

COMMONWEALTH OF PENNSYLVANIA  
DELAWARE RIVER BASIN COMMISSION

\* \* \* \* \*

IN RE: DRBC DRAFT HYDRAULIC FRACTURING  
REGULATIONS

PUBLIC HEARING 2

\* \* \* \* \*

BEFORE: WILLIAM FORD, Hearing  
Officer

HEARING: Tuesday, January 23, 2017  
6:00 p.m.

LOCATION: Ladore Camp, Retreat, and  
Conference Center  
287 Owego Turnpike  
Waymart, PA 18472

WITNESSES: Johnathan Fritz, Jane  
Varcoe, Jodi Keggan, Christine  
Suroweic, Robert Rutledge, Sandra  
Davis, John Hann, Stephanie Meadows,  
Bernie Handler, Ron Stamets, Dick  
Martin, Jane Bollinger, Robert Shane,  
Jeff Skeiding, Landi Schaffer, Kathryn  
Rowedder, Francine Harvey, Frank  
Millen, John Rojapi, Judy Ahrens, Jan

London, Lisa, Connor, Jack Mayers,  
Larry Roger, James Spencer, Thomas  
Shepstone James Barth

Reporter: Candace R. Pratt

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## I N D E X

1		
2		
3	OPENING REMARKS	
4	By Hearing Officer	7 - 23
5	STATEMENT	
6	By Mr. Fritz	23 - 27
7	STATEMENT	
8	By Ms. Varcoe	27 - 30
9	STATEMENT	
10	By Ms. Keggan	31 - 34
11	STATEMENT	
12	By Ms. Surowiec	35 - 37
13	STATEMENT	
14	By Mr. Rutledge	38 - 42
15	STATEMENT	
16	By Ms. Davis	42 - 46
17	STATEMENT	
18	By Mr. Hann	47 - 50
19	STATEMENT	
20	By Ms. Meadows	51 - 55
21	STATEMENT	
22	By Mr. Handler	55 - 58
23	STATEMENT	
24	By Mr. Stamets	58 - 61
25		

1	I N D E X (cont'd)	
2		
3	STATEMENT	
4	By Mr. Martin	61 - 63
5	STATEMENT	
6	By Ms. Bollinger	63 - 66
7	STATEMENT	
8	By Mr. Shane	67 - 69
9	STATEMENT	
10	By Mr. Skeiding	69 - 73
11	STATEMENT	
12	By Mr. Schaffer	73 - 77
13	STATEMENT	
14	By Ms. DeSimone	77 - 80
15	STATEMENT	
16	By Ms. Rowedder	80 - 83
17	STATEMENT	
18	By Ms. Harvey	84 - 87
19	STATEMENT	
20	By Mr. Millen	88 - 90
21	STATEMENT	
22	By Mr. Rojapi	91 - 94
23	STATEMENT	
24	By Ms. Ahrens	94 - 96
25		

1	I N D E X (cont'd)	
2		
3	STATEMENT	
4	By Mr. London	97 - 98
5	STATEMENT	
6	By Ms. Connor	99
7	STATEMENT	
8	By Mr. Mayers	99 - 101
9	STATEMENT	
10	By Mr. Roger	101 - 103
11	STATEMENT	
12	By Mr. Spencer	103 - 105
13	STATEMENT	
14	By Mr. Shepstone	106 - 109
15	STATEMENT	
16	By Mr. Barth	110 - 113
17	STATEMENT	
18	By Ms. Rowedder	115 - 117
19	STATEMENT	
20	By Mr. Harvey	118 - 119
21	STATEMENT	
22	By Ms. Ahrens	120
23	DISCUSSION AMONG PARTIES	120 - 121
24		
25		

E X H I B I T 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

		Page	Page
<u>Number</u>	<u>Description</u>	<u>Offered</u>	<u>Admitted</u>

NONE OFFERED

1  
2  
3  
4  
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P R O C E E D I N G S

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HEARING OFFICER:

Good evening, everybody.  
My name is William Ford and on behalf  
of the Delaware River Basin  
Commission, welcome to tonight's  
public hearing. I will be serving as  
the Hearing Officer for this  
proceeding.

Just to be clear, I am  
not a member of the Delaware River  
Basin Commission staff. I have no  
affiliation with it, I'm not a member  
of any environmental group, nor do I  
own land where there are natural gas  
rock shale foundations --- or  
formations, excuse me.

