 until a rigorous program added EIS is

12 completed. Prevention costs less than

13 remediation after damage, if

14 remediating is even possible. Thank

15 you.

16 HEARING OFFICER:

17 Thank you very much for

18 your testimony. I think we agreed

19 that wouldn't have applause after ---.

20 AUDIENCE MEMBER:

21 You actually declared

22 that. What I would like to do is to

23 state that our emotional involvement

24 is one of urgency.

25 HEARING OFFICER:

01 Okay.

02 AUDIENCE MEMBER:

03 And I will ---

04 irregardless of your declaration, I

05 will clap.

06 HEARING OFFICER:

07 Okay. I was just trying

08 to be ---.

09 AUDIENCE MEMBER:

10 I'll make a declaration

11 of my own. Thank you.

12 HEARING OFFICER:

13 Okay. Next we would

14 call on Jeff Zimmerman. If anybody

15 has written testimony and they wanted

16 to just drop it off here with Paula,

17 that would be great.

18 MR. ZIMMERMAN:

19 My name is Jeff

20 Zimmerman. I represent Friends of the

21 Upper Delaware River, Damascus

22 Citizens for Sustainability and NYH2O

23 in connection with unconventional and

24 natural gas development issues. The

25 Delaware River Basin Compact charges

01 the Commission with the responsibility
02 to preserve and protect the water
03 resources of the basin for all it's
04 users into the future. The waters of
05 the basin are renowned for their very
06 high quality supply in drinking water
07 for tens and millions of people and
08 providing an environment that supports
09 a world class wild trout fishery,
10 several endangered and protected
11 species of wildlife and endless
12 recreational opportunities that are
13 unmatched in the region. WDR and DCS
14 and NYH20 are very concerned that with
15 the two pending dockets the DRBC is
16 starting down a slippery slope without
17 fully understanding the potential
18 adverse and environmental impacts and
19 irretrievable commitments of resources
20 from this type of development. This

21 is precisely why the National
22 Environmental Policy Act requires
23 preparation of an environmental impact
24 statement before such actions are
25 taken.

01 Make no mistake about
02 it, this is not about just one
03 hydraulically fractured well and one
04 surface water withdrawal. If it were,
05 then the withdrawal of the 1 million
06 gallons Stone needs to fracture the M1
07 well could be completed in less than 2
08 days at the request of withdrawal
09 rate. The other 4 years and 365 days
10 of potential water withdrawal under
11 that docket wouldn't be needed. In
12 fact, at the requested withdrawal
13 rate, over the life of this docket and
14 assuming 2 million gallons per well
15 per fracture, Stone could provide
16 fracture water to over 600 wells.

17 Further, if the M1 well
18 fracturing is successful, Stone will
19 need to add a liquids processing
20 plant, a compressor station and a
21 pipeline to prepare and move the gas
22 to market. If Stone is successful
23 with only a portion of its potential
24 600 wells, there will be multiple
25 liquid processing plants, compressor

01 stations and an extensive network of
02 pipelines throughout the Delaware
03 River Basin. On top of all of this,
04 of course, although the names and
05 locations of potential plants are not
06 provided in the docket, there will
07 need to be several treatment plants
08 either outside or inside the basin to
09 treat all of the wastewater that will
10 be removed from the well sites and
11 processing compression facilities.

12 So regardless of any
13 other future impacts by other
14 companies, there will be many projects
15 and facilities throughout the basin
16 from Stone's operations alone. Now is
17 the time, before such irreversible
18 commitments are made, for the
19 Commission to take a hard look at all
20 the direct, indirect and cumulative
21 environmental impacts that may result
22 from this development. Before taking
23 action on these or similar dockets the
24 Commission should develop and adopt a
25 complete regulatory structure to

01 control this development and protect
02 the incredible and irreplaceable
03 resources of this river basin. The
04 Commission will violate NEPA if it
05 does anything less. Thank you.

06 HEARING OFFICER:

07 Thank you, Mr.
08 Zimmerman. Teresa --- I'm going to
09 mess this one up. Kehagias. I didn't
10 do too good with that, did I?

11 MS. KEHAGIAS:

12 It's okay. I didn't
13 either from the beginning. It's my
14 husband's last name. Mine was a lot
15 easier. Rhymes with contagious. It's
16 K-E-H-A-G, like golf, I-A-S, like
17 Sierra. And I'm not part of any
18 group. I'm a mother of young
19 children, and I live in Damascus,
20 Pennsylvania. I don't believe that
21 anyone intentionally damages
22 groundwater. Still, it is clear that
23 industry promises to protect water
24 resources have not been and will not
25 be kept. There are no sound

01 enforceable regulations to protect
02 groundwater. There's not even enough
03 staff to implement the few laws we
04 have. As we have seen in the Robson
05 well contamination of Torrey,
06 Pennsylvania, the DRBC must adopt a
07 precautionary principle, not to
08 proceed with the present conditions as
09 they are.

10 There are so-called task
11 forces it seems that are comprised of
12 gas company representatives and
13 leasers, but they don't represent the
14 interest of those who have not leased,
15 so something's absent there. We hope
16 that all will agree that water is the
17 most precious resource we have in
18 northeastern Pennsylvania.

19 Unconventional drilling, which we call
20 fracking, is causing a crisis in water
21 quality and quantity around the
22 country with far reaching
23 implications.

24 I have to say that I
25 resent that my concerns and the

01 concerns of others have been reduced
02 to the so-called political pressure.
03 There is sound science supporting the
04 argument to put a stop to business as
05 usual in this situation. Sound
06 science has motivated the National
07 Council of Churches to make a stand
08 against unconventional gas extraction.
09 Their statement is that is a moral
10 imperative to protect God's gift of
11 nature and not to destroy it. And
12 they see the unconventional gas
13 extraction and it's destroying the
14 environment.

15 Science is apparently
16 the new debate going on in our local
17 papers by industry strategists. Well,
18 sound science backed the New York City
19 mayor's statement when he recently
20 used the word catastrophic to describe
21 the effects on the New York City
22 watershed that could arise from this
23 type of technology. Science is what
24 backed the recent actions of a Texas
25 mayor, Tillman, who was so compelled

01 by the realities of gas drilling as
02 well as his conscious that he traveled
03 up to our area as a kind of Paul
04 Revere warning what could come to
05 devastate our beloved lands in
06 Pennsylvania. The science motivating
07 these people and many others is good
08 enough and sound enough science for
09 me.

10 As a mother of small
11 children, and I also represent the
12 boys of many mothers, I have a list
13 available upon request, that could not
14 make it here today --- we had a big
15 snow storm ---.

16 HEARING OFFICER:

17 Theresa, could I ask you
18 to kind of wrap it up?

19 MS. KEHAGIAS:

20 Okay. DRBC, we
21 respectfully insist that you do not
22 allow gas drilling in the watershed.
23 This is a scientifically-backed
24 imperative to allow the diversion and
25 ultimately destruction of water for a

01 selected industry's interest is a
02 human rights violation. We see such
03 things in other countries; we don't
04 expect them in Pennsylvania. I would
05 like to submit it.

06 HEARING OFFICER:

07 Yeah. Right here.

08 Thank you, Theresa.

09 AUDIENCE MEMBER:

10 Point of order, Bob?

11 HEARING OFFICER:

12 Yes?

13 AUDIENCE MEMBER:

14 If you call three names
15 at a time, perhaps if you do that
16 it'll move faster.

17 HEARING OFFICER:

18 I think it's moving
19 fine.

20 AUDIENCE MEMBER:

21 Okay.

22 HEARING OFFICER:

23 Priscilla Linden.

24 Please state your affiliation,
25 Priscilla.

01 MS. LINDEN:
02 Yes. My name is
03 Priscilla Linden,
04 P-R-I-S-C-I-L-L-A. Linden,
05 L-I-N-D-E-N. I'm a private citizen.
06 I live in Washington Crossing,
07 Pennsylvania, in the lower part of the
08 middle Delaware. I have three points
09 --- well, let's --- no, my
10 affiliations. I'm a volunteer with
11 the National Canoe Safety Patrol. We
12 follow up and down the river,
13 especially in the National --- the
14 Delaware Water Gap Recreation area.
15 I'm a member of the Friends of the
16 Delaware Canal. And we enjoy biking
17 and hiking on both the Pennsylvania
18 and New Jersey side of the river. And
19 I'm a new member of the Sierra Club of
20 Pennsylvania because of this Marcellus
21 Shale issue.
22 I have three points.
23 One, some principle concerns that have
24 already been voiced. Two, a major
25 caution for all to consider and three,

01 a charge to the Commission. My
02 principle concern as we're appearing
03 here today are water quality concerns,
04 and you've heard a lot of the
05 technicalities that other people know
06 more about than I do, about the
07 destruction of the national forests
08 and the pristine environment of our
09 basin, of the arrogant disregard for
10 an exemption from the existing air and
11 water quality regulations.

12 Specifically, in this docket the
13 drilling is already underway without
14 permission.

15 Generally, the entire
16 industry has for lobbying become
17 exempt from the Federal clean air and
18 clean water concerns. I am also
19 concerned because of the lack of
20 regulations that are appropriate for
21 air and water quality here in
22 Pennsylvania that are presented by the
23 particular challenges of hydraulic
24 fracking. Nine speakers today can
25 speak more about the technical

01 concerns and information on these
02 issues.

03 The caution I have is
04 that there's a big elephant in this
05 that few people will be talking about.
06 That is the basic motivation of the
07 gas and all of the drilling companies
08 in the first place. It is bald-faced
09 profit with a public-be-damned
10 attitude. It is not for national
11 security, it is not for domestic
12 supply of natural gas, it is not even
13 for the ready supply and cheap price
14 to Pennsylvania, New York and New
15 Jersey. Ladies and gentlemen of the
16 Delaware River Basin Commission, you
17 are our representative public stewards
18 of the valuable life-giving waters and
19 the environment of our beautiful
20 Delaware Basin. Please do your job
21 and follow New York and stop fracking
22 Pennsylvania now until when and if
23 safe and effective regulations and
24 enforcement exist in Pennsylvania.
25 Don't let the Delaware become another

01 virtual Love Canal. Thank you.

02 HEARING OFFICER:

03 Thank you. Our next
04 speaker will be Joe Levine.

05 MR. LEVINE:

06 Thank you. My name is
07 Joe Levine. That's L-E-V-I-N-E. I'm
08 a member of Damascus Citizens for
09 Sustainability and NYH20. Thank you.
10 As a result of extensive gas well
11 development in the western US since
12 the '90s, coupled with scores of
13 reported illnesses centered around gas
14 drilling activity, several studies
15 have been conducted documenting the
16 relationship between fracking and
17 water and air contamination. They
18 document the same issues that this
19 Commission has been hearing about, at
20 least from us, for two years now. We
21 have done extensive and scholarly
22 research on this issue. We have met
23 with scientists from around the
24 country whose life work is this
25 subject. We have met with landowners

01 and citizens from around Pennsylvania
02 from Dimock to Hickory to Dunkard
03 Creek, in addition to the west. We
04 are still competing with same
05 information that was published in
06 these early reports. This is an
07 industrial process that is not
08 compatible with safe human occupation,
09 not without serious health effects.
10 In interview after interview, we hear
11 my water was fine for 20 years, my
12 water was fine for 40 years, my health
13 was fine. They started to drill and
14 now the water is bad. We could light
15 my water --- we could light the water
16 on fire, and my wife is sick. This is
17 what we've heard over and over again.
18 And don't you hear it? Haven't you
19 seen this for yourselves? And if you
20 haven't seen it, you should.

21 I still attend public
22 information events on the Marcellus.
23 And just last week in Dimock, I heard
24 industry reps say that there's not one
25 incident of water or air

01 contamination. Wasn't this --- and
02 doesn't this Commission know that they
03 are being lied to? This is an
04 inherently contaminating process. Who
05 would think that you can inject toxic
06 chemicals into the ground and not
07 contaminate the water? What kind of
08 logic is this? It is scientifically
09 proven to be false.

10 Have you read the Hazen

11 and Sawyer Impact Assessment Report
12 commissioned by the New York City DEP?
13 New York City is the primary
14 stakeholder in the basin representing
15 millions. And their independent study
16 documents how and why the risks in the
17 watershed are catastrophic. In the
18 scientific community this report has
19 now become the benchmark study of
20 Marcellus drilling. These waters are
21 special protection waters and this
22 activity is not compatible. Before
23 this Commission caves in to the wild
24 west drill, baby, drill mentality so
25 obvious in PA, it must be convinced

01 that it's safe to do it in this case
02 and such evidence has not yet been
03 provided.

04 Among the evidence
05 that's been provided to the contrary,
06 the industry has been lying, this
07 isn't that. We've been lied to, and
08 it's too extensive for a citizen to
09 prove otherwise. Prove that your
10 water was okay and we --- before we
11 started drilling is a common refrain.
12 From absolutely no chemicals to some
13 chemicals but the same chemicals that
14 you find under your sink to denying
15 the evidence of poisoning and
16 contamination is ethically --- it's
17 ethically and morally criminal. The
18 issue will consume and overwhelm this
19 Commission if it is allowed to proceed
20 and you will bear witness to the
21 degradation of this precious place.
22 The EPA study on hydrofracking started
23 in 2001 ---.

24 HEARING OFFICER:

25 Joe, you kind of need to

01 wrap it up.

02 MR. LEVINE:

03 Okay. Last sentence
04 here. Came to the same conclusions as
05 the New York City DEP impact
06 assessment study that the injection of
07 toxic chemicals posed serious risks to
08 the environment and human health. The
09 EPA study was censored, but it's now
10 being redone by congressional mandate.
11 You must wait for the results of this
12 study before allowing anything related
13 to hydrofracking before you decide to
14 ignore any other drilling such as test
15 levels. And this Commission must not
16 ignore their responsibility to the
17 health of the basin.

18 HEARING OFFICER:

19 Thank you, Joe.

20 MR. LEVINE:

21 You must do a cumulative
22 impact study. Thank you very much.

23 HEARING OFFICER:

24 Thank you. Josh Fox.

25 MR. FOX:

01 My name is Josh Fox. My
02 affiliation, I'm with the Commonwealth
03 of Pennsylvania. I'm a citizen. The
04 constitution states that I have a
05 right to clean water and a healthy
06 environment. I'm also a filmmaker.
07 Is this working?

08 HEARING OFFICER:

09 Yes.

10 MR. FOX:

11 And you know, I've been
12 filming the Delaware River Basin
13 Commission's meetings on this for two
14 years. The film, Gasland, won the
15 special jury prize at Sundance, the
16 artistic vision award at the Big Sky
17 Film Festival. And the audience award
18 at Denton Texas' Thin Line Film
19 Festival and every festival that it's
20 gone to. It represents inquiry and
21 investigation in 32 different states,
22 and I'd like to invite the community
23 to watch it. I'd also like to submit
24 a formal request to interview the
25 entire Commission for the film. The

01 film will be seen by millions of
02 people, I can't say how at this
03 moment, and will be toured around to
04 the affected areas so that we can show
05 it to people in person.

06 Several questions. I'd
07 like to echo my colleague's comments
08 in asking for a cumulative impact
09 assessment and a full environmental
10 impact study. I'd also like to invite
11 you, in addition, to viewing the film
12 to view the 250 hours of footage that
13 comprised the film because in those
14 story after story is testimony of
15 people who's water has been
16 contaminated, air has been polluted
17 and health have been ruined.

18 And is there --- a
19 series of questions that are going to
20 sound rhetorical but they're not
21 rhetorical. First of all, where is
22 the Commission and where is the
23 Executive Director? And you said you
24 aren't going to respond to these
25 questions now, but my second question

01 is, how are you going to respond?
02 I've asked questions in the past that
03 had to do with enforcement that has to
04 do with water contamination and
05 pollution. I have never received an
06 answer from this Commission on any of
07 the questions. And all of these
08 questions you're going to hear again
09 and again for the eighth time this
10 afternoon, probably for four hours.

11 What chemicals ---
12 there's two --- you addressed what
13 looked like regulations here that
14 you're trying to put across as if this
15 whole thing is going to be safe. But
16 you haven't addressed two things.
17 One, what chemicals are going to be
18 used in the process of hydraulic
19 fracturing? You can't address it
20 because you don't know it, and you
21 can't know it because the chemicals
22 are proprietary. That's the first
23 thing that I have to ask.

24 The second thing is,
25 what percentage of the fluid is

01 retained in the groundwater --- I mean
02 in the ground after the fracking
03 process takes place? You have ---
04 even if you have the steel tanks above
05 ground and all these other provisions,
06 you cannot account for the toxic
07 material that's being left under the
08 ground. That's about 50 percent by
09 anybody's account, up to 70 percent.
10 And --- just a minute. Why is well
11 water being tested only 1,000 feet
12 away when this process has been shown
13 to migrate up to 28 miles? And I
14 think I'll close. I'm going to submit
15 written comments, but I'll close with
16 a story.

17 HEARING OFFICER:

18 No, no, I'm going to
19 have to say this. I'm sorry. I'm
20 sorry, I've got to ---.

21 MR. FOX:

22 But I'm going to tell
23 you this ---.

24 HEARING OFFICER:

25 I'm sorry ---.

01 MR. FOX:

02 No, I'm going to tell
03 you this story because I was
04 approached by a representative ---.

05 HEARING OFFICER:

06 I was going to ask you,
07 how would I make this film available
08 to the Commissioners? Because we'd
09 like to ---.

10 MR. FOX:

11 We will come and screen
12 it for you.

13 HEARING OFFICER:

14 Okay. But I have to be
15 evenhanded here. If we are able to go
16 around once ---.

17 MR. FOX:

18 Well, then I'll close
19 with one last question.

20 HEARING OFFICER:

21 Okay.

22 AUDIENCE MEMBER:

23 I'll yield my time.

24 MR. FOX:

25 At what ---?

01 AUDIENCE MEMBER:

02 I'll yield my time.

03 MR. FOX:

04 At what pressure will
05 these wells be fractured? Because I
06 have had people from within the
07 industry come up to me and say all of
08 our computer models show the fractures
09 going all the way up to the surface at
10 that pressure.

11 HEARING OFFICER:

12 Okay.

13 MR. FOX:

14 And I would like to ask
15 the Commission, if they have access to
16 those computer models for hydraulic
17 fracturing which show --- I've had
18 insider testimony that show that those
19 fractures go all the way up to the
20 surface and contaminate aquifers. I
21 appreciate everybody saying that.

22 HEARING OFFICER:

23 Thank you, Mr. Fox.

24 Greg Swartz.

25 MR. SWARTZ:

01 Good afternoon. My name
02 is Greg Swartz, S-W-A-R-T-Z. And I am
03 a citizen of the Upper Delaware River
04 Valley. Also I manage a vegetable
05 farm here from the Damascus Township
06 --- of Damascus Township in Wayne
07 County, Pennsylvania. Whenever an
08 organization faces a difficult
09 decision, it's important to evaluate
10 the issue in the context of the
11 organization's mission in history.
12 The DRBC came into being because it
13 was recognized that a regional
14 approach to a watershed management was

15 the only way to truly protect and
16 manage the water resources of the
17 basin. The Commission was to replace
18 the hodgepodge decisions of the dozens
19 of agencies who are responsible for
20 different aspects of management. And
21 50 years on, that is still the
22 rationale and legal framework for the
23 Commission.
24 It's for this reason
25 that I'm confused by the two proposed

01 dockets before us today. A nine-year
02 proposed project is being evaluated
03 against the cumulative impact with the
04 possibility of thousands of wells. It
05 is as if you, the Commissioners, are
06 returning to the days when the
07 municipality would make a decision
08 without regard to the impacts on the
09 larger watershed of projects across
10 the watershed.

11 I urge you to quantify
12 and evaluate the impact of all the
13 potential wells in the basin before
14 you approve any single project.
15 Should you choose not to make a
16 judgment based on the cumulative
17 impacts of water withdrawal, chemical
18 loading, soil disturbance and
19 wastewater treatment, I fear that you
20 will abrogate your legal
21 responsibility to protect the basin.

22 More important than
23 legal outcomes, you should realize
24 that the impacts your decisions have
25 on millions of people. As I

01 mentioned, I am a vegetable farmer.
02 I, like many people, make my living
03 from the land. I rely on clean water
04 and biologically active soil, which is
05 free from synthetic chemicals for my
06 crops. I grow healthy food for my
07 family and my customers. And I'm
08 deeply concerned that gas drilling in
09 the watershed will destroy my
10 business. Good farming is based on
11 the long view. Any action I take
12 should have no ill effects on future
13 generations, and I should leave my
14 land in better shape than I found it.
15 And I urge the DRBC staff and
16 Commissioners to resist today's
17 political pressures and to take the
18 long view.

19 And lastly, I'd like to
20 echo my disappointment that the
21 Executive Director nor the full
22 Commission is here. Everyone in this
23 room has taken their time, driven long
24 distances to make their comments
25 known. And I think that this

01 disappointment should be registered
02 with your colleagues. Thank you.

03 HEARING OFFICER:

04 Thank you, Mr. Swartz.

05 Next we'll here from John Roth.

06 MR. ROTH:

07 My name is John Roth,
08 R-O-T-H. I'm a concerned citizen of
09 Milanville, Pennsylvania. I don't
10 come with a prepared statement or lots
11 of facts and figures for you. So
12 again, I'm not the most learned person
13 to talk here, but I think I have a lot
14 of common sense and I don't think it
15 takes too much delving into this issue
16 to see what a disastrous thing this
17 could be for us all.

18 We have the benefit of
19 not being the first community in this
20 country to have hydraulic drilling
21 coming to us. We can look and listen
22 and hear as other people have spoken
23 to firsthand accounts from other
24 citizens from all around the country
25 and even very close to home here and

01 to the --- just the devastating
02 effects that this has brought to their
03 communities.

04 I know the scope of what
05 we're --- what you're dealing with
06 here is narrow, but I really hope you
07 take a broad view of this. You're
08 part of a very big picture. I guess
09 you're kind of like a --- you're kind
10 of like a bartender. A bartender
11 should know when to not serve that
12 last drink to that customer. And if
13 they do, if they know that they've had
14 too much and they serve that last
15 drink and that person goes down the
16 road and kills someone, they're
17 responsible, too. So I hope you won't
18 be an enablers because the gas
19 companies have proved themselves to be
20 nothing but a bunch of drunk drivers.
21 Thank you.

22 HEARING OFFICER:

23 All right. Thank you,
24 Mr. Roth. Next, we'll hear from
25 Edward Nocera. Did I say that right?

01 MR. NOCERA:
02 Yes. Nocera.
03 HEARING OFFICER:
04 Nocera.
05 MR. NOCERA:
06 It's spelled
07 N-O-C-E-R-A. Edward. I'm from
08 Milanville, Pennsylvania. And I'm
09 with the Damascus Citizens. Back in
10 1994 the head of the Commodities
11 Futures Trading Commission, Brooks Lee
12 Bourne, testified to Congress,
13 forewarning them of the possibility of
14 an economic disaster that would be
15 caused by derivatives traded in the
16 markets. After alerting them to how
17 they need to be, Congress, the Federal
18 Reserve, Treasury Secretary ignored
19 her testimony and continued with
20 business as usual. If Congress had
21 looked into the matter and put
22 regulations in place, imagine how
23 different the economy would be today.
24 We're facing a similar
25 situation today with the gas

01 industry's practices, and hopefully we
02 have learned a lesson. The country
03 and our legislators have information
04 about the largely unregulated gas
05 industry whose activities are reeking
06 havoc across the country. As you
07 undoubtedly know, Congress is working
08 on a FRAC Act. Senator Waxman's
09 committee is looking into gas drilling
10 and its effects on groundwater as we
11 speak. Numerous folks in the western
12 states, such as Texas and Colorado,
13 who have become sick from the
14 pollution caused by drilling are
15 speaking out. The same is happening
16 in the Susquehanna River watershed at
17 Dimock, Pennsylvania where a federal
18 lawsuit against the gas drillers has
19 been filed.

20 A documentary just
21 released, Gasland, tells the story of
22 gas drilling and its health hazards
23 using eyewitness accounts of people
24 who live near gas drilling sites and
25 who are now ill and whose homes are

01 ravaged as a result.

02 Can the DRBC afford to

03 ignore the facts from these and other

04 sources and still fulfill its mission?

05 The protection and care of our natural

06 water supply surpasses everything

07 else. It is not possible to bail out

08 the natural water supply with money.

09 Water cannot be replaced. The wisest

10 path is to put things on hold and to

11 be patient while waiting for the

12 results of studies now on their way

13 and others to come. It is reckless to

14 ignore the evidence and approve

15 permits for drilling and fracking

16 without an environmental impact study,

17 new regulations and proper enforcement

18 put in place. I strongly urge the

19 DRBC to put a moratorium on the review

20 and granting of drilling and fracking

21 permits so we can proceed in the

22 safest way for the benefit of the

23 public's health. Such action would be

24 environmentally just. Thank you.

25 HEARING OFFICER:

01 Thank you. Our next
02 speaker would be Susan Blankensop. Is
03 that how you say it?

04 MS. BLANKENSOP:

05 Yes.

06 HEARING OFFICER:

07 Okay.

08 MS. BLANKENSOP:

09 B-L-A-N-K-E-N-S-O-P.

10 And I'm a member of Damascus Citizens
11 and also NYH20. The dangers of
12 depletion and contamination proposed
13 by the process of hydrofracturing to
14 the waters of the west branch of the
15 Lackawaxen River which drains into the
16 Delaware River from drilling for
17 natural gas is no longer a
18 hypothetical situation. The many
19 instances of seepage, spilling,
20 improper dumping, along with increased
21 risks from flooding, illegal
22 activities and total disregard for the
23 public good by the companies profiting
24 from this plague have made this danger
25 imminent.

01 One chemical, benzene,
02 used in drilling has been proven to

03 cause childhood leukemia, as quoted
04 from an ATSDR study of water
05 contamination at Camp Lejeune, North
06 Carolina. As a preeminent agency
07 overseeing the quality of the water
08 from the Delaware River and thus the
09 public health of those dependent on
10 those waters, I ask that you withhold
11 granting this permit until the federal
12 EPA has had time to do a
13 scientifically-based environmental
14 impact study on the risks posed by
15 drilling in the formation of the
16 Marcellus Shale.

17 These dangers include,
18 and thus the studies should include,
19 an analyses of the chemicals used in
20 all aspects of this process, whether
21 those chemicals can be removed from
22 the flow-back water, what type of
23 facilities are capable of handling and
24 successfully removing these poisonous
25 chemicals, what quantities of flow-

01 back water a facility can handle,
02 where will these treatment plants be,
03 how much this intrusion and disruption
04 will cost the communities where they
05 are placed, assessment of the dangers
06 of seepage from ejection wells and
07 what kind of protections are necessary
08 in case of flooding?

