

BEFORE THE
DELAWARE RIVER BASIN COMMISSION

* * * * *

IN RE: NATURAL GAS HEARING

SESSION I

* * * * *

BEFORE: CAROL R. COLLIER, Executive Director,
Hearing Officer

William J. Muszynski, Member

HEARING: Thursday, February 24, 2011
1:30 p.m.

LOCATION: Patriots Theater at the War Memorial
1 Memorial Drive
Trenton, NJ 08625

Reporter: Nicole Montagano

Any reproduction of this transcript
is prohibited without authorization
by the certifying agency.

1 WITNESSES: John Harmon, Marjorie Lofland, Madeline
2 Rawley, Carol Gay, Jeff Zimmerman, Maya Van Rossum,
3 Jeff Tittel, Tracy Carluccio, Jim Walsh, Mav Moorhead,
4 Kate Millsaps, Joe Levine, Allan Nowicki, Marian
5 Schweighofer, Sylvia Kingston, James Kilgore, Carol
6 Woodmansee, James Seif, Betty Ann Sutliff, Cynthia
7 Wildermuth, Debbie Yanacek, Walter Yanacek, Gunther K.
8 Unflat, Ned Lang, John Woodmansee, Robert E. Bell, Sue
9 Mickley, Sandra Davis, Jerry Dowd, Elizabeth Tatham,
10 Denise Millon, Aaron Bertholf, Buck Moorhead, Margaret
11 Unflat, Robert J. Putnam, Harold Wood, Bob Ward, Elias
12 Varga, John Moon, Frank Osterman, Jan London, John
13 Veil, Arthur Kifers, Andrew McGrath, Owen Crowley,
14 Alice Joyce, Tim Graham, David Braun, Ling Tsou,
15 George David Ebenberg, Angela Monci Fox, Paul
16 Peloquin, Mary Ellen Cronly, Margery Schab, Jerry
17 Silberman, Charles Olson, Shannon Ayala, Tim Devaney,
18 Sandra Folzer, Cliff Westfall, Teresa Stimpfel, Deb
19 Marci Bloom, Alex Allen, Iwatika Kulschyczi, Stefani
20 Houland, Ron Hine, Coralie Pryde, Priscilla Linden,
21 George Fluck, Connie Borichevsky, Karina Wilkinson,
22 Leona Fluck, Ethelyn Honig, Leathea Vanador, Jenny
23 Axelrod, Amanda Martinez, David Lam, Amy Hansen,
24 Thomas N. Church, Sheila Gallagher, Wendy Byrne, Bill
25 Wolfe, Larry Menkes, Matt Bralow, Rodney Platt

I N D E X

1		
2		
3	OPENING REMARKS	
4	By Hearing Officer	8 - 13
5	PRESENTATION	
6	By Mr. Muszynski	13 - 24
7	TESTIMONY	
8	By John Harmon	24 - 26
9	By Marjorie Lofland	26 - 27
10	By Madeline Rawley	27 - 28
11	By Carol Gay	29 - 30
12	By Jeff Zimmerman	30 - 32
13	By Maya Van Rossum	32 - 33
14	By Jeff Tittel	33 - 35
15	By Tracy Carluccio	35 - 37
16	By Jim Walsh	37 - 39
17	By Mav Moorhead	39 - 41
18	By Kate Millsaps	41 - 42
19	By Joe Levine	42 - 44
20	By Allan Nowicki	44 - 46
21	By Marian Schweighofer	46 - 47
22	By Sylvia Kingston	47 - 49
23	By James Kilgore	49 - 50
24	By Carol Woodmansee	50 - 52
25	By James Seif	52 - 54

I N D E X

(Continued)

3 TESTIMONY

4	By Betty Ann Sutliff	54 - 55
5	By Cynthia Wildermuth	55 - 57
6	By Debbie Yanacek	57 - 58
7	By Walter Yanacek	59 - 60
8	By Gunther K. Unflat	60 - 61
9	By Ned Lang	61 - 63
10	By John Woodmansee	63 - 64
11	By Robert E. Bell	64 - 65
12	By Sue Mickley	66 - 67
13	By Sandra Davis	67 - 69
14	By Jerry Dowd	69 - 70
15	By Elizabeth Tatham	70 - 71
16	By Denise Millon	71 - 73
17	By Aaron Bertholf	73 - 75
18	By Buck Moorhead	75 - 76
19	By Margaret Unflat	76 - 77
20	By Robert J. Putnam	77 - 78
21	By Harold Wood	79 - 80
22	By Bob Ward	80 - 81
23	By Elias Varga	81 - 82
24	By John Moon	82 - 83
25	By Frank Osterman	83 - 85

I N D E X

(Continued)

3 TESTIMONY

4	By Jan London	85 - 87
5	By John Veil	87 - 88
6	By Arthur Kifers	88 - 90
7	By Andrew McGrath	90 - 92
8	By Owen Crowley	92 - 94
9	By Alice Joyce	94 - 95
10	By Tim Graham	95 - 96
11	By David Braun	96 - 98
12	By Ling Tsou	98 - 100
13	By George David Ebenberg	100 - 101
14	By Angela Monci Fox	101 - 102
15	By Paul Peloquin	103
16	By Mary Ellen Cronly	104 - 105
17	By Margery Schab	105 - 106
18	By Jerry Silberman	106 - 108
19	By Charles Olson	108 - 109
20	By Shannon Ayala	109 - 110
21	By Tim Devaney	110 - 112
22	By Sandra Folzer	112 - 114
23	By Cliff Westfall	114 - 116
24	By Teresa Stimpfel	116 - 117
25	By Deb Marci Bloom	117 - 119

I N D E X

(Continued)

3 TESTIMONY

4	By Alex Allen	120 - 121
5	By Iwatika Kulschyczi	121 - 122
6	By Stefani Houland	122 - 123
7	By Ron Hine	123 - 124
8	By Coralie Pryde	125 - 126
9	By Priscilla Linden	126 - 128
10	By George Fluck	128 - 129
11	By Connie Borichevsky	129 - 131
12	By Karina Wilkinson	131 - 133
13	By Leona Fluck	133 - 134
14	By Ethelyn Honig	134 - 135
15	By Leathe Vanadore	135 - 136
16	By Jenny Axelrod	136 - 138
17	By Amanda Martinez	138 - 139
18	By David Lam	139 - 140
19	By Amy Hansen	140 - 142
20	By Thomas N. Church	142 - 143
21	By Sheila Gallagher	143 - 144
22	By Wendy Byrne	144 - 145
23	By Bill Wolfe	145 - 147
24	By Larry Menkes	147 - 149
25	By Matt Bralow	149 - 150

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X
(Continued)

TESTIMONY

By Rodney Platt 150 - 151

CLOSING REMARKS

By Hearing Officer 151

P R O C E E D I N G S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HEARING OFFICER:

Please take your seats. I'd like to call this hearing to order. I'd like to start this proceeding with the pledge of allegiance, if you can all stand.

PLEDGE OF ALLEGIANCE RECITED

HEARING OFFICER:

Good afternoon and welcome. I'm Carol Collier, executive director of the Delaware River Basin Commission, and will function as the Hearing Officer for today's public hearings. Thank you for taking the time out of your busy schedules to participate in the hearings.

BRIEF INTERRUPTION

HEARING OFFICER:

We have a policy, people who are taking numbers to testify, but we probably won't get through all the numbers.

BRIEF INTERRUPTION

HEARING OFFICER:

I hope that is the last of that that we have because we really are here to hear your concerns through your testimony and what the court reporter

1 will be getting into the record so that we can respond
2 to it. Time is short, and we all want to hear from
3 you. This is the fifth of six hearing sessions
4 conducted this week in three locations. On Tuesday we
5 held two sessions at Honesdale, Pennsylvania, and one
6 at Liberty, New York. All sessions will collectively
7 allow for hopefully a total of 18 hours of oral
8 testimony.

9 Before launching into a specific
10 procedure to conduct this meeting, I would like to
11 take a moment to express my gratitude to a member of
12 the staff here at the War Memorial and the State of
13 New Jersey for the use of this facility. I'd also
14 like to introduce two people from the Commissioners.
15 Eric Rope is here from the Corps of Engineers,
16 Philadelphia District. Corps of Engineers is our
17 federal Commissioner and represents the president and
18 all federal agencies. And John Buster is here from
19 the State of --- excuse me, the Commonwealth of
20 Pennsylvania.

21 As you know --- there was a press release
22 and public notice on December 9th, announcement
23 available, the draft behind the gas development
24 regulations on the Bureau's website. Notice initiated
25 a 97-day comment period, provided for public hearings

1 to accept oral testimony, and establish formal
2 proceedings for filing written comments to be accepted
3 through March 16. We are using the National Park
4 Service's electronic comment system called PEPC for
5 Planning Environmental and Comment Systems.

6 Comments are directly received and will
7 be reviewed by agency staff of Commissioners to
8 develop responses, including changes, rules ---
9 changes to the rules as appropriate. Less there be
10 any confusion on this point, I want to emphasize that
11 the DRBC, not the National Park Service, is conducting
12 this rule-making, including the review of the oral and
13 written comments. The PEPC site's a valuable tool
14 that will help us report and sort out all the written
15 comments efficiently, but it's DRBC who is conducting
16 the process. We thank the National Park Service
17 heartily for making PEPC available to us. To date we
18 have received over 1,200 comments electronically and
19 over 400 copies --- hard-copy comments.

20 Today's hearing includes two sessions.
21 The first one's from 1:30 to 5:00 p.m. The second is
22 6:00 to 9:30 p.m. Each will begin with a very short
23 presentation to provide a high-level overview of the
24 proposed rule. We also have provided at the
25 registration table a two-page, at-a-glance, fact

1 sheet. Both sources of information are intended to
2 establish a common frame of reference for your
3 comments today. The doors open at 5:00 p.m. for the
4 6:00 p.m. session. And any of you diehards that want
5 to stay on for that are welcome to stay.

6 I also want to acknowledge that the
7 Commission has received numerous requests, no doubt
8 we'll get more requests today, for extension of the
9 comment period and holding of more public hearings.
10 Please be aware that the Commissioners are considering
11 these requests and will announce their response at our
12 regularly scheduled DRBC meeting next Wednesday, March
13 2nd.

14 Let me just go through a few of the
15 logistics. A second document distributed at the
16 registration table focuses on rules and guidelines for
17 conduct. These rules are intended to help sustain the
18 flow of the hearing, to allow as many people as
19 possible to be heard, and to ensure that an accurate
20 record of all comments is obtained. We hope to hear
21 from 150 people during the six hours of testimony, and
22 hopefully possibly more.

23 I'd like to reiterate just a few of the
24 rules to make sure we have a civil and orderly
25 proceeding. One, commenter may speak once during a

1 hearing session. Comments will be recorded by a court
2 reporter. Please begin by stating your name, your
3 place of residence, and if you wish, your affiliation.
4 Speak clearly so that we can ensure we come away with
5 an accurate record. Commenters will have two minutes
6 each, and time will be strictly observed. Once a
7 commenter's time is ended, the commenter must stop
8 speaking and leave the microphone area. Lastly, I
9 implore you to please remain quiet during the
10 testimony so that the court reporter can produce an
11 accurate record. We've handed out 100 numbers this
12 afternoon. We expect to get through 75 speakers, but
13 we gave out extra numbers with the hope of fitting in
14 as many as possible. I will call ten numbers at a
15 time. When called, please step forward and sit in the
16 front row, and Rich Moore will assist you. Public
17 officials who have pre-registered will speak first.

18 We appreciate everyone's cooperation and
19 thank you for your participation in the rule-making
20 process. So let's get started. May I have speakers
21 one through ten please come forward and sit up front?
22 And at the same time, I'd like to turn over the
23 presentation portion of this proceeding to Bill
24 Muszynski, who is manager of the water resource
25 management branch, and will give a short summary of

1 the regulations. Thank you.

2 MR. MUSZYNSKI:

3 Good afternoon, everyone. This is just a
4 pictorial view of the basin stretching from the ocean
5 all the way up to the headwaters, the reservoir
6 systems, and the river plan. The Commission, for
7 those of you who are not familiar with it, was founded
8 in 1961. There are five signatory members to that
9 Commission, four states, and the federal government,
10 and the federal government is represented by the
11 general and local division, U.S. Army Corps of
12 Engineers.

13 The Marcellus Shale as you --- the shale
14 itself is about 34 percent of the Delaware Basin, and
15 it just happens to coincide ---. I know it's
16 difficult to see probably way in the back. The dash
17 line is the shale formation, and the darker area is
18 what would be designated as our special protected
19 water areas. And they tend to overlap in the
20 Pennsylvania and New York areas.

21 The Commission has estimated that about
22 15,000 to 18,000 horizontal wells would be developed
23 or are proposed to be developed. These do not include
24 vertical wells, but these are the horizontal wells.
25 They cover about 2,000 to 2,200 well pads depending on

1 how many actual wells are put on a pad, and we're
2 estimating somewhere between six to eight, possibly
3 potentially even ten. These well pads are about five
4 acres each and they would cover anywhere between
5 10,000 and 12,000 acres. And there would be
6 additional acreage that would be required for
7 supporting infrastructure, pipeline, connected
8 pipelines, and roads.

9 The expected ordinance for this type of
10 development for the fraction, hydraulic fracking
11 process of the shale formation per well would be about
12 five million gallons per horizontal well constructed.
13 And if you translate that to the number of wells that
14 we've estimated, that would come out to about 90
15 billion gallons, assuming there is no reuse of the
16 fluids that actually flow back after the fracturing
17 process has been --- is taking place.

18 With reuse, between 90 and up to 100
19 percent of that, you would still need about 72 billion
20 gallons of water. This development is expected to
21 take place over a 20, 10 to 25, 30-year period, and it
22 would follow a bell-shaped curve if it follows
23 practices that it has in other state developments with
24 a certain number of them being constructed at the top
25 of that bell.

1 The flow-back water that I mentioned,
2 that's the water that comes back after the initial
3 hydraulic fracking --- the formation takes place, we
4 estimate to be in the 10 to 20-percent range. When we
5 first started in this process, that estimate was
6 higher, but looking at the experiences that are
7 occurring in Pennsylvania, particularly in the
8 Susquehanna River Basin, the flow-back estimates are
9 --- have come down a bit. That remains about a
10 million gallons back per well, and that would equate
11 to 18 billion gallons over that 10 to 20-year period.
12 If it's reused, then it doesn't need to be treated as
13 a wastewater treatment disposal facility. However, if
14 it's not --- 18 billion gallons of wastewater. The
15 issue is, of course, the --- capability in the basin
16 as well as at capacity rather and then capability of
17 those treatment plants to actually treat these
18 wastewaters.

19 The regulatory strategy that the
20 Commission graded the regulations around are, number
21 one, the water withdrawal. Clearly we are concerned
22 about protecting surface and groundwater sources,
23 preserving ecological flows. And water is also used
24 for the purposes --- for disjointed purposes, existing
25 plants that are out there and in a similar capacity

1 issue that needs to be protected, as well. The well
2 pad and the infrastructures themselves, the
3 regulations would provide for --- provide currently
4 for a --- development plan, and they also look to
5 manage and track the use of water and any wastewaters
6 that need to be disposed from where they originate
7 from to where they eventually would be disposed of and
8 discharged.

9 There are proposals in the regulations to
10 also monitor and protect the surface water and
11 groundwater sources, and I'll go into that in a bit.
12 The wastewater disposal side, the Commission sees the
13 need to ensure the receiving water bodies of these
14 facilities are protected and also to make sure that
15 the wastewaters, if they are going to be disposed of
16 as opposed to reused, that they get to where they're
17 supposed to be going, and that those facilities are
18 approved for that purpose.

19 The purpose, and again, I'm not sure I
20 have to tell this to a lot of people that are out
21 there. This is a basin that provides water to over 15
22 million people. It's an incredible natural resource
23 in the Mid-Atlantic, metropolitan area. Three-
24 quarters of the basin is --- three-quarters of the
25 non-title river is designated as a National Wild and

1 Scenic River System. And there's exceptional water
2 quality in the one portion of the river that we have
3 designated as special protection water.

4 The regulations also are complying with
5 some of the existing regulatory requirements that the
6 Commission has, both in the contact that was provided
7 by the signatory parties. It supplements our
8 comprehensive planning. And so the regulations that
9 we have on the books for many years that are addressed
10 in these regulations are the groundwater --- or
11 groundwater Section 340 regulations, that are
12 protecting groundwater sources, our floodplains, which
13 have been around for many years. And our special
14 protection waters, which I mentioned, and, of course,
15 water, wastewater, water and water quality regulations
16 which are on the books already.

17 The proposed regulations do --- first of
18 all, consolidate. I mentioned that strategy of water,
19 well pads and wastewater treatment, these regulations
20 consolidate many of the existing regulations into one
21 place, as well as to create regulations around the
22 well pads themselves. They provide both certainty and
23 clarity, we hope, to both the industry and to the
24 public. They conclude a new process called the
25 approval by rule process for water sources and

1 wastewater. We have five Commission meetings a year.
2 All of the approvals are basically given at one of
3 those five Commission approvals, and looking at, for
4 instance, the Susquehanna, the approval by rule
5 process for water, we adapted some of what they do and
6 put a proposal for that in those regulations.

7 These regulations also rely on New York
8 and Pennsylvania programs and expertise to regulate
9 well construction and operations, so you will not be
10 seeing case requirements, cementing requirements as
11 part of these regulations because we are relying on
12 both of those states. And these regulations do not
13 just apply singularly to the Marcellus Shale
14 formation, but they apply for all natural gas targeted
15 formations.

16 The regulations are set up in sections,
17 and types of approval that are provided for under
18 these regulations and the water release and withdrawal
19 area is public, and also the well pad, well pad public
20 notice and procedures. If you meet certain
21 conditions, if you're an existing water body --- water
22 referral and meet certain conditions, you can get this
23 approval by rule. It's either by the executive
24 director ---. If you are not, then those --- you can
25 apply and you can say for a docket approval which

1 would be done by the Commissioners or considered by
2 the Commissioners at a public hearing. And the same
3 is true for the well pads.

4 For the natural gas development plan and
5 any wastewater discharges that are applying to ---
6 treatment facilities that are applying to receive
7 approval under this, they must go through the formal
8 Commission process which is done at a public hearing.
9 For water withdrawal, I'm looking at, you can get new
10 sources, those sources that are not being used at
11 present or have had Commission approval. Those
12 sources would have to go under or go through the
13 docket procedure because they don't have current
14 Commission's approval.

15 If there are existing approved sources
16 that have some excess capacity in them, withdrawal
17 capacity, and then they can apply to the Commission
18 under this proposed rule before the executive director
19 approval. Reuse and recovery flow-back and production
20 waters would be incorporated into the docket for the
21 well pad and approved by the rules for the well pad or
22 the actual natural gas development plan itself.

23 Imported water, that's water that is
24 brought into the basin, any water that is brought into
25 the basin must receive Commission approval, and that's

1 done at a Commission meeting so that would be a
2 docket. So that would give you some idea of how that
3 is split up.

4 The water referrals --- existing
5 resources, as I mentioned, under certain conditions
6 can get the approval by the water process. There are
7 water tracking and recording requirements. These
8 would make sure that the water is being used for the
9 purpose that the Commission approves of for that
10 purpose, and that it gets to where it's supposed to be
11 going. Our current rules for water withdrawal,
12 especially groundwater withdrawals, for instance, have
13 active testing requirements to make sure that the
14 withdrawal of that water is not in some way making an
15 impact on the groundwaters.

16 The same thing for the surface water
17 withdrawals. We have passed our requirements that
18 apply to surface waters to make sure that the stream
19 flows are protected for the ecological uses.