As of two years ago, I  
retired as a Pennsylvania trial Judge,  
and I now mediate and arbitrate cases.  
I live near the Philadelphia area.  
The DRBC has engaged me to conduct  
these hearings on its behalf to  
provide opportunities for oral comment

1 on the Commission's draft rules.

2 Today can be an  
3 outstanding opportunity for you to get  
4 your view before and considered by the  
5 DRBC. And at the very end of my  
6 comments, I'll make that my last point  
7 in pointing out to you how it really  
8 can be an opportunity.

9 For me, this is my  
10 introduction to many of these issues,  
11 other than reading things in the  
12 newspapers. And this afternoon's  
13 meeting was a real education for me.  
14 I thought the people that spoke were  
15 very articulate, they stuck to the  
16 rules, and I think a lot of good  
17 things came out of the hearing that we  
18 just had.

19 And you know, we expect  
20 that on behalf of you here, too. So  
21 we're looking forward to this.

22 First, a few reminders  
23 about building safety. In the  
24 unlikely event that we would to  
25 evacuate this space, please make a



1 note of the emergency exits and plan  
2 in advance the exit that you would  
3 use.

4 Next, please keep all  
5 aisles and exits clear throughout the  
6 hearing.

7 Before we start, on  
8 behalf of the DRBC, I would like to  
9 thank our hosts from the Salvation  
10 Army and the Ladore Camp for their  
11 support of these hearings. And also  
12 thank you to the Pennsylvania State  
13 Police and to the Wayne County  
14 Sheriffs, and any other law  
15 enforcement that's here tonight for  
16 the security and your presence here  
17 tonight.

18 I ask that everybody  
19 please rise if you can and we'll  
20 pledge allegiance to the flag.

21

---

22 (WHEREUPON, PLEDGE OF ALLEGIENCE WAS  
23 RECITED.)

24

---

25

HEARING OFFICER:

1                   Thank you. On part of  
2 what I'm about to do --- my comments  
3 will only take about five minutes.  
4 But, part of what I will do, I'm  
5 actually going to read verbatim so I  
6 do not foul up the regulations that  
7 are at issue here tonight.

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

18                   A notice of proposed  
19 rulemaking along with the text of the  
20 draft rules and supporting documents  
21 were posted on the Commission's  
22 website on November 30th, 2017 and  
23 have been published in the federal  
24 register and Basin state registers.

25                   Information about the

1 draft rules and the public process has  
2 and will remain available on the  
3 website throughout the process. I've  
4 checked the website. It was very  
5 helpful for me trying to get familiar  
6 with your various issues.

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

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

1                   And third, regulation of  
2 the interbasin transfer of water and  
3 wastewater for the purposes of natural  
4 gas development where permitted.

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

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

23                   Or second, the  
24 importation into the basin and  
25 treatment and discharge within the

1 basin of wastewater from hydraulically  
2 fractured oil and gas wells.

3 Also, this section would  
4 establish standards for the treatment  
5 and disposal of wastewater from  
6 hydraulically fractured oil and gas  
7 wells.

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

16 Minor amendments to the  
17 project review classifications  
18 unrelated to hydraulic fracturing are  
19 also proposed. Okay.

20 Ladies and gentlemen, as  
21 you may know, this is one of six  
22 public hearings. It's actually the  
23 second one on this matter.

24 In addition to accepting  
25 oral comments at these public

1       hearings, the Commission is accepting  
2       written comments through 5:00 p.m. on  
3       Friday, March 30th, 2018.

4                 Written comments will  
5       receive the same consideration as oral  
6       comments. Written comments can be  
7       submitted online using a link that can  
8       be found on the DRBC Website. Now, if  
9       you do not have access to a computer  
10      or to the internet or have trouble  
11      using it and you would like to submit  
12      written comments, you may request an  
13      extension by writing to the DRBC at  
14      --- and I'll say the address twice.

15                 It should be to the  
16      attention of the Commission's  
17      Secretary, DRBC, P.O. Box 7360, West  
18      Trenton, New Jersey 08628. That's  
19      Attention Commission Secretary, DRBC,  
20      P.O. Box 7360 West Trenton, New Jersey  
21      08628.

22                 Today's proceedings are  
23      being videotaped. The video is  
24      actually over there. So if when you  
25      come up, if you have an exhibit that

1 you'd like the Commissioners to  
2 consider, you should actually turn it  
3 toward the camera and that worked very  
4 well this afternoon. This is also  
5 being recorded by a registered Court  
6 Reporter. What she is recording will  
7 be transcribed into a written  
8 transcript.