09 I have a home in Wayne
10 County, Pennsylvania. A neighbor of
11 mine down the road has lived in Wayne
12 County her entire life. She has large
13 pieces of land, both along the river
14 and up the hill across from my house.
15 She has had a real estate agency for
16 30 years. This spring she'll be
17 closing her doors. She cannot in good
18 conscience sell land to anyone when
19 she can't guarantee them that they'll
20 have quality water. She was sitting
21 in a café over a cup of coffee trying
22 to figure out what career moves to
23 make. What's she going to do with her
24 life, how is she going to on? She's
25 lived there her entire life.

01 I hope that the
02 Commission realizes that what you're
03 doing here is part of a much bigger
04 issue. It's not just about one water
05 permit. Thank you.

06 HEARING OFFICER:

07 Thank you. Jessica
08 Corrigan.

09 MS. CORRIGAN:

10 Hello.

11 HEARING OFFICER:

12 Hello.

13 MS. CORRIGAN:

14 My name is Jessica
15 Corrigan, that's C-O-R-R-I-G-A-N. I
16 am a concerned business owner and a
17 landowner in Wayne County, Beach Lake,
18 to be exact. Our business, Northeast
19 Wilderness Experience, we rely on the
20 natural serene land, the clean water
21 to run all of our trips. We do
22 kayaking down the Delaware, down the
23 Lackawaxen. We do bike riding, rock
24 climbing, so we rely on the outdoors.
25 We provide sports for life for ---

01 sports for life for children in our
02 community. We go to schools teaching
03 this to get them away from video games
04 and all of that kind of stuff and try
05 to bring an understanding for the
06 outdoors. And I really feel that gas
07 drilling in our area will put a huge
08 damper on that. And with providing
09 kayaking, we go down the Delaware, we
10 go down the Lackawaxen. And the
11 Lackawaxen is already a low intake of
12 water and it's hard to gauge when you
13 can actually kayak on the Lackawaxen.
14 So if you draw a large amount, that's
15 going to also be taking away from the
16 outdoor activities we could do.

17 Right now we're fighting
18 natural issues like tent caterpillars
19 that are taking away our trees as it
20 is. So why do we want to provide more
21 issues that we can actually prevent
22 right now?

23 As a landowner, my
24 concern is rebuilding my house. My
25 house burnt down last month and my

01 husband and I are left with the
02 decision, do we really want to rebuild
03 in this area and raise a family
04 knowing what's coming? This is so
05 devastating, so devastating to believe
06 that with all of the documentation
07 that is provided with all the damage
08 that it does to the land, animals
09 dying, people getting sick that gas
10 drilling can actually go through. And
11 that gives me concern. It seems to me
12 that the money that's coming from the
13 gas drilling is more of the concern
14 than gambling with our lives.

15 Just from Torrey, not
16 even a working well in our area being
17 contaminated, that's got to say
18 something. I mean, that's one gas
19 well that's up right now, and that's
20 already contaminated. Right now we
21 can turn on our faucets. We have well
22 water; we can drink out of that. And
23 we're happy. Right now there isn't an
24 alternative to water. Once we destroy
25 our water, it is destroyed forever.

01 Gas, there is an
02 alternative natural gas. That's what
03 I believe we should be focusing on.
04 And the last thought I'm going to
05 leave you with is my favorite saying,
06 I really hope that before the last
07 tree dies, all rivers are dammed, and
08 the last field and forest are paved or
09 gas drilled we realize that we can't
10 eat money. Thank you.

11 HEARING OFFICER:

12 Petr Sevcik, if I'm
13 saying that correctly.

14 MR. SEVCIK:

15 Hey, how are you? It's
16 Petr Sevcik, S-E-V-C-I-K.

17 HEARING OFFICER:

18 Oh, okay.

19 MR. SEVCIK:

20 And I'm a Wayne County
21 resident. I live about ten miles from
22 the Lackawaxen River, about two or
23 three miles from the Delaware. And
24 the main reason I'm here, I'm really
25 concerned about water quality. I'm a

01 parent, and just seeing the Dimock
02 wells and what happened up there with
03 a lot of the water turning brown,
04 being undrinkable. There's also a
05 public school district signed a lease
06 up there, and lately we've been
07 hearing from some of the teachers that
08 even the water in the school might be
09 contaminated. It has a funny smell,
10 and I just don't see how we can allow
11 things like that with the water in our

12 public school system that our children
13 are drinking could be contaminated
14 with these kind of chemicals,
15 especially that in New York City,
16 Philadelphia and a lot of other cities
17 down stream from us rely on the whole
18 watershed area here for drinking
19 water.

20 And the gas industry I
21 think would have to disclose a lot of
22 the fracking chemicals because I think
23 that would be really difficult to
24 monitor the water when you don't know
25 what chemicals are actually being used

01 in the fracking process. And I think
02 that before any hydraulic fracking is
03 allowed in the river basin, that they
04 have to comply with the Clean Water
05 and Clean Air Act. And there's also,
06 you know, a lot of zoning laws. I
07 know where we live it's a residential
08 zoning area, so certain people can't
09 just set up a factory if they want to.
10 But it seems like all of these gas
11 wells are above the law with that.
12 They can go 24 hours a day with the
13 lights, with the noise, with the
14 trucking and that's just not fair to a
15 lot of the citizens that aren't here
16 because we want to make money off gas
17 leasing. I think one reason people
18 live here as opposed to New York City,
19 which is not that far away, is they
20 like the rural lifestyle.

21 And I think the main
22 reason that the gas, you know, is
23 going on is that we've been
24 profiteering from these gas companies
25 but also there's just a few citizens

01 that own --- in the area, that own
02 large amounts of land. And I don't
03 think it's fair that yes, they make
04 profit a lot with the gas, but a lot
05 of their neighbors that don't have a
06 lot of land that it's not even worth
07 them signing, we're going to get all
08 of the negative things without any of
09 the positive things. And the only
10 positive thing would be money because
11 gas is a nonrenewable fossil fuel. It
12 burns a little cleaner than oil but
13 with the whole process of shipping the
14 water and using the fracturing
15 chemicals doesn't make it any of a
16 greener or a better alternative.

17 And one thing I've been
18 trying to find out is what happens to
19 the wastewater. I've heard a lot of
20 different stories, and the only thing
21 I've heard is that once the water is
22 dirty and they get it out of the
23 ground, they put it in tanks and ship
24 it down to West Virginia and dump it
25 there. So I don't know how we can

01 allow that to happen with our water.

02 It looks like the gas is
03 a natural resource for this area but
04 everyone's talking about peak oil, but
05 a lot of people are talking about peak
06 water, as well where in the next 20
07 years water's going to be a commodity.
08 And maybe that our most valuable
09 natural resource here is the water
10 because right now we have enough water
11 to, if need be, supply probably most
12 of the United States. So just for the
13 future preserve the water and just
14 leave the gas in the ground. Thank
15 you.

16 HEARING OFFICER:

17 Thank you, Petr. Jackie
18 DeSau.

19 MS. DESAU:

20 Hello. It's DeSau
21 (corrects pronunciation), D-E-S-A-U.

22 HEARING OFFICER:

23 Oh. The U, I missed
24 that.

25 MS. DESAU:

01 Yes. And I live in
02 Wayne County. I am a mother of two.
03 And I've been seeing and reading a lot
04 of this stuff about the gas drilling
05 and how there's millions of gallons of
06 water and toxic chemicals to be used
07 and they don't really understand the
08 process. And if they keep on
09 repeating it, that it's going to
10 contaminate our water, which it
11 already has. There's farms that are
12 losing their livestock, there's
13 wildlife losing fur, there's people
14 getting sick with high quantities of
15 metal in their system. And if we keep
16 this up, I mean, we're not going to
17 have anything left.

18 I mean, our children ---
19 I look at my children and I wonder,
20 what am I going to do? I have to stop
21 this so they have a place to live and
22 all of the other children of all of
23 the other people that have children
24 and grandchildren. And there's also
25 the fact that this natural gas

01 drilling has been exempted from the
02 Clean Water Act and the federal
03 environmental regulations that protect
04 our water and protect our air and our
05 human health. And I don't understand
06 how you could do that, how you can
07 look at money and think that it's more
08 important than our well being.

09 And I would like to end
10 this with, what will we --- how will
11 we live without water? Where will we
12 be? We will not be anything. There
13 will not be anything left. And we
14 only have ourselves to blame for
15 letting this happen. That's all I
16 have.

17 HEARING OFFICER:

18 Thank you, Ms. DeSau.

19 Serena Scotto.

20 MS. SCOTTO:

21 Hi. My name is Serena
22 Scotto, S-C-O-T-T-O. I come to you as
23 a concerned citizen. I'm here to ask
24 the DRBC to please wait before
25 permitting any withdrawal permits or

01 drilling within the watershed. There
02 seem to be so many issues with this,
03 and it affects the lives of not only
04 those of us who reside within the
05 basin but millions of people down
06 river who depend on this water. I
07 implore the DRBC to read the Hazen and
08 Sawyer report. I mean, it really
09 shows us that this --- what we're
10 putting into the ground can and will
11 find its way other places where we
12 don't want it to be. And it's a
13 little arrogant of us to --- anybody
14 to think that we can have one up on
15 mother nature when it comes to water,
16 it will find it's way. We have one
17 opportunity to preserve this pristine
18 area. Please take your time. Await
19 the congressional report results,
20 protect our environment. And please
21 we need an environmental impact,
22 statement. It is essential. Thank
23 you.

24 HEARING OFFICER:

25 Thank you. Pat Carullo.

01 MR. CARULLO:
02 Pat Carullo, Damascus
03 Citizens. First, I want to say, we
04 would not even be here --- and it has

05 not been mentioned yet today, we would
06 not be here but for the several
07 exemptions, or I might say the total
08 deregulation of this practice,
09 hydraulic fracturing scheme, this
10 ungodly scheme. We wouldn't even be
11 here speaking with you for the
12 umpteenth time, if not for these
13 exemptions. So let's use some logic.
14 This one industry is

15 exempt from every single federal
16 environmental law of any significance.
17 That off the bat should get the
18 Commissioners sort of interested in
19 what it is their mandate will now be.
20 Let me say this, I recently read a
21 comment by the executive director
22 using the term fast track. And I
23 thought that rather odd that Carol
24 Collier as in her own at a UDC
25 meeting, Upper Delaware Council

01 meeting, would use the term fast
02 track. Well, she used that term just
03 several days after New York City
04 released a one-year study calling this
05 scheme, this Halliburton scheme,
06 catastrophic.

07 So I'd really like to
08 have some sort of response, and I'll
09 be writing this all up and submitting
10 it. Our council today has laid out,
11 if you will, the official and legal
12 case that we wish the Commissioners to
13 address. But I would like to know
14 from the Commissioner, Commissioners
15 and from the Executive Director, how
16 is it that she could use the term fast
17 track when New York City is using the

18 term catastrophic? That having been
19 said, you all said that the Robson
20 Well would be no problem. Well, I had
21 to get up in an airplane twice, and I
22 hate those small little shaky
23 airplanes, and take aerial
24 photography. The photographic
25 evidence is clear, the well is

01 contaminated.

02 Now, we heard recently
03 just in the news these last several
04 days that the gas and oil industry has
05 been going around breaking their
06 voluntary agreement using petroleum
07 products in these drilling practices.

08 So if you all and the Commission could
09 put one and one together, you'd come
10 up with the number two. And that
11 number two, for all intents and
12 purposes says that you've been duped.
13 The Robson well is contaminated. You
14 all decided not to regulate it and
15 it's contaminated. And you are now
16 considering additional permits.

17 I will say to that you
18 will have the wrath of the people to
19 deal with if you consider moving
20 forward with this policy. But you
21 have to see contextually that you are
22 protecting our most precious resource
23 for generations not yet born and you
24 have a supreme court mandate to do so.

25 I'll complete my

01 comments now by saying to you, let's
02 face some facts. And I want this on
03 the record. You all are going to be
04 hit very, very hard by industry if you
05 don't cave in and do it as they're
06 demanding in 34 states across the
07 state of Pennsylvania. Okay. The
08 people will respond to any actions
09 that you take with regard to
10 continuing this practice of
11 facilitating what is an ungodly
12 scheme.

13 HEARING OFFICER:

14 Thank you, Mr. Carullo.

15 AUDIENCE MEMBER:

16 Point of order, the
17 gentlemen to my left are laughing at
18 all the speakers. Could we have
19 laughing --- stop them? They ought
20 not to laugh. Thank you.

21 AUDIENCE MEMBER:

22 Point of order, Mr.
23 Chairman.

24 HEARING OFFICER:

25 It seems like we have an

01 orderly procedure here. We've been
02 able to work through 17 sets of
03 comments, get them all on the record
04 to be able to bring them to the
05 attention of the Commissioners. I'd
06 like to continue the pattern that
07 we're on, thank you, and give
08 everybody an opportunity. Winifred
09 Olsen.

10 MS. OLSEN:

11 My name is Winifred
12 Olsen, O-L-S-E-N. And I'm
13 representing the Lackawaxen River
14 concerns. As has been noted earlier,
15 the Department of Conservation and
16 Natural Resources recently designated
17 the Lackawaxen River as Pennsylvania's
18 2010 river of the year. It's purpose
19 in doing so was to call attention to
20 the ongoing conservation needs and
21 potential future threats to the river.
22 And it is partly in response to that
23 call that the Conservancy is here
24 today.

25 The Lackawaxen River

01 Conservancy is not an advocate either
02 for or against gas drilling in Wayne
03 or Pike Counties. It is, however, an
04 advocate for the protection and
05 preservation of the Lackawaxen River
06 with 600 square mile watershed, its
07 wildlife and its natural beauty. For
08 this reason the Conservancy cannot but
09 express its concern with respect to
10 the two Stone Energy Dockets pending
11 before the DRBC. And particularly the
12 application to withdrawal 700,000
13 gallons of water per day from the west
14 branch of the Lackawaxen. A very
15 significant percentage of its total
16 --- well, even 25 percent would be
17 significant.

18 The Conservancy would
19 like to know if any consideration has
20 been made as to the effects this would
21 have on the quality and temperature of
22 the water in that stream, on which
23 wild trout and other wildlife depend.
24 Because the west branch constitutes
25 the headwaters of the Lackawaxen, any

01 disruption of the flow of that
02 tributary or possible disruption of
03 the stream bank cannot but have
04 negative effects on the main stem of
05 the river. And in turn, since the
06 Lackawaxen is a major tributary of the
07 Delaware River, which is the source of
08 drinking water to more than 15 million
09 people, the importance of maintaining
10 the high quality of its water cannot
11 be overstated.

12 With respect to the
13 application for natural gas
14 exploration and development, the
15 Conservancy's concerns relate
16 especially to the chemical content of
17 the fracking water and the storage,
18 transport and disposal of the flow-
19 back water. We would like to know the
20 specific location of the waste
21 treatment facilities that Stone Energy
22 has indicated it would use. We
23 strongly urge the DRBC to defer
24 approval of these applications until
25 strong protective regulations are in

01 place and until the gas industry is
02 made to comply with the regulations of
03 the Safe Drinking Water Act, in which
04 it is currently exempt. Thank you.

05 HEARING OFFICER:

06 Thank you. Tanyette
07 Colon. Is that how you say that?
08 Tanyette. I think I see somebody
09 coming up here. She'll help me with
10 the Colon.

11 MS. COLON:

12 That was perfect.

13 HEARING OFFICER:

14 Okay.

15 MS. COLON:

16 I come today as --- my
17 name is Tanyette Colon, Damascus,
18 Pennsylvania. And I speak today as a
19 mother first and foremost. And I'm
20 also part of DCS. As a mom, the lack
21 of transparency in the chemicals that
22 are being used in hydraulic fracturing
23 has always been a great concern to me.
24 I believe we owe it to our children,
25 not only disclosure of the fracking

01 fluids and what they are being used
02 for, but we must know the actual
03 chemical composition if we are going
04 to truly look at assessing risks and
05 studying the long-term health effects,
06 which to this day has not been done.
07 I'm in firm belief that when it comes
08 to health, proprietary so-called
09 formulas should not be in place.

10 I will quickly quote a
11 couple statements that were recently
12 made by two well-versed chemists at a
13 conference in New York. Ron Bishop, a
14 biochemist, who has also worked in
15 construction with gas drilling stated,
16 and he talks about flow back, even
17 with no additional chemicals added by
18 gas companies, the water that flows
19 back from hydrofracked wells has
20 enough heavy metals and radioactivity
21 to be classified as hazardous waste.
22 In that same conference another
23 biochemist, Tom Shelley, stated that
24 the precautionary principle in science
25 and medicine asserts that if an action

01 could cause severe, irreversible harm,
02 the burden of proof is on those who
03 want to carry out the action. Based
04 on this very principle, our European
05 counterparts have banned hundreds of
06 chemicals that we use here in the US
07 today. Those very countries like
08 Norway, Italy, to name a few, are
09 presently in PA subsidizing these
10 efforts, but yet they won't allow it
11 in their country.

12 Sadly we know where the
13 burden of proof lies here today,
14 otherwise I wouldn't be here at this
15 podium. My husband, who could not be
16 here today, is a physician in NYC who
17 was part of the World Trade Center
18 Relief Workers' Study. And he
19 recently stated at the NYSDEC SGEIS
20 hearing that health effects from this
21 type of exposure to hazardous
22 chemicals and poor air quality is not
23 something that could be measured in
24 year one, year two, year three, and in
25 some cases even year four. It would

01 be more like eight to ten years from
02 now. That study's actually entering
03 year eight. This year I think I'm
04 just starting to see the major health
05 effects that these relief workers are
06 having.

07 So remember, despite all
08 the videos that are circulating for
09 every landowner who has had their well
10 contaminated and is showing a mason
11 jar of contaminated water, it's really
12 what we're not seeing that is most
13 lethal to our health. So I'm asking
14 you again, as a mother, to please put
15 the brakes on this rush to permit, and
16 let's be responsible. I believe we
17 owe this to our future generation.

18 And in closing, I will
19 say that if this application is
20 accepted --- or it is granted, excuse
21 me, we would be sending a message to
22 the gas companies that it's okay to
23 illegally build wells, get a little
24 slap on the hand with a fine, and
25 still ultimately get your way. And I

01 don't think PA --- the citizens of PA,

02 deserve this. Thank you.

03 HEARING OFFICER:

04 Thank you for those
05 comments. Michael Lebron.

06 MR. LEBRON:

07 Hello. That's Michael
08 Lebron, L-E-B-R-O-N. And my
09 affiliations are New Yorkers for
10 Sustainable Energy Solutions, Damascus
11 Citizens and the Energy Committee of
12 the Sierra Club. I'm also a liaison
13 for the families on and near Carter
14 Road in Dimock that have filed a
15 federal complaint in November over
16 contaminate issues in their community.

17 I'm here to make some
18 comments on the most commonly used
19 methods of recycling produced fluids
20 based on a conversation I had with
21 Doug Heitsman, who formally suffered
22 an 8,500 spill on his property in
23 September. Recycling the fluids is
24 designed to accomplish two things, to
25 limit the demands placed on our

01 freshwater supplies and to limit the
02 opportunity for spills. However, one
03 must keep in mind that the fluids that
04 come back contain benzenes, toluene,
05 other organics and heavy metals and
06 elevated radioactivity. An
07 investigation by PA DEP of fluids from
08 the Lewis wells in Dimock show greater
09 activity in excess of 13 times the
10 permissible standard. These elements
11 are harmless when left undisturbed
12 dozens of feet below the ground, but
13 cause problems, for example, when
14 taking a shower and you inhale
15 radioactive vapors or absorb them
16 through your skin.

17 In a telephone call with
18 Ken Komoroski, legal counsel for Cabot
19 Oil and Gas, Mr. Heitsman asked if the
20 consequence of the spill on his
21 property would have been worse if
22 Cabot had been recycling fluids. Mr.
23 Heitsman told me that Komoroski said
24 yes. Still, faulty locations are not
25 the only migratory paths for these

01 fluids once unlocked from the
02 Marcellus to reach the surface of the
03 water table however. In other words,
04 even if the gas company switched to
05 green hydrofracking fluids, even if
06 they decided to frack their wells with
07 Coca-Cola you're still presented with
08 a problem that produced fluids
09 presents. And remember, you only need
10 one well to go bad to cause a whole
11 lot of hurting as people along Carter
12 Road in Dimock will tell you.

13 In closing, failure to
14 conduct the necessary analyses,
15 including especially cumulative
16 analyses, in failing to study the
17 evidence emerging from practices now
18 being conducted in Susquehanna County

19 right next door to us, before granting
20 even one permit for water withdrawals,
21 in my view, constitute at best an
22 illegal abrogation of responsibility
23 to the Delaware River Basin
24 Commission. Thank you.

25 HEARING OFFICER:

01 Martin Springhetti.

02 MR. SPRINGHETTI:

03 My name is Martin

04 Springhetti. I'm affiliated with all

05 living things.

06 HEARING OFFICER:

07 Could you spell that,

08 please?

09 MR. SPRINGHETTI:

10 S-P-R-I-N-G-H-E-T-T-I.

11 And I live in Galilee (sic),

12 Pennsylvania, which is about ten miles

13 from the west branch. Okay?

14 HEARING OFFICER:

15 Yes, very good.

16 MR. SPRINGHETTI:

17 This permit is just the

18 first step in a long process that goes

19 beyond one creek and one company. We

20 can use developed gas fields to gauge

21 the impact here. For example, in East

22 Texas and New Mexico. If you go to

23 Google Earth and zoom in on that area,

24 you will see a pattern of little

25 squares connected by lines. As you go

01 closer, they become gas drilling pads
02 and connecting drillers. From looking
03 at those images, I estimate that about
04 a quarter of the total surface area
05 has been disrupted in one way or the
06 other. Now, take that mental image of
07 that pattern and place it over the
08 Delaware River Basin. All of the
09 farmland and forests that is under
10 that grid pattern will bulldozed.
11 Forests and farmland attract rain.
12 Drill pads and roads do no.

13 For example, the Amazon
14 River Basin. The clear cutting of the
15 rain forest has led to reduced rain
16 fall and a dryer climate throughout
17 the basin. If we change up to a
18 quarter of our land from forests and
19 farmland to drill pads and roads, it
20 will surely effect our weather
21 patterns. That puts the long-term
22 impact of gas field development and
23 water supply directly in front of this
24 Commission.

25 Bulldozed earth can

01 expose toxic minerals. When it rains
02 on a drill pad the water percolates to
03 the surrounding water supply. It will
04 be death by a 1,000 cuts if each of
05 these locations slowly poisons the
06 surrounding drainage. Or should I say
07 by 30,000 or 40,000 cuts because
08 that's how many drill pads we may end
09 up with.

10 I think a frack gas well
11 has a life of about ten years. Then
12 what? Is the disturbed land going to
13 be restored to forests and farmland?
14 If these places are just abandoned
15 then the impact on weather patterns
16 could extend for 100 years. The gas
17 field development is a serious threat
18 to the water supply of the Delaware
19 River Basin. The change in land use
20 could result in a permanent drying of
21 the basin. Run off to pollute our
22 surface water long in to the future.
23 I urge you to deny this permit and
24 declare a moratorium until the long-
25 term effects are fully understood.

01 HEARING OFFICER:

02 Thank you. Our next
03 speaker would be Monica Hunken.

04 MS. HUNKEN:

05 Hi, I am Monica Hunken.
06 That's H-U-N-K-E-N. And I'm
07 affiliated with Safe Water Movement
08 and NYH20. So I find these hearings
09 can get very difficult and very
10 painful after a while. So if you
11 permit me, I want to try something
12 different today. First I was afraid
13 of petroleum, kept thinking we could
14 never get our foreign oil again. But
15 I've spent so many nights reading up
16 on natural gas, how it's wrong. I
17 learned we must carry on. Don't
18 hydrofrack up in this place and
19 through river of the year without a
20 plan for water waste. We should have
21 fixed up all those laws when Dick and
22 Bush gave you the key, if I had known
23 for just one second you'd put benzene
24 in my tea. Go on, now go. Walk out
25 the door. Until it's safe now because

01 we don't want a water war. Weren't
02 you the one who polluted Texas skies,
03 letting my land crumble and letting
04 our food and water die. Oh, no, not
05 I. We will survive. As long as I
06 have got free speech I'll fight for
07 that statewide. We've got greener
08 plans to fund, we've got energy from
09 sun and we'll survive. We will
10 survive. It took all the strength we
11 had not to lease our land. Kept
12 trying hard to get the EPA to lend a
13 hand. And we've spent so many nights
14 scheming lawsuits that would fly, I
15 use to cry, now I read the New York
16 Times. Can you see me? We are all
17 here still. I'll be that chained up
18 activist tied up against the drill.
19 So you felt like dropping cash and
20 just expect you'll get the lease, now
21 I'm saving all my gas for someone
22 who's loving me. Hey, hey. Thank
23 you.

24 HEARING OFFICER:
25 Thank you, Monica. I

01 don't know, a little change of pace is
02 good I think. We will move on next to
03 Stephanie Low. That is a hard act to
04 follow.

05 MS. LOW:

06 You took the words right
07 out of my mouth.

08 HEARING OFFICER:

09 Yeah.

10 MS. LOW:

11 Okay. I'm going to talk
12 to the narrow meaning of this water
13 withdrawal. The most important
14 question on that is how will the ---
15 oh, by the way, Low, L-O-W. And I'm
16 affiliated with Sierra Club, Atlantic
17 Chapter, Gas Drilling Task Force, as
18 well NYH20.

19 So the most important
20 question, I think, on this withdrawal
21 is which of 21 million gallons of
22 water over a 30-day period, how will
23 the wastewater be stored, transported
24 and disposed of. And I'd like to read
25 selected points from an article that

01 you may or not be familiar with, it's
02 ProPublica. It's called, With Natural
03 Gas Drilling Boom, Pennsylvania faces
04 an Onslaught of Wastewater.
05 Pennsylvania is at the forefront of
06 this nation's gas drilling boom with
07 at least 4,000 new oil and gas wells
08 drilled here last year alone, more
09 than in any other state, except Texas.
10 How will the industry dispose of the
11 enormous amount of wastewater it
12 produces? Oil and gas wells disgorge
13 about nine million gallons of
14 wastewater a day in Pennsylvania
15 according to industry estimates used
16 by the DEP. In 2011 that figure is
17 expected to rise to at least 19
18 million gallons, enough to fill almost
19 29 Olympic sized swimming pools every
20 day. That's more than all of the
21 state's waterways combined can safely
22 absorb, DEP officials said.