20 For the well pads and the natural gas
21 development plan approvals, there's several things
22 that apply and I'm not going to through them all, but
23 there are a couple of them. They're all siting
24 restrictions and setback requirements. You can get
25 the approval by rule for well pad if you meet certain

1 conditions. There is water and wastewater tracking
2 requirements. Once again, under tracking requirements
3 from the water source, we are now tracking associated
4 with the actual well pads where the water is being
5 used. And if wastewater is taken up, recycled or
6 reused, it's tracking on that. So it's sort of a
7 built-in system.

8 We're also requiring for the high volume
9 fracturing wells, background groundwater and surface
10 and monitoring sample at the site. That would be done
11 by the companies that are running these sites.

12 BRIEF INTERRUPTION

13 MR. MUSZYNSKI:

14 Under the national gas plan there are
15 mostly additional planning requirements. And let me
16 just go over that right now. This basically is the
17 spine of the natural gas development plan that
18 requires that at least these area maps be provided to
19 the Commission. It provides for a landscape map which
20 essentially lays out the existing areas that are on
21 there, the existing geology, hydrology, et cetera,
22 soils, mapping, et cetera. I'm not going into them
23 all, but basically gives you the picture of what's on
24 the released areas now.

25 It also requires well siting. These are

1 some of the well siting setbacks and conditions that
2 we had on there. I emphasize that the siting
3 requirements are not absolute prohibitions. There are
4 deviation, ability to get for them --- but they'd have
5 to be done through the docketing procedure. And when
6 we put this map together, that makes what we call a
7 circulation map which is really a plan for all of the
8 development of at least these areas within a set
9 period of time that is provided in the approval. The
10 intention here is that rather than deal with a single
11 well pad, a single well pad by a single well pad, that
12 we would have a comprehensive development plan for
13 that area. Anybody who is going to be putting in more
14 than five well pads in the basin or has more than
15 3,200 acres, at least must do this plan.

16 The wastewater discharge proposal. All
17 treatment facilities that are going to be accepting
18 this type of wastewater, there's a treatability study
19 requirement. This study requirement in particular is
20 designed to make sure that if they're going to accept
21 this waste, that testing is done in advance to make
22 sure that not only it would meet certain criteria for
23 discharge purposes, but also that it would not
24 interfere with the current discharge operations that
25 they have at that facility.

1 Each facility will be looked at site
2 specific. Many of the treatment plants that were
3 approached initially do not have site specific
4 discharge requirements for these types of wastewaters,
5 and so each one of them would have to be looked at
6 individually and receive a review to make sure that
7 effluent criteria are correct and protected. We also
8 require analysis for acute and chronic toxicity
9 section, as well as the total dissolved solvent
10 requirements that are currently part of the
11 Commission's requirements.

12 As Carol mentioned, there are two public
13 hearings, four sessions held. This is the third
14 public hearing session. The comment period ends on
15 March 16th, 2011. I will re-emphasize again that
16 there are several ways to get your comments into the
17 Commission. One is the electronic submission where
18 you see the PEPC system, which you go through the DRBC
19 website. The other is paper submissions that are
20 mailed to delivered to the Commission's secretary.
21 Submissions that are sent to us by e-mail or sent to
22 the Commissioners are not going to be part of the
23 record. It's too difficult to control where those
24 comments go and whether or not we are going to be able
25 to collect them all. So this system was set up so

1 that we made sure that we get all the comments. In
2 addition, any comments that are provided verbally here
3 as part of the hearing or in writing, if you give them
4 to Rich Moore or several of the EPA people --- excuse
5 me, the DRBC people. So the DRBC people that are here
6 to make sure they get into the record. All of these
7 comments will eventually be put into the PEPC system
8 and considered. And our intention by using this
9 system is that it's a much more transparent system,
10 that everybody will be able to see electronically the
11 types of comments that were received as opposed to
12 just a response to this document. And hopefully,
13 respond to your requests that you normally get. And I
14 receive real comments as opposed to your summation of
15 the comments. Thank you very much.

16 HEARING OFFICER:

17 If we can have the lights up and we'll
18 call number one.

19 MR. HARMON:

20 Good afternoon. My name is John Harmon.
21 I'm founder and president, CEO of the African-American
22 Chamber of Commerce in New Jersey. Our organization
23 is dedicated to economic empowerment, supporting
24 sustainable business growth, and ensuring that all New
25 Jersey communities have the opportunity to prosper.

1 The African-American Chamber of Commerce provides
2 advocacy and support throughout the State of New
3 Jersey's business community and closely affiliated
4 with the National Black Chamber of Commerce which
5 represents 95,000 black business owners.

6 I strongly believe that the success of
7 African-American or American businesses inextricably
8 link to the sources success of domestic energy, et
9 cetera. For our economy to grow and be competitive in
10 the global economy we need a steady supply of cheap,
11 reliable energy. I've kept close tabs on expansion of
12 America's natural gas resources in the northeast and
13 the ongoing work of the Delaware River Basin
14 Commission. And the Marcellus region is very lucky to
15 be sitting on top of an abundant source of clean
16 burning natural gas. While my home state of New
17 Jersey is not a national gas producer, the state
18 indirectly benefits from the well sites and investment
19 in neighboring states.

20 New Jersey is strategically located as a
21 shipping hub to provide materials for building
22 projects and providing transportation services.
23 Reports show that natural gas has supported \$58
24 million in construction industry and \$1.5 billion in
25 the transportation setting. This is in New Jersey

1 alone.

2 As a DRBC member, New Jersey's business
3 community must voice its concerns regarding overly
4 stringent regulations that would discourage this type
5 of investment. While there's an important place for
6 DRBC and state regulators, our policy makers must not
7 place rules that will slow the booming natural gas
8 sector. At the end of the day, what we are really
9 talking about is the impact on the regulation of jobs.
10 Thank you for this opportunity to voice our concerns
11 to the public.

12 MS. LOFLAND:

13 Marjorie Lofland, Sellersville One, I
14 guess District 145. Thank you for letting us speak.

15 The tooth that I put under my pillow was
16 still there in the morning and I cried my heart out.
17 Momma rocked me and assured me that I needed very much
18 to let everybody know so the tooth fairy would hear
19 me. The next morning, mother load. It was really
20 fabulous.

21 In the fall, a representative from DRBC
22 spoke before the Philadelphia City Council assuring
23 them that the backflow was brine. This means there is
24 water underground. Shale leaks. If you've been
25 anywhere around shale like road cuts, people see in

1 the wintertime the frost, the icicles coming out of
2 the middle of the shale, this is the nature of that
3 type of rock. We've got lots of it in Pennsylvania.
4 Upstate, it's absolutely magnificent with some of the
5 formations that are nearly vertical.

6 About 80 percent, this is what the new
7 assessment was of the fracking fluids that are pumped
8 in, stay underground. What you put in there stays.
9 It gets into the water and the water will wicket.

10 Any kind of an organization that has
11 employees and stockholders needs to show a positive
12 bottom line. Putting no regulations with these people
13 is like putting putty ground full of children out
14 there without control. It doesn't work. The wells
15 are being dug by humans. Humans are not zero defect.
16 Please, take care of our watershed. Thank you.

17 MS. RAWLEY:

18 My name is Madeline Rawley. I'm from
19 Bucks County. I'm an elected official in Doylestown
20 Township. I'm actually a committee person, which is
21 the lowest level of elected official in American
22 politics. I like to think that we are closest to the
23 people, and I wanted to speak for the people and their
24 basic need.

25 Their most basic need is water. And I

1 ask you please to wait. I have a question. Three
2 words. What is the rush? The rush is anything other
3 than wanting to help people, then you're wrong. Don't
4 rush. Please wait until more studies come out and
5 we're able to know all of the effects of the water ---
6 on the water in the environment in our Delaware River.

7 I grew up along the Hudson River and
8 spent many years in towns there. We were no longer
9 able to go into that river after a while because some
10 corporation had dumped chemicals into it. I had a
11 friend who fished in that river. He persisted in
12 fishing in that river. He gave me the fish. I'm
13 happy I didn't eat it. He did, and he died an early
14 death of liver cancer. So these are the reasons why I
15 am so concerned. And I just say to you, please do not
16 rush into this decision. Give us a little more time
17 until we find out more about the effects of this kind
18 of drilling on people, their health, our environment
19 here in and along the Delaware River which I'm so
20 happy to live against and near.

21 And I ask you, please, another three
22 words I've had said to me since I was young. Haste
23 makes waste. So I'll say to you, please, please wait
24 until you know more before you issue these
25 regulations. Thank you.

1 MS. GAY:

2 Good afternoon. I'm Carol Gay. I'm from
3 Brick, New Jersey. And I'm here in opposition to the
4 hydrofracking and drilling of these wells. Why?
5 Hydrofracking is an extremely dangerous process. It
6 is unsafe for animals. It is unsafe for people. It
7 is environmentally risky and will cause groundwater
8 contamination. As dangerous as it is, it is not
9 subject to the Clean Water Act, the Clean Air Act, or
10 the Safe Drinking Water Act. How could something as
11 valuable and essential as our drinking water supply
12 system be exempt from these important and life saving
13 acts?

14 This exemption is totally outrageous, and
15 you may be thinking that it's not within your power to
16 change this exemption but it's up to Congress to do
17 that. Well, you certainly can use the power and
18 influence of this Commission to make sure that
19 Congress does add this dangerous process to the Clean
20 Air Act, the Clean Water Act, and the Safe Drinking
21 Water Act.

22 But more importantly, you can use the
23 power of this Commission to ensure that no fracking
24 takes place in New York, New Jersey, or Pennsylvania.
25 You can use your power to protect our drinking water

1 system, and you have a responsibility to the 15.6
2 million people in Pennsylvania, New York, and New
3 Jersey who live in the Delaware River Basin and you
4 can prevent this drilling. You can prevent this in
5 the Marcellus Shale.

6 The fluid that is used in the hydraulic
7 fracking process contains 596 chemicals and uses 1.6
8 million gallons of water each time the fracking takes
9 place. So we're talking about all these toxic
10 chemicals being pumped into Mother Earth and
11 contaminating our water supply. Water is sacred.
12 Water is necessary for life. No corporation should
13 have the right to destroy our drinking water.

14 HEARING OFFICER:

15 Thank you.

16 MR. ZIMMERMAN:

17 Good afternoon. I'm Jeff Zimmerman. I'm
18 Counsel for Damascus Citizens for Sustainability,
19 Friend of the Upper Delaware River, and NYH20. I want
20 to start with a little history lesson.

21 During the 1970s, almost every single one
22 of the major environmental laws in this country were
23 passed by Congress and signed by the president. The
24 Clean Air Act in 1970, the Clean Water Act in 1972,
25 the Toxic Substance Control Act of 1976, the Safe

1 Drinking Water Act of 1974, the Direct Resource
2 Conservation Recovery Act of 1976, and the
3 Comprehensive Environmental Liability Compensation and
4 Liability Act, Superfund, we all know it as.

5 But before all of those, the cornerstone
6 of our environmental regulations in this country was
7 set by the National Environmental Policy Act of 1969.
8 What NEPA required is the internalization of
9 environmental considerations and the decision making
10 of every agency subject to the Act. The cornerstone
11 of NEPA is the environmental impact statement
12 requirement on all proposals for legislation of a
13 major federal action significantly affecting the
14 quality of the human environment. Those proposals
15 must be accompanied by an environmental impact
16 statement. It is fundamental to me that the statement
17 be available to the public for use in formulating its
18 comments on the proposal for action.

19 DRBC is a federal interstate agency and
20 therefore subject to NEPA. During the 1970s, DRBC had
21 extensive NEPA regulations and did numerous EISs and
22 environmental assessments. But then in the early
23 1980s it decided it couldn't afford to do them
24 anymore, and so it suspended it. It didn't remove it.
25 It suspended its obligations under NEPA.

1 Over a year ago, you commented --- you
2 proposed that DRBC would do a cumulative impact
3 assessment. You should be doing that and have it
4 available for us to comment on during this process.
5 Thank you.

6 MS. ROSSUM:

7 Good afternoon. My name's Maya Van
8 Rossum, and I'm the Delaware Riverkeeper. There are
9 alternative sources of energy that don't require shale
10 drilling or hydrofracking. There is no alternative
11 for water. Gas and profits may be inviting to some,
12 but water is essential to us all.

13 The amount of fresh water on earth in our
14 region and in our basin is finite. And yet the DRBC
15 is proposing that these regulations to give hundreds
16 of billions of gallons of our fresh water to the
17 drillers, not in the form of a temporary use that will
18 eventually return to our water systems but a permanent
19 taking. Either the drillers are making up to nine
20 million gallons of water per well so toxic we can't
21 use it again, except for more drilling, and we are
22 making it loose in the environment to contaminate
23 other clean water and healthy environments, or they're
24 locking away our river's water underground in that
25 toxic condition so that it can never, ever be

1 available for human or animal use ever again. Either
2 situation is untenable and unacceptable.

3 Today, our Delaware River is healthy in
4 its upper reaches, and it's healthy because of the
5 hard work of many people who cared enough to fight for
6 the health and the protection of our Delaware River.
7 But the quality of that water is fragile. And in our
8 lower reaches, we already struggle from pollution, and
9 we already have water battles in our basin. And yet
10 the DRBC dares that the quality and the available
11 quantity of our precious Delaware is for drilling.

12 DRBC does not have the knowledge needed
13 to craft a set of regulations that would protect our
14 water, our air, our land, and our communities from
15 shale gas drilling. We're talking about toxic
16 pollution, sprawling industrial development and waste,
17 increased flooding, a permanent loss of fresh drinking
18 water. But the DRBC is inexcusably refusing to do the
19 needed scientific work before it pushes out its
20 regulations and opens the door wide for the gas
21 drillers. This can't be.

22 HEARING OFFICER:

23 May I call numbers 11 through 20 to come
24 forward, please? Sir, you may proceed.

25 MR. TITTEL:

1 Jeff Tittel, director of New Jersey
2 Sierra Club. I'm here representing our more than
3 100,000 members that get water out of the Delaware
4 River. I'm here representing our 1.3 million members
5 and supporters nationwide. The future of the Delaware
6 River is at stake, and so is the water supply for 15
7 million people, 3 million here in New Jersey.

8 We believe that this hearing is an
9 appropriate place because right outside this door is
10 where the Trenton Waterworks is. And what happens
11 upriver affects all of us. We are concerned that the
12 current rules do not adequately protect this river
13 from its biggest threat, which is fracking fluids. We
14 believe that these rules should be put on hold, that
15 moratoriums should stay in place until the studies
16 from the USGS and EPA are done and we can do a more
17 comprehensive rule that also follows NEPA. We believe
18 that these current rules do not do that.

19 We are concerned that under the current
20 conditions in the northern part of the basin we'll be
21 turning our faucets into tiki torches and our river
22 into a toxic sump. It has taken 30 years for this
23 river to come back. I live in Lambertville along the
24 river. It took 20 years or more before the shad
25 started coming back. The river has gotten cleaner.

1 Now we're going to reverse it.

2 Back in the '70s, we stopped Tox Island.
3 Now we're going to turn it into a toxic river. And
4 that is the concern that we have. Besides that, the
5 destruction of hundreds of thousands of acres of
6 forest for drilling pads, supporting pads, roads,
7 assembly places, and so on and so forth, we also have
8 serious concerns in New Jersey because that gas coming
9 out of Pennsylvania, they want to cut slats through
10 the highlands and through the critical water supply
11 watersheds in northern New Jersey to take that gas to
12 New York City and actually drill through our
13 reservoirs.

14 We believe that what we see with these
15 rules is a depth, like 10,000 spills. And that is a
16 concern that we have for the water supply and for the
17 watershed for the people of New Jersey and this
18 region. All we want to say at the end is just
19 basically it's our water. It's our river. Frack, no.

20 MS. CARLUCCIO:

21 Tracy Carluccio, Delaware Riverkeeper
22 Network. I expect we're going to hear a lot of myths
23 today about the economic benefits of gas development.
24 Dr. Janet Barrs, an economist, has examined the
25 economic data and points out that property values

1 decline, drinking water contamination increased,
2 infrastructure costs and stream, land, and air
3 contamination has led to unexpected expense for
4 communities where drilling is occurring.

5 2,486 gas well violations in Pennsylvania
6 in 2010 alone. She also points out that with gas
7 drilling, other industries decline such as sustainable
8 industries such as agriculture, sport hunting and
9 fishing, tourism, and organic farming. These costs
10 must be factored in in order to get a realistic
11 economic picture of a short-term boom that an infusion
12 of cash to a limited number of landowners who lease
13 out mineral rights. This does not translate into a
14 public economic recovery. Let's get real. They don't
15 even tax gas in Pennsylvania or New York. The public
16 will be left with a bill for cleaning up the mess,
17 especially since the gas industry's exempt from the
18 Superfund law.

19 Cleaning up pollution once it occurs is
20 actually not really possible. Groundwater that is
21 ruined is virtually forever polluted. This is
22 especially true when you're dealing with a radio
23 nuclei with a half-life of 1,600 years, and radon, a
24 half-life of 4.5 billion years, both of which are
25 produced by shale gas drilling in Pennsylvania.

1 What it comes down to is not just who
2 makes a fast buck but who pays the ultimate cost of
3 the activity, and how much will it cost. And what
4 about our obligation to promote the general welfare
5 like our Constitution says? Or is it okay to spray
6 carcinogens in the air from your backyard or poison
7 downstream waters like ours because you're making
8 money? Is it all justifiable to put in a toxic waste
9 dump for a lucrative lease? Sadly, these things may
10 actually come to pass with gas development now or in
11 the future. How will future generations judge us for
12 this boom? Only the DRBC knows for sure because the
13 Bureau regulations that would define it.

14 MR. WALSH:

15 Hi. My name's Jim Walsh. I'm speaking
16 on behalf of Food and Water Watch, a national
17 non-profit organization that advocates for common
18 sense policies for safe water and safe food.

19 We support a ban on hydraulic fracking in
20 the Delaware River Basin because we have seen
21 extensive research documenting potential dangers these
22 processes pose on water. We are talking about our
23 drinking water here. Something that people need to
24 live. Make sure you don't forget that.

25 There are more than 1,000 documented

1 cases of water contamination near drilling sites
2 around the country. Fracking chemicals are toxic and
3 can leak into drinking water when injected or
4 contaminated water from spills and accidents can pose
5 serious problems for drinking water, as well. We're
6 concerned that the Delaware River Basin Commission is
7 moving forward with regulations rather than
8 prohibiting drilling in these areas. These proposed
9 regulations are not strong enough to protect the
10 public health or the impacts of the environment of gas
11 drilling.

12 Among other issues, they do not specify
13 space requirements between wells, which could allow
14 many wells to be drilled close together creating
15 industrial landscape upstream, mind you. These do not
16 address the possible harm from cumulative water
17 withdrawals. They do not specify wastewater standards
18 for chemicals specific to hydraulic fracturing fluids
19 and radioactive elements that may be present in the
20 produced water that comes from gas drilling. They
21 rely on inadequate state regulations in many regards,
22 including stormwater management, well construction,
23 and wastewater storage facilities, and they do not
24 consider the impacts that air pollution can have on
25 water quality. Thank you for your consideration of

1 this matter. We'll provide further details in written
2 comments. We provided copies of our report, Not so
3 Fast, Natural Gas to members of the Commission. I
4 urge you to read this. It's a lot of important
5 information in there about the impacts fracking can
6 have on our drinking water. Thank you very much for
7 your time.

8 MS. MOORHEAD:

9 Thank you for allowing me to speak. I'm
10 Mav Moorhead with NYH20. Wastewater storage
11 facilities are wholly inadequate impoundments in their
12 placement in ability to lease and evaporate,
13 contaminate the air and groundwater, suffer toxic
14 infringements and limited --- unlimited use to come,
15 has loophole after loophole to allow us to suffer ill
16 effects that migrate to indeterminate distances and
17 degrees. All that exacerbated by the threat of
18 flooding and erosion has all been ignored.