9 Both of these, the video  
10 and the written transcript, will  
11 become part of the decision-making  
12 record for the proposed rules. The  
13 electronic recordings are being made  
14 to enable the DRBC Commissioners to  
15 see and hear your comments, even  
16 though they cannot attend all six  
17 hearings.

18 And second, to allow the  
19 DRBC staff, in consultation with the  
20 Commissioners, to prepare a detailed  
21 comment and response document that  
22 addresses the issues and concerns that  
23 you raise.

24 Now, here's the  
25 procedure that will follow tonight:

1                   First of all, we thank  
2                   everybody that has registered in  
3                   advance --- and actually some people  
4                   have --- I'm sorry. Thanks for  
5                   registering in advance, either to  
6                   attend or to attend and speak. Your  
7                   doing so has helped the staff to  
8                   prepare for these proceedings. Some  
9                   of you have registered to speak in  
10                  advance. Some have registered  
11                  tonight, and that's great. So thanks  
12                  for doing that.

13                   The order in which I  
14                  will call speakers will be as follows.  
15                  First, those who have registered in  
16                  advance to speak tonight and who have  
17                  not already spoken at another hearing.  
18                  Second, those who registered to speak  
19                  when they arrived tonight and who have  
20                  not already spoken or registered in  
21                  advance for another hearing. And then  
22                  finally, anyone in the audience who  
23                  wishes to speak or not.

24                   The way we're going to  
25                  do this because of the attendance



1       tonight, perhaps anybody that wants to  
2       speak will probably have the chance  
3       tonight.

4                       All right?

5                       So we'll try to give  
6       everybody a chance.

7                       When I call names from  
8       the registered lists, I will call  
9       three names so that those on --- those  
10      that are coming up to speak know that  
11      they're about to speak. And you're  
12      welcome to stay anywhere you are.

13                      If you're way in the  
14      back, if you want to move up, you're  
15      welcome to do that. For each speaker  
16      --- and this includes public officials  
17      --- we will have a three-minute time  
18      limit per speaker. And we did very  
19      well with people cutting their  
20      comments to making it three minutes.  
21      So we ask that you honor that tonight.

22                      However, in order to  
23      accommodate as many people who wish to  
24      speak as possible, I may revise the  
25      time limit once we have heard from our

1 registered speakers. And that  
2 probably will only be at the end of  
3 the night. If you exceed the  
4 permitted time, you will hear a buzzer  
5 and I will ask you to stop speaking.

6 If you continue, you are  
7 likely taking time, you would be  
8 taking time, from other people. What  
9 I observed this afternoon was --- at  
10 some point there was talking that was  
11 not intended to interrupt people, but  
12 it distracted the speaker. You could  
13 see that.

14 And when people would  
15 clap they had to be quiet and it took  
16 away from the time that's allotted to  
17 them, both clapping and --- clapping  
18 and any verbal things. So please have  
19 courtesy. Respect the person  
20 speaking, and don't say anything.  
21 You're welcome to clap if you agree  
22 when the person is finished.

23 But please keep it to  
24 that. Okay.

25 Let's see here. It's

1 actually a matter of courtesy and  
2 manners for the person that's  
3 speaking.

4 All right?

5 While the subject matter  
6 of this hearing is something that many  
7 people are passionate about, the  
8 purpose of the hearing is not for  
9 public demonstrations, as we've just  
10 indicated.

11 The audience is asked to  
12 remain quiet with each --- when each  
13 commentator or commenter speaks so  
14 that the Court Reporter and recording  
15 devices can produce an accurate  
16 record.

17 Speakers are asked when  
18 they come up to state their name, and  
19 if you wish to state any affiliation  
20 you have or your status. Like, if  
21 you're a property owner or if you're a  
22 member of an environmental group,  
23 you're welcome to say that, but at  
24 least say your name.

25 Please offer your

1        comments in a respectful manner, and  
2        be respectful of the other speakers  
3        and attendees.

4                    If, as part of your  
5        comments you ask a question, do not  
6        expect a response during this hearing.  
7        Questions and comments will be  
8        addressed as part of the comment and  
9        response document that will be  
10       prepared by the Commission after the  
11       comment period has closed. So if you  
12       ask a question, you can tell I'm not  
13       in a position to answer you.

14                    Okay?

15                    You have to follow the  
16        process to get questions answered, and  
17        that would not be tonight. Tonight is  
18        your night to give us your comments.