23 Much of the wastewater
24 is a byproduct of a drilling process
25 called fracking. DEP officials say

01 one of the most worrisome contaminates
02 in the wastewater is a dirty substance
03 called total dissolved solids or TDS,
04 a mixture of salt and other minerals
05 that deep under ground --- that lie
06 deep under ground. Drilling
07 wastewater contains so much TDS that
08 it can be five times as salty as sea
09 water. It can damage freshwater
10 streams, which is what happened when
11 TDS levels spiked in Dunkard Creek.
12 Gas drilling companies currently
13 dispose of their wastewater in
14 Pennsylvania's municipal sewage plants
15 and in some industrial treatment
16 plants which then discharge it into
17 rivers and streams, even though we're
18 not quite sure that the contaminates
19 are being adequately cared for.

20 The plants are not
21 equipped to remove TDS or any of the
22 chemicals the water may contain. TDS
23 can disrupt the plant's treatment of
24 ordinary sewage, including human
25 waste. When US Steel --- when US ---

01 can you hear me?

02 HEARING OFFICER:

03 Yes.

04 MS. LOW:

05 When US Steel and
06 Allegheny Energy complained about the
07 Monongahela's water in 2008 the DEP
08 found almost twice as much TDS as the
09 agency considers safe.

10 HEARING OFFICER:

11 Stephanie, I would have
12 to ask you to wrap it up here.

13 MS. LOW:

14 Okay. I'm going to say
15 just the last --- I can leave you
16 this, ---

17 HEARING OFFICER:

18 Yes.

19 MS. LOW:

20 --- with all the
21 highlights?

22 HEARING OFFICER:

23 Yes.

24 MS. LOW:

25 And the last point I

01 want to make is that the story's main
02 finding here is that over the next few
03 years, Pennsylvania faces a flood of
04 wastewater from gas drilling that goes
05 far beyond its current or projected
06 processing capacities. You don't have
07 the wastewater plans to deal with it,
08 and to put it in the ground is going
09 to kill people.

10 HEARING OFFICER:

11 Okay. Thank you. Did
12 you want to leave that list?

13 MS. LOW:

14 Oh, I think I'll send it
15 to you because there's several other
16 things I want to send to you.

17 HEARING OFFICER:

18 Okay. Eric Hupka.

19 MR. HUPKA:

20 My name is Eric Hupka,
21 H-U-P, as in Paul, K-A.

22 HEARING OFFICER:

23 Okay.

24 MR. HUPKA:

25 I'm a landowner. Good

01 afternoon. I support safe gas
02 drilling. Our country is in desperate
03 need of alternative energy to get us
04 away from oil and be a bridge to clean
05 our energy sources. Natural gas will
06 do that, it's abundant, it's right
07 under us. Our states are desperate in
08 need of revenue. Taxes from gas
09 production and profits will provide
10 this. Our local economies are
11 hurting, gas production will help our
12 businesses, provide funding for our
13 school systems and improve our roads
14 and infrastructure.

15 Landowners are not the
16 only ones who will benefit from this.
17 Every taxpayer will benefit from gas
18 drilling. This will have a trickle-
19 down effect on our communities. What
20 we are discussing here today is one of
21 the first steps towards a cleaner
22 energy future. I urge the DRBC
23 Commission to approve Stone Energy's
24 application for surface water
25 withdrawal and allow them to

01 hydraulically fracture the existing
02 well site. Thank you.

03 HEARING OFFICER:

04 Thank you, Mr. Hupka.
05 Mary Ellen Noble.

06 MS. NOBLE:

07 I think that's me.

08 HEARING OFFICER:

09 Yes, it is. I didn't
10 see you. I'm looking up there. Could
11 you explain your --- or advise people
12 of your affiliation?

13 MS. NOBLE:

14 My name is Mary Ellen
15 Noble, N-O-B-L-E. And I work with the
16 Delaware Riverkeeper Network. Thank
17 you, Mr. Tudor and Ms. Weaver. Thank
18 you for being here. I'm awfully sorry
19 that we don't have full representation
20 from the other states. A decision
21 with the Commissioner, there's only
22 three out of five votes. It's a shame
23 not to have them here.

24 I'm going to wing it
25 myself today to very small area. I've

01 been watching the Commission now for
02 over 30 years, and I've watched
03 applications for developments and
04 water supply and wastewater treatment
05 and refineries and big electric
06 generating plants, all sorts of
07 things. And in each of those cases,
08 and I'm sure in the future, too, the
09 service area is quite clear. Exactly
10 how much water is going to be used for
11 exactly what. And I find that
12 seriously lacking in this case.

13 So my next topic is
14 multiplication. My father taught me
15 mental arithmetic at the dinner table,
16 and I'm not sure it stuck, but I'm
17 going to come up with some numbers.
18 Here we're talking about a maximum
19 withdrawal from the west branch of the
20 Lackawaxen of 0.7 mgd, which is three
21 quarters about of a million gallons
22 each day, which equals about 27
23 million gallons a month, 255 million
24 gallons per year or over the five
25 years, that this permit is good for or

01 proposed to be good for, 1,275 million
02 gallons, which is 1.27 billion gallons
03 or said in another way, 1,275,000,000
04 gallons. That's a lot of water. My
05 multiplication led me to the
06 conclusion that if you put it in 6,000
07 gallon water hauling trucks, that
08 would be 200,000 trips. I'm pretty
09 sure that's right. That's a lot of
10 water. Why does that mean that that's
11 going to enable them to do? I have no
12 idea how many wells they intended to
13 but assuming --- thank you, Martin.
14 Assuming 4 million gallons per

15 frack ---.

16 HEARING OFFICER:

17 Mary Ellen.

18 MS. NOBLE:

19 Yeah.

20 HEARING OFFICER:

21 It's almost 3 minutes.

22 So if you could say ---.

23 MS. NOBLE:

24 All right. I'm getting

25 to it. I'm going to have to leave a

01 side mud because that was my
02 killer ---.

03 HEARING OFFICER:

04 Okay. If you could come
05 back ---?

06 MS. NOBLE:

07 Eighty-four (84) wells a
08 year, 319 wells in five years. Now
09 this is allowing for recycling or
10 reuse of frack water. I figure given
11 that they leave a lot in the ground
12 and given that they can reuse what
13 comes back, you know, this could
14 spread our number of wells, depending
15 on this water supply, pushing a
16 thousand wells.

17 HEARING OFFICER:

18 All right. Mary Ellen,
19 I have to ---

20 MS. NOBLE:

21 Okay.

22 HEARING OFFICER:

23 --- cut you off there.

24 MS. NOBLE:

25 All right. Let me just

01 say that this comes --- if you don't
02 like my numbers, anybody doesn't like
03 my numbers, I wouldn't be surprised, I
04 want to see yours.

05 HEARING OFFICER:

06 All right.

07 MS. NOBLE:

08 Can you tell me ---?

09 HEARING OFFICER:

10 You started with surface
11 area, you have interest in projecting,
12 if you left, to have one of these
13 withdrawals, ultimately how many wells
14 can it support. So ---.

15 MS. NOBLE:

16 Yeah. I'd like to see
17 you do it for the whole ---.

18 HEARING OFFICER:

19 Okay. So you're
20 interested in cumulative impact
21 assessment. Thank you.

22 MS. NOBLE:

23 That's if it comes up
24 with that but ---

25 HEARING OFFICER:

01 Okay.

02 MS. NOBLE:

03 --- it's a lot more fun
04 than ---.

05 HEARING OFFICER:

06 Okay. That was good.
07 It's just that I got to keep you to
08 the three minutes, not four. Thank
09 you. Tracy Carluccio.

10 MS. CARLUCCIO:

11 Hello. I'm Tracy
12 Carluccio, C-A-R-L-U-C-C-I-O. I'm
13 deputy director of Delaware
14 Riverkeeper Network. Delaware
15 Riverkeeper Network is opposed to the
16 proposed Stone Energy permit. And
17 we're going to be submitting detailed
18 written comment as to why. But we
19 offer these verbal comments today
20 because we think it's very important
21 to have a public input process,
22 particularly for those who cannot
23 submit written comments. First, I'd
24 like to remind the DRBC and the public
25 that the Commission determined that

01 shale gas drilling will have
02 substantial --- has the potential to
03 have substantial impact on the water
04 resources of the Delaware River in May
05 of last year. And when they did that,
06 they began a rule making process where
07 they are going to develop natural gas
08 specific regulations and put them in
09 place and apply them to wells in order
10 to be able to protect the special
11 protection waters of the exceptional
12 water quality of our river.

13 Now, those rules have
14 not been developed yet. And it begs
15 the question, why are we moving
16 permits ahead before those rules are
17 adopted? Common sense would say we
18 should not be moving the permits
19 ahead. How else are we going to
20 provide a protection that we've
21 already said we need from the actual
22 drilling development and watershed?
23 There are other key safeguards
24 Congress had mentioned, I won't repeat
25 them with the matter of time, that

01 needs to be adopted and in place
02 before gas drilling moves ahead in our
03 watershed. And among them, and
04 probably chief among them, is a build-
05 out analysis that looks at
06 unsympathetically the full cumulative
07 impact of a build-out of what you
08 might call the natural gas project.
09 All gas wells that could be put in, in
10 a 13,000 square mile watershed in the
11 Delaware River. And that can be done
12 by the DRBC, it should be done by the
13 DRBC.

14 And the proposed permits
15 are many examples of why the DRBC must
16 adopt its own regulations first and
17 why a build-out analysis is done. In
18 the matter of time, I won't go over
19 them all. We will be putting them in
20 our written comment, but one of them
21 is that the Pennsylvania regulations
22 are referenced at least a dozen times
23 in these permits. And that we know
24 that the Pennsylvania regulations are
25 not key to the special protection

01 waters' anti-degradation needs along
02 the Delaware River Basin.

03 Then how can we possibly
04 accept that the Pennsylvania
05 regulations are good enough or
06 accurate enough to not put it up here,
07 and I venture to say, and I think
08 we've heard others present evidence
09 here today, that they're not good
10 enough for the rest of Pennsylvania
11 either because gas drilling is not
12 going very well in the State of
13 Pennsylvania. Be careful of the
14 problems and the deficiencies and the
15 regulations and the fact that we don't
16 even have adequate setbacks from
17 waterways. A hundred feet, that's not
18 nearly adequate. As a matter of fact,
19 you can build a gas well in
20 Pennsylvania and in New York in the
21 Delaware River watershed in a hundred-
22 year flood plane. It's outrageous.
23 It's unthinkable that you would
24 actually be able to put a gas well in
25 this infrastructure in the flood plane

01 of the river, but you can. And the
02 waterways as well.

03 You would say, well, who
04 would do this? Well, I'll tell you
05 right now Stone Energy did it, and
06 Stone Energy did it in violation of
07 Pennsylvania regulations, was found in
08 violation of Pennsylvania regulations
09 just last month. A picture right here
10 I'm submitting of the flooded site of
11 Stone Energy on a creek in Susquehanna
12 County. So they're doing it and
13 others are going to want to do it too,
14 unless we put regulations in place and
15 prohibit it.

16 HEARING OFFICER:

17 Thank you, Tracy.

18 MS. CARLUCCIO:

19 Almost three minutes?

20 HEARING OFFICER:

21 You're past actually.

22 MS. CARLUCCIO:

23 I'm past three minutes?

24 HEARING OFFICER:

25 Yes, you are.

01 MS. CARLUCCIO:

02 Okay. Thank you very
03 much.

04 HEARING OFFICER:

05 Louis Matoushek.

06 MR. MATOUSHEK:

07 Thank you. I'm Louis
08 Matoushek. I live in Clinton
09 Township, Wayne County. My wife and I
10 own property --- oh, the spelling. It
11 was right up there. So I guess I ---.

12 HEARING OFFICER:

13 I think we're ---.

14 MR. MATOUSHEK:

15 Never saw it in such big
16 letters before. Needless to say,
17 where I stand, right off the bat, how

18 does it effect me by not allowing that
19 to be fracked, is the property that we
20 have owned for the past 45 years
21 you're taking away an opportunity for
22 me to derive an income from that land.
23 Essentially, you're taking food off
24 our table and clothes off our back.
25 That is just me --- not just me, this

01 is the whole area. The area is a very
02 financially depressed area, if you
03 should just go there. Talk with the
04 small business people, talk with the
05 builders, talk about their health.
06 There's a little flash of when the
07 lease money kind of dried up. They
08 couldn't believe what was there.

09 Another thing, I would
10 like to --- it would be very
11 interesting to know is what all people
12 who are against this is how many, I'm
13 sure it's a --- do not stand any
14 chance of any financial gain or
15 perhaps an income from it? It's the
16 same old story, same old story, not in
17 my back yard. Well, if I can't have
18 it, you can't have it. What this will
19 do for the area is phenomenal. That
20 just means that --- that fellow there
21 about a footprint or what it's going
22 to do to the run off out of pads. But
23 I was out there with their basketball
24 courts and driveways, how much rain or
25 how much water are they going to get

01 run off there? And with the numbers
02 they said there's going to be a lot
03 more of them. So that don't hold
04 water at all.

05 So I urge you, not for
06 myself, but for the area, the
07 depressed area, all of the wealth
08 comes from the ground, whether
09 agriculture if it grows, if it doesn't
10 --- it reproduces --- if it doesn't
11 grow, it's lime. But all new wealth
12 comes from the ground. This is real
13 wells, not some fake artificial well.
14 It will cause jobs or create jobs.
15 They will do real jobs, not government
16 jobs that are parasites that are for
17 the rest of their job ---.

18 I guess that's about it
19 --- well, no it's not it. Maybe if I
20 make a movie I could talk longer.
21 Thank you for your time.

22 HEARING OFFICER:

23 Thank you, Mr.
24 Matoushek. David Jones.

25 MR. JONES:

01 My name is David Jones,
02 as in Smith. I want to comment on the
03 two dockets. I believe they should be
04 approved. They've been worked on for
05 just too long now. It's time to
06 approve these dockets. One thing that
07 I would like to see, though, one
08 change that I would like to see, is
09 allow more water to be withdrawn
10 during the high flow periods and
11 allowing that water to be banked
12 during low flow periods to reduce the
13 need to take water out when we do have
14 low flows. I mean, nobody wants to
15 dry up a stream or hurt the fish. We
16 all have an interest in streams,
17 whether you're for gas drilling or

18 not. So allow a larger withdrawal
19 during the high flow, you know,
20 approaching flood stage and also some
21 additional storage to bank that water,
22 and that would be beneficial to
23 everyone.

24 This project is the
25 start of something. And it's industry

01 that we need, that the world needs,
02 that the country needs and our area
03 needs it. This is going to take
04 decades, if not a century. This is
05 not something that's going to go away,
06 happen all at once and then leave all
07 at once. This is our future. And I
08 believe that our area's very
09 compatible for gas drilling. In fact,
10 I believe it's going to save our area
11 and protect it from development and
12 help keep the open space open.

13 And let's not forget
14 about private property rights. As
15 you've heard from the owner of that
16 land, that's his land. And he chose
17 to lease those gas rights to the gas
18 company and profit from it. And it is
19 our right to harvest this. It's
20 something that's permitted, it's legal
21 and it should be allowed. And it
22 should happen now. It's about time.
23 If we want to talk about lengthy
24 studies, it's simply a delay tactic.
25 If we want a study on gas drilling,

01 then let's study every single industry
02 that takes water from the Delaware
03 Basin. Every single one. But why is
04 it that no one's calling for any other
05 studies? Why is it just gas drilling?

06 Now, let's talk about
07 hydrofracturing. This has been around
08 for 60 years. It's not recent, this
09 is six decades. Okay. If we want to
10 stop gas drilling and oil through
11 hydrofracturing, we better be prepared
12 to get a lot of our energy from other
13 countries because much of our gas and
14 oil today in the United States is
15 produced through hydrofracturing.
16 Make no mistake about it. You drive
17 that process away, we're all going to
18 pay. We need this energy. I depend
19 on this water for my livelihood.

20 Let's talk about water.
21 Why is it okay that New York City can
22 waste 100 million gallons a day or
23 more and nobody seems to care? The
24 little bit of water for this well is
25 nothing. It amounts to less per day

01 than an Olympic-sized swimming pool.
02 And Olympic-sized swimming pool holds
03 about 1 million gallons of water.
04 This is less than an Olympic-sized
05 swimming pool per day at maximum.
06 That's not a lot of water. Dockets
07 are approved all of the time with
08 massive amounts of water and nobody
09 even comments, they just get approved.
10 This is discrimination and it's got to
11 stop. And I believe that the DRBC
12 will do the right thing and approve
13 these two dockets. Thank you.

14 HEARING OFFICER:

15 Thank you.

16 AUDIENCE MEMBER:

17 Sir, point of order.

18 You're supposed to give your
19 affiliation. Mr. Jones or Smith or
20 whatever is was, do you work for the
21 well company?

22 HEARING OFFICER:

23 I think he represented
24 himself.

25 MR. JONES:

01 I'm a landowner, sir.

02 AUDIENCE MEMBER:

03 I didn't hear that.

04 MR. JONES:

05 I've been living in that

06 area, and I have been all my life.

07 HEARING OFFICER:

08 That would be helpful

09 though if people have no affiliation

10 if they tell the rest of the audience

11 who they are. Ted Korb.

12 MR. KORB:

13 My name is Ted Korb,

14 K-O-R-B. I'm not affiliated with any

15 special group. I'm very grateful that

16 Al was up in front of me because I

17 figured I was going to take a pretty

18 bad hit there. But I am a property

19 owner. I have 1,100 acres. I'm

20 associated with a small hunting club

21 that signed a lease with the gas well

22 companies. I have no regrets in

23 signing that lease. It helped me

24 tremendously. It helped a lot of our

25 members; there's 35 members in that

01 club. Not that we want to air our
02 dirty laundry, but I don't know how
03 much longer the hunting club would
04 have survived. The only think that we
05 were thinking about was what the
06 hunting club was worth in the real
07 estate market for housing. We also
08 had a lot of big boxes going up,
09 Walmarts and stuff like that. And I
10 surmise that, not now, but in the next
11 10, 15 years you'll be paying taxes on
12 that piece of property. The lease
13 money helped us be able to keep that.
14 I understand there's a lot of risks.
15 I've grown up in this area all my
16 life, and I've seen a lot of risks
17 going on in the area. We managed to
18 get through them. I would urge ---.

19 HEARING OFFICER:

20 Excuse me. Could you
21 kind of just direct your comments to
22 the microphone? That might help. And
23 we'll try to get the microphones fixed
24 when we break, say 5:30 or something
25 like that, for a few minutes.

01 MR. KORB:

02 I believe that there's a
03 lot of smart people. I've heard a lot
04 of testimony here, things that I
05 didn't know. It's not really going to
06 change my mind at this point because
07 the economic end of this means more to
08 me right now, not more than water ---
09 you know, our hunting club's got three
10 beautiful lakes and lots of fishing.
11 I'm less than a hundred yards away
12 from the Lackawaxen River. That's my
13 house.

14 But I'm urging you to
15 spend a little more time instead of
16 fighting this thing to maybe help the
17 gas companies come up with different
18 ways. You know, we're all saying no,
19 that we don't want to do this, we
20 don't want these chemicals in there.
21 Then come up with some kind of ideas
22 instead of saying no to this
23 organization. Come up with
24 suggestions and other ways of being
25 able to do this. Instead of fighting

01 it, try to help it. We need this
02 resource. Our county, our townships,
03 our community desperately needs it.
04 You need to come to our area and see
05 what we're up against and you'll
06 understand. And I can't urge you
07 enough, if you've never been on a gas
08 well site, take the time to go up
09 there. I was invited in, I was Joe
10 Blow, didn't know me from beans. I
11 got the water tour. I understood a
12 little bit more about what's going on.
13 I've been reading about what you're
14 discussing here. I'm not a hundred
15 percent sure that it's the right
16 thing, but I'm sticking to my guns
17 that right now we need this. Thank
18 you.

19 HEARING OFFICER:

20 Okay. Jeffrey Seeds.

21 MR. SEEDS:

22 Is that working?

23 AUDIENCE MEMBER:

24 No.

25 MR. SEEDS:

01 Is that working?

02 HEARING OFFICER:

03 Yes. The left speaker

04 was very bad.

05 MR. SEEDS:

06 I have no particular ---

07 Mr. Korb or quality of the microphone.

08 HEARING OFFICER:

09 Yes, I meant microphone.

10 MR. SEEDS:

11 I have no particular

12 affiliation. I'm a citizen of Pike

13 County. I wonder if politicians who

14 see the extraction of this gas as a

15 solution to their budget crisis have

16 ever walked along the Lackawaxen River

17 on a spring or fall day. I wonder if

18 they really understand the

19 consequences of benzene, and I wonder

20 if they'd let their son or daughter

21 drink a glass of water with two or

22 three or five parts per billion of

23 benzene in it. The truth is, is if

24 they know, they wouldn't because any

25 concentration of benzene water is ---

01 in water is unsafe. If you live in
02 South Korea, for example, your
03 politicians and regulators tell you
04 that ten parts per billion of benzene
05 in drinking water is safe. Really?
06 When in Europe and many US states the
07 limit is one part per billion? It's
08 because they have no choice because
09 that much benzene is already in the
10 drinking water because of the
11 regulation freeway in which they
12 industrialize. And since it's not
13 realistic for everybody who lives in
14 South Korea to move to another country
15 --- is it dropping out?

16 HEARING OFFICER:

17 You're good.

18 MR. SEEDS:

19 Since it's not realistic
20 for everybody who lives in South Korea
21 to move to another country, they
22 accept the limit of benzene at ten
23 parts per billion in drinking water
24 even knowing that such a concentration
25 surely kills and renders unhealthy

01 some significant percentage of people
02 every single day. If you let them
03 take this water out of the watershed,
04 it's going to end up back in the
05 watershed one way or another because
06 that's what water does. It goes
07 downhill.

08 So here's how I want to
09 end. If benzene equals ice cream, I
10 scream you scream, we all scream for
11 benzene. Benzene in the water,
12 benzene in the air, benzene in our
13 stomachs, benzene in our hair, benzene
14 on the playground, benzene in our
15 food, benzene in our backyards will
16 brighten every mood. Benzene when
17 it's sunny, benzene when it rains,
18 benzene in the snowdrifts, benzene in
19 our brains. Benzene is no killer,
20 benzene is our friend like fracking up
21 the river, the latest coolest trend.
22 Don't leave home without it, benzene
23 on your clothes. Breathe it in and
24 shout it, benzene clears the nose.
25 Benzene in our children, benzene in

01 our pets, benzene in the gardens, a
02 good way to invest. Benzene is no
03 toxin, benzene is a spice, flowing
04 from your faucet adding to your life.
05 Fifty (50) parts per billion that is
06 not enough. Benzene is like ice cream
07 we really love this stuff. Don't you
08 dare reduce it, give us all you can.
09 Fill our world with benzene, what a
10 perfect plan. Benzene and toluene,
11 ice cream inside me are pretty much
12 the same things, holding hands and
13 singing, ice scream you scream,
14 benzene, benzene. We all scream for
15 benzene.

16 HEARING OFFICER:

17 Al Benner.

18 MR. BENNER:

19 Hi there. My name is Al
20 Benner, B-E-N-N-E-R. I live in
21 Dyberry Township and Philadelphia. I
22 brought my two boys here, Owen and
23 Coleman with me today because that's
24 the reason I'm here, is them. We have
25 54 acres along the Dyberry, which for

01 the past four or five years I've been
02 contemplating starting an organic
03 farm. I'm in the DRBC zone. I got a
04 lot of money on hold --- or since they
05 allot anymore, I got some money left
06 that I want to put into this farm but
07 I'm very hesitant to do that. I'm a
08 small business owner. I own another
09 company in Wayne County and another
10 one in Philadelphia. And I just
11 wanted to bring your attention, I
12 don't think people are really taking
13 into account the long term effects of
14 what opening up the DRBC zone would do
15 to the quality of life, not only for
16 the people that live here but for the
17 millions of people downstream who
18 drink the water and come up on the
19 weekends and the summer to recreate in
20 this area. There's hundreds of summer
21 camps up here where people from the
22 main line of Philadelphia spend big
23 money, I'm talking hundreds of
24 millions of dollars every year. That
25 revenue will be wiped out if there's

01 reports in the Philadelphia Inquire or
02 online about pollutants like benzene
03 and methane --- benzene and toluene in
04 the drinking water. I got a science
05 background in undergrad. I cannot for
06 the life of me --- I tried as a
07 business person to possibly figure how
08 could this process if --- I give it
09 --- I try to give it the benefit of
10 the doubt. And every time I come up
11 with things in my mind just this does
12 not make any sense. You know, you
13 can't drill a mile down and move all
14 these fluids and gases through water
15 and explode rock 350 million years old
16 with all these fissures in the rock
17 and not expect this stuff to migrate.
18 We don't even know what we're
19 exploding down there. We don't know
20 where it's going to go. We don't know
21 what's going to happen to it. I'll
22 hurry fast. I grew up on the Delaware
23 River down in New Hope. I live in
24 Philadelphia most of the time. I come
25 up here on the weekends. I am so

01 connected to Delaware River. I've
02 fished for shad in New Hope, I've fish
03 for catfish, I fish for trout in the
04 Upper Delaware. I beg you and pled to
05 you to put a moratorium on this until
06 all of the studies are done, not only
07 environmental impact studies but cost
08 benefit studies for this whole region.
09 This could decimate this region for
10 generations to come. My boys have
11 something to say. Guys, can you come
12 and stand up here? Because I'm sure I
13 got at least a minute left. I had a
14 lot more to say but ---.

15 HEARING OFFICER:

16 You have about 20
17 seconds.

18 MR. BENNER:

19 Great. All right.
20 Guys, you got to move quick. Up on
21 the chair. Now we have something to
22 say to everyone today, don't we? Can
23 you tell --- what do you want to say,
24 guys? Don't what? Don't frack with
25 our future.