19 Since the industry is leaving 85 percent
20 of the chemical-produced wastewater in the frac wells,
21 these wells should be classified as injection wells
22 under the secret rules, and each well therefore
23 requires an indicated EIS study. It is therefore
24 incumbent that the setback rules should be deemed the
25 distance not only from the well but from the entire

1 length of the distance of the horizontally shattered
2 shale, the fracking process, where the possibility of
3 underground migration is likely.

4 The most basic tenant specific ingredient
5 to hazardous toxic chemical compounds and the
6 resultant mix combinations are not known in detail.
7 Withholding this critical information by the industry
8 is reason enough to wait before action to further this
9 development process is permitted. Allowing the
10 process without full disclosure of the chemicals is as
11 tantamount negligence of the highest order. Even
12 knowledge --- even no carcinogenic chemicals are
13 allowed to be used by the industry and are not --- and
14 are not prohibited by the DRBC. Diesel, which is
15 prohibited by the EPA, is not even excluded by the
16 DRBC.

17 Radiation and the produced toxic water
18 with no acceptable means of disposal has no
19 foreseeable answer. Injection wells and landfills do
20 not offer any rational means of disposal for radiation
21 whatsoever. The lack of safety standards in regard to
22 drilling, cementing, casing construction is ignored by
23 the DRBC, causes pollution, blowouts, gas migration.
24 Once full disclosure of this hazardous waste is
25 achieved, you will see decline in the current industry

1 practices and consequently the toxic process of
2 hydraulic fracturing horizontal drilling.

3 HEARING OFFICER:

4 Thank you.

5 MS. MILLSAPS:

6 Kate Millsaps with New Jersey Sierra
7 Club. New Jersey's legislators are joining New Jersey
8 Congressman Rush Holt, New York Congressman Hinchey,
9 Mayor Bloomberg, and the New York City Council, and
10 Philadelphia Council in urging this Commission to
11 delay the implementation of natural gas development
12 rules. The legislators urge you, the DRBC, to delay
13 the adoption of regulations on natural gas development
14 until the science of the studies being compiled by the
15 U.S. EPA and the DRBC are completed.

16 Thirty-five (35) legislators have signed
17 on so far, and they are concerned that the drinking
18 water for approximately three million New Jersey
19 residents and our key economic industries will be
20 jeopardized by the premature adoption of these rules.
21 Their biggest concern, that hydraulic fracturing has
22 been found to use a variety of contaminating chemicals
23 and materials that can suddenly and in an uncontrolled
24 manner be introduced into the surface waters and
25 groundwater of New Jersey.

1 The legislators urge the DRBC to delay
2 the adoption of these rules stating, quote, our
3 representatives on the DRBC need to protect New
4 Jersey's interests and ensure that the state's
5 drinking water and its economy are not placed at risk
6 by adopting natural gas rules without science ---
7 sound science. Who are these 35 legislators? Senate
8 President, Stephen Sweeney; Senate Majority Leader,
9 Barbara Buono; Senate Deputy Minority Leader, Diane B.
10 Allen; Deputy Majority Leader, Senator Paul Sarlo;
11 Senator Sandra B. Cunningham, the Majority Whip;
12 Assemblyman John Burzichelli, the Deputy Speaker;
13 Assemblyman Peter J. Barnes, Majority Whip; along with
14 the Chairman of both the Assembly and the Senate
15 Environment Committee, and five Assembly Deputy
16 Speakers.

17 The adoptions of these rules are
18 premature and place our drinking water at risk.

19 HEARING OFFICER:

20 Thank you.

21 MR. LEVINE:

22 Joe Levine, Damascus Citizens and NYH20.
23 Regulations for shale gas fracking must be based upon
24 a cumulative impact study. These regulations, the
25 best made regulations, cannot make drilling safe.

1 This is proven by what is happening where drilling is
2 presently taking place. Just look at Pennsylvania.

3 Fracking is intrinsically contaminating.
4 It is not a decades-old, proven technology. It is
5 just a few years old and is allowed only because it is
6 exempt from relevant regulations. There are no
7 reports that can conclude this is safe because it's
8 not possible to come to that conclusion.

9 These regulations should start by
10 rescinding the exemptions if they are intended to
11 protect our water. The dominant elements of the
12 hearing record are the Hazelman-Sawyer report and the
13 New York State Watershed Inspector General report, and
14 the no less than eight reports submitted to the DRBC.
15 All of these reports say that this technology is not
16 safe, the risks are too great, and therefore you
17 cannot allow it, and it must be banned until it is
18 proven to be safe. Even the industry's own Society of
19 Petroleum Engineers says there is substantial risk and
20 failures and accidents in all aspects of the drilling
21 process.

22 The rate of accidents or failures exceeds
23 one percent by all reports, sometimes five times that
24 high. That means if there are 20,000 wells, there
25 will be 200-plus accidents and failures. What will we

1 do when our aquifers are contaminated by endemic
2 (phonetic)? One accident like the one in Clearville,
3 PA will spew millions of gallons of toxic poison that
4 does not degrade into our rivers. And nothing was
5 done wrong in those incidences. It's just the nature
6 of the operation.

7 In fact, Slummers (phonetic) Aid just put
8 out a memo yesterday that they won't get away with
9 this technology in Europe. It's too brute. If you
10 examine the record of shale gas fracking, it poses too
11 many risks to the basin resources. There should be no
12 ---.

13 HEARING OFFICER:

14 Thank you.

15 MR. LEVINE:

16 Thank you.

17 MR. NOWICKI:

18 Good afternoon. My name is Allan
19 Nowicki. I'm a lifelong resident and landowner from
20 the Commonwealth of Pennsylvania, as well as a
21 landowner in the State of New York. I'm a husband,
22 father, grandfather, farmer, businessman, and hold a
23 Bachelor of Science degree in civil engineering. I've
24 been a lifelong hunter, fly fisherman, and
25 conservationist, and I've always been concerned about

1 wildlife and water quality.

2 In December 2007, I formed a company
3 known as Pennswood Oil and Gas, LLC, of which I am the
4 president, CEO, and owner. I went through the
5 necessary background checks, letters of credit, and
6 bonding that are necessary to become a licensed well
7 driller under the regulations of the Pennsylvania DEP.
8 I applied for and was granted and currently hold two
9 natural gas drilling permits from the Commonwealth of
10 Pennsylvania located in Wayne County.

11 On June 23rd, 2009, I met with the staff
12 of the DRBC in attendance of the required pre-drilling
13 conference. My surveyor, engineer, and hydrologist
14 also joined me at this meeting. I was assured that
15 the regulations were shortly forthcoming from the DRBC
16 that would allow for the production of natural gas as
17 well as the protection of the water within the basin.

18 Here we are 20 months later, and the
19 regulations that have been proposed by the DRBC are
20 unacceptable, unworkable, over reaching, and
21 unconscionable. Under these proposed regulations, the
22 oil and gas industry cannot access capital markets,
23 create jobs, spur economic activity, or explore and
24 develop natural gas. The production of natural gas in
25 the Delaware River Basin, while it's in the national

1 security of our United States of America, and lessens
2 our dependence on expensive foreign oil. I implore
3 you to reconsider your proposed regulations. Thank
4 you.

5 MS. SCHWEIGHOFER:

6 Hi. I'm Marian Schweighofer. I'm the
7 executive director for the Northern Wayne Property
8 Owners Alliance. I'd like to thank you for the draft
9 that you've put out. I'd also like to request that
10 you not extend the comment period. A three-year wait
11 is more than sufficient. This hall is not even full
12 of speakers, so there's time adequate.

13 Our main priority is that we keep the
14 power home in our state where we as landowners vote
15 and pay taxes. We're in favor of common sense
16 regulations that will protect the environment and
17 allow for prudent exploration and production for all
18 of the residents in Pennsylvania. These goals are not
19 mutually exclusive. DRBC should be playing an
20 important role.

21 How do we oppose vast and potentially all
22 encompassing authority that this draft places in the
23 hands of DRBC and even in the executive director's
24 hands of DRBC? DRBC offers no reason for intruding on
25 what historically has been the state's domain. On

1 page seven, the draft regs say that DRBC will defer to
2 the states, but it's an Indian giver because in
3 Section 7.5, there's a mile-wide exception that reads
4 that --- rejects all possible approval by rules and it
5 opens the door to allow the DRBC to control over our
6 land use matters. With the Section 7.5 standards and
7 the 500-foot setbacks and other setbacks, we end up
8 with zero deferrals to the respective states, zero
9 approvals by rules, and zero drilling possibility.

10 These regs show that the DRBC is either
11 disingenuous or incompetent. United States is not
12 interested in a dictatorship and neither are we as
13 Pennsylvanians. The arbitrary power in the hands of
14 the DRBC, which is a bureaucratic agency, we would
15 rewrite the Section 7.5 leaving that the states should
16 maintain their sovereign rights and control over gas
17 permitting and enforcement with the DRBC serving as an
18 interested party through legal memorandums of
19 understanding and legal binding agreements. Thank
20 you.

21 HEARING OFFICER:

22 Excuse me. We're going through the
23 numbers. Yes, ma'am.

24 MS. KINGSTON:

25 Hi. I'm Sylvia Kingston, resident and

1 landowner in Damascus Township, Wayne County. And I'm
2 here because it's unconscionable that DRBC has taken
3 three years and come up with very flawed draft
4 regulations. The biggest problems are that the
5 proposed process is backwards. The regulations
6 superimpose standards on the states to be enforced by
7 the DRBC staff that is inexperienced in regulating oil
8 and gas. The states should control with the DRBC
9 authorized to make suggestions prior to state
10 permitting of wells.

11 In addition, the excessive setbacks of
12 500 feet and all inclusive definition of what
13 constitutes a water body will prevent drilling on
14 virtually all land in the Upper Delaware River Basin.
15 States' rights, as well as property owners' rights are
16 not being protected. The DRBC cannot be allowed to
17 develop into an unaccountable super agency that
18 renders states useless. Tremendous discretionary
19 powers given to DRBC executive director and staff, and
20 there is enormous potential for abuse of discretion,
21 and this lack of certainty will eliminate long-term
22 investment in our region.

23 DRBC is overstepping the limitations of
24 the compact by getting involved in land use issues and
25 it's completely ignoring its responsibility for

1 economic development of the basin which goes
2 unmentioned in these regulations. There's no time
3 limits on the DRBC to enact --- to act ensuring death
4 by delay for all significant projects. It appears the
5 regulations have been created with the express purpose
6 of banning all drilling in the region. Please amend
7 the regulations to be meaningful, and no more delays.
8 Three years is enough.

9 MR. KILGORE:

10 Good afternoon, Ms. Collier. Appreciate
11 the time. My name is James Kilgore. My wife and I
12 own more than 1,700 acres, mostly contiguous within
13 the Delaware River Basin in Scott and Buckingham
14 Townships in northern Wayne County, Pennsylvania. Our
15 lands are enrolled in American Tree Farm System and
16 Forest Stewardship Program. We have participated in a
17 number of federal and state programs to enhance
18 forests and wildlife habitat on our lands. We are
19 committed to caring for our lands and promoting good
20 stewardship practices to protect the environment,
21 water supply, and wildlife. Our lands are enrolled in
22 the Pennsylvania Clean and Green Program and remain
23 committed to keeping our lands an open space with good
24 farming practices.

25 In keeping with our belief that good

1 stewardship can go hand in hand with reasonable
2 economic development, my wife Denise and I support
3 development of the natural gas resources within the
4 Delaware River Basin. That said, the proposed draft
5 Delaware River Basin Commission's drilling regulations
6 are so onerous that they have slammed and locked the
7 door on gas exploration or production within the
8 basin. These proposed regulations must be streamlined
9 and redrafted to comply with the realities of natural
10 gas exploration with the appropriate environmental
11 oversight spearheaded by state agencies that are
12 currently tasked to oversee natural gas exploration
13 and production within the basin.

14 Please go back to the drawing board and
15 make the common sense changes provided in these
16 hearings and in written testimony, and redraft the
17 proposed drilling regulations so they will encourage
18 quality companies with solid reputations to develop
19 the resource. You have the key. Please unlock the
20 door. Thank you for your time.

21 MS. WOODMANSEE:

22 Carol Woodmansee, landowner. DRBC does
23 not represent the citizens in Wayne County. We did
24 not elect you, so why am I here pleading with you to
25 allow me to keep the rights to our land that we've

1 enjoyed for over 200 years? It is unconstitutional
2 for a government entity to confiscate the people's
3 land without remuneration. So if you want to over
4 regulate us out of gas or out of bringing our gas to
5 market, why aren't you paying us the fair market value
6 of our gas?

7 New York City, New Jersey, and Delaware
8 have polluted their water sources. There is
9 technology to make these water sources palatable. So
10 why aren't the citizens of these states asking their
11 representatives to raise their taxes to pay for the
12 cleanup of these rivers? Why is all the financial
13 burden to supply clean water put on our citizens in
14 Wayne County? Pennsylvania has paid their monetary
15 dues to DRBC on time every year. So why is it New
16 York City is behind in their fees to support the DRBC?
17 Pennsylvania owns 51 percent of the land in the DRB,
18 so why does it only have a 20-percent say in the
19 decisions that the DRBC makes?

20 You raise concerns that gas drilling will
21 use too much water from the Delaware watershed. The
22 aqueduct carrying water to New York City spills 35
23 million gallons of water every day. It takes only
24 five million gallons to totally frac a well. The DRBC
25 has expanded its authority to rule over our land, so

1 why doesn't it expand its authority to control and
2 repair the aqueducts? Our Pennsylvania Department of
3 Environmental Protection has regulations in place and
4 experience of gas well drilling and fracking for 60
5 years. Over 300,000 wells have been fracked, and not
6 one well, drinking water supply, has ever been
7 contaminated by fracking fluids. Not one. So why
8 doesn't the DRBC acknowledge their incompetence and
9 relinquish authority to our --- of our Pennsylvania
10 land to our Pennsylvania representatives?
11 Thirty-seven (37) percent of our residents in Wayne
12 County receive government aid while citizens in
13 Bradford County ---.

14 HEARING OFFICER:

15 Thank you. Thank you. Before you start,
16 I'd like to call numbers 21 through 30 to come
17 forward, please. And number 19. Proceed.

18 MR. SEIF:

19 I'm James Seif, representing the
20 Marcellus Shale Coalition. We are 170 members,
21 several hundred supporting businesses, and hundreds of
22 thousands of employees in many states. We share the
23 DRBC mission of proper planning, conservation, and
24 development of our precious water and mineral
25 resources. We want to help you get the regulatory

1 process right and, please, in a timely way.

2 We do have, of course, some significant
3 objections to your current approach. The requirement
4 of a natural gas development plan is unworkable
5 requiring a detailed infrastructure plan years before
6 any development, and we know of few industries that
7 could provide such plans at this stage. The call for
8 streamline Commission review of future development is
9 a supposed benefit of this proposed regulation, but in
10 practical effect will probably require full Commission
11 review and many delays for each well pad. Some of the
12 proposed regulations ranging from unjustifiable
13 restrictive siting standards to excessive bonding
14 requirement, overreach and may reduce natural gas
15 production.

16 Empowering the executive director to
17 prescribe standards on a case-by-case basis with no
18 opportunity for challenge raises questions about the
19 Commission's capacity. The proposed standards related
20 to siting, design, and operation of well pads are a
21 significant departure from the Commission's role
22 regarding the review of water resource projects, and
23 they invite legal challenge for you going beyond the
24 scope of your capacities.

25 Finally, we are concerned that the

1 natural gas activities have been singled out by
2 Commission, and therefore required to adhere to
3 standards that other industries do not labor under.
4 We know that the stakes are high for the environment,
5 as well as for our local and national economy and for
6 the energy situation on our entire planet. On behalf
7 of the 170-member coalition, we urge your utmost care
8 in proceeding.

9 MS. SUTLIFF:

10 Betty Sutliff, lifelong resident in
11 Damascus, Pennsylvania. In the draft regulations
12 Section 7.3, number 15 says no harm to water resources
13 has occurred or been alleged or alternately, any
14 actual or alleged harm. Carol, I really don't know
15 what you were thinking with that. This is the
16 equivalent of chunking for sharks.

17 I was in West Trenton when Carl Whilesner
18 (phonetic) was quick to bring in the milk jug of brown
19 water from near the pump well site, yet there's
20 silence on the outcome. The reason, it cleared up
21 quickly and further tests deemed that it was fine.
22 Turbidity. Rylie (phonetic) water can happen when a
23 water well is drilled nearby. In Honesdale on
24 Tuesday, I also listened to Josh Fox accuse others of
25 lying. Yet in his film and in a recent CNN interview,

1 he continues to say he was offered a lease for his
2 land.

3 I've been to the Wayne County Courthouse
4 in Honesdale, Pennsylvania, and Josh Fox does not own
5 any land in Milanville or anywhere else in Wayne
6 County. Zero, zip, zilch, nada, none. I have a copy
7 of the deed to his father's land, not Josh's. Josh's
8 name is not on it. What well company would offer a
9 lease to someone who owns no land?

10 Please do not extend a comment time
11 beyond March 16. The venues in Honesdale and in
12 Liberty were not filled to capacity. They actually
13 ended early before the nine o'clock deadline. If
14 people have something that important to say, they can
15 say it in 90 days with 18 hours of oral testimony.
16 Any attempt to go beyond that is just an attempt to
17 further cleanse the bull's intestines. Thank you.

18 MS. WILDERMUTH:

19 I'm Cindy Wildermuth from Tafton,
20 Pennsylvania. I have a Master's degree in
21 environmental management. I own a land and land
22 management consulting company. I'm a conservationist,
23 a landowner in Pennsylvania and New York, a realtor
24 and a past chair of the Pike County Planning
25 Commission.

1 The DRBC proposed draft natural gas
2 regulations creates serious concerns. They're
3 overreaching, duplicative, and arbitrary. Section 1.5
4 of the compact states, the Commission shall preserve
5 and utilize the functions, powers, and duties of
6 existing offices and agencies of government and is
7 directed to utilize and employ such offices and
8 agencies for the purpose of this contact.
9 Pennsylvania DEP is continually improving its
10 regulations, staffing, and oversight of all aspects of
11 natural gas development. A 20/10 third-party review
12 of DEP's regulations of hydraulic fracturing
13 concluded, quote, that the Pennsylvania program is
14 well managed, professional, and meeting its program
15 objectives, end quote, and commended them for the
16 hiring of 95 additional staff in the past two years.
17 This was third of a series of reviews initiated by EPA
18 in 1990.

19 Section 7.5 proposes regulations not
20 applied to any other land use in the basin as the
21 Commission presumes that natural gas development will
22 severely impact the watershed. Where is the basis for
23 this? The Western Pennsylvania Conservancy performed
24 three extensive monitoring studies at the French Creek
25 watershed in northwest Pennsylvania. The recent 2009

1 report states, quote, the French Creek watershed is
2 nationally recognized for its high aquatic species
3 diversity. The studies are interpreted in the
4 management recommendation for agriculture, riparian
5 buffer zones, stream bank erosion, and residential
6 runoff. Despite the fact that this watershed has over
7 3,000 natural gas wells, nowhere does the conservancy
8 mention natural gas development as a risk or a
9 management focus to protecting water quality.

10 The point is not that there's no need to
11 worry about natural gas development in our region.
12 But in Pennsylvania, it and other management issues
13 have been successfully regulated by DEP, and French
14 Creek is an example. Thank you.

15 MS. YANACEK:

16 My name is Debbie Yanacek. I live in
17 Damascus, Pennsylvania. The definition of natural gas
18 development project is far too inclusive encompassing
19 everything from pipelines and compressor stations to
20 support vehicle tire cleaning and dust control on
21 access roads. This is totally unacceptable and puts
22 the DRBC in charge of activities that can and should
23 be regulated by municipalities and the states, if at
24 all.

25 Since when did the DRBC mission have

1 anything to do with compression stations or tire
2 cleaning? This is totally an absurd attempt to become
3 the master of everything having to do with natural
4 gas. It cannot stand. The project definition should
5 be limited to water withdrawals and discharges and to
6 those of 100,000 gallons or more per day. We have
7 gone from this common sense threshold to the point
8 where the DRBC is seriously proposing to regulate dust
9 control which is simply beyond the pale. These
10 regulations should defer to the states.

11 There are incredibly no time limits in
12 these regulations on DRBC review of applications.
13 There are several references on page 17 to time limits
14 imposed on applicants, but no time limits on actions
15 by the DRBC. The inexcusable delay by the Commission
16 in dealing with the Stone Energy application
17 illustrates the need for deadlines as a simple matter
18 of ensuring due process for applicants. We must have
19 accountability and deadlines on DRBC action with
20 deemed approval for failures to act. Any open-ended
21 process is no process. It's nothing but bureaucratic
22 tyranny, and this must be corrected by adding
23 enforceable time limits on the DRBC.

24 HEARING OFFICER:

25 Thank you.

1 MS. YANACEK:

2 Thank you.

3 MR. YANACEK:

4 Hello. I'm Walter Yanacek, a property
5 owner in Damascus, PA. Been there, a lifelong
6 resident. What our group did, we got together and
7 formed --- we got our gas leasing contract for all the
8 environmental protections and that. That's been
9 submitted to the DRBC, and I think the DRBC here is
10 infringing on our rights and our --- we've been
11 stewards of this property for over three generations.
12 I have four children. Two children live on our
13 property. We're good stewards of the land. We plant
14 food plots for the animals, the deer. So we have
15 hunting and fishing.

16 I just feel the DRBC has had plenty of
17 time. I don't see no need for any more hearings. I
18 feel that you had enough for you to sort out. I feel
19 these setbacks and regulations put on the gas
20 companies and things are a little too much, and I feel
21 that you're stepping out there and trying to regulate
22 something so nothing will ever happen.

23 This, we feel that, you know, the
24 economic ---. I'm a contractor, and the economics for
25 the area just from our leasing has given us a lot of

1 employment and a lot of jobs. We feel that this gas
2 will bring good economics to the area, and pray that
3 ---. I mean, we feel that we'll have a lot --- you
4 know. Our families will be able to stay. Families in
5 the area are unable to live in the area. They have to
6 move out because there's no jobs. And we need this.
7 So all I can say, I'm kind of naïve. Even New Jersey
8 and Trenton, you don't need this gas? It's right in
9 your backyard unless you want to pay five times as
10 much for it from foreign and other sources. That's up
11 to your choice, but when your money runs out from your
12 economics, you'll find out where you have the energy
13 in your own back yard. Thank you.

14 MR. UNFLAT:

15 Good afternoon. Thank you for letting me
16 speak. My name is Gunther Unflat. My wife and myself
17 own 400 acres in Pike County, Pennsylvania. We raise
18 standardbred broodmares. We have them on our farm,
19 you know. And I have a little thing I wrote here.

20 In this country, we have been drilling
21 for gas and oil for over 100 years. Yes, there have
22 been problems like with any other new industry. But
23 we've come a long way since then in the industry,
24 improvements and good state regulations. It is more
25 important at this point in time that we start drilling

1 on our land in a safe manner for gas to bring jobs to
2 our communities and give our country energy
3 independence. We have enough gas and oil in our
4 country to supply many other countries, and this would
5 help us balance our budget and make us number one
6 world leaders once again.

7 The money that I will receive from
8 drilling will enable me to keep my family farm the way
9 it is for many decades to come. And I'd like to make
10 another comment. I know some of the people here are
11 from New Jersey and they're protesting the use of the
12 Delaware River. Well, I don't know how drilling would
13 really affect the Delaware River, but I will say to
14 the New Jersey residents, if they give me a moment,
15 would be to clean up your own act because Jersey has
16 been --- is the number one cancer state in the
17 country. And there's a reason for that. They have
18 more golf courses and all kinds of other things that
19 are polluting the land more than anything. And if
20 they want clean water, let them drill water wells in
21 New Jersey and see how they make out instead of saying
22 that the Delaware up north where we live is polluting
23 the Delaware River. It's not true. Thank you.

24 MR. LANG:

25 Good afternoon. My name is Ned Lang.

1 I'm a lifelong resident of Wayne County, Pennsylvania.
2 I was born and raised on a farm in Wayne County, went
3 to the service, came back out and I now own a business
4 and 235 acres of land contiguous to the Delaware
5 River, about a mile of riverfront. And I also own and
6 operate a farm in Wayne County, Pennsylvania that
7 borders the Susquehanna.

8 I want to say the following, and I want
9 to talk about sustainability. Each day we import 13
10 million barrels per day of oil and export \$1.3 billion
11 of our money to foreign countries, many of which are
12 our enemies. This is not sustainable, and by any
13 measure is downright dangerous. We now have the
14 ability to harvest energy in an environmentally
15 conscious manner from our own soil. The notion that
16 gas drilling will cause groundwater contamination is
17 based upon hyperbole and emotion. There are tens of
18 thousands of gas wells between Texas and Pennsylvania
19 operating every day in an environmentally conscious
20 manner.

21 It is the responsibility of the DRBC to
22 oversee the quality of water in the basin, not
23 suffocate the economics in the basin with yet another
24 layer of land use restrictions. If the regulations
25 are allowed to be enacted as presently written, it

1 will amount to nothing more than confiscation of our
2 land, its uses, and the oil, gas, and mineral rights
3 it possesses without compensation.

4 May I remind you, this is America, and
5 that's illegal. We need to move forward immediately
6 with regulations that pertain to water use only, that
7 are fair and equitable to the citizens of the --- the
8 citizens of and the businesses and industries that
9 work within the Delaware River Basin. Thank you.

10 MR. WOODMANSEE:

11 Hello. I'm John Woodmansee. I'm from
12 Buckingham Township in Wayne County. About four years
13 ago we had a land man approach us wanting to lease our
14 property. That was four years ago. In the four years
15 since then, nothing has happened with the DRBC. You
16 were still floundering. You still have no idea what
17 you're doing. The only thing you've actually
18 demonstrated is your incompetence and your inability
19 to do anything correctly, and there's no reason to
20 assume that all of a sudden you're going to be able to
21 do it correctly. You can't. You've proven that. You
22 have to accept it. Facts are facts. You should let
23 the DEP do what the DEP does best.

24 I'm in an unusual position today. I have
25 to stand here and ask you to allow me my rights.

1 Well, I'm not going to do that. I don't think I
2 should have task for my rights. I don't think I
3 should have to apologize for owning property. I don't
4 think I should have to feel bad because these people
5 don't. They're whining and crying behind me. That's
6 their problem. I have somebody from --- we just heard
7 somebody from Princeton, New Jersey telling you what
8 should happen with my property in Wayne County. That
9 may make sense to you. It makes no sense to me, and
10 it makes no sense to most of us. That is one of the
11 strangest, most bizarre things I've ever heard, and
12 this room is full of strange things. And we've heard
13 a lot of them from behind me here.

14 I'm sorry about all of this, but I cannot
15 change what is. We need the gas. We will get the
16 gas, it's going to come. These people behind us use
17 this product. They're paying Hess. They're paying
18 Exxon. They're paying all these companies to extract.
19 They're paying them all to fracture. That's how they
20 get this stuff. They're using the energy, and they're
21 complaining that they don't want us to do the very
22 thing that they're paying Hess to do. They can't have
23 it both ways, try as they will. Well, thank you very
24 much for your time.

25 MR. BELL:

1 My name is Robert Bell. I live in
2 Hawthorne, New Jersey. I also have and own property
3 in Damascus Township. I feel very strong about the
4 economic development of the natural gas in
5 Pennsylvania. I've seen seven farms that are in my
6 immediate area go out of business, and the people that
7 own those farms want to retain them. Now, let me
8 refer back to my pre-written text.

9 The regulations incorrectly assume as gas
10 drilling water use is --- something. The water
11 conservation provision on page 58, while good, raises
12 questions of water use for the gas production is 100
13 percent to something, as applied earlier if the water
14 is to be recycled. The regulations also unfortunately
15 contribute to the fallacy that hydraulic fracking
16 threatens the water well supplies. Previous
17 provisions on page 61 of the water well monitoring are
18 good, but for reasons have nothing to do with
19 hydraulic fracking as suggested by the title.

20 We do need to further compress shale gas
21 migration, which is the real reason for this
22 monitoring with the fracking, as the Dimock case has
23 already done by the deliberation --- distortion of
24 anti-drilling advocates. The regulations need to be
25 revised accordingly. Thank you.

1 HEARING OFFICER:

2 Before you start, can I call numbers 31
3 through 40, please?

4 MS. MICKLEY:

5 Good afternoon. I'm Sue Mickley. We
6 have a family farm of 300 acres in northern Wayne
7 County, and I have a 50-acre farm in Lehigh County,
8 Pennsylvania, and I have been a lifelong resident of
9 the DRB.

10 I really ask that common sense prevail.
11 You have been told that your own compact tells you to
12 rely on local regulations and state regulators to do
13 the jobs that are required to do proper land and water
14 management, and I believe you need to adhere to that.
15 The statistics used in the beginning of your
16 presentation are vastly exaggerated by over 300
17 percent, and we take exception to that. It should be
18 studied better and more scientific foundation for
19 those numbers.

20 And also, I'd like to talk about the
21 expertise, I do believe the DRBC does have, which is
22 the whole studies of parts per million in the Delaware
23 River and their tributaries for contaminants. And
24 that is the criteria you've used throughout history to
25 identify and approve projects throughout the basin.

1 You know very well how parts per million are
2 dissipated as flow of water goes into the Delaware, as
3 the Delaware goes downstream through fresh water areas
4 like the National Park Service land between Milford
5 and Strasburg. And yet you have never corrected and
6 you've allowed the fallacy to continue that the lower
7 Delaware's at high risk of fracking from northern
8 Wayne County. Even if there were to be an incident,
9 which is minutia, based on the history of 300,000
10 wells in this country, it's always been proven to be
11 localized. And even if there was some disbursement of
12 chemicals, you know that it would be dissipated well
13 before it would ever reach any of the lower portions
14 of the Delaware and it would be underneath the
15 standards of your parts per million for every single
16 chemical involved.

17 Let me give an example of what you have
18 approved. You approved a landfill in Easton, PA, on a
19 slope that is well above the 20-percent slope. That
20 landfill takes in garbage from Pennsylvania, New York
21 ---.

22 UNIDENTIFIED SPEAKER:

23 Thank you. Thank you.

24 MS. DAVIS:

25 Hi. I'm Sandra Davis. I'm from Delaware

1 County, New York. Today I want to talk a little bit
2 about the well pad standards that were duplicated.
3 The well pad standards duplicate state regulations and
4 are unnecessary. Moreover, proposed standards are
5 completely unrealistic, particularly the 500-foot
6 setback from water bodies and wetlands.

7 A typical five-acre well pad would be 467
8 feet squared in size, and 500-foot buffer around such
9 a pad would require roughly a 40 to 50-acre site that
10 is free of any water bodies and wetlands. While this
11 might sound reasonable, the definition of a water body
12 encompasses seasonal and intermittent depressions,
13 channels, ditches, and similar drainage ways, as well
14 as all wetlands. There are virtually no areas in the
15 Upper Delaware Region where 40 to 50 continuous acres
16 of land lacking these features can be found. No
17 existing well site could meet the standard due to the
18 necessary presence of small ponds, streams, ditches,
19 trenches, and wetlands. These standards would prevent
20 all approval --- would prevent all approvals by rule
21 and therefore stop all drilling. Revisions are needed
22 to defer to the states.

23 I grew up on a dairy farm in Delaware
24 County. I'm a fourth-generation family. We have been
25 in the farming business for many years, and I would

1 never do anything to hurt my family's farm. We have
2 thousands of acres between our timbering land and our
3 farming land and our quarries. I just want to say
4 that I don't feel it's unreasonable that we would want
5 to drill. We want to be self-sufficient. We want to
6 take care of our country. We want to take care of our
7 country instead of foreign oil dominating the market.
8 This is ridiculous, and we need to take charge now.

9 MR. DOWD:

10 Thank you for having me. My name is
11 Jerry Dowd, and I am a resident of ---. I'd like you
12 to believe that I'm a resident of Wayne County and a
13 farmer, but I'm really a resident of Bucks County,
14 Pennsylvania, the city of Doylestown. I'm a doctor.
15 I have six children and 18 grandchildren, and I thank
16 you for your efforts to keep my drinking water safe.

17 That said, I really don't agree with most
18 of the regulations that you have proposed. I have a
19 previously written statement which I'll put in the
20 mail. I'm sure that you realize why this country is
21 having difficulties it's having with citizens of this
22 country criticizing one another without the free
23 interchange of speech. I apologize to you for my
24 behavior if I've ever done anything like that, and
25 their behavior.

1 I have 500 acres. I'm not ashamed to say
2 that I'll be glad to take any money that Newfield Hess
3 wishes to give to me. I'll give it to my kids. And
4 those people have to understand that it's not their
5 land and their water. It's my land and my water.
6 Whether or not they like that doesn't concern me at
7 all. Thank you for your kindness, and I appreciate
8 the chance to express myself. Have a nice day.

9 UNIDENTIFIED SPEAKER:

10 You can leave your written comments here
11 with us.

12 MR. DOWD:

13 Thank you. I will.

14 MS. TATHAM:

15 Thank you. I'm Elizabeth Tatham. DRBC
16 regulations are for all shale formations according to
17 page three, Article 7(c) scope, quote, the article
18 applies to gas wells in the basin regardless of
19 geological information, end of quote. We just saw the
20 DRBC map which only shows the Marcellus formation.
21 Where are the others that are covered by these
22 regulations?

23 For more than two years, two gas
24 companies have tried to drill for gas in Nocamicky
25 (phonetic) Township, which is located in the Locketong

1 Formation. That geological formation extends to
2 Newark and past it to the Palisades in northern New
3 Jersey. It is huge. Then there's the Stockton
4 Formation, which is located in New Jersey and
5 Pennsylvania on both sides of the Delaware River. The
6 people of New Jersey, Delaware, and southern
7 Pennsylvania believe we are safe from gas drilling
8 effects. They have the right to know there's gas
9 drilling that can start in their backyard two years,
10 five years, or ten years from now using these
11 regulations.

12 If you are only addressing Marcellus, why
13 not say so? Why say all formations? I just talked
14 last night to someone from Texas, and he said the
15 Barnett now has another layer or formation underneath
16 it that's much richer, and drilling is planned for
17 that. So you decided last spring not to have
18 regulations before a scientific study like the EPA or
19 the one by the Geological Survey. You need to listen
20 to your own decision and keep that promise. Thank
21 you.

22 UNIDENTIFIED SPEAKER:

23 Thank you.

24 MS. MILLON:

25 Good afternoon. My name is Denise

1 Millon. I am a member of the Lower Wayne Property
2 Owners Alliance and a supporter of the Northern Wayne
3 Property Owners Alliance. I was born and raised in
4 Wayne County, and I'm still there. I don't have a gas
5 lease on my property, not by my choice.

6 Wayne County is being held hostage while
7 other counties are prospering in all aspects. The
8 folks that live here on weekends and those that have
9 retired here from neighboring states have done so
10 because it's a beautiful area. Well, let me break it
11 to you. Let me break it to you this way. It was
12 beautiful when you got here and it still is because
13 our parents, our grandparents and our great
14 grandparents made it and kept it that way, and have
15 passed that pride onto their predecessors. We live
16 there day in and day out. We work there, pay taxes
17 there and support our community. We love where we
18 live and it will always be left that way even after
19 the gas and oil companies have completed drilling.

20 Those of you who choose to believe in the
21 coffee shop talk and the nonsense that comes out of
22 Hollyweird, California and the like need to educate
23 yourselves as to the truth and not the myths, like we
24 did. There are current sufficient regulations in
25 place to monitor this industry. We don't need more

1 redundant and ridiculous regulations in place to
2 stifle landowners and progress. God created this
3 planet with all the resources we would need to survive
4 right here where we are. Why are we as Americans
5 relying on other countries for some of our food
6 supplies, fuels, clothing, building materials,
7 workforces? Because we've gotten lazy and complacent.

8 The best generation this country has seen
9 are dying off, and at a rapid pace --- rapid pace.
10 The World War II generation is the one that I'm
11 talking about. That was at a time when the whole
12 country stood together as one and did not rely on
13 other nations to feed us, build our armaments, et
14 cetera. With the meltdown happening in some African
15 nations and the Middle East countries where most of
16 our fossil fuels come from, we conservationists of
17 convenience, wake up. You will when all of us are
18 paying over \$5 per gallon for gas and fuel oil to heat
19 our homes and drive us to work. And by the way ---.

20 UNIDENTIFIED SPEAKER:

21 Thank you.

22 MS. MILLON:

23 Thank you.

24 MR. BERTHOLF:

25 Good afternoon. My name is Aaron

1 Bertholf and I live in Honesdale, Pennsylvania, in
2 Wayne County. I'm here in support of the property
3 owners who wish to drill on their property. I have no
4 vested interest and will not have any type of monetary
5 gain from the drilling process.

6 The economy in our region is at a free
7 fall. Natural gas will grant us the opportunity to
8 recover from our economic hardships. It will inject
9 life into our local businesses and landowners. I
10 respect a lot of things, people's opinions, people's
11 concerns about safety, and people's freedom of speech.
12 However, all I'm asking is that the property owners'
13 rights are respected to drill on their land.

14 No one who's supporting this process is
15 here to create animosity or conflict. We're here to
16 voice our opinions and concerns about these
17 regulations and the rights they stand to take away
18 from the landowners if they're left as they're
19 currently written. We're not here to make a name for
20 ourselves or to attempt to become a millionaire by
21 producing a movie that is actually entirely based on
22 myths. We're here for our economic future as well as
23 our economic independence from foreign resources.
24 Please hear these landowners' concerns. Let them do
25 as they wish with their properties. And let our

1 individual states put regulations in place with your
2 input. Don't strong-arm our property owners with
3 these regulations. Amend them accordingly so we can
4 move forward to the future.

5 MR. MOORHEAD:

6 Hi. My name is Buck Moorhead. I'm with
7 NYH20. Thank you to the DRBC for its efforts with
8 these regulations.

9 There are two things and only two things
10 that I am certain about being here today. One is that
11 everyone in this room on both sides of this issue want
12 to take care of the water in the Delaware River Basin.
13 What I'm equally certain about is that no one in this
14 room can say with complete certainty what the quality
15 of the water in the basin will be in 5 or 10 or 20
16 years after 5,000 or 10,000 or 20,000 wells have been
17 drilled. Those are the only two things I'm certain
18 about.

19 It appears that absent a cumulative
20 impact study and what that could teach the DRBC, that
21 the DRBC is preparing to move ahead to monitor this
22 activity and react and adjust the negative impacts
23 that occur. This strategy does not acknowledge that
24 the hydrology of the river basin is a complex system.
25 One of the properties of complex systems is that they

1 have non-linear responses to inputs. In complexity
2 science, that means that small inputs can lead to the
3 large changes, not necessarily predictable and
4 proportionate to the input.

5 The regulations do not address the 80
6 percent of the fracking fluid toxic water that is not
7 pulled up, that remains in the geology and the
8 hydrology of the basin. Until these regulations
9 recognize that that toxic water must be accounted for
10 and that the cumulative impacts must be understood and
11 regulations address it accordingly, these regulations
12 cannot be considered complete or acceptable.

13 UNIDENTIFIED SPEAKER:

14 Thank you.

15 MS. UNFLAT:

16 My name is Margaret Unflat. I live in
17 Hawley, Pennsylvania, and I'm a landowner. I'd like
18 to refer to docket modification procedures and notice
19 requirements in the regulations which are far too
20 subjective and far reaching. Subsection H on page 18
21 gives the executive director too much arbitrary power
22 which should be carefully limited. Also, the public
23 notice procedure is almost guaranteed to produce
24 controversy as every landowner within 2,000 feet is
25 required to be given notice which naturally inspires

1 the belief on the part that they have some standing
2 and right to veto an application in their backyard.