01 HEARING OFFICER:
02 Thank you, Benner
03 family.
04 MR. BENNER:
05 You're welcome.
06 HEARING OFFICER:
07 Ryan Wood-Beauchamp.
08 MR. WOOD-BEAUCHAMP:
09 Thanks. Ryan
10 Wood-Beauchamp, W-O-O-D, hyphen, B-E-
11 A-U-C-H-A-M-P. I'm a resident of
12 Sterling, Pennsylvania where I grow
13 vegetables. According to the Delaware
14 River Basin Commission, 16 million
15 people every day depend on the water
16 in the Delaware River Basin. The
17 proposed well pad in Clinton is in
18 that basin, as is the Lackawaxen.
19 What will be the impact of allowing
20 these two permits to establish a well
21 pad and withdrawal 700,000 gallons of
22 water per day? The two proposals
23 suggest that there would be little to
24 no environmental impact, no impact to
25 water quality and no contamination of

01 the groundwater by methane or fracking
02 fluid. My own research and much of
03 the testimony that we've heard here
04 tonight from other citizens suggests
05 that this best case scenario is highly
06 unlikely. The nearby town of Dimock,
07 Pennsylvania experienced some of these
08 unintended effects of natural gas
09 extraction. These include an 800
10 gallon diesel spill in the spring of
11 2009. 8,000 gallons of drilling fluid
12 spilt in September 2009. These fluids
13 seeped into a nearby creek and they
14 contain undisclosed chemicals listed
15 as possible carcinogens. There's also
16 a woman's well that exploded due to a
17 methane leak from a nearby fracking.
18 And nine other nearby homes who's
19 drinking water is contaminated by
20 methane. John Hanger, the Secretary
21 of Pennsylvania's Department of
22 Environmental Protection says that you
23 can't do a large amount of drilling
24 and zero impact. So it's up to us and
25 it's up to this Commission to assess

01 what those impacts could be. And I'm
02 surprised that neither of these
03 proposals contain language on what
04 these risks are. Like many other
05 citizens, I echo the need for a
06 cumulative impact assessment and an
07 environmental impact statement.

08 So what could some of
09 these risks be? In addition to many
10 of the risks we've already heard, we
11 could experience methane or other
12 contamination of our drinking water.
13 An environment --- or an economic
14 effect of this could be that we're
15 unable to sell our homes at all or
16 that if we are able to sell them we
17 can only do so at a significantly
18 reduced value. Are we willing to risk
19 this long term value of our property?
20 Are we willing to risk the possible
21 contamination of our own water, as
22 well as a watershed that serves one
23 out of twenty American citizens? Are
24 we willing to risk exposure to
25 carcinogens from possible leaks of

01 fracking fluid, either in the fracking
02 process or in the way that these
03 liquids are handled post drilling?
04 It's my sincere hope that the
05 Commission will not grant these
06 permits without a thorough and
07 complete environmental impact
08 statement, cumulative impact
09 assessment, and an investigation into
10 the complete environmental, health and
11 long term economic risks of drilling.
12 I believe that a complete
13 investigation into these risks will
14 render both of these permits
15 undesirable to the citizens of
16 Northeastern Pennsylvania. Thanks.

17 HEARING OFFICER:

18 I'm thinking in about
19 another 15 minutes we take a little
20 break and we'll have the hotel folks
21 try to square that mic so it's better
22 quality, maybe take care of mine too.
23 Kara Fitzgerald.

24 MS. FITZGERALD:

25 I'm Kara Fitzgerald,

01 F-I-T-Z-G-E-R-A-L-D. I live in
02 Sterling, Pennsylvania. I'm talking
03 about money because we all love it.
04 These are tough economic times and we
05 need to make smart financial choices
06 for ourselves and community. It's a
07 misleading concept that gas drilling
08 will provide an economic boom to the
09 area. The majority of gas drilling
10 profits will not stay in the
11 community. For every dollar generated
12 by gas drilling only 11 cents goes
13 towards royalties, according to a 2008
14 article. I got a lot to say, sorry.
15 I appreciate it. Hotels and
16 restaurants might see an increase in
17 business, but the average citizen
18 actually incurs massive financial
19 burdens from the effects of local gas
20 drilling. So let's list them. We got
21 road repairs; they sky rocket.
22 Massive gas drilling rigs degrade
23 public roads faster than normal
24 traffic. Road repair costs are
25 covered by the towns, therefore the

01 taxpayer, not the gas drilling company

02 who caused them. For example, the

03 town of Lebanon's annual road

04 maintenance budget went from \$60,000

05 to \$550,000 after the introduction of

06 gas drilling, according to a 2009

07 article in the Madison County Courier.

08 Number two, insurance

09 premiums jump. Being near a drilling

10 site causes homeowners' insurance

11 premiums to increase, or as is the

12 case for many Dimock residents

13 homeowners may not be able to get

14 insurance because of the dangers

15 associated with drilling according to

16 a 2009 article by BGK Insurance and

17 Financial Services. According to a

18 2004 article by the Associated Press,

19 health insurance, medical, and

20 emergency service costs increase in

21 local communities with active gas

22 drilling. According to the same

23 article, taxpayers subsidize

24 government efforts to clean and cap

25 abandoned wells to tune of \$1 billion.

01 Livestock farmers are at financial
02 risk. One hog farmer estimates his
03 economic losses at more than \$50,000
04 according to a 2009 article. What
05 will the impact on our dairy cattle
06 be? Dairy farmers are already
07 hurting.

08 I'm highly doubtful that
09 all of these additional taxpayers
10 expenses will be met by an economic
11 boom from the drilling. Even if
12 drilling did not --- did produce
13 enough money for these costs, they're
14 exempted from taxes that are other
15 businesses are not. Through
16 deductions, taxpayers are paying for
17 70 to 100 percent of equipment,
18 supplies, wages and site preparation
19 according to a 2009 article in the
20 River Reporter. Therefore, taxpayers
21 are both subsidizing production costs
22 and paying for side-effect costs of
23 the industry while the companies
24 themselves are making enormous
25 profits. We need to be taxing those

01 profits to benefit our local
02 communities.

03 I'm going to stop my
04 prepared statement here because I've
05 got to share with you that based on
06 the evidence that's available about
07 gas drilling and based on the
08 testimonies here, it is absolutely
09 absurd that we're even gathered here
10 to tell you about this. If the
11 Commission granted these permits, it's
12 clear that they're motivated by money
13 and politics and not by common sense.
14 What I love about humans is that we
15 all have a moral compass, and you have
16 a choice to use it. And we can all
17 tune into it, and I'd really
18 appreciate you guys doing that.

19 HEARING OFFICER:

20 Thank you. Wendy Byrne.

21 MS. BYRNE:

22 I'm Wendy Byrne,
23 B-Y-R-N-E. I'm a member of NYH20. In
24 reference to the Stone Energy's
25 applications being considered today in

01 light of the increasing concern of
02 elected officials, citizens and
03 environmental groups across the
04 country, the least DRBC can do is hold
05 off on a decision until they can
06 consider the results of various
07 ongoing studies. A study that has
08 been completed is the New York City's
09 DEP's Impact Assessment of natural gas
10 production in the New York City water
11 supply watershed. It analyzes
12 geological and hydro-geological
13 information. It studies impacts of
14 hydraulic fracturing in other parts of
15 the country. Using available
16 information the study makes an
17 educated projection of accumulative
18 impact of thousands of wells. The
19 report states when the issue is
20 considered from the standpoint of not
21 one well, but of hundreds or thousands
22 of wells, the cumulative risks become
23 significant.

24 Last May at a House
25 Appropriation subcommittee on the

01 interior hearing Congressman Hinchey

02 of New York was told by US EPA
03 administrator, Lisa Jackson, that she
04 believed her agency should review the
05 risks that fracturing poses to
06 drinking water in light of various
07 cases across the country that raise
08 questions about the safety.

09 In August near Pavilion,
10 Wyoming, EPA reported it found natural
11 gas, toxic chemical additives that are
12 used in hydraulic fracturing fluids
13 and volatile and semi-volatile organic
14 compounds in the 11 water wells it
15 tested. The EPA said further tests
16 are needed to determine the levels of
17 contamination, the source of
18 contamination and how much of a health
19 hazard it poses.

20 Last week Representative
21 Waxman, Chairman of the House
22 Committee on Energy and Commerce,
23 announced an investigation into
24 potential environmental impacts from
25 hydraulic fracturing. In letters to

01 the committee from Halliburton, BJ
02 Services and Schlumberger, two of the
03 companies indicated they used diesel-
04 based fuel in fracturing fluids
05 between 2005 and 2007 and that they
06 used other chemicals such as benzene,
07 toluene, ethylbenzene and xylenes that
08 could pose environmental and human
09 health risks. The committee is
10 seeking additional information from
11 these three firms and five smaller
12 fracturing companies on how these
13 chemicals are used and how the
14 fracturing fluids are disposed of.

15 In conclusion, the
16 Pennsylvania Department of
17 Conservation and Natural Resources
18 named the Lackawaxen river of the
19 year, calling it a recreational
20 treasure renowned for its fly fishing,
21 canoeing and abundant bird and animal
22 species. The river is part of the
23 special protection waters. To protect
24 the Delaware River Basin and 17
25 million water users while these

01 studies proceed, the least DRBC can do
02 is hold off approval of Stone Energy's
03 request and also any requests from
04 other gas and oil drillers until the
05 facts are known. Thank you for
06 calling a hearing and considering our
07 comments.

08 HEARING OFFICER:

09 Thank you, Wendy. Clark
10 Pitcairn. I'm not sure I have that
11 one right.

12 MR. PITCAIRN:

13 That's right. Clark
14 Pitcairn, P-I-T-C-A-I-R-N. I've owned
15 property near Pleasant Mount, not the
16 one in question. Since 1987 I've
17 raised five kids there and all of us
18 have enjoyed the fishing, seeing the
19 wildlife. I've been able to
20 photograph on my property everything
21 from deer, turkey, bobcat, bear, owls,
22 hawk, even bald eagles. And I look
23 forward to raising my grandchildren on
24 the property as well.

25 That being said, I did

01 sign a gas lease and I do believe it
02 can be done using latest technologies.
03 My understanding is, is that the
04 Dimock well, that Cabot did not use
05 all the current technology. They did
06 not line the main vertical shaft down
07 and other things that would have
08 mitigated the problems. We really
09 have to look for new sources of
10 energy. We can't rely on foreign
11 sources and we've got clean ---
12 cleaner gas available in the area. I
13 think we should take advantage of it.

14 The Pennsylvania
15 government went ahead and leased
16 thousands of acres for drilling. And
17 if they did that without the intent of
18 allowing it to be drilled, that was
19 really disingenuous. They've already
20 put forth that leasing is all right,
21 drilling is all right. I just got
22 back Monday night from a vacation down
23 in Texas. My wife and I went down to
24 Glen Rose where the fossil rim is.
25 Beautiful 1,800 acre wildlife preserve

01 that's surrounded by gas wells. And I
02 talked to a lot of the locals there,
03 even saw homes that had gas wells
04 within 200 yards of their home, about
05 problems with wells. They all have
06 wells --- water wells in the area.
07 They haven't had any problems there
08 with it. So I guess my belief is, is
09 that there are some practices that
10 aren't good as far as the fracking,
11 but I think with using state of the
12 art and all of the safety practices
13 that are the way to go, that it can be
14 done safely. So I urge with putting
15 on the proper restrictions in terms of
16 what type of procedures they use that
17 we go forward. Thanks.

18 HEARING OFFICER:

19 All right. Thank you,
20 Mr. Pitcairn. Lee Hartman.

21 MR. HARTMAN:

22 My name is Lee Hartman.
23 I am a resident of Wayne County, and I
24 serve as a Delaware River committee
25 chairman Pennsylvania Council of Trout

01 Unlimited. I represent about 12,000
02 members that are in this state. Wayne
03 County is an extraordinary county
04 blessed with high quality cold water
05 streams and historic river that flow
06 through a pristine environment. It is
07 now a target by the gas extraction
08 industries to begin drilling the
09 Marcellus Shale. Over 90 percent of
10 the entire watershed in Wayne County
11 is classified as high quality and/or
12 exceptional value. Nearly every drop
13 of water that flows in the county
14 reaches the Upper Delaware River.

15 The Delaware River Basin
16 Commission has a responsibility to
17 regulate, manage and protect the
18 Delaware River and its watershed for
19 the benefit of the public. The entire
20 non titled portion of the river,
21 Hancock to Trenton, is designated as
22 special protection waters. This
23 designation carries with it an anti-
24 degradation policy to assure
25 protection of its valuable resource

01 that supplies drinking water to
02 millions of people, including
03 Philadelphia, and recreational
04 opportunities such as fishing and
05 boating in a scenic setting. The
06 Delaware River Basin Commission's
07 standard limits for total dissolved
08 solids under the anti-degradation
09 policy cannot be met by the gas
10 extraction industries.

11 The Delaware River Basin
12 Commission also knows the importance
13 of protecting the headwater
14 tributaries within the watershed. The
15 west branch of the Lackawaxen River is
16 a tributary classified as high quality
17 cold water wild trout stream. It has
18 an average flow in the summertime of
19 24 CFS. The request to withdrawal
20 water by Stone Energy would remove .7
21 million gallons a day from this tiny
22 tributary. This would significantly
23 impact the low volume stream and would
24 impair hydrological functions such as
25 flushing and channel forming flows.

01 Such a withdrawal can also impact
02 important components of life cycles of
03 its fish, sufficient to cause death
04 and/or damage to its ecosystem.

05 Deep well drilling is in
06 its infancy in Pennsylvania. The
07 development of the Matoushek well
08 number one is the first of many wells
09 that will be put in place in the
10 Delaware River watershed during the
11 coming day. The impact from
12 hydrofracking potentially thousands of
13 wells in Wayne County could have a
14 devastating effect on the ground
15 water, lakes, streams and rivers
16 throughout the Delaware River. It is
17 imperative that the permit process
18 recognize the importance of our
19 waterways to safeguard and maintain
20 the biological integrity of our most
21 precious resource, water.

22 The Pennsylvania Council
23 of Trout Unlimited requests that a
24 moratorium on gas well development be
25 issued until full scientific review of

01 hydrological fracturing is completed
02 and determine the long and short term
03 effects that it will have on the
04 Delaware watershed and its surrounding
05 environment.

06 HEARING OFFICER:

07 Thank you, Lee. I think
08 I'm going to just take a ten-minute
09 break and let the folks look at these
10 mics to see if we can improve this a
11 little bit. And I'm going to just
12 come back to the mic and scream into
13 it and get us back going again
14 at 5:40.

15 SHORT BREAK TAKEN

16 HEARING OFFICER:

17 If people could take
18 their seats, please, we'll resume.
19 All right. During the break a few
20 people decided to withdraw. It is my
21 estimation from looking at the stack
22 of registrants that we are about half
23 way through. We were able to hear the
24 testimony of about 40 folks prior to
25 the break and there's yet another 40

01 to hear from. So if we continue to
02 proceed in an orderly fashion, I think
03 we can hear everybody in the next hour
04 and a half or so.

05 I would resume the oral
06 testimony by calling on Monique
07 Milleson. Is Monique still with us?
08 If some people vacated maybe ---.

09 MS. MILLESON:

10 I'm here.

11 HEARING OFFICER:

12 Last call.

13 MS. MILLESON:

14 Sorry. Feeling a little
15 weak today, I had to get a bite to
16 eat.

17 HEARING OFFICER:

18 Okay.

19 MS. MILLESON:

20 Thanks for allowing me
21 up here. I want to start out by
22 saying --- oh, I didn't spell my name,
23 M-I-L-L-E-S-O-N. Good for me, right?
24 Okay. Is that the one I should ---

25 HEARING OFFICER:

01 Yes.

02 MS. MILLESON:

03 --- direct myself to?

04 HEARING OFFICER:

05 Yes, please.

06 MS. MILLESON:

07 Okay. I'm new to this

08 area. I've been here about a year.

09 But I've been in and out of this area

10 for a couple years now and it's really

11 won my heart. It's unsurpassed in its

12 beauty and its water quality is

13 amazing. I'm from Norfolk, Virginia,

14 a place that quite frankly doesn't

15 have the same natural resources.

16 While it is on the Chesapeake Bay, the

17 Chesapeake Bay is crucially harmed by

18 the chemicals that have been dumped

19 into it over the years. The Elizabeth

20 River there is one of the most

21 polluted and I just want to say I'm so

22 grateful to live near a river now that

23 I can swim in, and quite frankly I

24 could take a mouthful and not feel so

25 --- feel like I'm going to die, you

01 know, a couple days later. I'm
02 working on a certified natural farm in
03 Honesdale, less than a mile from the
04 Lackawaxen River.

05 Many of our neighbors
06 have signed leases and quite frankly
07 it scares me. I couldn't sleep last
08 night. I felt like I was tossing and
09 turning in a waking nightmare. Our
10 lovely rolling hills are perverted
11 with drill pads, leveled for parking
12 and storage, the evidence of an aging
13 farm in the foreground. I went to the
14 sink and instead of clean cool water
15 from the well an oily gray substance
16 poured into the vase and smelling of
17 chemicals. This is not a dream for
18 some, but a terrible reality already
19 playing out in places like Dimock,
20 Pennsylvania and many other places. I
21 went there just a few days ago and saw
22 such sights and heard of ruined water,
23 incessant noise and light pollution of
24 a bright orange halo that permeated
25 the sky throughout the night.

01 I know in my heart this
02 could --- this reality too could
03 happen to us unless we prevent it.
04 The gas drilling companies have come
05 to our land hungry with sharp teeth,
06 gobbling it up, buying it parcel by
07 parcel. They'll quench its thirst
08 with our --- with whole rivers and
09 streams using processes of extraction,
10 which are risky and unchecked by law.
11 They have no responsibility to clean
12 up after themselves. You know, at
13 least I do my own dishes, that's the
14 least we could ask of them.

15 The horizontal drilling
16 techniques require millions of gallons
17 of water from the Delaware and now the
18 Lackawaxen River for this project,
19 which upon use becomes polluted with
20 undisclosed chemicals and drilling
21 waste and dumped into holding pools,
22 at least that's what's happening in
23 Dimock. These are really foul sites.
24 You should look at pictures on the
25 internet. What happens in these pools

01 --- these pools leaks. What happens
02 when the chemicals get dumped from in
03 their places? Who will take
04 responsibility for the kill off of
05 wildlife that will occur, for the
06 health of the people who must live in
07 these areas?

08 HEARING OFFICER:

09 Monique, can you kind of
10 wind it up here?

11 MS. MILLESON:

12 Sure. The gas companies
13 are not. So it's the duty of the DRBC
14 to take responsibility, along with
15 every citizen in this area, and not
16 allow drilling to go on. Thank you.

17 HEARING OFFICER:

18 Thank you. Bruce
19 Ferguson.

20 MR. FERGUSON:

21 My name is Bruce
22 Ferguson, that's F-E-R-G-U-S-O-N, and
23 I represent the Catskill Citizens for
24 Safe Energy. A lot of what I've
25 prepared to say has been covered so

01 I'm going to wing it here, and then
02 get to my prepared materials, which I
03 need time but ---.

04 AUDIENCE MEMBER:

05 We can't hear.

06 MR. FERGUSON:

07 Which --- is this the
08 mic?

09 HEARING OFFICER:

10 Other mic.

11 MR. FERGUSON:

12 Oh. We're all here not
13 just because of the billion dollar ---
14 billion gallons plus that Stone Energy
15 wants from the basin. We all know
16 that this is going to set a precedent
17 and there'll be many other requests
18 for many billions of gallons of water
19 more out of the Delaware. And I guess
20 that's another way of saying there's
21 been no cumulative impact study. I'd
22 like to address a few words to the
23 voting members of the Commission and
24 the staff. I see none of the voting
25 members are here, but I hope you'll

01 convey this to them. With all
02 sincerity I want to say I appreciate
03 the fact that you guys are in the hot
04 seat. You're up against the most
05 powerful, rapacious, and arguably
06 least ethical industry in the world.
07 You've heard a mountain of evidence
08 that you need to go slow. There's an
09 EPA study on the safety of drinking
10 water that you should wait for. And I
11 think if you listen to your head and
12 your heart and do what your parents
13 taught you to do, we can all sleep at
14 night, otherwise heaven help us.

15 The reason --- you know,
16 the few of the landowners who spoke
17 complained about this being slowed
18 down and people are dragging their
19 feet. The point is, it's the industry
20 that has slowed this process down.
21 There was a 2004 study by the EPA but
22 high placed individuals in the
23 administration tampered with it, and
24 it was meaningless. And now here we
25 are six years later and we don't have

01 the answer to questions that were
02 asked back in 2004. That's not our
03 fault; that's the industry's fault.
04 They prevented that study from going
05 forward. And if they're serious about
06 getting this process moving forward
07 here, I think they should stop trying
08 to block the pending EPA study of
09 drinking water and fracking and try
10 and get it expedited.

11 Apart from the EPA study
12 that's missing, there's the FRAC Act
13 that has not yet been enacted that
14 would restore one portion of what is
15 missing within the federal protections
16 we lost in 2005. It would make
17 fracking subject to the Safe Drinking
18 Water Act. But that provision, very
19 modest, very simple bill, is being
20 fought tooth and nail by the oil and
21 gas industry. That's curious behavior
22 for an industry that claims that
23 fracking is perfectly safe. And also
24 on the state level and --- in New York
25 we're waiting for the SGEIS. In

01 Pennsylvania you're --- they're
02 scrambling to formulate new
03 regulations, government gas well
04 construction and disposal of
05 wastewater following disasters, the
06 pollution of the Monongahela, and the
07 --- in Dimock and so on. So if we all
08 --- all of this information should be
09 in place, there's no need to rush
10 this. And if the gas industry would
11 stop obstructing what needs to be
12 done, drilling might proceed or might
13 not based on science.

14 There's one more moral
15 question I'd like to leave you with.
16 The docket on the well site calls for
17 shipping wastewater out of the
18 Delaware Basin. I think if you're
19 planning on doing that I don't that's
20 necessarily a moral solution to a very
21 serious environmental problem. I
22 think you need to start holding
23 hearings in the Ohio River Basin, the
24 Susquehanna River Basin and the
25 Monongahela River Basin and wherever

01 else you plan to dump this crap.

02 Thank you.

03 HEARING OFFICER:

04 Thank you, Mr. Ferguson.

05 Galen Ballentine.

06 MR. G. BALLENTINE:

07 Hello. It's Galen

08 Ballentine, B-A-L-L-E-N-T-I-N-E. And

09 I'm not really affiliated but I'm a

10 resident of the area. I was born and

11 raised in Wayne County where I now

12 operate a vegetable farm with my

13 brother. And it's clear to me that

14 this hearing is not only about one

15 well or one withdrawal but the

16 decision made on these dockets by the

17 DRBC will set a precedent that's going

18 to influence the future of gas

19 development in the entire Delaware

20 watershed.

21 And so I want to speak

22 to you guys just as someone who makes

23 a living from the land in this area

24 and who grew up here. And from that

25 perspective, I think it's very

01 valuable to just state the obvious.
02 First of all, the gas industry,
03 including Stone Energy Corporation,
04 does not care about the wellbeing of
05 my community. They propose to inject
06 millions of gallons of water mixed
07 with a cocktail of toxic chemicals
08 into the ground where we drink, live
09 and grow food. And they state that
10 although 30 to 70 percent of this
11 contaminated fluid will not be
12 recovered --- only 30 percent will be
13 recovered, the rest remain under the
14 ground that this will somehow not
15 contaminate the drinking water.

16 And I have another
17 couple of issues. I'm confused about
18 how it was --- how it is that the
19 natural gas industry succeeded on
20 becoming exempted from the normal
21 lists and environmental regulations.
22 And also why are they not being
23 required to disclose the list of
24 fracking chemicals? And if this is
25 the case, how can we possibly know

01 that they're not a threat to us?

02 Okay. So in short, as a
03 resident of the whole Delaware
04 watershed, I respectfully demand that
05 the DRBC declare a moratorium and ---
06 on the gas drilling and conduct a
07 cumulative environmental impact study
08 so that we know what this could look
09 like if it went through all the way.
10 And ultimately, I'm asking that you
11 guys please, you know, do your job
12 and, you know, don't bow to the
13 cynical short term logic of industry
14 and extraction at the cost of the long
15 term prosperity of my community and
16 our entire community and the Delaware.
17 Thank you very much.

18 HEARING OFFICER:

19 Marian Schweighofer.

20 MS. SCHWEIGHOFER:

21 That's me.

22 HEARING OFFICER:

23 Did I say that right?

24 MS. SCHWEIGHOFER:

25 You did wonderful.

01 HEARING OFFICER:
02 All right.
03 MS. SCHWEIGHOFER:
04 There's a spelling for
05 it.
06 HEARING OFFICER:
07 If you could spell your
08 name for the stenographer, ---
09 MS. SCHWEIGHOFER:
10 Stenographer.
11 HEARING OFFICER:
12 --- that's helpful too.
13 MS. SCHWEIGHOFER:
14 Okay. It's Marian
15 Schweighofer, S-C-H-W-E-I-G-H-O-F-E-R.
16 HEARING OFFICER:
17 Thanks.
18 MS. SCHWEIGHOFER:
19 All right. And now my
20 affiliation is we're a family farm in
21 Damascus, Pennsylvania. I'm also part
22 of Pennsylvania Farm Bureau and Wayne
23 and Pike County Farm Bureau. But for
24 today's purposes I'm executive
25 director of the Northern Wayne

01 Property Owners Alliance. I came to
02 the Commission today so that I could
03 bring to you the perspective from
04 property owners who are members of the
05 Property Owners Alliance, and that is
06 in support of moving forward with the
07 application process. So therefore, we
08 are in favor of science-based common
09 sense approach of the DRBC, and
10 approval for this permit.

11 We realize that very
12 shortly, currently the first permits
13 have gone into the DEP for our own
14 property owners. It's imperative to
15 us that we see a process moving
16 forward responsibly with the DRBC as
17 well. We realize that it's difficult
18 to establish a clear cut process.
19 Other river basins have done it.
20 Fracking is not new. This process has
21 been in existence for 50, 60 years.
22 More than a million wells have been
23 fracked with the help everybody
24 being ---.
25 So it's essential that

01 we take these first steps in the
02 Delaware Basin and the reason it's
03 essential is because the Compact says
04 that there shall be equitable
05 apportionment. The DRBC Compact says
06 there will be an equitable
07 apportionment. That means everybody
08 should get their fair share. And that
09 means we need to have a fair share of
10 water so that the resources that's
11 maybe beneath our land can be properly
12 and scientifically explored. More
13 information's needed.

14 The other thing that the
15 Compact says is that from the Supreme
16 Court decree is that economic
17 opportunity will not be taken away
18 from the Pennsylvania residents and
19 property owners. By not allowing this
20 process to go forward in a responsible
21 manner, you would be withholding. It
22 would be a taking of something that
23 the property owners own. And that's
24 serious when you have a taking, it's
25 called inverse condemnation,

01 especially if those people are not
02 paid for what is being taken from
03 them.