3 It's impossible to reliably notify
4 everyone within that distance, and the failure to
5 reach some will become a basis for lawsuits alleging
6 improper notice. Moreover, the regulations are
7 inconsistent as to proof of notice. Such notice
8 should be limited to directly adjoining landowners,
9 and notice in local newspapers. Anything more is
10 bureaucratic overkill that will complicate everyone's
11 life for no good reason.

12 Also, with all the unrest overseas, oil
13 and gas prices are going way too high already with no
14 end in sight. America has to take care of itself. We
15 have the resources and the knowhow how to do it. We
16 need jobs for our people. There's no more
17 manufacturing here anymore. At least the drilling
18 would create more jobs, and not just in the drilling
19 industry. We need to be self-sustaining regarding oil
20 and gas. Thank you.

21 MR. PUTNAM:

22 Oh, hello. My name is Robert Putnam.
23 I'm a resident and representative of two landowners in
24 Damascus Township, Pennsylvania, and I'm here to speak
25 regarding DRBC's proposed regulations. One point

1 being critical habitat.

2 Critical habitat has absolutely no place
3 in this set of regulations. The U.S. Fish and
4 Wildlife Service and the states already handle that,
5 and it falls far outside the scope of what the DRBC
6 should be addressing. It's an open indication to
7 manipulation of the approval process by those special
8 interest agendas.

9 Moreover, the statement on page nine
10 about critical habitat need not actually be habitat at
11 all reveals the opportunity for such manipulation.
12 This language should be deleted along with all
13 references to critical habitat in the regulations.
14 This is a matter for the states.

15 The definition of earth disturbance is
16 also too broad, encompassing normal form practices and
17 even stockpiling of material, which is ludicrous. It
18 is likewise already regulated by the states and should
19 be deleted. Stop trying to reinvent what the states
20 and others are already doing.

21 On a final note, all these tree huggers
22 and Michael Moore wannabes, if they're so concerned,
23 should do more about the unregulated pollution of our
24 nation's water and not try to block citizens and
25 landowners' rights. Thank you.

1 MR. WOOD:

2 Hello. My name is Harold Wood. I'm from
3 Damascus Township, PA. I grew up on a farm, and
4 became an excavating contractor in 1972 and a fireman
5 in '74. Our family had a section of land that was
6 deeded to us from William Penn. I would have to say
7 that the attempt of the DRBC to dictate extreme land
8 use to PA for gas companies would be unproductive.

9 PA was the first in the world in the
10 1850s with oil and gas production. We have high
11 quality water all over the state and have set the
12 standard by which you try to get your water in New
13 York and New Jersey. The PA DEP has experience with
14 gas and oil wells and high standards for soil
15 conservation. The DRBC working with and not above
16 state DEPs would cover your concerns faster and more
17 thoroughly.

18 I've been a fireman for 37 years, 10
19 years as chief and 25 years as fire marshal. Two or
20 three years ago, a neighbor called us with a fire in
21 his driveway. In, not on. He had burned some wooden
22 scraps and the blue flame would not go out. The fire
23 only increased when he sprayed water with his hose.
24 Being a very environmentally conscientious person, we
25 knew he had not dumped any paint thinner or gas there.

1 My company had done the work, hauled in the stone and
2 poured the concrete, so we knew there were no
3 accelerants on the property. The only explanation for
4 his fire was methane gas from a small swamp over the
5 driveway. No gas drilling. No dusting. No big
6 business. Only Mother Nature. Thank you.

7 HEARING OFFICER:

8 Before you start I'd like to call numbers
9 41 to 50 to come forward, please.

10 MR. WARD:

11 I'd like to say thank you for the
12 opportunity to speak today. My name is Bob Ward. I
13 live in Pennsylvania, Damascus Township, a little
14 hamlet called Tyler Hill where a lot of people would
15 like to see us drill. I do support the safe
16 extraction of natural gas in northeast Pennsylvania.
17 In fact, I support it throughout this whole great
18 country. It's natural, belongs to the people, and all
19 the people will be sharing in it when it comes out of
20 the ground.

21 How many layers of bureaucracy do we need
22 to oversee that? Susquehanna River Basin Commission
23 has done a good job. The Pennsylvania DEP has done a
24 good job. Drilling over in Bradford and Susquehanna
25 County, and the last time I was over there, I believe

1 I still saw people walking around. None of them were
2 laying on the ground dead. I do see people around
3 here today --- I do see people walking around here
4 today with citing no drilling in the Delaware River.
5 Now, we ain't drilling in the Delaware River. In
6 fact, we do have regulations in place that state we
7 will not drill within 1,500 feet of the Delaware
8 River. You got to frac it to crack it to get the gas,
9 which is good for our country. Thank you very much.

10 MR. VARGA:

11 My name is Elias Varga. I live in Tyler
12 Hill, Damascus Township. And I'm a landowner.

13 Section 7.5 asserts that no evidence that
14 well pads may have a substantial impact on the water
15 resources to the basin. How can this be if the amount
16 of disturbance is limited to a mere five to six acres
17 out of 1,280 acres in a production unit? How can this
18 be when both states are ready to pose some of the
19 toughest stormwater management rules in the nation?
20 How can this be when our forest and land has been
21 steadily growing over the last half century?

22 There is simply no basis for a statement
23 that well pads could have a substantial impact on
24 water resources of the basin. There's no need to
25 separate Delaware River Basin Commission well pad

1 standards, and the regulations should be revised
2 accordingly.

3 Did you know that the Delaware River
4 turns red after heavy rainfall? I think it's in the
5 special protection waters. And it's a sight to see,
6 and it lasts for perhaps several days. One
7 contributor is the Callicoon River Creek. Other
8 tributaries contribute to that discoloration, and it's
9 quite --- quite a sight to see. It is surprising that
10 the Delaware River Basin Commission fails to direct
11 more effort to this problem rather than direct all
12 their energy to restrict the gas industry from
13 exploring and developing natural gas.

14 These regulations represent three years
15 of wasting efforts resulting in the most restrictive
16 requirements that man or woman ever created. This is
17 a prime example of wasting money.

18 MR. MOON:

19 Hello. My name's John Moon. I'm a
20 resident of northern Wayne County, and I've lived
21 there all my life. We're only about one mile from the
22 people's farm in the test well site there. Me and my
23 family and my parents live on a 200-acre farm which is
24 not productive anymore, because just the way things
25 are going. But I do see a great need for gas

1 production to help bring back things in Wayne County.

2 My main concern is some of the
3 regulations that could drive the natural gas business
4 out of our county or bring it to a standstill. One of
5 those is Section 7.5, asserts with no evidence that
6 well pads may have a substantial impact on the water
7 resources of the basin. How can this be if the
8 account --- the amount of disturbance is limited to
9 more --- mere five to six acres out of 1,280 acres in
10 a production unit? How can this be when both states
11 already impose some of the toughest storm water
12 management rules in the nation? How can this be when
13 our forestland has been steadily growing over the last
14 half century? There is simply no basis for a
15 statement that will --- that well pads could have a
16 substantial impact on water resources in the basin.
17 There is no need to separate DRBC well pad standards
18 and the regulations should be revised.

19 UNIDENTIFIED SPEAKER:

20 Thank you.

21 MR. OSTERMAN:

22 My name is Frank Osterman. My wife Karen
23 and I own 39 acres of woodland in Preston Township.
24 We love our little piece of heaven and are active
25 stewards of our land. Many landowners in Wayne County

1 are land rich but barely able to make ends meet with
2 the rising property taxes and other expenses. Most
3 seniors have refused to sell off parcels of their land
4 because they want to preserve the destruction of
5 forest, pollution caused by housing, cesspool and
6 paving.

7 Our area was blessed with the Marcellus
8 Shale, which could greatly help our residents maintain
9 stewardships of their land by providing income and
10 permits area seniors to live comfortably in
11 retirement. It would also bring employment to our
12 economically depressed area, and assist our nation to
13 become energy independent and no longer be at the
14 mercy of unstable foreign governments. The present
15 turmoil in the Middle East is already causing energy
16 prices to soar and will lead to greater economic
17 hardship.

18 Our property is located farthest from the
19 Delaware River, is under the jurisdictions of the
20 DRBC. Adjacent to our property, the watershed rains
21 into the Susquehanna River. It's under the
22 jurisdiction of the SRBC, which value their river as
23 much as the DRBC values the Delaware. But they
24 actually acted quickly to protect the environment by
25 following DEP regulations already in place which

1 protects all rivers in the state.

2 It appears that DRBC is choosing to
3 reinvent the wheel and not enact rules which have been
4 proven to work for other agencies. I respectfully
5 urge the DRBC not to be influenced by fearmonger
6 tactics being used, but instead rely on the proven
7 methods in place. The way the proposed regulations
8 are now written, it confiscates our property rights,
9 can destroy woodland, and allows Wayne County to
10 remain a depressed economic area. Please enact
11 reasonable regulations now which protect property
12 rights and the environment. Thank you.

13 MR. LONDON:

14 Hi. Jan London, landowner in Sullivan
15 County, New York. I'm opposed to horizontal hydraulic
16 fracture drilling. I understand the need for jobs to
17 bring better economy to struggling rural communities.
18 From what I've learned over the last three years
19 reading online countless lectures, forums, town
20 meetings, is that there is too much risk involved with
21 drilling for gas with the current frac technology.

22 I heard on the TV last week of a man in
23 Bradford County who lost all water in his well while
24 vertical lay was just started through the aquifer on
25 his neighbor's property frac well. This is one of

1 countless stories of damage. So the gas industry
2 tells us there's not been one documented case of water
3 pollution or migration, and there's a growing list of
4 people experiencing problems related to this industry.
5 So someone is lying to us. Shouldn't we wait and rely
6 on the science to study what the dangers really are?

7 When will the industry be honest and say
8 three percent, five percent or whatever of the wells
9 will have some sort of failure, and we should just
10 deal with it? Dr. Anthony Ingraffea, Cornell
11 professor and foremost scientist studying hydraulic
12 fracturing, and one of the people who actually was an
13 originator of the technology, states that if we frac
14 70 percent of the land of the Marcellus Shale for 40
15 or 50 years, we would create enough gas to fuel the
16 country for two years. Is it really worth it?

17 I think you should sit down with Dr.
18 Ingraffea and study his numbers. Sure, it will make a
19 few landowners wealthy, but at what cost? If we
20 started drilling with this technology in 1981, we
21 would be dealing with the consequences now. 1981
22 doesn't sound that long ago; does it? With China,
23 India and Norway and Australia and other multinational
24 companies buying large percentages of the U.S. shale
25 leases, I suspect our promise of energy independence

1 will just be sold to the highest bidder. With the gas
2 companies sign a lease that stated the lease couldn't
3 be sold and all gas produced not stay in the USA.

4 MR. VEIL:

5 Good afternoon. My name is John Veil,
6 recently retired from 30 years working on water issues
7 and started my own consulting business, Veil
8 Environmental. I'm here today to support the intent
9 of the proposed regulations, but also to express my
10 concerns that the details are far too complicated with
11 layer upon layer of applications, reviews, approvals
12 and fees.

13 I spent more than 30 years working on
14 water and wastewater, both as a state regulator and as
15 a national environmental policy analyst. I reviewed
16 and studied water regulations adopted by the federal
17 government in many different states. I can honestly
18 say that I've never seen a set of oil and gas
19 regulations as complex and burdensome as the ones
20 under consideration today.

21 I don't suggest that gas wells should be
22 drilled everywhere without concern for local
23 environmentally sensitive areas. However, even after
24 excluding those sensitive areas and implementing
25 reasonable linear setbacks from other structures,

1 there are still many areas within the Delaware River
2 watershed that can safely be used as well sites. And
3 my written comments contain much more detail, but let
4 me offer a couple of general thoughts and key points
5 as you move forward with your regulatory process.

6 The process of natural gas development is
7 not new or unique. It's been done in many different
8 states for many decades. DRBC regulators can learn
9 from oil and gas agencies in other states that have
10 been regulating oil and gas for many years. And there
11 are state organizations for that which would allow you
12 to gain their experience. DRBC should develop more
13 realistic estimates of future well drilling activity.
14 The ones that were presented at the beginning today, I
15 believe, are gross overestimates of the numbers of
16 wells. Good regulatory programs can be fully
17 protective without being burdensome. It's not as easy
18 to write them, but you can do it. It's been done
19 before.

20 And finally, regulations should not
21 create barriers to innovation. In conclusion, I
22 support the proposed regulations' goals, but concerned
23 that you are not getting good factual information.
24 Thank you.

25 MR. KIFERS:

1 Good afternoon. My name is Arthur
2 Kifers. I'm from Brooklyn, New York, and I have
3 objected to the early issuance of the draft rules. I
4 feel DRBC should wait for the insights that are to be
5 gained from the EPA study and the New York DEC and the
6 DRBC cumulative impact studies that are currently
7 underway.

8 I object to the short review period. The
9 period should, I feel, be 120 days rather than the 90
10 days we've been given. The period is too short to
11 consider all the implications of the proposed rules.
12 The hearings should also be held in all districts that
13 rely on the Delaware water for their drinking water.

14 The draft rules do not address the
15 cumulative impact of water withdrawal, well
16 development and waste disposal of thousands of wells
17 that would transform the basin into an industrial
18 landscape. Draft rules do not restrict use of toxic
19 chemicals. It should be made clear that hazardous
20 waste will be subject to laws governing generation,
21 transportation and disposal of hazardous wastes. The
22 draft rules do not provide strong wastewater
23 standards. They should require the removal of all
24 toxic chemicals. They should allow --- should not
25 allow disposal through municipal water treatment

1 plants that are made to dilute rather than remove
2 toxins.

3 Draft rules rely on inadequate state
4 regulations for stormwater management, gas well
5 development, casements and floodplain protection. The
6 draft rules allow for an expedited review. The fast
7 track hides the process from public review.

8 In conclusion, the DRBC is under no
9 obligation to further gas exploration, but it does
10 have the obligation to protect the public.

11 MR. MCGRATH:

12 Hello. My name's Andrew McGrath, and I'm
13 a resident of Delaware County, Pennsylvania. I am
14 among the thousands of citizens who are extremely
15 concerned about the irreversible effect of hydraulic
16 fracturing. I ask you to withdraw the draft
17 regulations for gas drilling in the Delaware River
18 watershed because they are inadequate to cover the
19 acute and cumulative risks to our waters. The public
20 comment period must be extended and expanded. DRBC
21 must hold more hearings in urban areas, and we must
22 wait for the science.

23 I ask that you push the March 16th public
24 comment deadline back by a minimum of six months and
25 not finalize any regulations for at least two years in

1 order to take into account the EPA study of deep gas
2 drilling life cycle impacts on water. Please rewrite
3 the regulations after a cumulative impact study has
4 been completed for the Delaware River watershed.

5 In Pennsylvania and the other states
6 where fracking is permitted, there has been methane in
7 tap water, polluted wells, toxic discharges in
8 streams, well explosions and conversion of scenic wild
9 places into sacrificial industrial zones. If fracking
10 is as safe as the gas companies claim, why do they
11 impose the fracking? And while gas companies count
12 natural gas as a clean alternative to oil, recent
13 studies show that when the entire life cycle of
14 natural gas production is considered, it is as much or
15 more damaging when it comes to greenhouse gas
16 emissions. DRBC regulations currently do not include
17 this source of pollution from air. They must.

18 I would like to add something to the
19 comments regarding gas drilling waste from the
20 Delaware River watershed from Section 7.6 of the draft
21 regulations. One, drilling --- flow-back must be
22 classified as hazardous waste because it contains
23 contaminants deadly to biological life. Two, there
24 must be no impoundments for flow-back anywhere in our
25 watershed. These open plastic-lined pits are

1 Superfund sites in the making. They must be
2 completely outlawed. Three, waste must be tested for
3 NCQO, a potent carcinogen known to show up in
4 flow-back as a result of chemical interactions. And
5 four, there must be no discharge or gas drilling in
6 the basin. This puts all our health at risk. Thank
7 you.

8 MR. CROWLEY:

9 How do you do? Thank you. My name's
10 Owen Crowley. I'm a resident of Manhattan, and I'm
11 here with a group called United for Action. I think a
12 couple of my colleagues will speak at more length on
13 the substance.

14 But the first thing I want to do is
15 present you with an additional 234 letters. These
16 letters, we worked with a couple of our coalition
17 partners and a couple of others, and basically last
18 Thursday we decided, let's remind people about the
19 hearing coming up and that there's an opportunity to
20 comment. All these 234 letters were hand signed. A
21 lot of them are individual. One person sent her
22 letter with an apology that her printer was on the
23 fritz and she handwrote a two-page letter in neat
24 print. You'll be able to read it. Don't worry. But
25 these people are clearly very moved and determined to

1 have a part in this process.

2 UNIDENTIFIED SPEAKER:

3 Why aren't they here?

4 MR. CROWLEY:

5 Actually, that's a good question. I'll
6 answer that. A lot of the people that we work with
7 are upstate New York and Pennsylvania and increasingly
8 New Jersey because in New Jersey I think people are
9 beginning to realize the hazards presented by some of
10 the infrastructures being laid down, including the
11 proposed structured pipeline. We work with doctors,
12 lawyers, who are --- yeah, doctors who are concerned
13 for human health primarily and all of that. Work with
14 a lot of just citizens who are speaking up on this.
15 And to them, it's just crazy that this kind of
16 activity would be allowed to be anywhere where people
17 live.

18 But one big objection actually for people
19 that are in downstate New York is why is it that the
20 major population centers, who are the stakeholders in
21 this, haven't seen the hearing. Now, the New York
22 City Council Environmental Committee next Tuesday is
23 having a hearing on hydrofraction of gas in the DRBC
24 process. And I'm wondering, if you can answer this,
25 will there be anybody from DRBC present at that

1 hearing? No. It's \$15 each way train ticket. I
2 suggest you go. Thank you very much.

3 MS. JOYCE:

4 My name is Alice Joyce, and I live in
5 Brooklyn. And I own my own home. I own my own home.
6 I enjoy the water, the pure water, along with nine
7 million other New Yorkers. And I'd like to keep it
8 that way.

9 The unpredictability of gas drilling can
10 be made the words of Donald Rumsfeld, who used them to
11 address the unpredictability of the war. He said
12 there are known knowns, things that we know. We also
13 know that there are known unknowns, things we do not
14 know. But there are also unknown unknowns, the ones
15 we don't know we don't know. There have been a number
16 of major unknown unknowns. Catastrophes related to
17 drilling in the past few years, the cause of which
18 even when proven by studies, are said to be unknowns
19 even though studies show that they know.

20 Perhaps one of the most dramatic, if not
21 most well-known examples, is the 2006 mud volcano of
22 East Java which erupted after exploratory drilling.
23 Imagine a mudflow that covers three square miles at a
24 depth of 65 feet, that swallows four villages, 25
25 factories, kills 13 people after rupturing a natural

1 gas pipeline, displaces 13,000 families with a flow so
2 execrable that it fills 50 Olympic-sized swimming
3 pools a day or that construction of dams, levies,
4 drainage channels and flooding the crater with
5 concrete balls all fail. Even though a study
6 concluded that a known cause of the eruption came from
7 overestimating the pressure the well could tolerate,
8 it is a known known.

9 HEARING OFFICER:

10 Thank you. Excuse me. Before you start,
11 can I have numbers 61 to 70 come up front? Fifty-one
12 (51) to 60. Thank you.

13 MR. GRAHAM:

14 My name is Tim Graham. I'm from New York
15 City. I just have to congratulate everyone here today
16 because I think it shows that the tenure of the times
17 is changing. We the people are going to start taking
18 precedence over our culture of secrecy, deception,
19 manipulation and exemption. People exempting
20 themselves from the law or will not listen to power.
21 People in Egypt, Libya, Wisconsin, Illinois, people
22 are going to start coming out to these things,
23 especially if they're held at times when it can be
24 convenient for them to get off of work.

25 And with regard to my comments, American

1 jurisprudence is based on human life, environmental
2 health, collective common good, human rights, and not
3 profits, monetary gain and external costs, which have
4 to be borne by the public, such as the Gulf oil spill
5 or New York City's water supply if our water becomes
6 contaminated and we have to put in a filtration system
7 at a \$30 billion-plus cost, which I'm sure the oil and
8 gas companies won't pay for. Selfish individuals,
9 economic gain, my family farm, my land, their problem,
10 tough times, we got to make a buck, pejorative labels,
11 tree huggers, enemy-based thinking, foreign
12 dependence, scare mongering. It's time we change the
13 way we live and the way we think. Arrogance of doing
14 as we please, sue us, prove it, our marshals to
15 protect gas company employees, indifference to
16 employee health. All of those things are not the way
17 of the future if we are to turn this country around.
18 And while I'll agree with many of the people who own
19 family farms and land, in some ways, they nonetheless
20 have ---.

21 UNIDENTIFIED SPEAKER:

22 Thank you.

23 MR. BRAUN:

24 Hi, good afternoon. My name is David
25 Braun. I'm here from New York City, and I'm a part of

1 United for Action. You have to be kidding me.
2 Seriously, it hasn't been a year since the deep water
3 horizon disaster, and you guys are about to let the
4 industry regulate itself. You're going to tell them
5 to, oh, please, this is the honor system. You guys
6 can watch where this wastewater goes. It's no big
7 deal. It's only 400,000 pounds of chemicals going
8 into each well. All the radon, everything else that
9 comes out of the ground. I mean, this is a serious
10 problem, and you guys are about to hand them the keys
11 to the mint, you know. I mean, this is the craziest
12 thing. So you've got to be kidding me about that.

13 Now, you mentioned the expected water
14 withdrawals. You didn't --- or the expected water
15 usage. You didn't mention the expected amount of
16 chemical usage. Like I just said, 400,000 pounds of
17 chemicals. That equals, for your estimations in terms
18 of wells, eight billion pounds of toxic chemicals will
19 be put into the ground in the Delaware River Basin
20 area. That is the equivalent of 11 Empire State
21 Buildings worth of toxic chemicals. That's an insane
22 amount going straight into the ground which will
23 migrate into our water supply. Now, I'm being very
24 honest, you've got to be kidding me.

25 Even with movies like --- out there, with

1 the state and studies that have been done, damaging
2 reports like the Hazelman-Sawyer report, you still
3 want to do this. I mean, it's the craziest thing. I
4 mean, you've got to be kidding me. We need to have a
5 cumulative impact study before we do anything. I
6 mean, seriously, you know, folks, Carol, you seem like
7 a very rational person. We have the evidence. We
8 know this is bad. We can't proceed with this. What
9 about the precautionary principle? So we don't sell
10 crack for a reason, and honestly, we shouldn't frac
11 for a reason. All right.

12 MS. TSOU:

13 I'm Ling Tsou from New York City, a
14 member of United for Action. Despite widespread
15 opposition, DRBC prematurely issued draft regulations
16 for gas drilling in the Delaware River Basin. Please,
17 please, do not issue regulations permitting hydraulic
18 fracturing without first addressing at least the
19 following two points.

20 One, regulations should be based upon a
21 comprehensive cumulative impact study, not on existing
22 state regulations which are woefully inadequate. This
23 draft fails to take into account the cumulative
24 impacts across multiple wells of water withdrawal and
25 the full lifecycle of well development.

1 Two, a lack of restrictions on the
2 chemicals that may be used to hydraulic fracture gas
3 wells. Chemicals currently used for fracking are
4 known to be hazardous to human health. It has not
5 been established that hydraulic fracturing gas
6 drilling is safe. That gas companies have
7 demonstrated a total lack of technical capabilities to
8 detect and reverse the effects of accidents or
9 mismanagement.

10 Remember the gas well explosions in many
11 people's backyards? A group of high school students
12 at a New York City high school said, remember the
13 major tobacco companies' CEOs who swore that there was
14 no evidence that cigarette smoking was either
15 addictive or cancer causing. The claims by the gas
16 companies' CEOs that hydraulic fracturing gas drilling
17 is safe and will not harm people's health and our
18 environment sounds very similar.

19 I'm a grandmother, and I'm terrified of
20 what kind of future we're leaving for our children and
21 grandchildren. Water is more precious than gas, oil
22 or gold. Life as we know it cannot exist without
23 water. Please do not rush to issue regulations
24 permitting gas drilling in the Delaware River Basin.
25 Your job is to protect the precious resources for all

1 the people who depend on this water and for all future
2 generations. Thank you.

3 MR. EBENBERG:

4 Good afternoon. I'm about the 52nd
5 person here to speak today, and I am a resident of
6 Hudson County, New Jersey, and I'm a human being and I
7 depend on water to live. I see you've got a conflict
8 of interest here just by the bottled water you have on
9 your table. Yeah, well, why don't you drink it? Save
10 it. You may need it some day.

11 UNIDENTIFIED SPEAKER:

12 I haven't opened it.

13 MR. EBENBERG:

14 It also appears that you people have been
15 neglectful, incompetent, and not doing your intended
16 jobs. You should be paid a salary. Actually, they
17 should fire the guy that hired you. That's the way I
18 see it. And I'd be worried about Governor Christie
19 taken out in handcuffs like he did to the Safe Valley
20 Sewage Authority. And we need Congressional hearings
21 just to check out you people at the DRBC. You know,
22 to regulate yourself is nearly impossible. I can
23 remember back to when they came out with OSHA. They
24 made great laws back in the '60s and they had nobody
25 around to enforce it for the first 20 years. There

1 were no inspectors. These people are running amuck
2 with yourselves here. It's unreal. You know, there's
3 not much more I can say, you know. Somebody else can
4 probably use the time.

5 But for all you landowners who feel
6 you've lost your rights, if you love the oil cartel,
7 you're going to love the water cartel.

8 MS. FOX:

9 My name is Angela Monci Fox. I'm a
10 resident of New York City and former resident of Wayne
11 County where my former husband and our three children,
12 one of whom is Josh Fox, still own 22 acres of land
13 which we purchased when he was born in 1972.

14 I want to speak to those of you who are
15 here to advocate for fracking. I want you to open
16 your eyes to the facts called for in the documentary
17 Gasland created by Josh, not because he's a Michael
18 Moore wannabe, but because of his passion for the land
19 in which he was raised. I want to put --- I want you
20 to put yourself in the shoes of the real people in
21 this film whose lives are being destroyed as we sit
22 here today debating this issue. It is not fantasy.
23 It is a movie that is based in fact. It is a
24 documentary. It is not fiction. It is a human story,
25 and their story is my story, and it can be your story.

1 The oil and gas industry is so threatened
2 by this film that it has created a special ad campaign
3 to debunk it. Energy and debt is a PR firm. Some of
4 you may be here today who have preempted Josh Fox and
5 Gasland and Google with muddied ads. Does the oil and
6 gas industry really believe that all the people who
7 have awarded this documentary did so because it was
8 not based on facts? Starting with the special jury
9 price at Sundance, the environmental media award, the
10 John Lennon Yoko Ono award for peace, so threatened by
11 facts in this film that, in an unprecedented move,
12 they wrote to the Academy of Awards asking for it to
13 be removed from the nomination category for an Oscar
14 for best documentary. On Sunday, this Oscar-nominated
15 documentary will bring this issue to national
16 attention, fortify a national movement against
17 fracking, making it possible to bring our case to the
18 president to ask him to restore our human rights to
19 clean water, clean air, and the families ---. The
20 DRBC ---

21 UNIDENTIFIED SPEAKER:

22 Thank you.

23 MS. FOX:

24 --- will be on the wrong side of history
25 if they vote to proceed with this drilling.

1 MR. PELOQUIN:

2 Paul Peloquin of Brooklyn, New York City.

3 This commission is a kangaroo commission with an
4 attempt for democracy with its go-ahead draft
5 regulations, a 90-day comment period, no hearings in
6 New York City, Philadelphia or any other major
7 affected city, fast track --- with its fast track
8 approval process which excludes public comments and
9 oversight, and its failure to include stuff like the
10 cumulative impacts as a part of its study. It's going
11 forward without studies which are in process. Why
12 would the industry have lobbied and achieved its
13 exemption from the Clean Air Act and the Clean Water
14 Act and the Safe Drinking Act? Because the industry
15 probably will not function with hydrofracking with
16 these acts in place.

17 There's no reason, given the mandate of
18 this Commission, to protect the drinking water of
19 people and to protect the water in the area to go
20 forward while these exemptions exist on the federal
21 level. Yet 15 million people or more with their
22 God-given, nature-given, good, safe water are to be
23 subject to a nonreversible geological experiment.
24 Stop shilling for the national gas industry. Withdraw
25 these regulations and protect our water.

1 MS. CRONLY:

2 Good afternoon. Mary Ellen Cronly. I'm
3 here as a concerned citizen to speak against fracking
4 and for our beautiful country so that we can keep it
5 for our children and grandchildren.

6 Pure, safe water is a treasure that's not
7 available for billions of people around the world. In
8 other countries every day 1,000 children worldwide die
9 because of unsafe drinking water. In the United
10 States, our pure, safe water is the envy of the world.

11 But the gas industry wants to develop
12 hydrofracking full force without regard to our
13 precious water and environment. And after they have
14 made trillions and ruined our water supply, they're
15 going to proceed to make more billions selling us
16 back, quote, unquote, purified water.

17 The proposed regulations do not regulate
18 the tons of toxic chemicals that gas companies intend
19 to pump into the ground. And the Hazelman report
20 conducted by environmental firms from New York City
21 said that the pressure caused by hydrofracking causes
22 unintended faults, cracks in the rocks that can go
23 miles and miles to places where it's not even ---
24 wasn't intended to go from the drilling site into our
25 water supply. It's unknown what this fracking is

1 doing under the ground. They haven't considered the
2 cumulative impact of thousands of wells in our
3 environment.

4 The corporation said drilling in the Gulf
5 was safe, but the regulations that were supposed to
6 protect the Gulf were not enforced. How are the DRBC
7 regulations going to be enforced? Hydrofracking must
8 be banned before we have a disaster like the Gulf but
9 magnified exponentially.

10 HEARING OFFICER:

11 Before you start, I'd like to call
12 numbers 61 to 70 to come up.

13 MS. SCHAB:

14 Hello. My name's Marjorie Schab. I come
15 from Remsenburg, New York, and I'm here by
16 organizations NYH20. You put in your PowerPoint
17 presentation, provide certainty to the industry. I
18 thought the mission that you have is to provide
19 certainty to the people of the United States, and
20 nothing is more important than our water. I was born
21 in Philadelphia, and I live in New York, and the lives
22 of 15 million people are at stake, our health and our
23 welfare.

24 And I especially want to address the fact
25 that you only have, in the sense, a bond of \$125,000

1 for pollution damage. I called the superintendent in
2 Southampton Town in Long Island. I said, how much
3 does \$125,000 buy? And he told me a half a mile of
4 the two-way road. That is it. Now, I feel this is
5 woefully inadequate. And due to the pressures, the
6 investment pressures which have nothing to do with our
7 well being, our economic well being, our health well
8 being, they will pay the fee and make the pollution.
9 It pays for them to do that. So all your regulations
10 will mean nothing because the fee is so low they can
11 simply walk away.

12 There is an alternative we can do and
13 have enough energy, and that is through renewables.
14 No one's mentioned that. Solar, hydro and wind. We
15 can do it. The whole country can do it. Therefore,
16 we don't need to worry about drilling in the Delaware
17 River Basin. We can keep it as pristine and as
18 beautiful as it is. And the other thing is tourism is
19 one of the biggest industries in the world. So thank
20 you. Just keep that going.

21 MR. SILBERMAN:

22 My name is Jerry Silberman. I'm here to
23 speak on behalf of the 5,000 members of the
24 Pennsylvania Association of Staff Nurses. As a union
25 of healthcare professionals and patient-care

1 advocates, we oppose hydrofracking in the Delaware
2 River Basin until it is proven safe. 1,000 of our
3 members live in the shale-drilling region.

4 The experience of other regions of the
5 country and even the drilling which has been done in
6 Pennsylvania tell us that this gas-mining process is
7 an enormous threat to public health. Large quantities
8 of toxic carcinogens such as toluene, xylene and
9 benzene are unavoidably released into the air and
10 water and have already poisoned wells in Pennsylvania.
11 These toxins don't stay on the property where the well
12 is, nor will the property owners foot the healthcare
13 bills for the thousands of people who will be sickened
14 over the course of this drilling.

15 We call on you to prohibit any frac
16 drilling until a completed environmental assessment is
17 released and publicized, and citizens are given a
18 chance to comment, at least a dozen hearings
19 throughout the basin. We call on you, based on
20 existing evidence, to prohibit any open impoundment of
21 wastewater and to require full, verifiable,
22 independently verifiable remediation of any wastewater
23 at the drilling site as a condition of permitting. We
24 call on you to require that any permitted drilling
25 operation be shut down pending full confirmation of

1 remediation of any contaminated water within five
2 miles of the well site, and to require the full
3 responsibility of the drilling company for all
4 necessary remediation. We call on you to do no harm,
5 to honor your compact obligation to preserve the
6 quality of our water. Thank you.

7 MR. OLSON:

8 Hey, hello there. Thank you for being
9 here. I know --- it didn't start. My name is Charley
10 Olson. I'm from United for Action. I live in New
11 York City, the forgotten borough of Staten Island
12 where they have trees and we enjoy them and we don't
13 want the pipeline to come through there either, which
14 hasn't been mentioned.

15 The first priority of all of this should
16 be do no harm. It's the first law of doctors, of
17 nurses, et cetera. Another important priority should
18 be why waste our time, as a man was just talking about
19 just a few minutes ago, with the fracking when we know
20 we've only got 30 years or less of the oil that can
21 come from this shale, and we should be moving that
22 money and those resources towards renewable energy
23 sources of the many varying kinds that we do have.

24 The problems that we --- and I'm
25 wondering, the homeowners that were pro-fracking have

1 left. They've left en masse. They were sitting here.
2 But if there are some of them still here, I'm
3 wondering, what will it take to convince any of our
4 sides here whether either side is right or wrong?
5 Will it take massive bodies? Will it take the
6 hospitals being filled? Will it take the insurance
7 companies to be sued and showing the problems that are
8 there?

9 We saw the problems with the tobacco
10 industry, and we believed the businesses then. They
11 were wrong. We believed the government when it came
12 to Agent Orange and 9/11, and we found out that they
13 were wrong. We couldn't trust the government and
14 business. We need from you the scientific proof that
15 makes this really work. We need the same rules and
16 regulations that residential houses in Pennsylvania
17 have. We need to take the exceptions out of the
18 Halliburton exceptions for clean water. Thank you.

19 MS. AYALA:

20 Hello. My name is Shannon. I'm a
21 volunteer. I heard about fracking because I was a
22 student activist in the climate and in the food
23 justice movements. It first struck me as an
24 environmental justice issue because I heard about it
25 as a controversy dividing rural communities and

1 pitting local farmers against the people who wanted
2 local farming the most. It was about national
3 security and jobs.

4 At the time I was graduating last year,
5 my new friends got me researching in this. And I
6 realized, hey, I identify with another boom, a boom of
7 activists that believe in a just transition to a green
8 color economy and a more local, sustainable, and
9 economically diverse society that's possible.

10 People who want to be farmers, who want
11 to use this land and build an inspiring new
12 infrastructure for a new America. So instead of
13 getting a real job after school, I really spent almost
14 the last year in going to everyone I know, to
15 sustainability clubs, to radical people, to everybody
16 and say, let's focus on the environmental justice and
17 radical drilling, because we know that the problems
18 with these things are real. We know that we can stop
19 these things. We know that at least we can stop the
20 worst things and shift subsidies to renewable energy.
21 So all we are saying is give green a chance.

22 MR. DEVANEY:

23 Tim Devaney, Delaware County,
24 Pennsylvania. No one can do due justice to the
25 importance of this subject, gas drilling in our

1 watershed, express the depth of our concern or offer
2 constructive criticism. We need more time to review
3 the DRBC draft regulations. At 89 pages, they are
4 inadequate to protect our citizens and preserve our
5 Commonwealth. I request a continuance of the public
6 hearing until all relevant data is available for
7 review and necessary impact studies and baseline data
8 gathering are completed.

9 I ask for additional public hearings
10 throughout the Delaware River watershed, and I point
11 out that we need more time to ensure that
12 Pennsylvania's new representative on the DRBC, our
13 newly elected governor, is well-enough versed in the
14 facts to fairly represent the more enlightened opinion
15 of our people.

16 For example, there is a gulf of
17 misunderstanding between the Gaslands of Josh Fox and
18 the slick television campaign for the gas industries'
19 vested interests. Our common sense in heart --- in
20 caring for our home state's future supports the former
21 accounting as more likely truthful.

22 Part two. Water is the vehicle driving
23 the wheel of life. Water is the source of life on
24 earth. Culture and civilization, heritage and
25 development flourish in proportion to abundant and

1 accessible pure, flowing, uncontaminated water. Water
2 keeps life alive. No surprise our Pennsylvania
3 Constitution affirms the right of our people to clean
4 water.

5 In contrast, last year --- by the DRBC
6 for the gas fracking industry to withdraw from
7 northeast Pennsylvania three-quarters of a million
8 gallons of water per day represents the average daily
9 water use of 12,096.7 Pennsylvanians. How does the
10 Commissioner's oath of office, and that's to uphold
11 and defend our Constitution, which is lopsided,
12 exchange the fresh water for gas?

13 MS. FOLZER:

14 Hello. I'm Sandra Folzer. I have 100
15 acres in Tioga County. But one of the things I want
16 to point out today is I'm also a cancer survivor.
17 I've had a double mastectomy. If you look at my face
18 right now, at all these scars, that I just had cancer
19 taken from my face.

20 And I'm very concerned about the
21 carcinogenic chemicals that are in the wastewater. It
22 is not a hypothesis. It's a reality. We know a lot
23 of the chemicals are carcinogenic. We also know that
24 the fracking brings up radioactive materials. That's
25 a given. And I think that that's something that we

1 need to pay attention to. It's not a matter of will
2 cancer increase, but when it will start increasing.
3 It's already been increasing. We know that childhood
4 cancer is on the uprise which means it's not just
5 lifestyle. It's something in the environment.

6 I also am sorry that all these landowners
7 left because I too as a landowner --- I want to
8 respect their right that they want to do certain
9 things on their land. But what they need to keep in
10 mind is what they do on their land impacts my land and
11 my life. I did not lease my land, but my neighbors
12 have leased their land. And what happens is when the
13 air is polluted, it comes into my land. When they
14 pollute their water or when it goes into the water
15 system, it comes into my water. I worry night and day
16 about all --- how the aquifers are being polluted. We
17 know it by --- from engineer hydrologists that water,
18 especially salty water, goes very quickly into ---
19 into the aquifers.

20 And I want to make sure --- I want to
21 commend that --- I know you have a difficult task
22 ahead of you, but I hope that you don't trust the gas
23 companies who have seen the damage they've done
24 upstate. And the fact, I don't think we can trust
25 them. They say they have not hurt the water when, in

1 fact, we know there are many cases. So good luck, but
2 please have a moratorium and take time. Thank you.

3 MR. WESTFALL:

4 Hello. My name's Cliff Westfall. I'm a
5 landowner in Wayne County, Pennsylvania. I'm a member
6 of Damascus Citizens and also a resident of New
7 Jersey.

8 I'm sure the Commission will receive many
9 technical comments, including from me, but right now I
10 would like to talk about the politics surrounding this
11 issue and what they're like to be in the future,
12 particularly here in New Jersey.