04 So we do support the
05 Stone Energy application and moving
06 forward. We do not support knee-jerk
07 reactions that just play to emotions
08 and for politics. We'd like to see
09 the Commission look at science ---
10 scientific peer-reviewed information.
11 I think the water is a life force for
12 us all. The reason we have
13 exceptional quality water in the
14 Delaware River is because we as
15 farmers and private property owners
16 maintain the open space that generates
17 the water for all to enjoy. We pay
18 the taxes. We are the stewards of
19 this land.

20 On our farm on any given
21 year every acre of my farm contributes
22 more than 1 billion gallons to this
23 watershed. Last summer --- a summer
24 like last summer, we contributed a
25 million and a half gallons per acre to

01 the watershed. So this is privately
02 owned land, our needs also needs to be
03 considered. Just ---.

04 HEARING OFFICER:

05 Marian. You got to wrap
06 it up.

07 MS. SCHWEIGHOFER:

08 Okay. The three
09 minutes. We're --- our payments, our
10 unstructured payments, we are in a
11 partnership with Hess who has one ---
12 a bunch of property. I got --- I have
13 a map here that shows ---.

14 HEARING OFFICER:

15 Does somebody want to
16 grab the side of that map for her?

17 MS. SCHWEIGHOFER:

18 Yes. Somebody just want
19 to get a hold of this for me? A map
20 here that shows the acreage that is
21 already currently under lease. It's a
22 vast majority of land. These are
23 private property owners under lease
24 only with Hess and Bluefield
25 (phonetic). There are other companies

01 that have also leased. There a large,
02 large number of people who will be
03 effected by the decisions that the

04 DRBC makes here. Thank you.

05 HEARING OFFICER:

06 All right. Thank you.

07 Eusebius Ballentine. If I'm saying
08 that right.

09 MR. E. BALLENTINE:

10 Hey.

11 HEARING OFFICER:

12 Hello.

13 MR. E. BALLENTINE:

14 Hey, my name is Eusebius
15 Ballentine, and I'm a farmer in --- on
16 Beech Grove Road, Dyberry Township,
17 Waynetown, Pennsylvania. Okay. We
18 live --- well, let me just first say
19 that have a 35-acre vegetable farm and
20 we produce on about 5 acres of that.
21 We sell to New York City and here in
22 Pennsylvania. And actually, we live
23 about three miles from the
24 Matoushek's, you know, who I consider
25 to be neighbors. And you know, I'm

01 really tired of, you know, the whole
02 divide and conquer thing that's going
03 on here. You know, it's like --- it's
04 very upsetting to me how, you know,
05 people start to, you know, get into it
06 with their neighbors and stuff when
07 it's not a person on person thing
08 going on here. And that's why this is
09 --- it's a difficult thing to address
10 because we're talking about, you know,
11 these companies who have been given
12 free reign to run roughshod over
13 everybody. And so I know that's a
14 difficult task for you guys to, you
15 know, address. But when you're
16 talking about --- you know, I don't
17 have any problem --- I'm not angry
18 with my neighbors for leasing their
19 leasing their land. I know that we're
20 all, you know, having a tough time.
21 And it's not a good time economically,
22 but I think one thing that's important
23 to do is that if we are going to lease
24 our land we at least need to, you
25 know, accept that there are some

01 dangers going on here. And I see
02 people like --- you know, people are
03 talking statistics about how the water
04 is going to be damaged, where it's
05 been proven, and I see people shaking
06 their heads. You know, it's like,
07 okay, this has been proven. Can we
08 please accept that? You know, and if
09 you're willing to take that risk, it's
10 your business, it's your land. But
11 that's something that you have to ---.
12 Okay. That's ---.

13 HEARING OFFICER:

14 You still have about 30
15 seconds.

16 MR. E. BALLENTINE:

17 All right. Well, in
18 that 30 seconds I want --- I'm pretty
19 pissed off, I'll tell you that. Okay.
20 These companies pay .3 percent income
21 tax, we pay 35. We're paying --- I
22 hate to waste fucking time. We pay 75
23 to 100 percent of their operating
24 expenses, and meanwhile farmers are
25 getting fined for the runoff on their

01 land and the gas drilling companies
02 are getting a free ride.

03 HEARING OFFICER:

04 Eusebius, I thank you
05 very much. You have the opportunity
06 to put some thoughts in writing as
07 well.

08 MR. BALLENTINE:

09 All right. Well, let me
10 just say we're talking about two to
11 three years of gas here. That's at
12 current consumption rates. Okay. Now
13 in two or three years, the ten percent
14 of recoverable gas --- they say that
15 ten percent is recoverable. Okay.
16 Well, okay, Marian, now you're shaking
17 your head. Well, whatever. Still,
18 the fact remains is we're paying these
19 people to do the work. Taxpayers;
20 right? That's us.

21 HEARING OFFICER:

22 Eusebius. Your ---

23 MR. E. BALLENTINE:

24 There's something wrong
25 with that.

01 HEARING OFFICER:
02 --- time is up.
03 MR. E. BALLENTINE:
04 All right.
05 HEARING OFFICER:
06 Thank you. Bill
07 Walsh ---
08 MR. WALSH:
09 Here.
10 HEARING OFFICER:
11 --- is here speaking on
12 behalf of Congressman Joe Sestak.
13 AUDIENCE MEMBER:
14 What was that?
15 HEARING OFFICER:
16 He'll introduce himself.
17 In case I haven't got that right.
18 MR. WALSH:
19 You did well. The walk
20 from the back doesn't count against
21 me, does it?
22 HEARING OFFICER:
23 No.
24 MR. WALSH:
25 All right.

01 HEARING OFFICER:

02 We haven't pressed the
03 button yet.

04 MR. WALSH:

05 Terrific. Thank you.
06 My name is Bill Walsh. I'm
07 Congressman Sestak's Pennsylvania
08 office manager. The Congressman and I
09 have known each other since our days
10 at the naval academy 40 years ago now.
11 In our post graduation years we
12 contributed about 61 years total to
13 the United States Navy, over half of
14 that at sea wherein we developed, if
15 you will, a sailor's appreciation for
16 a necessity of good water. With that
17 I'd like to read a prepared statement
18 from the Congressman to you all.
19 Thank you, sir.

20 I want to thank the
21 Delaware River Basin Commission for
22 giving Pennsylvanians the opportunity
23 to voice their thoughts on one of the
24 first permits for shale gas extraction
25 and development to be issued to the

01 Delaware River Basin. The two DRBC
02 permits in question today will allow
03 the hydraulic fracking of an existing
04 vertically oriented natural gas well
05 and will withdrawal 700,000 gallons of
06 water per day from the west branch of
07 the Lackawaxen River. I propose to
08 the DRBC to furlough those permits
09 until further regulatory and statutory
10 safeguards are in place to protect
11 Pennsylvanian's rights to their health
12 and property. The DRBC should also
13 ensure that it has the tools and
14 information to accurately assess the
15 impact of drilling in unconventional
16 shale. Before any permits are issued
17 in the Delaware River watershed, the
18 DRBC should give itself the time to
19 finish developing its natural gas
20 specific regulations and complete a
21 comprehensive analysis of the
22 cumulative impact of natural gas
23 wells, water withdrawals and treatment
24 facilities. In order to produce a
25 more ecologically sensitive approach

01 to the management of water withdrawal,
02 the DRBC should also use the
03 ecological flow model that is
04 currently developing, not an abstract
05 formula.

06 In addition, DRBC should
07 adopt changes to the water core of the
08 main river stem before making
09 decisions which allocate water flows
10 from the river and its tributaries.

11 Promising protections have been
12 introduced by the Pennsylvania
13 Department of Environmental
14 Protection, which would adopt effluent
15 standards for some gas drilling
16 wastewater contaminates and provide
17 new construction and safety standards
18 for natural gas wells. State
19 Representative Bud George has also
20 introduced legislation in the State
21 House to strengthen environmental laws
22 regarding natural gas drilling and to
23 provide some protection to those who
24 lease their land to oil and gas
25 drillers.

01 At the federal level I
02 have co-sponsored legislation in the
03 House of Representatives called a
04 Fracturing Responsibility and
05 Awareness Chemical Act in order to
06 close the Halliburton loophole that
07 was passed in the 2005 Bush Energy
08 Act. The added protection of the EPA
09 safe drinking water oversight to the
10 regulation of the natural gas
11 industry.

12 The coal industry left
13 our state a legacy of 2,500 miles of
14 deteriorated streams, 250,000 acres of
15 contaminated land and a \$15 billion
16 cleanup bill. On behalf of the 15
17 million people who rely on the
18 Delaware River for the water supply,
19 let us not again make the mistake of
20 allowing the desires of industry to
21 trump the needs of Pennsylvanians
22 through a lack of government and
23 regulatory foresight. I have no doubt
24 that if the best science, the best
25 engineering, the best public policy

01 and the best leadership are applied to
02 this extraordinary opportunity
03 protections will result to
04 simultaneously benefit our environment
05 and our economy such that the
06 Commonwealth of Pennsylvania will be
07 the global standard for responsible
08 stewardship of natural resources. We
09 should settle for nothing less. Thank
10 you very much.

11 HEARING OFFICER:

12 Ed Masler.

13 MR. MASLER:

14 That's Ed Masler
15 (corrects pronunciation), M-A-S-L-E-R.
16 And I'm a citizen. I just wanted to
17 pick up on a few points that no one
18 has touched on because you've heard a
19 lot of facts and figures and I don't
20 have them. If this was a democracy,
21 we could all go home happy now. It is
22 one person, one vote. It's not 100
23 acres, one vote. It's --- but this a
24 democracy and we have rights and
25 responsibility --- we have rights and

01 responsibilities in the constitution.
02 Everyone likes to talk about their
03 property right. They don't talk about
04 their responsibility. No one ever
05 talks about their responsibility
06 because they want something.

07 I'd also like to mention
08 you have an interesting geographical
09 range here. If you go over to Waymart
10 you'll see on the ridge line between
11 the two watersheds you'll see the
12 windmills there. If you look in the
13 --- on Google Earth or any good
14 topical map you can trace that
15 ridgeline all the way down to
16 Philadelphia. That ridgeline should
17 and could be developed for energy and
18 power, and it could be a dividing line
19 between the Susquehanna and the
20 Delaware watershed where perhaps the
21 Susquehanna will stand as an
22 experiment to see if your gas drilling
23 works. And we could hold off on the
24 Delaware line.

25 Also on a broader --- I

01 think we haven't had a mention of the
02 broader implications of gas drilling.
03 No one talks about what is gas used
04 for. Gas is used for burning of
05 course and heating. It's also used
06 for making chemicals. It's used for
07 --- it will be used for making
08 hydrogen. It's a very, very valuable
09 resource. It should be kept in the
10 ground for at least a hundred years.
11 The people in the future will need
12 this resource, not for burning, but
13 for making all sorts of chemicals that
14 they will need in the future. This is
15 a --- there's also --- I also read
16 that --- that the --- in the Arctic
17 natural gas is bubbling out of the sea
18 floor at enormous rates. I think if
19 our gas companies were interested in
20 being good citizens, they might go up
21 there and capture it before it bubbles
22 into the atmosphere and then sell it.
23 And leave this gas that is stable in
24 the ground here for the future when
25 there might be a way to extract it

01 safely.

02 I thank you very much.

03 I also am a landowner. I did not
04 inherit my land, I bought it. I have
05 47 acres. I've been offered roughly
06 \$130,000 in bonus payments. I told
07 them that I would be happy to listen
08 to any future offers, but I will turn
09 them all down. Thank you very much.

10 HEARING OFFICER:

11 Doctor Larysa Dyrszka.

12 I probably got that wrong.

13 DR. DYRSZKA:

14 It's Dyrszka (corrects
15 pronunciation), D-Y-R-S-Z-K-A. I'm a
16 member of Sullivan Area Citizens for
17 Responsible Energy Development. We're
18 also called SACRED. I'm also a member
19 of Damascus Citizens for
20 Sustainability as well as Physicians
21 for a Social Responsibility. And I am
22 a physician, a pediatrician. But I'm
23 here mostly as a citizen of special
24 protection --- specially protected
25 waters of the Delaware. The preferred

01 action of these dockets from the
02 health perspective would be to impose
03 a moratorium on gas drilling in the
04 Delaware River Basin. You should not
05 even consider leasing --- getting
06 permits for leases until there has
07 been an adequate health study ---
08 health impact study in place before
09 any fracking occurs in this area. And
10 before considering any permits, it
11 should be required that companies
12 provide to the DRBC and to the general
13 public a complete list of every
14 chemical present in the hydraulic
15 fracturing fluids and their known
16 toxicities. It should also be
17 required that companies provide to the
18 Delaware River Basin Commission and to
19 the general public every chemical ---
20 a complete list of every chemical
21 that's present in the wastewater
22 that's recovered from the wells. And
23 it should include all of the additives
24 that naturally-occurring heavy metals
25 and radioactive materials and volatile

01 organic compounds.

02 Also prior to issuing
03 any permits in such sensitive areas as
04 the special protection waters there
05 should be a framework for monitoring
06 groundwater and surface water by state
07 and local governments. It should be
08 in place and it should be working
09 before anything is permitted. The
10 number of field inspectors have to be
11 increased dramatically.

12 There should be a
13 disposal facility for recovered waste
14 fluids identified and operational and
15 available before any permit is issued.
16 So the DRBC should not issue any
17 permits for gas drilling, for water
18 use until there is a complete
19 environmental and health impact study
20 in place and safeguards are in place
21 to protect our groundwater and our
22 water --- and our health --- our water
23 resources and our health. You have to
24 allow time for an environmental impact
25 study. Until such time as all

01 chemicals used at a fracking site are
02 routinely disclosed or not used at
03 all, there should be no drilling
04 permits issued in the Delaware River
05 Basin, the special protection waters
06 or anywhere in the Delaware River
07 Basin.

08 Until such time as
09 adequate monitoring can be done in our
10 waterways for the contaminants used
11 and produced from hydrofracking no
12 permits should be issued. I am
13 speaking as a pediatrician. Until
14 such time as it can be determined with
15 a hundred percent certainty that the
16 water withdrawal including in the
17 Delaware --- including in the west
18 branch of the Lackawaxen that until
19 you can be assured that we will not
20 deplete nor poison the water of any
21 child in Camden, Philadelphia,
22 Chester, Trenton, no water withdrawal
23 nor drilling permit may be issued.

24 HEARING OFFICER:

25 All right. Thank you.

01 Karen London.

02 MS. LONDON:

03 I guess it's good

04 evening at this point. My name is

05 Karen London. I am also affiliated

06 with SACRED, Sullivan Area Citizens

07 for Responsible Energy Development.

08 And I am a recent transplant from the

09 west Trenton, New Jersey area to

10 Bethel, New York full time. I must

11 say that the news of pending hydraulic

12 and horizontal gas drilling in this

13 area came as a shock to my family, as

14 well as almost all of my neighbors who

15 have recently moved to our area. The

16 idea that an area known for its scenic

17 and rural environment can be

18 transformed into an industrialized

19 zone, zoning be damned, for years and

20 decades to come is still something

21 that most people I know could not

22 fully grasp. The idea that we might

23 continue to do so even after the

24 federal environmental protection

25 agency has expressed, and I quote,

01 significant concerns regarding the
02 potential impacts to human health and
03 the environment and in particular its
04 concerns about water quality impacts
05 throughout the state, is to say the
06 least disheartening. Just last
07 Thursday an inquiry was initiated by
08 the House subcommittee on energy and
09 environment regarding the chemicals
10 used by gas companies and the
11 hydraulic fracturing fluids. Chairman
12 Waxman and Vice Chairman Markey
13 acknowledged concerns about the
14 quantity of water needed to
15 hydraulically fracture oil and gas
16 wells, as well as the disposal of
17 contaminated wastewater from the
18 fracturing operations.

19 Already we know that two
20 of the three companies that entered
21 into a voluntary memorandum of
22 agreement with the EPA violated that
23 MOA and admitted to using fracturing
24 chemicals such as benzene and xylene
25 that propose environmental and human

01 health risks. Does that not alone
02 speak to the necessity of opposing
03 strict regulations on this industry
04 before permitting begins?

05 The EPA has also been
06 authorized by Congress to further
07 study hydraulic drilling and its
08 impact on safe drinking water due to
09 the Halliburton loophole. Would it
10 not be negligent to commit --- to
11 commence permitting before these
12 inquiries have been conducted in any
13 adverse environmental or health
14 impacts known? With respect to the
15 two dockets before you, I urge the
16 DRBC to postpone any approvals until
17 completion of an environmental impact
18 statement. This analysis must address
19 the cumulative impact not only of the
20 water but to all of us from the west
21 branch of the Lackawaxen River and the
22 development of the M1 well, but the
23 cumulative impacts from a full build-
24 out scenario and/or alternative
25 permitting scenarios.

01 If 20,000 to 50,000 gas
02 wells from the Delaware Basin is in
03 our future, assessing the impact on a
04 well-by-well basis is clearly
05 negligent. According to DRBC's water
06 quality regulations, the waters within
07 the Upper Delaware are special
08 protection waters and they fall within
09 the boundaries of a national wild
10 scenic and recreational river system.
11 It is therefore your own mandate to
12 protect these waters from adverse
13 changes to the existing water quality
14 of the river and its tributaries.
15 Your decision on this issue will
16 determine the future of this river,
17 its ecosystems, the safety and quality
18 of drinking water, for not less than
19 an estimated 15 million people and
20 what we leave or maybe fail to leave
21 for future generations. Thank you.

22 HEARING OFFICER:

23 Cliff Westfall.

24 MR. WESTFALL:

25 Hello. My name is Cliff

01 Westfall, that's W-E-S-T-F-A-L-L. I'm
02 a member of Damascus Citizens for
03 Sustainability. And I have some
04 prepared remarks, but before I begin
05 them I want to say that I think if I
06 had a map showing the entirety of
07 Wayne County leased, I wouldn't be
08 bragging about it to the regulatory
09 agency. But that's just me.

10 Let me say that as a
11 full time resident of part of Central
12 New Jersey and a part time resident of
13 Wayne County, the fact that these
14 hearings are never held near the
15 communities downstream I think is
16 unfair and it's suggesting your
17 misunderstanding of the risks to us in
18 those communities. I urge the
19 Commission to reject the applications
20 of Stone Energy for permits related to
21 natural gas drilling. As an initial
22 matter these applications are
23 premature. Given that the Commission
24 has given no opportunity for public
25 comment on this promise comprehensive

01 regulations, nor even any indication
02 what substance of those regulations
03 will be. In the absence of any
04 standard review by which to judge
05 applications, it's difficult to see
06 how agency approval could avoid being
07 arbitrary and capricious in this
08 instance. Nor would a piecemeal
09 granting of individual applications
10 necessarily be without any
11 understanding or consideration of an
12 overall comprehensive plan. It may
13 also lead to a first mover advantage
14 for early applicants which combined
15 with claims of disparate treatment
16 could lower the regulatory bar for
17 future applicants. Such an approach
18 would contravene the Commission's long
19 standing commitment to basin-wide
20 planning. When the EPA urged New York
21 State DEC to scrap its updated
22 environmental impact statement, it
23 faulted that agency for failing to
24 analyze the cumulative impacts
25 drilling. Ironically, New York

01 State's planning effort,
02 insufficient though it was, dwarfs any
03 so far conducted by either
04 Pennsylvania or the Commission, at
05 least publicly.

06 As the Commission is
07 aware EPA also strongly suggest that
08 the New York City watershed be off
09 limits because of the risk of
10 catastrophe to the drinking water
11 supply. This is a great first step,
12 but only a first step, given that the
13 basin supplies water to many millions
14 outside New York City, and indeed even
15 outside the basin itself. Like
16 millions of New Jersey residents, I
17 live outside the basin but its waters
18 feed my public water supply. In my
19 town water is drawn from the Delaware
20 and Raritan Canal which itself takes
21 in 100 million gallons a day from the
22 Delaware River. The New Jersey
23 coastal plane similarly is a sole
24 source aquifer that receives nearly
25 half its recharge from the Delaware

01 River. How will the Commission
02 protect downstream water users from
03 incidents like the ongoing struggle
04 with elevated TDS levels in the
05 Monongahela? And keep in mind that as
06 Doctor Conner Bolles (phonetic) from
07 the University of Pittsburgh has
08 pointed out what is labeled elevated
09 levels of salt is actually a complex
10 but unanalyzed suite of gas wastewater
11 for which the primary treatment is
12 dilution.

13 It was projected to
14 become a very large consumptive use of
15 water with no understanding of its
16 eventual scope and no apparent
17 intention to regulate the gas industry
18 on a cumulative basis. How will it
19 prevent flooding at well pads from
20 becoming full fledged disasters which
21 flow to downstream users in
22 undermining confidence as well as
23 actual safety of drinking water? The
24 truth is it can't. If it permits
25 these activities DBR --- DRBC will

01 have abdicated its primary purpose,
02 which is to prevent ongoing water wars
03 between signatory states through
04 planning. I am aware that the
05 Commission's under extraordinary
06 political pressure from one or two of
07 its member states who seem to be
08 willing to poison the well for
09 illusory short term gains. But if the
10 Commission caves to that pressure, if
11 it kicks the can down the road, it
12 will not have prevented a water war,
13 it will have started one.

14 Because ---.

15 HEARING OFFICER:

16 Mr. Westfall. Can you
17 get to the conclusion?

18 MR. WESTFALL:

19 Yep. My last sentence.

20 Because when Preston, Camden, Trenton,
21 New Brunswick, Philadelphia,
22 Wilmington, when all of these
23 communities wake up and realize that
24 they've been drinking God knows what,
25 DRBC's political problems will only

01 have just begun.

02 HEARING OFFICER:

03 William Dohe.

04 MR. DOHE:

05 Hello. Yeah. William
06 Dohe, D-O-H-E. I'm from Easton. I
07 actually came up today. We're
08 obviously a downstream community to
09 this area so I'm not with anyone in
10 particular. I'm just --- I'm a
11 citizen. I happen to professionally
12 be an architect in the city of Easton.
13 I actually chair the Easton
14 Environmental Advisory Council. I'm
15 also a member of DVGBC, which is
16 Delaware Valley Green Building Council
17 and sit on the steering committee for
18 the Lehigh Valley branch. I'm a
19 principal with --- of my firm down in
20 Easton. The architecture, we
21 specially in green building and
22 adaptive reuse. We do a lot of
23 projects up in the Scranton-Wilkes-
24 Barre region, which is not too far
25 from here.

01 I have been listening to
02 a lot of the testimony today, and it
03 --- I find some of the things quite
04 interesting. The point that I think
05 needs to be made is that even the
06 folks who are in support of permitting
07 have asked for scientific and safe
08 processes. Okay. And unfortunately
09 there haven't been any studies that
10 have shown that these processes are
11 scientifically safe. Obviously when
12 somebody's dangling a big carrot,
13 \$130,000 I heard, in front of people,
14 it's easy to get swayed by that
15 obviously and become a big supporter

16 of permits. And the very nice lady
17 who showed the map of course of this
18 area, I think a number of people who
19 have asked for an EIS, an
20 environmental impact statement, a
21 comprehensive plan for this issue, the
22 map kind of shows that this is just
23 the tip of the iceberg. That there
24 are certainly perhaps thousands of
25 wells planned for this area. What are

01 the cumulative effects?

02 As an architect I work
03 for mostly business owners. I do some
04 private homes as well. And what I
05 found with my business clients is that
06 good planning normally leads to good
07 outcomes, and poor planning leads to
08 very bad outcomes. We're in a place
09 right now where we have the
10 opportunity to do some good planning.
11 And I think the Delaware River Basin
12 Commission is in a good place right
13 now to call for a moratorium and deny
14 these two dockets because the
15 applicant has already proven
16 themselves to be untrustworthy.

17 My mother, you know, of
18 course whenever I was a naughty boy,
19 which I never was, that's my story and
20 I'm sticking to it, whenever I got in
21 trouble she raised the bar. Okay. If
22 I wanted more rights, I had to prove
23 myself. And once I'd done something
24 wrong I need to prove myself. They're
25 telling us that this is a safe

01 process. I know a lot of people say
02 it's perfectly safe, come on, trust
03 me. All right. Trust me. No.
04 Seriously, this is like totally safe.
05 All right. Okay. I think it's now on
06 their --- it's their bailiwick to
07 prove the safety. The old saying
08 goes, fool me once, shame on you.
09 Fool me twice, shame on me. You have
10 the opportunity right now to stop it
11 at the first one. Thank you very
12 much.

13 HEARING OFFICER:

14 John Roth. Is there a
15 John Roth in the workroom?

16 AUDIENCE MEMBER:

17 He left already.

18 HEARING OFFICER:

19 Natasha Pelak.

20 MS. PELAK:

21 Hello. I'm Natasha
22 Pelak, P-E-L-A-K. And I am here as a
23 citizen, an entrepreneur and I'm also
24 an independent journalist that focuses
25 on water rights. My family originates

01 from Frackville, coincidentally
02 enough, and, yeah, I grew up with the
03 orange streams which were normal to me
04 until I left Frackville to finally
05 visit other parts of our beautiful
06 visit that we have here, a gorgeous
07 place to protect. And now living in
08 Easton downstream from where we might
09 be fracking, I'd just like to lay out
10 some of the pros and cons that I
11 gathered.

12 Okay. So we frack, so
13 we meet the demand for some energy
14 that's in demand. If we don't frack
15 then we have high quality water, which
16 is really good for everybody. We
17 frack, PA doesn't see a tax ---
18 Pennsylvania, some of us call it PA.
19 We don't see a tax. So if we don't
20 frack, I guess we don't see a tax
21 there either. If we frack, we have an
22 abundance of wastewater. If we don't
23 frack, then there's less wastewater
24 and which means that we have less
25 treatment facilities which use energy

01 anyway, a lot of it, unless you use an
02 ecomachine of course. If you frack
03 then you have short term improvement
04 in the economy for a very short amount
05 of time. And if you frack --- I mean,
06 if you don't frack, then, you know,
07 you don't have jobs in the state
08 anyway because most of the people that
09 will be fracking are from out of
10 state. If you frack, you have high
11 medical bills. If you don't frack,
12 then you save on medical bills. If
13 you frack then you, you know, have
14 energy. If you don't frack, you have
15 to use alternative energy.

16 So my point is actually
17 that by diversifying our energy
18 investments, we not only share our
19 resources of energy in wind and in
20 solar, we also save ourselves from an
21 abundance of problems in the future
22 when it comes to our health and
23 wellness. Yes. Our economy must bear
24 the fruit. And a healthy economy
25 starts with healthy people. So I

01 forgive, and I speak on behalf of
02 anyone that follows my blogs or
03 whatever, I forgive Stone Energy for
04 asking for the permits. And that's my
05 final statement. Thank you very much.