13 At the outset, I should say that I find
14 it shocking and disturbing that Governor Christie,
15 through his DEP secretary, Mr. Martin, has taken a
16 position urging the DRBC fast track regulations.
17 Specifically in a letter dated July 13th, 2010, here
18 is the following. The DRBC promulgated regulations by
19 September of last year in advance of any cumulative
20 impact study that might guide in formulation and
21 implementation, and determine whether it is even
22 possible that hydrofracture be done safely in a
23 watershed of this importance. The Pennsylvania
24 regulations take primacy over DRBC authority, a move
25 that would obviate the very purpose of the agency.

1 They also appear to support the return of
2 feed water to basin water, which is --- currently
3 exists no adequate treatment of method available scale
4 --- permitting different potent carcinogens for which
5 there simply is no safe level. It didn't have to be
6 this way. Governor Christie has taken a very
7 proactive, pro-environmental stance with respect to
8 the dredging of the Delaware and offshore --- natural
9 gas terminals. Republicans, Democrats alike in our
10 state depend upon clean water, and any alleged benefit
11 to New Jersey is far outweighed by the risks to our
12 drinking water.

13 New Jersey communities depend on the
14 Delaware --- not only does it take water directly from
15 the Delaware, but also those who get their water from
16 other surface water sources, those who depend upon the
17 New Jersey Coastal Clean Aquifer all through South
18 Jersey. Crucially, it's worth pointing out regarding
19 the politics, that most communities do not now realize
20 about the water of the Delaware, but they will because
21 the inevitable accidents that will occur if this is
22 allowed to go forward in the headwaters of your
23 watershed.

24 Every day there are new reports of
25 accidents that shouldn't be occurring in the river or

1 its tributaries. There's a real possibility of
2 disaster. How is this really a politics issue? It is
3 my sense in this abbreviated process of no hearings in
4 New York or Philadelphia represented a decision by the
5 Commissioners, the faster they can get through this,
6 the quicker the issue will dry up and blow away. The
7 opposite is true. For all of the issues raised here,
8 it's going to only grow as soon as this process is
9 implemented.

10 MS. STIMPFEL:

11 Good afternoon. Thank you for listening
12 through everything that's gone on. I'm Teresa
13 Stimpfel. I'm chair of the Central Jersey Sierra
14 Group. We have 1,700 members right here in this area.
15 No, I wasn't buzzed in to get here and speak. I came
16 here because I want to.

17 I'm nervous. I'm nervous speaking and
18 I'm nervous depending upon you. The DRBC is an agency
19 that's expected to be doing no harm. Yet your draft
20 regulations are double speak providing cover for
21 profit-driven companies to exploit what they see as a
22 resource pool and damage our crucial resource that 15
23 million people today and millions to come in future
24 generations will depend upon. It took eons to form
25 this gas deposit and our water supply. Only greed and

1 careless disregard for people and our environment
2 prompt this rush to drill.

3 If the process is so safe, why do you
4 have such limited liability for developers? You
5 encourage small scale, less experienced developers
6 with approvals by rule that should be banned. All
7 wells must have plans. If this is so safe, prove it
8 with a cumulative study and delay the rules until the
9 EPA and other scientific studies are completed.

10 While you duck your responsibility to
11 write true, up-to-date comprehensive rules informed by
12 science from independent sources, you force us to
13 suffer from old weak New York and New Jersey and ---
14 New York and Pennsylvania rules that are clearly
15 inadequate and will pollute our water and our air.
16 New Jersey will have to breathe toxic air in their
17 emissions from industrial exploitation, including
18 toxic evaporation from open waste pits that should be
19 banned. We will breathe smoke and chemical vapors
20 from fires and explosions, such as the one last night
21 that occurred in Avonale (phonetic). How can you
22 prevent future pollution when you don't require
23 disclosure of the chemicals or list the wastewater as
24 hazardous?

25 MS. BLOOM:

1 Gas drilling is a public health issue.
2 Thank you for working hard on your draft regulations,
3 but they fail to address the acute and cumulative
4 health impacts from unconventional gas drillers, so
5 they must be redrawn --- withdrawn and rewritten after
6 the EPA study is complete and after a cumulative
7 impact study is done, specifically for the Delaware
8 River Basin. Please extend the March 16th public
9 comment deadline for at least six months and
10 preferably two years until the EPA study and the
11 cumulative impact study are done.

12 I wake up every morning with asthma. My
13 mother died from lung cancer, and members of my
14 immediate family suffer from respiratory disease. So
15 I know what it's like and it's not just a little
16 tightness of breath. Respiratory disease kills.

17 Shale gas drilling mobilizes radon, which
18 is the number two cause of lung cancer, along with
19 radon 226 and radon, both potent carcinogens. Until
20 more is known about the health impacts from these
21 radionuclei, your draft rules must not be finalized.
22 Studies have also already shown that gas drilling
23 increases asthma to as high as one in four in children
24 in gas-drilling areas.

25 Your draft rules allow huge centralized

1 waste pits which must be outlawed. Frac water picks
2 up organic compounds from the shale during fracking.
3 When the flow-back waste is stored in the frac pits,
4 the hazardous pollutants, including benzene, tuolene,
5 xylene into the air, combine with nitrogen oxide to
6 produce ground level ozone, the primary component of
7 unhealthy smog. We know that air interacts with
8 water. The two are completely intertwined. We need
9 to look at air impacts as well as water.

10 These regulations rely on compliance and
11 transparency from an industry which has shown the
12 opposite behavior over and over. When people get sick
13 and sue gas-drilling companies, the companies force
14 them to sign nondisclosure clauses to keep silent.
15 Until these silences are broken, there must be no gas
16 drilling.

17 HEARING OFFICER:

18 We would like to take a little break for
19 our court reporter, who's been doing just a great job.
20 And we want to call numbers 71 to 80 to come up
21 forward. So just a short break.

22 SHORT BREAK TAKEN

23 HEARING OFFICER:

24 Please take your seats. We're ready for
25 the next speaker.

1 MR. ALLEN:

2 Okay. My name is Alex Allen. I was at
3 the hearing in Honesdale on Tuesday. I heard a lot of
4 talk about property rights. I actually grew up in
5 Wayne County, Pennsylvania. I actually own land in
6 northeast Pennsylvania, and now I live downstream in
7 Philadelphia.

8 I want to talk about some other rights
9 that I have as a Pennsylvanian. The Pennsylvania
10 Constitution guarantees me the right to clean water
11 and clean air. I consider that a human right. It
12 doesn't matter if it's written on a piece of paper.
13 Anybody in the United States should have that right.

14 So with gas drilling, we have this body
15 of anecdotal evidence suggesting that the activity,
16 you know, may deprive people of their rights to clean
17 water, to pure air, pure water, clean air. It's a
18 staggering record. We have the bubbling of methane in
19 the Susquehanna. We have unsafe levels of total
20 dissolved solids in the Monongahela. Thousands of
21 reports of well water contamination. Case after case
22 of human illness, and unusually high rates of
23 childhood asthma in active Barnett shale drilling
24 areas. Fish kills, salamander die-offs. These strong
25 indications give me no assurances that my human rights

1 are protected, you know, if this activity continues in
2 the basin.

3 So we're talking about the property
4 rights of hundreds of landowners against the human
5 rights of millions of people who live --- who get
6 their drinking water from the basin and breathe the
7 air in the basin. Which rights take precedence?

8 MS. KULSCHYCZI:

9 Good afternoon. My name is Iwatika
10 Kulschyczi. I am just a student. I'm just a
11 Philadelphia renter. And I'm just from Pennsylvania,
12 but I'm also just a part of your future.

13 We the people, in the era of cooperation,
14 accountability, transparency, stand where legal
15 thought intersects with supported data and common
16 sense foundations. Yet the questions of quality of
17 life remain for critical thinking. So in terms of
18 renewable resources, what about gas or water? Or
19 maybe is human life renewable? Is public health
20 renewable? Is flora renewable? What about the fauna?
21 Could that be renewable for us, too, just like gas or
22 water or human life? These tasks all needed base
23 information on our actions individually and
24 collectively. Maybe then it could just be time to
25 change how we think about how we want to solve our

1 problems.

2 There is also the question of a timeline
3 focus with not only immediate, but short-term,
4 midterm, and yes, also long-term consequences for
5 challenges and successes and our lives. I advocate
6 for not only a continued moratorium, but concurrent
7 study, a cumulative one at that for impact, but more
8 so continuous enforcement, vigilance and restrictions.
9 I suggest a new normal plan where our needs can be met
10 timely for collective sustainability. I do not want
11 to illustrate argumentation over the facts because I
12 am no expert at that. Rather to ask for long-term
13 thoughtful decision making.

14 MS. HOULAND:

15 Hi. I'm speaking as a Philadelphia
16 resident. I'm not an expert of any sort. I'm just
17 someone who would like to reiterate what the young man
18 who just spoke said about human rights versus property
19 owners' rights. I'm not a landowner. I'm an urban
20 resident, and I'm scared shitless that the water that
21 I rely on is going to be contaminated due to actions
22 that are beyond my control.

23 And I find it appalling that many of us,
24 industry, non-industry, officials, all of the
25 stakeholders, and there are many involved in varying

1 levels of denial about a very present and clear
2 danger. When cows are producing stillborn calves in
3 proximity to well pads, as happened to Terry Greenwood
4 in Washington County, Pennsylvania, there can be no
5 question that toxicity is occurring. So this is about
6 mismanagement and greed. Let's call it what it is.
7 In short, negligence and exploitation.

8 So I'm asking you, the members of the
9 DRBC, three things. Do not allow --- please do not
10 allow what I'm calling a travesty of justice to occur.
11 Please do a comprehensive, cumulative study before any
12 regulations are finalized. The second thing I'm
13 asking for is, please ban waste impoundments if you
14 want to protect humans, domestic animals and wildlife.
15 And the third thing is, please allow for more hearings
16 in Philadelphia and New York. And the last thing I'll
17 say, close your eyes and imagine the groundwater.

18 MR. HINE:

19 My name is Ron Hine. I'm a landowner in
20 Damascus, Pennsylvania. So far just a handful of gas
21 wells have been drilled in the Delaware River Basin.
22 They're all vertical wells. None have undergone
23 hydraulic fracturing for the production of natural
24 gas. But already we have problems. A year ago,
25 contamination was discovered at the Rodson well. On

1 Tuesday, testimony at this hearing revealed water
2 contamination adjacent to the Crum site and the Teeple
3 well. So let's expand the number of wells to 15,000
4 to 18,000. That's your number. Let's add horizontal
5 drilling and hydraulic fracturing to the mix. Then
6 we'll bring in countless truckloads of toxic
7 chemicals, none of which are prohibited by your
8 regulations. Benzene, toluene, methylbenzene, xylene,
9 2BE, just to name a few.

10 Look at the Jonah gas field in Wyoming or
11 Garfield County, Colorado. Then you can picture what
12 the river basin will look like at full buildup. An
13 industrial landscape with a multitude of chemicals
14 below the earth, upon the earth, and in the air.

15 The gas industry claims this is all safe
16 and clean. They spend billions of dollars on national
17 TV to convince the public of this. They pour millions
18 into the campaign coffers of elected officials to skew
19 the political process in their favor. Over a ten-year
20 period, the gas industry contributed \$856,000 to a
21 current DRBC commissioner. The Marcellus Shale
22 Coalition paid a former governor and his staff
23 \$900,000 to lobby for the industry.

24 UNIDENTIFIED SPEAKER:

25 Thank you.

1 MS. PRYDE:

2 My name is Coralie Pryde. I'm from
3 Wilmington, Delaware. After spending days studying
4 these regulations, I have to agree with people who say
5 they find them confusing because I do, too. But I
6 also strongly feel that they are inadequate.

7 I think that there are some good ideas
8 for regulations here, but what I don't see are good
9 ideas for enforcement and monitoring of those
10 regulations. In Pennsylvania, when I can look, some
11 companies have a record such that each well that they
12 have has had ten infractions or failures to follow the
13 regulations in the past couple of years. We must have
14 monitoring, and we must know how we're going to pay
15 for it because it will be expensive.

16 Another problem is the regulations don't
17 mention to me when we're going --- we're concerned
18 about different chemicals in the water, and I know
19 there'll be tests for them, but which ones will be
20 tested for. I don't see things like fluronitril
21 (phonetic), pinalen --- monoxide, a very powerful
22 carcinogen, mentioned, or radon, hydrogen sulfide.

23 Most important thing, though, is I'm
24 concerned about the long-term. Once --- these wells
25 will be capped and abandoned, within 30 years or so,

1 studies by the EPA show that it is almost inevitable
2 that they will begin leaking within the next 50 to 100
3 years. The cement will shrink and allow gases to come
4 up. When there's minor dislocations in the earth,
5 less than an earthquake, it will cause the pipes to
6 crack. They have already identified leakage of
7 chemicals from these abandoned wells. In 100 years,
8 who is going to pay for that damage when these
9 companies are out of business and gone? How does this
10 protect the people in the environment of the Delaware
11 River Valley?

12 MS. LINDEN:

13 Priscilla Linden, Washington Crossing,
14 Pennsylvania, and for 47 years a professional social
15 studies educator. So I'd like to talk about
16 geography, history, economics and government.

17 Geography, DRBC regs are not wide enough
18 ranging in area covered. History, DRBC regs are not
19 long range enough in time for both pre and post
20 drilling monitoring and remediation of problems as the
21 drilling companies' responsibilities. Economics, as a
22 consequence, the public will be saddled with the costs
23 of continuous monitoring and cleanup in perpetuity,
24 both in dollars costs, as well as in health costs to
25 the citizenry. Government, state laws have proven to

1 be inadequate, so the DRBC must not simply defer to
2 them for the enforcement part of the regulations. And
3 certainly the federal Halliburton loophole offers no
4 Clean Water, no Clean Safe Drinking Water, or Clean
5 Air provisions.

6 Procedurally, I'd like you to wait until
7 the EPA and other scientific impact studies have been
8 done at least two years to 2012. Insufficient comment
9 period time and place, please extend those. We need
10 regional baseline testing of water quality, volume and
11 flow, as well as seismic activity and air quality that
12 already exist in the Delaware Basin for at least a
13 year before drilling to be able to measure any actual
14 effects after drilling.

15 The regulations need to require
16 continuous monitoring of regional effects in
17 perpetuity, that is readily accessible to the public,
18 ideally by satellite and internet monitoring by all
19 these groups that showed such concern for the safety
20 of these.

21 More specifically, the regulations must
22 go far beyond the well pad. It should be measured
23 from the ends of each horizontal drilling rig. They
24 should require special traces for each horizontal
25 drilling extension. They should show responsibility

1 in perpetuity for all the groundwater because it
2 migrates at 1,200 feet per year even at 500-foot
3 depth.

4 MR. FLUCK:

5 I'm George Fluck from Robbinsville, New
6 Jersey. The challenge and the problem. We need to
7 monitor and control environmental impact of 2,000-plus
8 natural gas wells and radials with the staff of two.
9 The simple answer, it cannot be done.

10 However, since the migration of problems
11 can extend or comingle beyond a well site, county or
12 state, the DRBC is the only organization that is in
13 position to monitor a production well and execute
14 real-time shutdown or scram protocol if required
15 because of a breach in the Delaware River Basin
16 protection permit. The state, county and
17 municipalities, based on past history, will be very
18 busy responding to accident victims, continual
19 infrastructure repair, well pad fires and Hazmat
20 issues. Reference, last night's natural gas fire in
21 Pennsylvania. It will be attached to my article.

22 The problem can be solved by installing a
23 close-loop, positive feedback system of real-time
24 measurement devices at each well pad transmitted to an
25 automatic control system located at DRBC headquarters.

1 Examples of measurement metrics, underground chemical
2 migration, as determined by a unique tag tracer for
3 each well and radials. Chemical, air, surface water,
4 ground waters, seismic, additional future measurements
5 necessary by the DRBC as determined during the
6 lifetime production of a gas well. Measurements
7 should include not just chemicals that the gas company
8 puts into the ground, but the entire spectrum of
9 mineral and other agents that can become dislodged
10 during the natural gas drilling and production
11 process.

12 HEARING OFFICER:

13 Thank you.

14 MR. FLUCK:

15 Thanks a million.

16 MS. BORICHEVSKY:

17 Good afternoon. I'm Connie Borichevsky,
18 president of the League of Women Voters of Bucks
19 County. I thank you for the opportunity to speak on
20 behalf of our members throughout the Commonwealth.

21 We question how you can decide the fate
22 of our majestic resource, the Delaware River Basin,
23 when the evidence is still out. The EPA study is not
24 yet completed. The research on the cumulative and
25 long-term impacts of hydrofracturing remains

1 unfinished. What's the rush? Once you reach the
2 verdict on these regulations, life-altering
3 consequences will ensue.

4 We the people of Pennsylvania have a
5 Constitutional right that I quote in part from Article
6 One, Section 27. The people have a right to clean
7 air, pure water, and the preservation of the natural,
8 scenic, historic and aesthetic values of the
9 environment. Please protect the rights today and for
10 generations yet to come.

11 As a result of our statewide, year-long
12 study, the league developed a position on natural gas
13 extraction from the Marcellus Shale, and our position
14 supports the maximum protection of public health and
15 the environment in all aspects of natural gas
16 production, site restoration, and delivery to the
17 customer by requiring the use of best practices and
18 promoting comprehensive regulations, communication and
19 adequate staffing across government agencies.

20 The league commends the Commission for
21 seeking broad-based public input through this series
22 of public hearings. But the draft regulations are a
23 mere starting point. Economic and political
24 influences are being brought to bear on the issue
25 before you. Make your deliberations reflective of

1 public input and the scientific studies yet to be
2 completed. Ensure that the process is transparent.
3 Let your decision making model good governments that
4 is truly of the people, by the people, and for the
5 people so that what we value will not perish from the
6 earth.

7 MS. WILKINSON:

8 Karina Wilkinson. I'm speaking on behalf
9 of Food and Water Watch, a non-profit, consumer
10 advocacy organization that advocates for common sense
11 policies that will result in healthy, safe food and
12 access to safe and affordable drinking water. We have
13 a national membership across the country, including in
14 New Jersey --- an office in New Jersey.

15 We appreciate that the Commission
16 recognizes that horizontal drilling and hydraulic
17 fracturing technologies can have a substantial effect
18 on the surface and groundwater resources of the basin.
19 And we share your concern outlined in the draft
20 regulations that the Commission's current threshold
21 established by its rules and practices and procedure
22 do not adequately protect the wider resources of the
23 basin from gas development.

24 But the DRBC has a responsibility to
25 protect public water from hydraulic fracturing, and we

1 urge you to make your moratorium permanent. We do not
2 believe that you have conducted an adequate review of
3 the specific dangers related to fracking before moving
4 forward with these draft regulations. EPA has been
5 tasked with assessing the full potential impacts of
6 fracking on water resources and preliminary results of
7 this study will be released in 2012. Full results are
8 not expected until 2014. Any regulations that do not
9 fully consider the results of this study are
10 premature.

11 It is also very important that the DRBC
12 adequately consider input from the public when making
13 decisions that affect our water supply. I have 90
14 letters here from supporters who are local residents
15 asking for additional hearings. On their behalf, I
16 recommend that the Commission extend the public
17 comment period to include hearings in additional areas
18 that will be affected if drilling is allowed to move
19 forward, including New York City and Philadelphia in
20 order to fully evaluate the potential impacts of the
21 proposed regulations.

22 On behalf of Food and Water Watch and the
23 estimated 15 million people who get water from the
24 Delaware River Basin, I urge the Commission not to
25 move forward with implementing regulations on gas

1 drilling. To the extent that you do, it should be
2 with adequate scientific ---.

3 MS. FLUCK:

4 Leona Fluck, Robbinsville, New Jersey.
5 The Delaware River Basin is the drinking water source
6 for 15 million people. The DRBC is responsible for
7 maintaining the river basin's quality under the
8 special protection designation within the Clean Water
9 Act. The DRBC draft regulations are premature without
10 a cumulative impact analysis. The regulations must be
11 put on hold until the U.S. EPA has completed their
12 scientific studies that are due in 2012.