06 HEARING OFFICER:

07 Leah Zerbe.

08 MS. L. ZERBE:

09 Hello. My name is Leah
10 Zerbe, Z-E-R-B-E. I am a concerned
11 citizen and I'm also a Delaware
12 Riverkeeper supporter. I am from
13 Schuylkill County, Pennsylvania. And
14 I took the day off work today and I
15 traveled hundreds of miles by bus
16 because honestly, fracking in
17 Pennsylvania for natural gas is
18 probably the scariest thing that I've
19 encountered in my 28 years of life so
20 far.

21 Anyway, I bet a lot of
22 people in this room who sat through
23 history years ago maybe wondering why
24 they were wasting their time. And as
25 your teacher probably reminded you

01 it's so history doesn't repeat itself.
02 You see, I live in Schuylkill County
03 where decades and decades ago another
04 similar industry moved into town to
05 mine coal and create jobs. And they
06 did do those things, they really did
07 create jobs. But those who didn't end
08 up dying in mining accidents, usually
09 ended up developing black lung. And
10 today most of the job --- or most of
11 the jobs and industry are gone, but
12 residents are still stuck there,
13 taxpayers, footing the bill for
14 cleaning up the orange streams that
15 are lifeless and still to this day
16 contaminated, the active mine
17 drainage.

18 So I'm just here to ask
19 you to please don't let history repeat
20 itself. I oppose the issuance of
21 Stone Energy's proposed permits being
22 considered by the DRBC from taking
23 clean water from the west branch of
24 the Lackawaxen and use it for fracking
25 operations that could expand greatly

01 in the region. Again, don't let
02 history repeat itself. Thank you.

03 HEARING OFFICER:

04 Robert Stanfield.

05 MR. STANFIELD:

06 My name is Doctor Robert
07 Stanfield. I'm a retired petroleum
08 engineer. I've worked in the energy
09 field for close to 40 years. Members
10 of my family are involved in gas
11 drilling employees and exploration
12 companies. My affiliation is with the
13 Bridgeton-Nockamixon-Tinicum
14 Groundwater Committee. I don't speak
15 for them, I speak for myself. I
16 recognize and support the recovery of
17 natural gases, an essential element in
18 the economic liability of our country
19 for the next few decades. I recognize
20 the requirement that recovery can and
21 must be done responsibly. The best
22 available technology. The Marcellus
23 and Devonian Shales involve fracturing
24 dissolution popping open these shales
25 with a high pressure fluid sand and

01 sands. I recognize these fluids are
02 highly acidic and made out of toxic
03 compounds. I also recognize that, and
04 I was deeply involved in, some of the
05 most dangerous technology that is used
06 in the industry in the United States
07 and yet refining has probably one of
08 the best safety records in a US
09 industry. The drilling companies
10 could do us well. Their record leaves
11 much to be desired. Others here had
12 and will discuss toxic chemicals,
13 noise, water consumption, air
14 pollution, habit (sic) disruption and

15 I am not going to repeat their
16 excellent testimony.

17 The next issue I wish to
18 address is one that is not covered by
19 normally by EI --- environmental
20 impact statements, but as the need to
21 capture and remediate the inevitable
22 damage in stream discharges before
23 serious damage can occur. That is
24 monitoring. Not only monitoring of
25 the stream but monitoring of the

01 groundwater, air pollution and the
02 other issues. This means inspectors.
03 But I'm not going to talk in detail,
04 and the devil is in the detail; I can
05 talk for hours. If you'll excuse I
06 will take a very narrow example. The
07 Robson site does contain diesel oil.
08 I have the DEP analyses in my
09 briefcase. We have been monitoring an
10 exceptional value stream in the Upper
11 Bucks County. There's a quarry on the
12 stream who were dumping quarry finds
13 into the creek. And it took us months
14 before we could finally capture them
15 in the discharge and get the necessary
16 legal sample.

17 There are loggers,
18 remote loggers, that take samples
19 every 15, 20 minutes. And these are
20 being used by this Susquehanna Basin
21 Commission and they cost about \$23,000
22 per installation. Peanuts compared to
23 the \$3.5 to \$6 million. So I am going
24 to --- the issues of real time
25 monitoring must be part of the

01 permitting process. The operators
02 would need to submit detailed plans
03 with their permit applications.
04 Monitoring locations must be reviewed
05 and approved by DRBC and other
06 agencies. These sites would have need
07 of, quote, the nearest down gradient
08 streams and wetlands and the
09 monitoring equipment must be
10 installed, operating and calibrated
11 before spudding the well.

12 HEARING OFFICER:

13 Larry Menkes.

14 MR. MENKES:

15 Excuse me. I'm starting
16 to lose my voice here for some reason,
17 and I'll just use this mic. My name's
18 Larry Menkes, M-E-N-K-E-S. I am with
19 the Freedoms Way Foundation in Bucks
20 County in Ivyland, the second smallest
21 borough in the county. We have a
22 multimillion dollar incredible project
23 going on there as it involves
24 education to start preservation and
25 clean building and many other things,

01 including increased transportation
02 opportunities by rail. I have heard a
03 lot of excellent testimony today and
04 I'm an energy auditor as well. I am a
05 member of the Delaware Valley Regional
06 Planning Commission whose regional
07 citizen committee I will be reporting
08 back to as well as my township's
09 Energy and Environmental Advisory
10 Council. I will reporting back to
11 them. I would like to acknowledge my
12 fellow DVGBC member here and I'm also
13 with them on the residential
14 committee. As a building auditor, I

15 know some things that a lot of people
16 don't know. And that is, in our
17 culture, half to three quarters of the
18 energy that we use is wasted. It's
19 wasted by inefficient practices and by
20 Jabba the Hutt (sic). We are asking
21 for more. Now, I think the
22 precautionary principle that everyone
23 has spoken to really is important
24 here. And if the building companies
25 were good neighbors and friends, they

01 would make sure that they didn't hurt
02 a soul. And if they did, they would
03 take care of any harm that was done.
04 I'm seeing evidence of that happening
05 at the moment.

06 But I'd like to talk
07 about one other thing before I wrap
08 this. And that is something that I
09 learned in college a long time ago,
10 and it's the tragedy of the commons.
11 And what we're dealing with here is a
12 classic example of this tragedy of the
13 commons. We privatize our profits and
14 we commonize the costs. I have heard
15 that it will cost the taxpayers in
16 Pennsylvania upwards of \$3 billion a
17 year for the commonized costs of this
18 project for fracking for natural gas.
19 Now, I think that it's not impossible
20 to do responsibly, but I think that
21 it'd take somebody with very high
22 moral standards, both to do it
23 responsibly and for those who can to
24 enforce it responsibly. And that's
25 all I have to say. Thank you.

01 HEARING OFFICER:
02 Janet Little.
03 MS. LITTLE:
04 Hello. I'm Janet
05 Little, that's L-I-T-T-L-E. And I'm a
06 citizen. I live in Allentown,
07 Pennsylvania. I'm representing
08 myself. I'm a registered dietician
09 with a Master's degree in public
10 health. And I'm a member of the
11 American Dietetic Association. And my
12 message here today is I oppose the
13 issuance of Stone Energy's proposed
14 permits being considered by the DRBC
15 that would take clean water from the
16 west branch of the Lackawaxen and use
17 it for fracking operations that could
18 expand greatly in the region. And my
19 main reason for this, and it certainly
20 has been mentioned today besides the
21 lack of a cumulative impact study, is
22 what was actually just mentioned,
23 which is the whole lack of planning
24 and monitoring. My concern is that,
25 not that it's been mentioned today, is

01 what happens when something goes
02 wrong? And it will. Who is going to
03 report this? Who's going to notice
04 it? And I think I agree that that
05 needs to be imbedded in a plan for
06 monitoring as well. That was
07 mentioned just now.

08 One thing I do is I work
09 in assisted living centers and long
10 term care centers. And as a dietician
11 I can say that one thing that drew me
12 to the clean water issue is that
13 water, drinking water, is our ---
14 probably our most important nutrient.
15 Pennsylvania, thinking of the 16
16 million people that are effected by
17 this Delaware water basin,
18 Pennsylvania itself has --- is the
19 second largest percentage --- has
20 among all the states the second
21 largest percentage of population 65
22 years of age and older. Large numbers
23 of these individuals live in assisted
24 living and long term care centers,
25 certainly the Delaware River Basin. A

01 lot of --- there certainly are a few
02 around here. And we also draw many
03 people from out of state living in
04 these facilities.

05 Drinking water is given
06 at every meal. We calculate the
07 hydration standards that they need to
08 reach, but then to gain that, to reach
09 that, we give drinking water at every
10 meal. The residents that are at risk
11 of dehydration are given every
12 opportunity to consume water
13 frequently, with medicine, glasses
14 offered between meals and at scheduled
15 activities. And long term care, those
16 that need feeding tubes, those feeding
17 tubes are flushed with drinking ---
18 with fresh clean water before they're
19 inserted again. And then not to
20 mention the process preparing and
21 cooking nutritious food. And then
22 water, of course, is used for
23 sanitizing and to prevent food-borne
24 illness.

25 And what I'd like is not

01 to have to worry about the water that
02 this facility uses and its residents
03 drink. I would like them, for myself
04 and for them, not to even have to be
05 concerned about this. A lot of people
06 have responded to me saying, oh, well,
07 my water treatment plant will take
08 care of that. And we know that's not
09 true. It has to be --- any wastewater
10 needs to be cleaned up at the drilling
11 site. And given that I'm from
12 Philadelphia and I still have --- my
13 daughter lives there and many family
14 members, I hate to think about how
15 downstream the presence of bromide
16 possibly in drinking water can turn
17 into something else. Thank you.

18 HEARING OFFICER:

19 Thank you very much.

20 Cathy Frankenberg.

21 MS. FRANKENBERG:

22 Do you need a copy of
23 what I have?

24 HEARING OFFICER:

25 It would be nice if

01 you'd provide it. Thank you.

02 MS. FRANKENBERG:

03 Absolutely.

04 HEARING OFFICER:

05 And if you could spell
06 your name when you get a chance.

07 MS. FRANKENBERG:

08 My name is Cathy
09 Frankenberg. The last name is
10 F-R-A-N-K-E-N-B-E-R-G. Thank you for
11 the opportunity to speak tonight. I'm
12 the program organizer for Clean Water
13 Action in the Lehigh Valley. We're a
14 national group of over 1 million
15 people concerned about the environment
16 and public health. We are also part
17 of a statewide coalition called the
18 Campaign for Clean Water, which counts
19 over 150 community groups,
20 environmental organizations, sportsman
21 coalitions and religious organizations
22 among its members.

23 Wastewater from drilling
24 threatens not only the water used by
25 small towns like Mount Pleasant but

01 also to more than 15 million people
02 who depend on the Delaware River for
03 their drinking water supply. I live
04 south of here in Bethlehem. But what
05 happens here today affects me, my
06 neighbors and family. We all live
07 downstream. That is why some of us
08 have traveled more than three hours to
09 speak with you today. This
10 application calls for the withdrawal
11 of 700,000 gallons of water per day
12 from the west branch Lackawaxen River.
13 This is a major withdrawal. It will
14 necessarily divert water from other
15 needs and upset the water budget.
16 Most alarming is that millions of
17 gallons of water from this clean and
18 very fishable stream will be
19 transformed into toxic wastewater,
20 which we lack the capacity to treat.
21 This water contains highly toxic
22 materials like hydrochloric acid,
23 bromides, arsenic, benzene and radium,
24 all in unknown quantities and can be
25 six times as salty as ocean water.

01 Although we've only just
02 begun to drill for this resource,
03 we've already witnessed multiple
04 instances of contamination. In
05 Bradford County there was a spill of a
06 fluid containing 36 percent
07 hydrochloric acid. And in Dimock
08 thousands of gallons of dangerous
09 fracking fluids were spilled just this
10 September. I have sat in Norma
11 Fiorentino's living room where she
12 told me she has to spend the majority
13 of her pitiful royalty checks on
14 bottled water.

15 Because of the highly
16 toxic nature of fracking fluids and
17 the proposed project's proximity to
18 special protection waters, we must be
19 extra careful not to give into a
20 reckless sense of urgency to extract
21 as much gas as quickly as possible.
22 If we do proceed with this project,
23 which I contend is a very dangerous
24 project, these three things should be
25 absolutely minimum prerequisites.

01 There should be a comprehensive
02 analysis that considers the cumulative
03 effects of the water resource impacts
04 of these applications under
05 anti-degradation requirements. We
06 should wait until the regulatory
07 changes to Chapter 95 and Chapter 78
08 are approved and in place. And Stone
09 Energy should submit a for the public
10 comment period a non-point --- excuse
11 me, a non-point source pollution
12 control plan that meets special
13 protection waters anti-degradation
14 requirements.

15 Manufacturing
16 industries, farmers and the tourism
17 industry in Pennsylvania all depend on
18 adequate supplies of safe water. Most
19 importantly our health and the future
20 depend on it. Like natural gas, our
21 water is a finite resource. Unlike
22 natural gas, we cannot live without
23 it. And we have a responsibility to
24 protect it for the generations to
25 come. Thank you.

01 HEARING OFFICER:

02 Thank you. Sandra

03 Folzer.

04 MS. FOLZER:

05 Does this one work?

06 HEARING OFFICER:

07 Yes.

08 MS. FOLZER:

09 Sandra Folzer, and it's

10 spelled, F-O-L-Z-E-R. And I'm a

11 citizen. I'm a mother, a grandmother

12 who cares about that her grandchildren

13 get fresh, clean water to drink in the

14 future. But the other thing is I have

15 a farm, a hundred-acre farm, in Tioga

16 County, which is next to Bradford

17 County where I believe it was just

18 mentioned. I could have made a

19 quarter of a million dollars by

20 signing the lease, but for me water

21 was more important than the gas. I

22 can't drink gas, unfortunately. But I

23 didn't know, even though my neighbor,

24 the person who was trying to get me to

25 sign the lease, you know, keeps

01 pushing me, oh, we're not going to be
02 doing it for years, you know, because
03 we don't really have the facilities to
04 do it right. Well, forget that. That
05 was less than a year ago he told me
06 that and now wells are popping up
07 close by and they're pretty awful.

08 But I wanted to clarify
09 something. People are saying, oh,
10 this is a tried and true method, that
11 we really know about fracking, it's an
12 old method. I got a little help here,
13 but fracking --- conventional fracking
14 was invented in 1949, but it's only
15 really been used in the last 20 years.
16 However, the fracking that we're
17 using, the non-conventional fracking
18 that we're using for the shale has
19 only been since 2005. That's not very
20 long. And it just happens to coincide
21 with the Energy Policy Act, which
22 exempted of course all of the gas and
23 oil companies from all of these laws.

24 But I want --- the point
25 I want to make, and I hope my time

01 isn't finishing, is water. And I
02 haven't heard that emphasized enough.
03 I see around the world, I've done
04 research, that water is so precious.
05 And without water we have nothing.
06 Right now, even in the United States,
07 New Mexico has no water. They have to
08 get in on drilled water. In Florida
09 the aquifers are getting depleted.
10 Colorado, California, Texas, all over
11 the Southwest of the United States
12 people have serious water problems,
13 and other places in the world. For
14 instance, Mexico City is actually
15 sinking because too much of the water
16 is being drained from their aquifers.
17 The whole city is sinking. In China,
18 300 --- excuse me, I have the exact
19 data here, 400 of 600 of their major
20 cities have serious water shortages.
21 Often they have to ration water. This
22 goes to of course India; their
23 aquifers have been depleted. Israel
24 has to get --- buy water from Turkey.
25 Even Europe, Belgium and Poland, water

01 shortages are all over the world.
02 Lakes are drying up. And you think
03 about remember the Alamo, there's no
04 Lake Alamo anymore or lake river ---
05 Alamo River because that's dried up.
06 Chapala Lake where I spent some time
07 in Mexico, that is now dry.

08 All over the world we
09 have a water shortage. So certainly
10 before we agree to let them take our
11 very, very precious water, we need to
12 have some insurances and analyze what
13 are the repercussions, what's the
14 impact on people's drinking water, on
15 our children, on our wildlife, on the
16 rivers itself. I think that's
17 critical. And let me end with one ---

18 HEARING OFFICER:

19 Sandra ---

20 MS. FOLZER:

21 --- one phrase.

22 HEARING OFFICER:

23 All right.

24 MS. FOLZER:

25 This is from an old

01 blues song. We won't miss the water
02 'til the well runs dry.

03 HEARING OFFICER:

04 Tony Tancini.

05 MR. TANCINI:

06 Good evening. My name
07 is Tony Tancini, that's T-A-N, C as in
08 cat, I-N-I. I come here today as a
09 long-time resident of the Delaware
10 watershed. Except for my one year
11 tour in Korea, I have lived in the
12 watershed my whole entire life. I
13 grew up in Norristown, Pennsylvania
14 and Pottstown, Pennsylvania. And I
15 survived drinking Schuylkill punch.
16 And those of you in the Philadelphia
17 region would know what I mean. And
18 again, maybe we should have this down
19 in the south because a lot of us are
20 from the Philadelphia region where
21 many of us reside and drink Delaware
22 watershed River. I now live in New
23 Jersey, and I continue to drink water
24 from our watershed, which I'm running
25 out of.

01 But I'm here today, and
02 I came here today with the Delaware
03 Riverkeeper Network in opposition to
04 Stone Energy's draft permitting
05 proposals for a number of reasons.
06 First and foremost, are the proposed
07 and the dangerous contamination that
08 may occur because of the fracking
09 procedures. Second, the threat to our
10 watershed's ability to provide
11 essential eco-services to the fish and
12 marine life that reside in our

13 watershed. And third, because many of
14 the items in the permitting processes
15 are missing.

16 First, there is no
17 scientific support showing that
18 fracking is safe. There is no support
19 showing that the fracking process
20 would not contaminate our waters with
21 severe carcinogens. There is no
22 empirical evidence and there's no
23 environmental impact statements. In
24 addition, there is no information
25 about where all that wastewater will

01 go. And what about that wastewater,
02 where will it go? How will it be
03 cleaned? The natural gas industry
04 says that the wastewater can be safely
05 stored in underground wells that
06 they're pumping the natural gas out
07 of. But what happens if there's an
08 earthquake? Where are the geological
09 studies that show that these wells are
10 indeed safe? And don't say that
11 earthquakes don't occur on the east
12 coast. In fact, just this past
13 weekend in New Jersey there was an
14 earthquake of 2.6 magnitude that
15 occurred in Somerset County. And on
16 October 25th, in 2009 in Carlisle,
17 Pennsylvania there was a 2.8 magnitude
18 earthquake. So these earthquakes do
19 happen. And water stored, quote,
20 unquote, safely stored in these
21 underground wells will find a way to
22 escape. That is contamination
23 flooding into our watershed and
24 effecting all of our drinking water.

25 This permit must be done

01 safely and to ensure the health and
02 safety and wellbeing of all people
03 within our watershed, 15 million
04 people. I know that jobs are very
05 scarce today in these economic times.
06 And a lot of people are hoping for an
07 increase of jobs through this fracking
08 process. But don't let a few handful
09 of jobs sway your interest in the face
10 of the risk that these fracking
11 processes may occur. Also, the
12 natural gas industry wants to say that
13 they have clean energy. But remember,
14 clean energy is not clean if it
15 pollutes our water. Thank you.

16 HEARING OFFICER:

17 Thank you. Martin
18 Boksenbaum.

19 MR. BOKSENBAUM:

20 Martin Boksenbaum,
21 that's B-O-K-S-E-N-B-A-U-M. I'm with
22 the Alliance for Sustainable
23 Communities, Lehigh Valley. I am
24 addressing my comments particularly to
25 the Pennsylvania representative to the

01 DRBC, although my comments are
02 addressed to the other members as
03 appropriate. I am here for the
04 alliance because the dangers posed by
05 Marcellus Shale drilling and with the
06 need to protect Pennsylvania's
07 drinking water and waterways. I
08 commiserate with the DRBC on the
09 unenviable task of bringing in
10 industrial polluters, rushing ahead on
11 natural gas extraction. We call on
12 you to vote against the Stone Energy
13 Corporation's request.

14 The fracking process is
15 inherently and unacceptable assault on
16 the environment and therefore --- and
17 us humans depend upon that
18 environment. In fact, it takes us
19 beyond regulation and any permitting
20 of harm. We demand that the DRBC vote
21 against any plans involving the
22 hydrofracturing process and institute
23 a moratorium on all natural gas
24 drilling until an environmentally
25 sustainable method, if any can be

01 devised, are available. If because of
02 regulatory law you find yourselves
03 unable to refuse to issue drilling and
04 water permits, the Alliance reminds
05 and calls upon the Governor of the
06 Commonwealth and his representatives
07 to carry out constitutional mandates
08 protecting and preserving land, air,
09 water, and energy resources of the
10 Commonwealth. And in carrying out
11 that purpose we argue that the
12 Pennsylvania Constitution should take
13 precedence over any regulations or any
14 laws that have failed to meet the
15 requirements of Article 1 in Paragraph
16 27. Quote, the people have a right to
17 clean air, pure water and to the
18 preservation of the natural scenic,
19 historic and esthetic values of the
20 environment. Pennsylvania's public
21 natural resources are the common
22 property of all the people, including
23 generations yet to come. As Trustee
24 of these resources, the Commonwealth
25 shall, can conserve and maintain them

01 to the benefit of all of the people.

02 Since the fracking used
03 is of considerable harm to the
04 environment and to people, it is
05 unconscionable for the Commonwealth to
06 take the position that the economic of
07 are drilling for gas are worth the
08 inevitable environmental damage and
09 public health threats that will
10 result. To those who support the
11 drilling as a boom to the local
12 economy, I suggest they read Ibsen's
13 classic play, "An Enemy of the
14 People", about a whistle blower who
15 revealed and that so-called health
16 springs that was to be an economic
17 boom to their community was actually
18 toxic.

19 We regard any permits
20 allowing hydrofracking in the
21 Marcellus Shale geology to be in
22 violation of the rights of the
23 citizens of the Commonwealth, it's
24 communities and ecosystems, and to be
25 therefore null and void. We hereby

01 claim our rights to clean air, pure
02 water and to the preservation of the
03 environment as stipulated in the
04 Pennsylvania Constitution. Continue
05 to ignore to the rights of the people
06 is and will remain totally
07 unacceptable.

08 HEARING OFFICER:

09 Thank you. Doctor Rex
10 D'Agostino.

11 MR. D'AGOSTINO:

12 Good evening, sir. Good
13 evening, folks. It looks like we lost
14 a few people. My name is D'Agostino,
15 D, apostrophe, A-G-O-S-T-I-N-O, N-O as
16 in Marcellus Shale drilling. I
17 represent the Green Party in Lehigh
18 County, and I'm the 183rd
19 representative candidate for that

20 district. And the reason why I'm here
21 is the reason why I want to go to the
22 general assembly. This government
23 needs a lot of help. I want to talk
24 about three specific things very, very
25 quickly. First of all, I want to talk

01 a little bit about science, then I
02 want to talk about economics and then
03 I want to talk about ethics and
04 government, which is kind of an
05 oxymoron these days.

06 The first thing I have
07 as a testimony is a document that
08 describes a testimony provided to the
09 House Committee at the federal level
10 on oversight in government reform,
11 which describes in great detail the
12 analysis of fracking fluids, both from
13 the point of view of what's being
14 dropped into the well and what comes
15 out. I have a couple of quotations, I
16 won't spend a great deal of time on
17 it, but the bottom line is that if you
18 look at the medical impact of these
19 particular compounds, which are
20 considered proprietary by people that
21 are manufacturing them, which is rouse
22 because they obviously don't want us
23 to know what's in them. And let me
24 quote very quickly, and it is not
25 general knowledge that when methane

01 surfaces, it is wet. And this water
02 called condensate water is often put
03 into an evaporation pit on the well
04 pad or stored in condensate tanks and
05 later picked up by water trucks and
06 moved to large receiving open
07 evaporation facilities. It takes
08 these fleets of water trucks to handle
09 the volume of water surfacing. Last
10 year in Colorado it was estimated that
11 5,500 condensate tanks across the
12 state released over 100 tons of VOCs,
13 that's volatile organic carbon
14 materials, including BTECS (phonetic),
15 and you've heard people talk about
16 that earlier. This gas field activity
17 will be a continuing source of NOX and
18 VOCs for the life of each well, which
19 can be as long as 20 years.

20 It seems fairly obvious
21 that there is another mechanism at
22 work here relative to the Marcellus
23 Shale. And I have a feeling that it
24 has to do with a simple thing called
25 money. Governor Rendell is already

01 expatriating all kinds of state
02 properties with the intent of
03 accumulating somewhere in the vicinity
04 of \$660 million in fees, which he
05 calls a severance tax, to the oil and
06 gas industry, who by the way, through
07 their permitting are funding DEP
08 employees to be hired to oversight the
09 operation on these wells. So who's
10 paying who for this particular
11 activity?

12 I just want to give you
13 a suggestion. If you really want to
14 do this I would suggest you take a
15 look at the financial performance of
16 these companies, take 25 percent of
17 their total sales volume and sequester
18 that in a bond type configuration that
19 they cannot touch. And when they're
20 finished, and if there's no
21 environmental impact, they can have
22 the money back. If they have a
23 problem, you've got the money to fix
24 it.

25 The bottom line is that

01 the DEP of Pennsylvania has a lot of
02 good people, they got a billion dollar
03 budget, they are being taxed to the
04 point, from the point of view of
05 effectiveness, they don't have the
06 time to fix any of this. And now they
07 want to hire people that are being
08 paid by the gas company in order to
09 oversee it.

10 HEARING OFFICER:

11 Doctor D'Agostino, your
12 time is up.

13 MR. D'AGOSTINO:

14 One more sentence. I
15 encourage you to follow the will of
16 the people, not politicians or
17 corporations.

18 HEARING OFFICER:

19 Robert Johnson.

20 MR. JOHNSON:

21 I'll try to be brief. I
22 think practically everything that I
23 had planned to say has been said over
24 and over again. Just a brief thing,
25 my name is A. Robert Johnson, Arthur

01 Robert Johnson. I live in Easton,
02 Pennsylvania. I'm affiliated with the
03 Delaware Riverkeeper Network, Sierra
04 Club, Clean Water Action. I've been
05 involved in environmental issues for
06 most of my adult life and even my
07 childhood, and that's a long time.
08 I'm amazed. I worked in the field of
09 environmental engineering and
10 wastewater engineering for over 30
11 years, was a major part of a company,
12 a private company that did that in the
13 state of Central New Jersey, Somerset,
14 and Hunterdon counties. And I was
15 township engineer in several
16 communities. I won't go and elaborate
17 on that.