13 I want the DRBC to set all standards and
14 regulations and not rely on state or rest on their
15 regulations. Pennsylvania state standards are
16 inadequate and inconsistent over time with their
17 special exemptions and loopholes. Total DRBC
18 oversight is critical for the basin, not for a day or
19 a year, but for decades and decades due to the impact
20 of water withdrawals and the life of gas wells and the
21 industry. I want the DRBC in total control from the
22 approval and monitoring of well sites through
23 industrial development, production and then shutdown,
24 extending beyond that for contamination. This
25 includes the entire area, the well and its radials,

1 which could extend to 5,000 feet and impact many
2 aquifers.

3 DRBC, please protect us, the environment,
4 the river basin and our aquifers. I don't trust the
5 gas industry to monitor itself.

6 HEARING OFFICER:

7 Thank you. Before the next speaker I'd
8 like to call numbers 81 to 90 to come forward.

9 MS. HONIG:

10 Hi. My name is Ethelyn Honig. I'm a
11 resident of New York City for 77 years, and I didn't
12 plan on speaking here today. I never heard of you. I
13 heard of hydrofracking, and I'm an artist. Married,
14 widowed. My husband was a musician.

15 And the first do-not-harm comment really
16 resonates with me. I have no plan of speaking,
17 however, what I am gathering is that a very small
18 organization, you guys call the DRBC, have a huge,
19 over-the-top responsibility, probably more than you
20 could possibly deal with. And I'm not even sure that
21 legally you should be in this position. It seems to
22 me as though this is a federal issue because of lines
23 between states are simply lines. And that you are
24 divided into one small geographic area which impacts a
25 huge number of people. Somehow, it seems as though

1 it's a structuring incorrect in the sense that
2 somebody's made a major structural governmental error
3 in dividing our country in terms of the environment in
4 this way. I don't know what can be done to change
5 that, but it's like tribes in other countries.

6 MS. VANADORE:

7 Hello. My name is Leathea Vanadore. I
8 live in New York City. I'm a lifelong activist on
9 behalf of things that are really dear to my heart and
10 of essential importance to a great number of people.

11 Hydrofracking, to me, is an act against
12 humanity. The result of this process known in other
13 parts of this country, there are a lot of lies and
14 misinformation out there. When fracking is done, it's
15 not just that little area they show you on top of the
16 earth. It spreads God knows where. And also there
17 had been earthquakes in areas where there were never
18 earthquakes before hydrofracking took place. And I
19 think that by permitting this process to go forward,
20 you are letting the genie out of the bottle. And once
21 you let the genie out of the bottle, you can't put it
22 back in again. But the destruction will live for
23 generations.

24 I have no children. I have no
25 grandchildren. But I have friends who have children

1 and grandchildren. I have nieces and nephews who have
2 families. And some of them are as unenlightened as
3 some of the people who spoke here today, and some of
4 them could care less. This is not a Democratic or
5 Republican or an independent issue. This is a human
6 issue, and it is a moral issue. It speaks volumes to
7 me. If you're willing to sell out --- landowners are
8 willing to sell out for a paltry sum of money, which
9 they're not going to get back, and the further truth
10 is this oil --- this gas will not help this country.
11 It will be immediately shipped off to other countries.
12 And the only winners are those few at the top, and the
13 rest of us at the bottom are losers.

14 MS. AXELROD:

15 Good afternoon. My name is Jennifer
16 Axelrod. I'm a property owner, a farm owner, an
17 attorney and a conservationist. I own an 80-acre farm
18 parallel to the Delaware River, New Jersey, and I
19 spent years planting deciduous trees and saplings I
20 bought from the New Jersey Forestry Department. Over
21 4,000 symbols of hope for the future, habitat and to
22 help the watershed that winds its way into the mighty
23 Delaware River.

24 The property value of dwellings without
25 clean water is zero. Communities with toxic and no

1 water supplies become instantaneous ghost towns.
2 These are the financial considerations, but by no
3 means the most important ones. Our survival, our
4 entire survival depends entirely on a clean water
5 supply, and it is finite. We cannot afford to observe
6 in our bodies and our savings, any more health issues
7 caused by biosides (phonetic), industry disruptives,
8 neurotoxins and carcinogens, to name a few that sicken
9 us. We cannot as a society afford to clean up
10 pre-existing superfund sites. These are the ones that
11 hydrofracking is causing.

12 How can we remediate ones we cannot even
13 see or fully know the long-term consequences are?
14 Even organizations came and poisoned one of our
15 reservoirs, we would consider it an act of
16 bioterrorism. How is bypassing the Clean Air and Safe
17 Water Drinking Acts keeping the process secret by
18 claiming propriety interest restraints, not paying
19 commensurate taxes, not being financially liable for
20 creating what is essentially superfund sites, damaging
21 our roads and bridges with traffic, clear cutting
22 forests to create pad sites. Second, releasing toxic
23 chemicals into the air, not being regulated and being
24 held accountable for all this, not considered an act
25 of terrorism on each and every one of us? I believe

1 we've reached a tipping point. A moratorium must be
2 placed in the hydrofracking. Thank you.

3 MS. MARTINEZ:

4 Hi. I'm Amanda Martinez, and I'm a New
5 York State tap water drinker and very proud of it. I
6 live around people who pay \$5 for sparkling water, but
7 I guess they work with the industry because no other
8 people can afford to be paying water to drink, and you
9 have to have 15 million people that depend on you for
10 that. You know the numbers and I'm sure you have all
11 the data in the industry collected. And if you have
12 to wait --- I don't know why it is because you have
13 most of the evidence that says that this is just
14 abhorrent. You know about the millions of gallons of
15 chemicals and the billions of gallons of water, and I
16 just don't know whether I'm going to die of the
17 chemicals or of thirst. I don't know what's going to
18 be first, but it's a horrible death either way.

19 If you want to believe that the chemicals
20 are not poisonous, or if you want to believe that the
21 water is not scarce, and if you want not to believe
22 the facts, then you cannot regulate now or next month
23 or ever. I think everything has been said, and I
24 guess that's all I have to say, you know. I'm sorry
25 that they left because the property --- the landowners

1 are just getting taken. And the ones who are making
2 money here are the gas drillers. The industry is the
3 one that's getting all the money, and we're just
4 suffering because of that. Thank you.

5 MR. LAM:

6 Hello. My name is David Lam. I'm a
7 student studying bioenvironmental engineering with a
8 minor in economics. I was born in Trenton, raised in
9 Lawrenceville and Pennington. I go to school at
10 Rutgers University.

11 On a grander scale, this is all about
12 economics. In an infinite growth system on a finite
13 planet, that entire ideology is absurd. Today, why
14 don't we pursue renewable energy sources because of
15 the countless benefits it has above fossil fuels?
16 Obviously we pay for Volvos because they'll last
17 longer than Kias. Why don't we do the same with
18 energy?

19 If you include the environmental costs of
20 cleanup and remove the fossil fuel subsidies,
21 renewable energy sources by far will come out on top.
22 Until the penalties exceed the profits of these
23 companies, nothing will happen. Plus, it can draw out
24 these lawsuits for years, almost generations. And
25 then at the end, just pay a settlement.

1 Also, this is an example of the broken
2 window fallacy where if you destroy something, it
3 drives the economy. But here, even if you break a
4 window and the window-maker makes money, the society
5 as a whole loses out because that money can be
6 directed towards something, a new good, such as a new
7 suit or something.

8 Residents today here are fearful. And
9 it's time that the profit-driven powers of corrupt
10 legislators and energy companies are fearful as well
11 because every generation has a revolution, and today
12 we have the possibility of organizing in a way that no
13 other generation ever had. So you will see the
14 youth-created revolution around the world. Thank you.

15 MS. HANSEN:

16 Good afternoon, Commission. My name is
17 Amy Hansen, and I work in New Jersey Conservation
18 Foundation. Thank you for the opportunity to comment
19 today. NJCF has a 50-year history of protecting lands
20 that drain into the Delaware River Basin, and we have
21 grave, grave concerns about the already absurd,
22 negative and also potential negative impacts from
23 natural gas drilling on our water supply. NJCF has
24 made a large investment in lands in the Delaware Bay
25 watershed, and we help to implement milestone water

1 protection, including the formation of the Delaware
2 and Raritan Canal Commission. We are troubled by the
3 rush to drill and lack of caution with respect to our
4 critical drinking water supply.

5 We have been speaking with our colleagues
6 in Pennsylvania, the Pennsylvania Association of Land
7 Trust Alliance. And they are seeing frightening
8 leveling and industrialization of forestland,
9 protected farm land, and open space at a rapid pace
10 due to gas drilling. They also are concerned that
11 every well in Pennsylvania could become contaminated
12 by this process within a certain number of years.

13 NJCF does appreciate the work that DRBC
14 has done over the years to maintain the exceptional
15 water quality that now exists in the mighty Delaware
16 River, and we urge you to continue that work and
17 improve water quality where needed. These draft rules
18 fall far short, however, of meeting that goal even
19 though they include some proposals that are stricter
20 than some states' rules.

21 The more stringent proposals are a good
22 start, but the draft rules need to be developed only
23 after needed scientific studies have been completed
24 and understood. The rules do not protect from the
25 risk of catastrophic harm from individual wells, nor

1 do they address a cumulative impact. Thank you.

2 MR. CHURCH:

3 My name is Tom Church, and I live in
4 Easton, Pennsylvania. At the moment I live in Easton,
5 Pennsylvania, but my --- in my earlier days I lived in
6 the State of West Virginia for many years, for 20
7 years. In 1972, I bought 125 acres in rural West
8 Virginia down a dirt road. It was a very beautiful
9 property. It was its own little valley. And it was
10 pretty pristine at the time. And over my 20 years
11 that I lived there, there were many, many changes.
12 And I'm here basically as one of these landowners on
13 one side who had the option of leasing to oil and gas
14 drillers and learning from the ground up what they
15 were about. And on the other side, I actually went to
16 work for a natural gas company as a utility worker
17 reading meters and working on meters. I was a
18 licensed meter technician in the State of West
19 Virginia. And went from the period of time when I was
20 testing meters using natural gas just sitting in a
21 meter house with natural gas boiling around my ears,
22 using it as a testing device, the gas itself, to ---
23 using a digital unit that used air. So there have
24 been so many changes over all the years that the
25 natural gas business has been going on.

1 And at this point, I --- the benefits
2 that I have had from having leased with three wells on
3 the property and having made \$30,000, \$40,000 over a
4 5, 10-year and 20-year period, it's not justified by
5 the damages that have --- that I saw in so many ways
6 and have so many anecdotal evidences of problems.

7 MS. GALLAGHER:

8 I'm Sheila Gallagher. I've lived in
9 Easton, Pennsylvania on the Delaware River. And I'm
10 here just as homeowner, landowner and descendant of
11 ancestors who came over from Europe over 250 years ago
12 and settled on the banks of the Delaware River. And
13 my family still lives there. They still have farmland
14 there.

15 And I just am very concerned about the
16 lack of evidence to prove that there is safety in this
17 process. And I would like to see the Delaware River
18 and all of its beautiful resources to remain as such.
19 And in the reality of life, water is something that
20 every human being needs. Gas, although it's a natural
21 resource, is in essence a poison to our bodies. And
22 the only reason that there's an importance in this now
23 is because people in this environment now believe that
24 all of our modern conveniences are something that we
25 need to have rather than looking at the long-term.

1 They're more interested in the here and now and let
2 the generations to come clean up the mess.

3 And I just believe that, you know, so
4 much of our resources today that we're using to drill
5 these wells could be put to better use. It would be
6 much better to spend the money that goes into driving
7 tanker trucks of water down the roads and beating up
8 our roads to provide renewable resources rather than
9 to take resources that will wear out in another few
10 years, and that will be the end of it. Thank you.

11 MS. BYRNE:

12 I'm Wendy Byrne from New York City.
13 DRBC's draft regulations leave management of
14 well-designed construction and operation to the state
15 where the well is located. Pennsylvania has not had a
16 good record on regulating fracturing. New York State
17 does not have rules yet, and their proposed regs were
18 sorely lacking. Because in the 2005 Energy Bill,
19 hydraulic fracturing was exempt from several
20 environmental acts, including the Safe Water ---
21 Drinking Water Act, drilling companies say it's not
22 our fault.

23 Last December Amy Mall of the NRDC
24 published a list of incidents around the country where
25 drinking water is contaminated and hydraulic

1 fracturing was a suspected cause. She indicated that
2 the only ones she listed were cases where a homeowner
3 had enough detailed knowledge to know that a nearby
4 well had been recently fractured, and specifically
5 included that information in reports. For instance,
6 in Pennsylvania, in September 2010, a lawsuit was
7 filed by 13 families who say they had been and
8 continued to be exposed to contaminated drinking water
9 linked to hydraulic fracturing. Eight different
10 properties in Susquehanna County are said to have
11 contaminated drinking water. One child has
12 neurological symptoms consistent with exposure to
13 toxic substances.

14 In 2009, drinking water on a farm in
15 Washington County tested for arsenic at 2,600 times
16 acceptable levels, benzene at 44 times above limits,
17 naphthalene at five times the federal standard, and
18 mercury and selenium levels with official --- over
19 official limits. These incidents involve several
20 different drilling companies.

21 A further concern is contamination of
22 ground and surface water from an open pit storage of
23 chemicals and wastewater. In your beginning
24 introduction ---.

25 MR. WOLFE:

1 Good afternoon. My name is Bill Wolfe.
2 I live in Ringoes along the river, Ringoes, New
3 Jersey. I came here this afternoon basically to
4 listen, so I don't have prepared remarks. I'll submit
5 written comments. But I want to speak from my
6 experience as a former regulator for the DEP, and
7 Environmental Advocate in New Jersey.

8 And typically I'm a very strong advocate
9 of the very strictest regulations you can find and am
10 typically very frustrated by how the regulated
11 community uses scientific unknowns and scientific
12 uncertainty to frustrate effective regulation. So in
13 this case, I'm very disgusted by, you know, this
14 perverse irony that the industry in this case is
15 exploiting uncertainty, and your regulations are not
16 protecting the public and the resource that your
17 regulations are effectively alleviating a ban or a
18 moratorium in protecting the oil and gas industry. So
19 this is a perverse proceeding from the outset. And I
20 think you need to realize that certain things present
21 certain risks that are not amenable to regulation.
22 And I think we have that case here. You can't
23 regulate effectively, so you basically either have to
24 ban it outright or put in place a moratorium until you
25 have a foundation upon which you can build an

1 effective ---.

2 And, you know, and then there are other
3 factors that go beyond the regulatory arena and deal
4 with, you know ---. I'm saddened by this process
5 because I see how corrupt it is at its core and how
6 the public and democratic interests are completely,
7 completely frustrated by money and politics and
8 profits. And it's disgusting.

9 And as a former regulator, you know,
10 certain things at the margin you can deal with those
11 kinds of constraints. But in this case it's totally
12 unacceptable.

13 MR. MENKES:

14 I want to say that, first of all, I'm not
15 opposed to fracking. I just want it done in a very
16 responsible manner. That's the least that can be
17 provided for me. My name's Larry Menkes. I'm a
18 nationally certified sustainable building advisor and
19 director of Sustainability and Freedom's Way
20 Foundation, a new national heritage park in Bucks
21 County, Pennsylvania. I'm also a member of the
22 Association for the Study of Peak Oil and Gas.

23 Our project in Bucks County relies on the
24 exceptional quality of our environment before it gets
25 out in our air or water is tainted. This multi-

1 million dollar project and the local jobs that go with
2 it, is ruined. Unfortunately, our water has already
3 been tainted. Millions of barrels of frac fluid have
4 --- and flow-back have been dumped into our local
5 Yosemite Creek, poorly treated. This was done
6 improperly, illegally, and there has been no penalty,
7 consequence or accountability for this. Is this the
8 kind of oversight that I want? I think not.

9 What's the hurry? This gas isn't going
10 anywhere. The price is at its historic lows. It will
11 only get more valuable with time. The solution to
12 polluting is not dilution. That's very 20th century.
13 The solution is to prevent it. No one has a right,
14 moral or otherwise to harm another. No one has a
15 right to cause harm without being accountable morally
16 and financially.

17 As a member of ASPO, I can assure you
18 that natural gas is not a substitute for petroleum,
19 which is a transportation fuel. Natural gas won't
20 reduce our dependence on foreign oil. We can get this
21 right and have the time to do that, if given it.

22 I've spoken to representatives of the
23 industry who claim that the only reason for not doing
24 it right is that their profit margins will be lower.
25 Finally, who pays for the common cost of this? Just

1 the taxpayer. And I know that more than half of our
2 energy is wasted.

3 HEARING OFFICER:

4 Thank you.

5 MR. BRALOW:

6 Hi. My name is Matt Bralow. I'm from
7 New York City. I just came here today because I also
8 am opposed to this. It seems premature moving
9 forward, or it seems like a rushed process. And I
10 really think that you guys need to take into account,
11 you know, the population that would largely be
12 affected by this, you know, in the cities like New
13 York and Philadelphia. I think there needs to be more
14 hearings.

15 Obviously there are safety issues. I
16 mean, it seems pretty obvious. I mean, you see people
17 living on this --- near these sites and they get sick,
18 you know, with cancer. I mean, that's just there.
19 Just imagine if it was in New York City. And
20 apparently it only takes a minute billionth of a
21 particle to make people sick or experience symptoms.
22 So I just think you need to just get a --- you know,
23 an independent study done, you know, that looks at all
24 these risks and, you know, the cost benefit ratio, you
25 know, as far as economic and as far as safety for

1 people.

2 I also agree that it seems --- I mean, I
3 came here and it just seems really like kind of
4 grotesque and sick, the fact that --- and just sad to
5 see that the people put economic --- their own
6 economic interests ahead of the greater good for
7 people and our safety and our health because it really
8 --- it seems like greed is motivating all of this, and
9 money. And the people that ask for --- you know, the
10 owners that wanted this, they're gone now. They don't
11 even listen to the other side. You know, I just feel
12 like they're just motivated by money, yeah.

13 HEARING OFFICER:

14 This will be the last speaker for this
15 session.

16 MR. PLATT:

17 Thank you for that honor. My name is
18 Rodney Platt, and I am a Delaware County resident and
19 a Delaware River water drinker.

20 I wanted to thank the Commission for the
21 current moratorium and this hearing process. I
22 believe you are the only body in the country
23 shouldering this awesome responsibility. I urge you
24 to reflect on your conscience and at least extend the
25 hearing period by 120 days. We need to hear from New

1 York and Philadelphia cities at the very least.

2 I am a hiker, burger, swimmer, kayaker,
3 fisherman, and very grateful water drinker. We
4 learned very much from Rachel Carson in the day of the
5 unintended consequences of corporate environmental
6 exploitation. The 2005 exemptions of the Clean Water
7 and Air Acts prove profit motive of the gas industry
8 and its arrogant rejection of the science --- of
9 protection we have suffered long to build.

10 Once fractured, the water aquifers are
11 permanently compromised to possible leaching of over
12 500 extremely hazardous poisons from the process.
13 There is no remediation for many of these. No quick
14 profits for the gas industry, the jobless and the
15 hungry, blind landowners, and the chief energy are
16 worth the very long-term contamination of our most
17 precious resource. I will gladly pay more for safer
18 energy in order to protect these resources.

19 Please wait until the EPA science is in
20 to make the responsible decision. Thank you. Cheap
21 gas or cheap water.

22 HEARING OFFICER:

23 Okay. With that, we will close this
24 session. The evening session starts at 6:00 p.m.
25 Thank you very much.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

* * * * *

HEARING CONCLUDED AT 5:00 P.M.

* * * * *

CERTIFICATE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

Maria Amato