18 The thing that I always
19 leaned on in my career that made my
20 career and sometimes very tenuous
21 because a lot of politicians and a lot
22 of contractors didn't like the idea
23 that somebody was providing
24 unalterable oversight over their work.
25 I got fired from jobs because I did my

01 job too well. That's the bottom line.

02 And you know, that's exactly what we

03 have to look at right here and now.

04 We need to have --- I am obviously

05 against --- I think that you just

06 can't allow Stone Energy to get their

07 permits on this thing without going

08 through a tremendous process of

09 creating adequate oversight, adequate

10 regulation, et cetera. There's no way

11 that this can go on without doing

12 that.

13 I don't need to say much

14 more, except I can give some more

15 examples, examples of where oversight

16 in the state of New Jersey, for

17 instance under, and this is not to be

18 really nasty about the ex-governess of

19 New Jersey, Christie Whitman, but I

20 was the township engineer in Central

21 Jersey at that time when she was the

22 governess. And she set up a system

23 that absolutely destroyed the

24 oversight of the state --- DEP in the

25 state of New Jersey where they were

01 hiring young kids, and I say advisably
02 kids 21, 22 years old right out of
03 college with their degrees. They
04 hired them for six months at a time.
05 And the minute that they caught
06 anything, a problem such as toluene
07 seeping out into the Rahway River,
08 which supplies a tremendous amount of
09 drinking water in Eastern New Jersey,
10 kaboom, they were fired. Why? If
11 they did it within six months they
12 didn't have to do it with just cause.

13 This is the kind of
14 political control and help that we
15 get. Thank goodness for all you folks
16 that are here and are saying, darn it,
17 we're demanding that and we're
18 demanding that of the DRBC. Now, you
19 guys have a heck of a job ahead of
20 you, but please be on top of it and
21 listen to these people that are here
22 today. I have just another brief
23 story about ---.

24 HEARING OFFICER:

25 Mr. Johnson, your time

01 is up.

02 MR. JOHNSON:

03 My time's up?

04 HEARING OFFICER:

05 Yes.

06 MS. JOHNSON:

07 That's okay. I've said
08 enough. Thank you very much.

09 HEARING OFFICER:

10 Thank you. Tim Devaney.

11 MR. DEVANEY:

12 Good evening. I rode
13 the bus three hours to get here so
14 I'll talk fast. But Northeast PA is
15 very dear to me, and I'm glad to see
16 you guys don't take it for granted.
17 And I hope the Commission will
18 understand that. I speak for myself,
19 and I hope for our future. I'm a
20 volunteer on the Darby Creek --- on
21 the Board of the Darby Creek Valley
22 Association and a chairman of the
23 Delaware County Shade Tree Commission.
24 I was reading that
25 normal water use --- we're very clean

01 people in the western world here.
02 Normal water use for a person is 80 to
03 100 gallons a day. If they're drawing
04 700,000 gallons a day for extracting
05 gas from the underground, that's a
06 daily water use of at least 8,000 to
07 9,000 people. Can our local water
08 system maintain both demands of people
09 versus gas?

10 My family has owned a
11 small property in Wayne County since
12 my grandfather fished in the 1920's.
13 I have noticed during summer months
14 the beautiful Lackawaxen River flowing
15 through farmland, cornfields, forests
16 and historic Honesdale and by the
17 county seat Honesdale. It's often
18 crossable by foot. The water flow is
19 often a very low volume. Can it
20 support the volume of water needed for
21 gas mining and still support the life
22 of our environment?

23 Prompton Dam, owned by
24 the Army Corp of Engineers, will ---
25 it feeds into the Lackawaxen when it

01 need water from it. It's a recreation
02 and flood control dam. I'm just
03 wondering if there have been any
04 arrangements or will have to be
05 arrangements to release water from the
06 recreation dam at Prompton Lake to
07 support Stone Energy's gas mining
08 requirements. As a certified
09 arborist, I'm involved in
10 environmental protection in my region
11 in Delaware County, PA, Shade Tree
12 Commission ordinance following PA's
13 enabling legislation, which was
14 adopted by borough council in 1992. I
15 serve on the Commission as a
16 volunteer. No tree in our public land
17 in my town --- it's only one square
18 mile, lucky for us, but we don't allow
19 cutting down even one tree without a
20 permit. It's very strongly regulated
21 on public property.

22 With the project, you,
23 the DRBC is confronted with --- it's
24 much larger than a single tree.
25 Should not you be more diligent than I

01 am in local commission in our efforts
02 to protect our natural resources and
03 environment? I request a moratorium
04 on drilling for gas until all
05 scientific studies, environmental
06 impact studies, not only the baseline
07 data gathering be completed and
08 disclosed for public comment.

09 All living things,
10 including us humans, require water for
11 life. Water sustains life. Life is
12 more precious than gas. Therefore,
13 water is preferable to gas. P.S., T.
14 Boone Pickens has estimated there is
15 12 years of natural gas available.
16 That is over the entire country, 12
17 years. What will our state look like
18 when the gas is gone? West Virginia
19 strip mines, Luzerne County, I
20 remember the slag heaps as a child
21 driving up to visit my grandparents in
22 Luzerne County. Okay. Thank you very
23 much.

24 HEARING OFFICER:
25 Tannis Kowalchuk.

01 MS. KOWALCHUK:

02 Hello.

03 HEARING OFFICER:

04 Hello.

05 MS. KOWALCHUK:

06 My name is Tannis

07 Kowalcuk. It's spelled

08 K-O-W-A-L-C-H-U-K. I live in

09 Damascus, Pennsylvania. I live on a

10 farm, an organic farm that my husband

11 and I work. I'm also a theatre major

12 in Sullivan County, New York. And I'm

13 a mother to a 19-month old son. He

14 was here tonight, he had to go home.

15 I firmly believe that

16 the DRBC should not approve any

17 permits for natural gas related

18 projects until adopting natural gas

19 specific regulations that they are in

20 the process of developing, and that

21 there should be absolutely no drilling

22 until protective regulations are in

23 place. We are farmers. We are active

24 farmers. My husband is a very

25 talented visionary farmer. And we

01 sell produce at our local farmers
02 markets. We serve residents in
03 Sullivan County. In Wayne County we
04 have a CSA, and if fracking takes
05 place we cannot operate an organic
06 farm. We will have to leave our farm.
07 And I don't where we would go.

08 I went to Dimock on
09 Sunday and I encourage everyone to go.
10 Go to Dimock. It's 70 miles from
11 Callicoon. It's just worth seeing.
12 Everyone, whether you've signed or not
13 signed, it's very important to see
14 where we could be going. And it
15 affected me really, really deeply.
16 And pumping chemicals into the earth
17 is wrong. We know that. We know
18 that. And gas companies must create
19 better systems for mineral extraction.
20 They can afford to. They can afford
21 the research. They can afford to be
22 more creative. We are so creative as
23 human beings. They need to be
24 creative. And we must encourage them
25 to change their ways to government

01 policy and common sense regulations.
02 We tell our children to recycle. We
03 tell them to turn off the lights,
04 don't waste water. What kind of mixed
05 messages are we giving them by
06 inviting the drilling companies to
07 come into our neighborhoods, which
08 threaten our communities with the loss
09 of their most basic necessity of clean
10 drinking water? It makes no sense.
11 We're smarter, we're better parents,
12 we are better people and we can just
13 say no. Thank you.

14 HEARING OFFICER:

15 Kenneth Mayers.

16 MR. MAYERS:

17 Can you hear me? My
18 name is Kenneth Mayers, M-A-Y-E-R-S.
19 In my official capacity, I'm here as
20 president of Wayne-Susquehanna RESCUE.
21 We're an environmental conservation
22 organization that's been in the area
23 of Wayne and Susquehanna for over 30
24 years. I am also a landowner and one
25 of those people who at least

01 theoretically stands to benefits
02 financially from all of this. I'm not
03 here to talk about that necessarily
04 unless there's time at the end of my
05 comments.

06 But the important part
07 of what I'd like to say is that myself
08 and the board members of Wayne-
09 Susquehanna RESCUE, two and a half
10 years ago when this issue came onto
11 our radar, decided that what we needed
12 to do was remain neutral and not take
13 some black and white, for and against
14 position on this until we were more
15 educated about this. We were of a
16 consensus that we did not know enough
17 about it. We took two and a half
18 years, we've held public meetings,
19 we've asked for input from scientists,
20 academics, people in industry and also
21 the DEP. I won't bore you with the
22 details, except for one. As mediator
23 of a meeting in September, I was
24 entitled to ask the first question of
25 Frank Logus (phonetic), the DEP

01 director of oil and gas for the
02 northeast. And I asked him to rate on
03 a scale from zero to ten the DEP's
04 ability to correctly oversee and
05 enforce the existing regulations on
06 this industry. And he stated his
07 belief, and I give him credit for
08 being honest, that he rated their
09 ability to correctly oversee this at
10 about a five. A seven would have
11 given me pause. Five is cause for
12 deep concern.

13 This, in combination
14 with the evidence that has emerged on
15 what's going on in Dimock and other
16 areas, the accidents that have
17 happened, we cannot in good conscience
18 come to any conclusion other than the
19 fact that the science before us now
20 compels us to say the existing
21 regulations and the ability of the
22 agencies to enforce them are not
23 sufficient to protect the drinking
24 water of ourselves and the people
25 downstream from us. Is it possible

01 that some technology could evolve in
02 the future to make this more possible?
03 Yes, it is. So let our position be,
04 if then. One, if significant changes
05 are made to the existing regulatory
06 framework and ultimately the question
07 is not, can this be done safely? Will
08 it be done safely? Because we're
09 going to have to live with the reality
10 of what will and does happen, not what
11 can happen.

12 As a consequence we've
13 been in the process of compiling a
14 position paper, I will not bore you
15 with the details. We will enter them
16 into the record. But in closing I
17 would like to say that contrary to
18 what's been stated before, my wife and
19 I are property owners. And we do own
20 acreage and we could benefit from this
21 financially. And we actually belong
22 to the Northern Wayne Property Owners
23 Alliance because that was something
24 that we felt that we needed to do.
25 Technically we're property owners, but

01 frankly the bank owns it. I did not
02 inherit my property, I bought it at
03 the height of the market. And then
04 the economy imploded. And our ability
05 to afford that without protecting our
06 interests through a lease was frankly
07 impossible. But that does not mean
08 that we need to stand by and cheerlead
09 the industry, and it does not mean
10 that we don't have grave concerns
11 about this.

12 Signing the leases, many
13 property owners have done, is a risk
14 that they may have needed to take.
15 It's a risk that we regret having to
16 have to take. However, that does not
17 stop me from laying awake at night
18 hoping that perhaps there will be no
19 gas in my area and there will be no
20 need for them to come there.

21 HEARING OFFICER:

22 Mr. Mayers, I have to
23 cut you off there. But can you just
24 tell me what RESCUE stands for?

25 MR. MAYERS:

01 RESCUE historically
02 stood for Return the Ecology of
03 Susquehanna County Under Ecology.
04 HEARING OFFICER:
05 Okay.
06 MR. MAYERS:
07 At a time when it was
08 strictly a Susquehanna ---
09 HEARING OFFICER:
10 Okay.
11 MR. MAYERS:
12 ---- group.
13 HEARING OFFICER:
14 Okay.
15 MR. MAYERS:
16 It's evolved, not
17 necessarily to mean that.
18 HEARING OFFICER:
19 Thank you for your
20 testimony.
21 MR. MAYERS:
22 Thank you.
23 HEARING OFFICER:
24 I'll try to interpret
25 this card, Mr. or Mrs. Rosse. It says

01 Joris or Foris or ---.

02 MR. ROSSE:

03 Joris.

04 HEARING OFFICER:

05 There you go. I

06 couldn't quite get the J part.

07 MR. ROSSE:

08 It's Joris. J-O-R-I-S.

09 HEARING OFFICER:

10 Okay. Sorry.

11 MR. ROSSE:

12 R-O-S-S-E.

13 HEARING OFFICER:

14 Thank you.

15 MR. ROSSE:

16 Just to start off as to
17 where I'm coming from here, I oppose
18 the issuance of Stone Energy's
19 proposed permits being considered by
20 the DRBC that would take clean water
21 from the west branch of the Lackawaxen
22 and use it for fracking operations
23 that could expand greatly in the
24 region. They're based on --- I'll
25 have to read it to you right now.

01 I'll get closer to this mic.
02 As an attempt to
03 supplement all of the good words that
04 you've heard, why we should be
05 extremely cautious about permitting
06 any fracking in this area, it's called
07 honorable transition. It looks at
08 things in a big picture, somewhat
09 poetic way. It is our fate to be
10 saddled with feeling our way to an
11 honorable transition from failed state
12 markets to a possible new culture to
13 be nurtured by the exhilarating
14 renewal of a sustainable
15 eco-wisdom paradigm. There is no
16 guarantee of success. And the price
17 of failure is boundless loss,
18 suffering and death of the planet.
19 The unenviable assignment of the
20 cultural creators is nature given by
21 the promise of hope of development
22 that we find ourselves in. During
23 eons of promethean churning of earth's
24 crust, nature squirreled away a vast
25 storehouse of resources and evolved an

01 extremely complex and finely tuned
02 organism suspended in dynamic balance.
03 At this point along the path of
04 destiny the corporate definition of
05 personhood is the genie that needs to
06 be recontained less the caring
07 citizens lack the tools to rebalance
08 the ecosystems so mindlessly being
09 pushed beyond the limits of
10 sustainability.

11 As we will have heard
12 here again today those limits are
13 being probed by the fictional
14 corporate entities. Once again, the
15 system needs to be blessed with eyes,
16 nose, tongue, skin and brains to
17 remind us of the parameters within
18 which the playing fields must be drawn
19 in light of the latest planetary
20 developments. Hydrofracking is the
21 wrong and unecological process of
22 capturing energy at this extremely
23 sensitive ecological moment in
24 history. Sound reasoning and
25 compassionate hearts dictate that we

01 stack the positive multipliers that
02 beckon the soft ecological way
03 forward.

04 HEARING OFFICER:
05 Joris, could you ---?

06 MR. ROSSE:
07 One more sentence.

08 HEARING OFFICER:
09 Okay.

10 MR. ROSSE:
11 Relax the raptor's
12 conquering lyre, fine tune the
13 nurturing embrace of the healing
14 mother. There are better ways. Find
15 your good fortune there.

16 HEARING OFFICER:
17 Thank you. Faith Zerbe.

18 MS. F. ZERBE:
19 My name is Faith Zerbe.
20 I'm a biologist with Delaware
21 Riverkeeper Network. But today I talk
22 more as a citizen really. About five
23 days ago we had an opportunity to get
24 a bus to bring people up to the upper
25 watershed. And we thought, wow, okay,

01 can we pull it off in three or four
02 days. How will it work? Well, all of
03 the eloquent speakers, the last couple
04 times here, have come out, they come
05 all this way, over 300 miles, to talk
06 about this issue because it's their
07 water. There's eight million people
08 below New York that get their drinking
09 water from the Delaware River. It's
10 their water. It's their water. We
11 need to have a public meeting in that
12 area. We do not want to see our water
13 be given away by industry and by
14 profit. I want to stop to speak a
15 little bit about being a biologist in
16 the streams. I spend a lot of time,
17 again I live now in Delaware County
18 where we have one high quality
19 watershed, one high quality watershed
20 in my stream, that being special
21 protection. I grew up in Schuylkill
22 County where the streams run orange.
23 We've heard several people coming,
24 different generations coming and
25 saying, wow. We made that choice, our

01 forefathers made that choice years ago
02 to mine to get blood from a stone.
03 And now here we are again. Schuylkill
04 County, high quality watershed, guess
05 how many there are? There's 11. All
06 right. And you're talking about a
07 land use that is very similarly to
08 Wayne County. Very rural, lots of
09 forest. We have a lot forests in
10 Schuylkill County, but we have a lot
11 of polluted streams. And us, the
12 taxpayers, have again --- the industry
13 has externalized that cost and we're
14 paying for it. We can't let this
15 happen again. We just can't do it.

16 So here we are in Wayne
17 County. We have 46 high quality
18 streams. I just wanted to put that
19 statistic out there, 46 high quality
20 streams. And what I'll end with is,
21 we have the critters that live in the
22 stream; right? Again, I spend a lot
23 of time in waders in the spring. The
24 beauty of it is really coming up into
25 Delaware --- up into the Wayne County,

01 Pike County area and looking at that
02 incredible diversity of the critters
03 that live on that --- in that stream.
04 These critters are the base of the
05 food chain. They're important for the
06 fish, they're important for all of the
07 people that come up with eco-tourism
08 that want to get outside of
09 Philadelphia and outside of those
10 urban places that we have to spend our
11 time to enjoy the Upper Delaware
12 River.

13 My husband and I, we're
14 kayakers. We always come up here for
15 a respite, and we just enjoy it. So
16 I'd like to just say that we oppose
17 --- I oppose the Stone Energy
18 proposals. I believe there should be
19 a moratorium. I question that we
20 should have any type of fracking of
21 shale at all, and we need the studies
22 before anything moves forward. I also
23 would encourage us to have more public
24 meetings for the eight million people
25 that are downstream. Thank you.

01 HEARING OFFICER:
02 Iris Marie Bloom.
03 MS. BLOOM:
04 Thank you. I'd like to
05 thank everyone for their patience and
06 their incredible dedication to clean
07 water. Let me know if you can hear
08 me. My name is Iris Marie Bloom, it's
09 B-L-O-O-M. I'm with Protecting Our
10 Waters from Philadelphia. And I'm
11 here with Mark Barbash, a cofounder of
12 Protecting Our Waters. We came over
13 300 miles from Philadelphia today
14 because we want to protect our waters,
15 aquatic life, the air quality and
16 public health. We care about the 15
17 million water drinkers, 8 million of
18 whom are down river from the proposed
19 shale gas drilling sites in the
20 Delaware River watershed. In New York
21 City the study, the Hazen and Sawyer
22 study, has shown that there should be
23 no shale gas drilling within seven
24 miles of the New York City watershed.
25 We want no drilling in the Delaware

01 River watershed, including the
02 Schuylkill River.

03 But what we want to make
04 clear at this hearing is that we
05 oppose the issuance of Stone Energy's
06 proposed permit to withdrawal clean
07 water from the west branch of the
08 Lackawaxen for the following reasons.
09 It's a beautiful healthy river. It's
10 functioning to support aquatic life,
11 thank you, in a balanced way right
12 now. And it's far too small to
13 support a water withdrawal of this
14 size. The purpose of the water
15 withdrawal would be to drill not just
16 one, but many wells. We've heard 300
17 to 600 wells could be drilled with the
18 water from this water withdrawal.

19 Protecting Our Waters is
20 the citizens' alliance that has been
21 galvanized into action to call for a
22 moratorium until the following
23 conditions have happened. We want a
24 statewide moratorium until the
25 Pennsylvania water treatment

01 regulations are in place and in
02 effect. That won't be until January
03 1st next year at the earliest. We
04 should have no permits of any kind
05 until all of those water regulations
06 are in place. We need to have no
07 fracking with horizontal drilling with
08 these toxic chemicals and the flow-
09 back fluids, which are incredibly
10 toxic, until all of the federal
11 environmental regulations have been
12 --- exemptions have been listed, not
13 just the city Drinking Water Act, but
14 the Clean Water Act, the Clean Air
15 Act, Superfund law, the waste
16 treatment laws, all of the laws that
17 apply to our environment.

18 We need an environmental
19 impact statement. We also need a fine
20 created for baseline water testing so
21 that the property owners who have
22 signed these leases before they had
23 any idea how toxic and contaminating
24 this process is can get the baseline
25 water testing so that they know the

01 difference and they can measure the
02 difference when their water quality is
03 degraded.

04 Specific concerns
05 include salt. I'm just going to
06 mention what hasn't been mentioned
07 yet. That our streams and rivers
08 throughout --- from Massachusetts to
09 Maryland to Virginia are already too
10 saline. Studies have shown that some
11 streams are a hundred times as saline.
12 These are freshwater streams. This is
13 from roads deicing. So we already
14 have too much salt. Putting this
15 brine in our rivers is insane. 2-
16 Butoxyethanol has been found in
17 drinking water wells in Pavillion,
18 Wyoming. It's been confirmed that's a
19 foaming agent. This is insane.

20 HEARING OFFICER:

21 Iris, get to a closure.

22 MS. BLOOM:

23 Okay. Thank you. To
24 come to a closing, we speak on behalf
25 of future generations as well because

01 this --- 75 percent of this toxic
02 waste is left underground, and that is
03 going to be coming up over the next
04 100 to 300 years. Let's talk about
05 that. No permits. Thank you.

06 HEARING OFFICER:

07 Thank you. Elizabeth
08 Tatham.

09 MS. TATHAM:

10 Yes. Tatham,
11 T-A-T-H-A-M. I came up with the
12 Riverkeeper Network and a group that
13 has been working for 22 years to make
14 our drinking water and our rivers
15 safe. Before I start my remarks, I
16 would like to respectfully request
17 that the DRBC extend the period for
18 public input by at least one month and
19 schedule at least two more hearings.
20 One week's notice is not enough time
21 for this very critical issue. And
22 people who don't have a car have been
23 excluded.

24 The two proposed
25 projects for which Stone Energy has

01 requested permits are in direct
02 opposition to the intent of Congress
03 when it established the DRBC in 1961.
04 If it were not for this legislative
05 foresight and the vigilance and
06 actions of the DRBC, heavy industrial
07 use in this basin would have been
08 detrimental to drinking water, air
09 quality and scenic beauty in the past
10 50 years. I urge our five
11 Commissioners, Governor Paterson,
12 Governor Rendell, Governor Christie,
13 Governor Markell, Colonel DeLuca and
14 the executive director of the DRBC to
15 deny any permits for water removal and
16 pad construction for gas extraction by
17 hydraulic fracturing in this protected
18 area.

19 As we know, about 50
20 percent of the water and chemicals are
21 forced down a mile or more, and they
22 come back with the gas. Every time a
23 gas drilling compressor is turned on
24 or off, gas mixed with toxic chemicals
25 is released into the air. Reports

01 from communities that have had
02 fracking operations for more than five
03 years showed detrimental health
04 outcomes for many people who live near
05 a gas well. And some have had to move
06 out of the area. Last Friday I heard
07 Mayor Calvin Tillman of Dish, Texas
08 speak about their experience with gas
09 welling drill. They had a study done
10 because the trees near a compressor
11 had died. And they had samples taken
12 and analyzed by a respected
13 laboratory. It showed that methane
14 and multiple other carcinogenic
15 substances were found due to air
16 escape. There were 16 toxins that had
17 amounts above the safe long term
18 effect screening levels.

19 Another risk to people
20 is through the food chains, and
21 fracking operations near a farm can
22 effect animals that graze in
23 contaminate areas or drink water that
24 has airborne fracking chemicals.
25 Effects on children, babies, unborn

01 children and pregnant women,
02 especially, and the sick and elderly

03 all are grave concerns. In Fort
04 Worth, Texas where 1,600 gas wells
05 operate, the air is so bad that a
06 large number of children have asthma
07 and can't play outdoors anymore. The
08 value of homes has greatly dropped and
09 so has the quality of life due to
10 excessive noise, malodors, increased
11 traffic due to heavy trucks that run
12 day and night and air pollution.

13 Doctors have noticed the effects of
14 airborne neurotoxins on children as
15 well.

16 For the sake of the 15
17 million people who depend on the basin

18 for their drinking water, please
19 continue to guard and protect these
20 precious waters. We depend on you.
21 We depend on our DRBC to do what
22 they've done for 50 years, and that is
23 to protect this river. Until we get
24 this whole river basin back under the
25 freshwater --- the Clean Water Act and

01 we get regulations that will protect
02 us, we need you to say no. Thank you.

03 HEARING OFFICER:

04 Thank you. Kayla
05 Maloney.

06 AUDIENCE MEMBER:

07 Not here.

08 HEARING OFFICER:

09 Okay. Theresa McDevitt.

10 Is there --- yes.

11 MS. McDEVITT:

12 Hello. Theresa
13 McDevitt. My last name is
14 M-C-D-E-V-I-T-T. And I live in Beach
15 Lake in Wayne County. I'm very
16 concerned about the water withdrawal.
17 I've heard that 75 percent, at least
18 75 percent, of the water that is used
19 for fracking will stay in the ground.
20 And that is like one to five million
21 gallons of water per well. That's a
22 lot of water left underground. I have
23 heard that golf courses use more
24 water. But that water will find its
25 way back to be used again.

01 The water used for this
02 fracking process will be permanently
03 or at least for quite some time taken
04 out of use of the surface. Over time
05 this will amount to a lot of water not
06 being --- this will obviously have a
07 big draw on our water supply because
08 so much water stays underground.
09 Places where this type of drilling has
10 taken place Texas, Colorado, Atlanta
11 to name a few, have had major drought
12 conditions where water was seriously
13 low.

14 I'm also concerned about
15 the lack of responsible research done.
16 There are many states that have had
17 this type of drilling for some time.
18 We need more research on the effects
19 of this process. And is there a plan
20 in place that the worse scenario
21 happens? If our groundwater is
22 contaminated, is there a plan, and
23 then what is it? And I would ask for
24 a moratorium and more research done.
25 Thank you.

01 HEARING OFFICER:

02 Joe Zenes.

03 MR. ZENES:

04 Yes. Thank you. Joe
05 Zenes, Z-E-N-E-S. I'm a lifelong
06 resident of the area and I'm
07 affiliated with the Delaware
08 Riverkeeper Network. First of all,
09 I'm appalled that no real penalty has
10 been assessed to the illegal well
11 that's already been drilled. And
12 Stone Energy's coming and asking
13 permission for a well that they
14 already drilled. This sets a danger
15 precedent to future problems coming
16 along. And this also shows the
17 irresponsibility of the gas industry.
18 How can they be trusted to do the
19 right thing when they can --- you
20 know, when they go ahead and drill a
21 well when they know they need proper
22 permits and it's already done.

23 And this brings me to
24 point number two. It's very unclear
25 in the docket, the docket states that

01 this is a vertical well. But then it
02 goes on about hydrofracking. Now,
03 what is it, is it a vertical well or
04 is a horizontal well? They're
05 requesting a permit for a vertical
06 well that's already been drilled, but
07 they're also saying that this is going
08 to be a horizontal well. When does it
09 go from a vertical to a horizontal
10 well? I didn't see that in the
11 docket.

12 Next, the Lackawaxen
13 River was named PA river of the year.
14 Congratulations to them. And the
15 Dyberry Creek, which is a tributary
16 was recently upgraded to exceptional
17 value stream, the highest level a
18 stream can get in the state of
19 Pennsylvania. These headwater streams
20 of the Delaware River deserve the most

21 --- the maximum possible protection
22 that can be allowed. To the best of
23 my knowledge, the rule making process
24 is still ongoing. It does not provide
25 adequate protection for any of these

01 streams.

02 So therefore, I request
03 that you deny the applications as
04 they're presented until proper rules
05 and regulations are in place to
06 protect these special protection
07 waters in the Delaware River Basin. I
08 plan on providing addition testimony
09 later on. But one thing to think
10 about, all of these people said
11 they're going --- how rich we're going
12 to get, everybody's going to get rich
13 off this and the gas drilling is going
14 to generate all of this revenue. But
15 PA has, I believe, has the second most
16 amount of gas wells in the country
17 next to Texas. So why has the state
18 of Pennsylvania been having so much

19 financial problems after 150 years of
20 extracting gas and oil out of our
21 ground? Thank you.

22 HEARING OFFICER:

23 Davis Chant. I don't
24 see any movement out there. Is Davis
25 Chant still here? All right. I'll

01 move on. We'll put this off to the
02 side in case the person comes back.

03 Richard Kreznar.

04 MR. KREZNAR:

05 I'm Richard Kreznar,
06 K-R-E-Z-N-A-R. I'm a small business
07 man with rental property in Damascus,
08 PA. It is not right for anyone to
09 force me to subsidize a gas company or
10 to subsidize someone who leases to a
11 gas company. The DRBC has the
12 responsibility and the power to
13 protect the environment to the
14 Delaware River Basin and the moral
15 obligation to do what it can to
16 preserve the value of everyone's land,
17 home, and quality of life. I have one
18 acre with a house on the Delaware
19 River and I will lose money. I won't
20 be able to get the rent I am getting
21 now as the area changes from a
22 recreational area and becomes an
23 industrial zone. Also, the value of
24 my property will go down if I had to
25 sell it.

01 Put aside the
02 degradation of the environment; that
03 issue is obvious. The reason for
04 drilling is for one thing, money. But
05 to whom? A few large landowners and
06 the gas companies. Don't believe it
07 is for energy independence. If we
08 were truly looking for a good source
09 of energy and a way of creating jobs,
10 there would be a decisive push to
11 renewable energy. After the Delaware
12 River and the stream next to my house
13 is --- are messed up, what
14 compensation will I get? Who will put
15 it back together again? There is no
16 provision for the leasers or the gas
17 companies to be bonded. Until there
18 is an easy accessible fund for
19 compensation for damage and lost
20 value, no permits should be granted.

21 Reinstatement of the
22 Clean Air, Clean Water and Safe
23 Drinking Water Act should be completed
24 before any permits are granted. That
25 would help protect everyone's

01 investment whether they lease or not.
02 The need for a cost versus benefit
03 analysis is being recognized as
04 necessary before proceeding. That
05 would help answer some questions, such
06 as, how much of a reduction of
07 property values will residents suffer?
08 What will the losses to local
09 businesses be as tourism dries up?
10 How large of a tax increase will be
11 needed to repair the infrastructure?
12 How will reduced property assessments
13 do to the reduction in land and home
14 values factor in? Are the taxes being
15 collected from the gas companies and
16 the leasers sufficient? PA and New
17 York are the only two states without a
18 severance tax. An analysis such as
19 this would give someone who can't or
20 won't lease a better idea of how much
21 he will lose so someone else can gain.
22 It would also be informative to the
23 policymakers.

24 It is the American ideal
25 that one group cannot benefit unfairly

01 at the expense of another group. So
02 it should be understandable that I am
03 angry at being forced to subsidize the
04 gas companies and the people who are
05 leasing --- who lease we're drilling.
06 I have a large track, about 90 acres,
07 in Sullivan County where I live and
08 could in a short term make money. But
09 it is my duty to protect my land and
10 have something of value for my family.

11 HEARING OFFICER:

12 Richard, can I get you
13 to bring closure right there?

14 MR. KREZNAR:

15 You have --- yes, you
16 can. Three more lines. Keeping what
17 we have makes good economic sense.
18 Any decision about revising or
19 remaking, our communities have to
20 consider the big picture. Get all the
21 pieces in order, bonding sufficient
22 safeguards in thorough economic
23 assessment before you do irreparable
24 damage.

25 HEARING OFFICER:

01 Thank you. Susan
02 Blankensop. Did you speak already?
03 Okay. Richard Tannenbaum (phonetic).
04 AUDIENCE MEMBER:
05 He may be gone.
06 HEARING OFFICER:
07 Richard Tannenbaum.
08 I'll give one more try. Shirley
09 Masuo.
10 MS. MASUO:
11 Can you here me? Okay.
12 My name is Shirley Masuo. I'm with
13 Pro-Pike-PA. My last name is
14 M-A-S-U-O. I'm cofounder of
15 Pro-Pike-PA, which works for the
16 betterment of Pike County.
17 The state of
18 Pennsylvania is in the process of
19 trying to play catch up with the
20 problems the gas industry has created
21 across our state and our country. We
22 are counting on the DRBC to use common
23 sense and a careful and calm approach
24 towards the requests for permitting by
25 Stone Energy Company. In our opinion,

01 there is still information that needs
02 to be analyzed and some important
03 regulations and legislation put in
04 place before we can go forward with
05 natural gas drilling in the river
06 basin. It is extremely important that
07 a cumulative impact study be done on
08 hydraulic fracturing, as there are
09 sure to be many wells being drilled
10 simultaneously by more than one gas
11 company.

12 Does the DRBC know what
13 effect that will have on the water and
14 consequently the water quality? And
15 what about wastewater, part of which
16 will be dumped back into the river?
17 Water withdrawal for hydraulic
18 fracturing should not be permitted
19 until a gas drilling company can prove
20 that it is set up to recycle the
21 wastewater from its drilling on site
22 with a process that removes the total
23 dissolved solids. It is our opinion
24 that DRBC should not approve any
25 permits for natural gas related

01 projects, including gas wells, water
02 withdrawals, treatment facilities, et
03 cetera, until they have adopted the
04 natural gas specific regulations they
05 are in the process of developing. No
06 drilling should be done until
07 protective regulations are in place.
08 PA DEP is in the process of adopting
09 new construction and safety standards
10 for natural gas wells, and no permits
11 should be approved until these
12 regulations are implemented by the PA
13 DEP as well. Thank you.

14 HEARING OFFICER:

15 Thank you. Brenda
16 Seldin. One more time. Brenda
17 Seldin.

18 MS. SELDIN:

19 Here. Right here.

20 HEARING OFFICER:

21 Oh, there you are. I'm
22 sorry.

23 MS. SELDIN:

24 I'm pretty tall, didn't
25 think you could miss me.

01 HEARING OFFICER:

02 Well, there you go.

03 MS. SELDIN:

04 My name is Brenda
05 Seldin, spelled S-E-L-D-I-N. And I
06 live in Narrowsburg, New York. And I
07 have property in Fosterdale, New York.
08 And I came today because I
09 feel that whatever happens in
10 Pennsylvania will set the precedent
11 for what will happen in New York
12 State. I'm very concerned. I'm here
13 on the belief that if one can, one
14 should take action based on what is
15 the best for all --- what is the best
16 and highest good for all. And when
17 the gas drilling came into my area, I
18 have an 82-acre piece of property, I
19 thought to myself, oh, could this be
20 the answer to my problem? My husband
21 had been in the hospital and almost
22 passed away and we have a lot of debts
23 and I thought, oh, how easy it would
24 be for me to sign a lease and just
25 make all my money problems disappear?

01 But then going along with my
02 philosophy, I had to say to myself,
03 well, is this really good, is this
04 what is the best for my family, is
05 this what is best for my neighbors,
06 for my land, for all the creatures
07 that live on it, for my neighbors
08 downstream?

09 And then when you think
10 about the bigger picture with the
11 Delaware River, you think to yourself,
12 not just the people involved and the
13 drinking water, but what is the best
14 for the river herself. The DRBC I
15 consider to be the guardian of the
16 river. She has no one else to speak
17 for her and the all the creatures that
18 inhabit her that have no voices
19 themselves. And apart from all the
20 creatures in the river and the trees
21 and everything and the air, there's 15
22 million people who depend on her for

23 her water, and all of the people that
24 depend on her for the joy that they
25 get in coming up here and being able

01 to enjoy themselves in this wonderful
02 river. And all of this could change
03 once gas drilling starts the way it is
04 now. The way it is now, it is an
05 industry that can get away with so
06 much with pumping hundreds of unknown
07 chemicals into our earth.

08 I should say that in the
09 mid-'90s I had a wildlife
10 rehabilitation center in New York
11 City. I was a wildlife rehabilitator.
12 And I used to say to myself, oh, I
13 feel so good. I'm helping all of
14 these wild animals, putting them back
15 into nature, something that's such a
16 rare pleasure and blessing. But if
17 there's no nature to put them back
18 into, then we're all really lost. One
19 of the things that I saw in my
20 training, I was rehabbing in a center
21 in New Jersey, and periodically birds
22 would come from this area, this public
23 area in New Jersey, where 15 years
24 before the time that I started to
25 volunteer at this center this

01 pesticide --- I'm sorry, herbicide
02 that had been banned kept cropping up
03 periodically when there was an
04 increase amount of rainfall. And
05 animals would come in, very
06 specifically poisoned from its
07 effects. So you can see that even
08 though this herbicide had been banned
09 15 years previous to that, it was
10 still in the ground, it was still
11 coming up and it was still effecting
12 the animals.

13 So I do not believe that
14 you can pump hundreds of toxic,
15 neurotoxic, carcinogenic chemicals
16 into the ground and like a magician's
17 wand, poof, you don't see it. It's
18 disappeared. It will always be in
19 there, whether it comes back up or
20 migrates, whether it takes 10 years,
21 100 years, 200 years, we're
22 responsible for that. And I cannot
23 have that on my conscience. So I'm
24 here to please ask --- to please ask
25 you to please hold off on any permits,

01 to please allow the scientific process
02 to take place, to please allow
03 hydrofracking to become completely
04 safe because the natural gas will be
05 there. It's not going anywhere. And
06 I really understand the need for my
07 neighbors that sign. And I want them
08 to prosper. And I pray that if it
09 does go forward, that the
10 environmental and health apocalypse
11 that I foresee does not occur. I
12 really, really wish the best for
13 everybody. And I hope we all prosper
14 together, and I know we can.

15 HEARING OFFICER:

16 Thank you.

17 MS. SELDIN:

18 Thank you.

19 HEARING OFFICER:

20 Thank you. Talia

21 Lugacy.

22 MS. LUGACY:

23 Spell it?

24 HEARING OFFICER:

25 Yes.

01 MS. LUGACY:

02 L-U-G-A-C-Y.

03 HEARING OFFICER:

04 Just wait one second.

05 There's a couple people leaving,
06 unfortunately. But we are here to
07 listen to your testimony.

08 BRIEF INTERRUPTION

09 HEARING OFFICER:

10 All right. Go ahead.

11 MS. LUGACY:

12 Thanks. I just thought
13 it might be of some ---.

14 HEARING OFFICER:

15 Down here, the short
16 one, now.

17 MS. LUGACY:

18 There. I just thought I
19 might of some value to shed some light
20 on the company that is in question
21 here. And I'm going to submit written
22 testimony to sort of collaborate the
23 facts. And I'm just going to read.
24 Since 2001, Stone Energy Corporation
25 has faced several class action

01 lawsuits on behalf of its investors.
02 Since 2001, a formal investigation of
03 Stone Energy Corporation is being
04 conducted by the Securities and
05 Exchange Commission. By 2006 in
06 response to this, Stone Energy
07 Management attempts to sell their
08 company but every proposal was
09 unsuccessful. In 2006, a class action
10 lawsuit was filed against Stone Energy
11 for violating federal security laws
12 for misrepresenting and artificially
13 inflating Stone Energy and securities.

14 To now in 2010 Stone
15 Energy is paying out only initial
16 damages \$10.5 million. In 2004, a 435
17 barrel oil spill in Louisiana resulted
18 from a ruptured pipeline owned and
19 operated by Stone Energy, still not
20 remediated. In 2009, there was an
21 uncontrolled release of condensated
22 gas from a Stone Energy well in the
23 Gulf of Mexico, still not remediated.
24 In 2009, as we know, Stone Energy was
25 shut down for operating illegally

01 without a permit. In 2009, Louisiana
02 Oil and Gas Association reported a
03 property assessor filed lawsuits
04 against Stone Energy and several other
05 gas companies for failing to report
06 \$100 million in taxes over to the
07 state. So it's thought that in
08 addition to the mounting scientific
09 evidence that the process of drilling
10 is monumentally toxic, I thought we
11 could take a look at who you're about
12 to do business with. And like I said,
13 I'll --- there's other things in there
14 that I'll include in a written
15 testimony. But I thought it might be
16 another angle to look at this. So
17 thank you.

18 HEARING OFFICER:

19 All right. I thank you.
20 As I am looking through the remainder
21 here of registrants, I got about five
22 more, just so people know. Stephen
23 DiLauro.

24 MR. DILAURO:

25 Hi. My name is Stephen

01 DiLauro. I'm professionally known as
02 Uke Jackson. That's --- DiLauro is
03 D-I-L-A-U-R-O. Uke is U-K-E. Jackson
04 is just like the 20 dollar bill. I
05 want to say that I sincerely
06 appreciate the effort that everybody
07 made to come here and speak out
08 against this. I am not from here. I
09 live down in Delaware Water Gap,
10 Pennsylvania. The valley I live in,
11 Cherry Valley, was recently declared a
12 national wildlife refuge because all
13 of my neighbors and I who are property
14 holders got together and petitioned
15 the government to declare it, so ---

16 because we didn't want it destroyed.
17 So I'm very fortunate.
18 I don't think we're any
19 better off financially than the people
20 who are in this area who are --- and I
21 don't think anybody here who came up
22 here to speak out against this is
23 against people having money for their
24 property. That's a lie. Everybody
25 needs money. Everybody needs water

01 more. And that's a pretty simple
02 fact. I have heard some brilliant
03 testimony here against this today.
04 I've heard some very creative
05 testimony that I really enjoyed. I
06 appreciate that Joe Sestak sent
07 somebody here to speak, and I hope
08 he's our next senator.

09 I just want to say in
10 conclusion, that I think it's the
11 height of hubris that the executive
12 director of the Delaware River Basin
13 Commission called this meeting and
14 didn't bother to show up. And I'm
15 going to be on the phone and on the
16 e-mails tomorrow and I'm going to be
17 contacting my elected representatives
18 and asking for that person to be
19 replaced. I'm also going to contact
20 Mayor Bloomberg's office, Governor
21 Paterson's office, Governor Christie's
22 office, everybody I can write to. And
23 I'm going to say, get rid of somebody
24 who can't be bother to come hear the
25 people, but will take call from an

01 energy executive as soon as it comes
02 through I'm sure. I thank you for
03 your time. And there you go.

04 HEARING OFFICER:

05 Ramona Jan.

06 MS. JAN:

07 Hi. I'm Ramona Jan.

08 I'm a landowner in Damascus,

09 Pennsylvania, and a mom. Congruent
10 with the DRBC's old mission statement
11 that says, you will act as stewards of
12 the Basin's water quality,
13 conservation and protection for all
14 present and future generations, we
15 trust that the DRBC will do the right
16 thing. You are our greatest hope and
17 possibly our last frontier. And I
18 believe the people have spoken. Just
19 say no, not only to the Stone Energy
20 dockets, but all future gas dockets.
21 Thank you.

22 HEARING OFFICER:

23 Gokhan Seker. I hope I

24 said that right. G-O-K-H-A-N,

25 S-E-K-E-R. All right. Monica Hunken.

01 AUDIENCE MEMBER:
02 She spoke before.
03 HEARING OFFICER:
04 I thought she did. Tom
05 --- this is the last one I think. Tom
06 Yatsonsky.
07 MR. YATSONSKY:
08 Yatsonsky (corrects
09 pronunciation).
10 HEARING OFFICER:
11 There we go. You're
12 speaker number 75.
13 MR. YATSONSKY:
14 Okay. Thank you. I'm
15 Tom Yatsonsky, that's
16 Y-A-T-S-O-N-S-K-Y. I'm with Damascus
17 Citizens for Sustainability.
18 Dear DRBC members and
19 fellow citizens, I am here to express
20 my views regarding the issuance of a
21 water withdrawal permit and permit for
22 a natural gas well drilling by Stone
23 Energy in PA using hydraulic
24 fracturing. I am a hundred percent
25 opposed to both of these measures.

01 The natural gas well drilling and the
02 whole industrialization process is
03 intrinsically intoxicating to our air,
04 water and land.

05 Everywhere that they
06 have started in our area there have
07 been ecological problems. Near the
08 Creenton (phonetic) well, according to
09 people I know who live nearby that
10 site, certain homes have been unable
11 to use their tap water because of
12 contamination. In Dimock, PA, there
13 are 90-square miles where people
14 cannot drink their water because of
15 methane gas contamination caused by
16 nearby natural gas drilling. At the
17 Robson site in Wayne County, north of
18 Honesdale, a petroleum distillate has
19 been leaking from a well pad site and
20 has caused the death of trees and
21 vegetation and has contaminated that
22 area. There are over 250 toxins ---
23 toxic chemicals that are used in the
24 gas drilling process, 90 percent have
25 negative human health effect, such as

01 neurotoxins, endocrine disruptors and
02 carcinogens. Volatile organic
03 compounds from the natural gas itself
04 cause health problems and include
05 benzene, toluene, xylene, hydrogen
06 sulfide and ethylbenzene. Methanol is
07 used as an anti-freeze in gas well
08 operations. Two tablespoons of this
09 methanol will cause blindness and four
10 ounces will cause death to a person if
11 accidentally ingested.

12 According to Doctor Theo
13 Colborn in Colorado, people who live
14 near these gas operations were
15 experiencing severe health problems.
16 2-Butoxyethanol, or 2-be is used in a
17 fracking fluid. 2-be is tasteless,
18 odorless, colorless and very soluble
19 in water. People that were drinking
20 the water had 2-be present and
21 urinating blood. No one knew why
22 until they realized that 2-be
23 discolors --- dissolves the fat out of
24 their red blood cell, causing death of
25 the red blood cell. Another woman

01 developed a rare adrenal tumor caused
02 by --- and it caused her blood
03 pressure to sky rocket. These are
04 just some of the problems that people
05 are --- were experiencing.

06 In Dish, Texas, people
07 living near gas well operations were
08 experiencing other health effects from
09 the 16 toxic volatile organic
10 compounds which are also neurotoxins,
11 carcinogens and endocrine disruptors.
12 Besides having to breathe this hideous
13 sickening odor, the health effects
14 include brain disorders, difficulty
15 breathing, allergies, dizziness,
16 frequent nausea, chronic eye
17 irritation, severe headaches, throat
18 irritation, muscle aches, increased
19 fatigue and sinus problems.

20 There's also problems
21 with the flow-back water after the
22 well has been fracked. Normally
23 occurring radioactive materials are
24 present underground at these depths
25 and are brought back to the surface in

01 the flow-back water. Some radioactive
02 developments in this toxic
03 carcinogenic brain are uranium,
04 radium, strontium, barium and others.
05 At the present time there is no safe
06 way to treat this because some of
07 these elements, like uranium, have
08 half lives of 1,600 years and produce
09 radon gas, which is also toxic. Other
10 radioactive isotopes like uranium are
11 longer.

12 On an average, only 70
13 percent of the flow-back water is
14 recovered and sent to a treatment
15 facility, which at the present time is
16 still inadequate to properly treat
17 these dangerous fluids. Thirty (30)
18 percent is left in the ground. And
19 with time, these toxic --- this toxic
20 flow-back water will migrate
21 underground to pristine aquifer
22 streams, lakes and rivers
23 contaminating them.

24 In closing, please allow
25 a cumulative environmental impact

01 study of all aspects of gas well
02 operations to occur before issuing any
03 permits to gas companies. Thank you
04 very much.

05 HEARING OFFICER:

06 Is there anybody who ---

07 AUDIENCE MEMBER:

08 Yes.

09 HEARING OFFICER:

10 No. Is there anybody
11 --- hear me out. Is there anybody who
12 didn't get a chance to speak at all
13 today who is still here? Yes, sir?
14 Did you have an interest in speaking?

15 MR. LONDON:

16 Yeah. I filled out a
17 form but I filled it out late, so ---.

18 HEARING OFFICER:

19 Oh, okay. All right.
20 Maybe I lost it or called you and we
21 missed you.

22 MR. LONDON:

23 How are doing? My name
24 is Jan London, L-O-N-D-O-N.

25 HEARING OFFICER:

01 Okay.

02 MR. LONDON:

03 I live in Teaneck, New
04 Jersey. I also have some property up
05 in Sullivan County, New York in
06 Narrowsburg. I wanted to voice my
07 opposition for the Stone Energy
08 withdrawal. I feel that this is an
09 industrial process that must be forced
10 to streamline this operation to clean
11 up its dismal track record and
12 basically to let technology catch up.
13 We're taking the infancy of this
14 process and we want to force it on an
15 area that has pristine water and I
16 think it's a waste.

17 Technology must be
18 improved, no matter what the cost, to
19 create a safe clean gas removal
20 process. If it's not financially
21 possible to extract gas cleanly and
22 safely, then it should be left in the
23 ground. I heard someone before
24 mention earthquakes. I have a friend
25 that works at Lamont Laboratories,

01 that's at the Columbia University lab
02 in Nyack, New York. And about two or
03 three years ago we were talking about
04 earthquakes, and she said that there's
05 many earthquakes in New York State all
06 the time. They are ones, twos.
07 They're small earthquakes, so we don't
08 hear about them. But what's the
09 effect of a two on the Richter scale
10 to a cement pipeline? That's with
11 forced gas inside of that pipeline.
12 Or what fissures that exist that are
13 too small to let gas migrate, what
14 happens to those over a period of
15 time?

16 Sullivan County's got a
17 problem going on right now that I
18 think is kind of indicative. We have
19 a dump. They opened up a dump about
20 25 years ago. They said this was
21 going to solve all of our problems,
22 and we have a place to dump our waste
23 for 50 years. And they just closed
24 the dump and now we're saddled with
25 \$40 million in debt and everybody's

01 being assessed huge taxes, and they're
02 trying to figure out how to make it
03 work. Everything's going to be now
04 trucked out. Anyway, just another
05 false promise that ended up like they
06 usually do: in greed. Somebody sure
07 made a boatload of money offshore.

08 So basically, I'm asking
09 for a five-year moratorium on water
10 withdrawal and gas drilling in the
11 area so we can monitor other states
12 that presently have this process. And
13 we could study it and let technology
14 catch up. Thanks a lot.

15 HEARING OFFICER:

16 Thank you. Is there
17 anybody else out there who has an
18 interest in speaking and did not get a
19 chance? Yes, ma'am? I think we're
20 running out of people, so ---.

21 MS. SALISBURY:

22 I didn't sign up, but my
23 name is Sandra Salisbury. And I just
24 have a couple minor points.

25 HEARING OFFICER:

01 Can you spell your last
02 name?

03 MS. SALISBURY:

04 S-A-L-I-S-B-U-R-Y.

05 HEARING OFFICER:

06 Okay.

07 MS. SALISBURY:

08 So much has been covered
09 here, but I just wanted to put in two
10 cents in terms of economic benefits.
11 I lived in Delaware County near
12 Hancock, moved up here a few --- got
13 property in '94. We have some acres,
14 altogether about 40 acres, 42 acres,
15 which we have not leased. But when I
16 came up here in 2005, we opened a
17 bread and breakfast, which serves
18 primarily trout fisher persons. Camp
19 parents who send their children to the
20 beautiful camps that are in our area
21 in Pennsylvania and New York State.
22 And I sell real-estate, and my husband
23 is growing garlic organically on our
24 acreage. All of those businesses are
25 basically kaput if this occurs. And

01 the tourism business I believe will
02 drop off extensively. The camps will
03 be ruined. Who will send their
04 children here if they have any sense?
05 Real estate is bad all over, but in
06 our area it's particularly slow. I
07 can't really in good conscience sell
08 real estate because I don't want to
09 put someone in a box where they spend
10 a lot of money to realize their dream
11 and see their property value ruined
12 and be in a place where they don't
13 want to be.

14 The land that is sold
15 has been --- the big tracks have
16 already been sold to speculators.
17 Property values now will go down.
18 Banks will not in most cases give you
19 a mortgage on a property that has been
20 leased or is next to a property that's
21 been leased. So you're just stuck
22 with it. And if you don't want to
23 live on it, too bad. And as far as
24 farming, we live in an area where the
25 water is everywhere. It gushes out of

01 the ground in springs all over our
02 property. If there is --- and there
03 is gas-leased land all around us that
04 if there are contaminates and they're
05 coming up in the water, they're going
06 to come up right on our property
07 everywhere. We have a water problem
08 already in our house.

09 So I think the economic
10 benefits, I agree with all of the
11 people who see it as a sort of zero
12 gain. We will pay probably far more
13 than we will ever bring in as a result
14 of this gas drilling, and that is true
15 of individuals who lease their land
16 and is also true of the state of New
17 York and the state of Pennsylvania as
18 a whole when you factor in all of
19 those costs. So I clearly am against
20 the drilling and think we need a
21 moratorium for all the reasons that
22 everyone has proposed. Thank you.

23 HEARING OFFICER:

24 I want to thank
25 everybody for ---. Mary Ellen, I

01 don't think I'm going to go around a
02 second time. You had a chance, you
03 had three minutes. We have a
04 Commission meeting next week. I'm
05 sure you could find a way to squeeze
06 in some comments at that meeting.
07 We've surpassed five hours here. So
08 what I want to do is end that with the
09 fact that people can follow up with
10 comments in writing, whatever format
11 you want, between now and March 12th.
12 And we will take all of the comments
13 under consideration here. I know
14 there are things like we ought to have
15 more than one hearing, we ought to go
16 down the Basin, a moratorium, a
17 cumulative impact analysis, all of the
18 things. So we will engage the
19 Commissioners on those issues and see
20 what their --- what their preference
21 is. But thanks all for sticking it
22 out until the end. Thanks. Bye.

23 * * * * *

24 HEARING CONCLUDED AT 8:24 P.M.

25 * * * * *

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CERTIFICATE

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04

I hereby certify, as the stenographic

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and accurate record to the best of my ability.

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