19                    This hearing will end at  
20        the scheduled time of 9:30 or before.

21                    When I say before, that  
22        means if everybody gets to say their  
23        piece, then we will end it early then.

24                    Okay.

25                    What's next after

1       tonight's hearing? After all public  
2       input is received, the DRBC staff and  
3       Commissioners will develop a comment  
4       and response document that addresses  
5       each of the commenter's concerns.

6                       The Commissioners will  
7       consider changes to the proposed rules  
8       in response to the comments received  
9       and will hold a vote to either approve  
10      the rules as proposed, approve the  
11      rules with changes, or reject the  
12      proposed rules.

13                      The decision makers on  
14      this and all rulemakings by the  
15      Commission are the Commissioners  
16      themselves who may act through their  
17      appointed alternates.

18                      The Commissioners are  
19      the governors of the four basic  
20      states, Delaware, New Jersey, New  
21      York, and Pennsylvania, and on behalf  
22      of the federal government, the  
23      division commander of the north  
24      Atlantic division of the US Army Corps  
25      of Engineers.

1                   And my final comment  
2 before we turn to you is this. First  
3 of all, think of the make-up of the  
4 Commission. We actually have new  
5 Governors on the Commission or we just  
6 had elections. So this really --- as  
7 I see it, I think this is a real  
8 opportunity for you. So that's the  
9 first thing I would say.

10                   The second thing is with  
11 these records that we are making here  
12 and the summaries as topics are  
13 raised, perhaps things that haven't  
14 been heard before.

15                   But as all of these  
16 things are raised and presented to  
17 these Commissioners with a video  
18 record, a written record, and then the  
19 words that you say here tonight, I  
20 just think it's a real opportunity for  
21 you.

22                   So with courtesy, we can  
23 get these substantive comments out,  
24 and I just --- I believe that these  
25 really will be considered by the

1 Commissioners.

2 With all of that, I  
3 thank you for your patience through  
4 that and now I'm going to go through  
5 the list of registered speakers.

6 All right?

7 The first three people  
8 would be --- despite what just  
9 happened there I misplaced things  
10 here. The first three speakers will  
11 be the Honorable Jonathan Fritz, and  
12 then Jane Varcoe, and then Kathleen  
13 Nolan. Okay. Representative Fritz,  
14 please?

15 MR. FRITZ:

16 Thank you, Your Honor.  
17 Good evening. Again, I'm Jonathan  
18 Fritz, State Representative for the  
19 111th District comprising Susquehanna  
20 and Wayne Counties.

21 With that mentioned, one  
22 of my counties is in the Susquehanna  
23 River Basin and one is in the Delaware  
24 River Basin, and what a contrast that  
25 is.

1                   When I tested --- when I  
2 testified in front of the DRBC seven  
3 plus years ago, I mentioned that I  
4 came from a family of water mill  
5 drillers.

6                   Our purpose was to drill  
7 below the earth's surface to access an  
8 essential to life natural resource,  
9 that being water. I view natural gas  
10 the very same way, an essential to  
11 life natural resource, one that is  
12 long harvest --- one that has been  
13 long harvested in Pennsylvania with  
14 10,000-plus wells outside of the  
15 Delaware River Basin.

16                  You see, Wayne County  
17 had been stuck at a red light during  
18 that seven plus year stretch of time.  
19 When you've heard DEP or the DRBC, we  
20 were respectfully told and repeatedly  
21 told there is forward progress, but  
22 the parties aren't there yet.

23                  We were led to believe  
24 that eventually the natural gas  
25 development that was benefiting



1 landowners, businesses and consumers  
2 everywhere else in the state, would be  
3 realized here. But here's what has  
4 happened in those seven plus years  
5 since:

6 Estofield pulled out of  
7 Wayne County, the force majeure.  
8 Million of dollars that had been  
9 banked on simply evaporated. Firms  
10 have gone out of business, drastically  
11 changing our landscape. Wayne County  
12 now has less than 60 dairy farms.  
13 Wayne County's population has  
14 declined. Wayne County receives  
15 approximately \$100,000 per year in Act  
16 13 monies. That's versus \$8 million  
17 in Susquehanna County.

18 Folks, \$8 million in a  
19 rural county, that translates into  
20 real tax relief. That relates to real  
21 and drastic improvement of services  
22 and programs and infrastructure  
23 upgrades.

24 As well, we've held a  
25 hearing right here in this very place

1 where the resounding message was  
2 support of natural gas development.

3 As well, the Susquehanna  
4 River Basin has now had ten years to  
5 be able to look back and study and  
6 analyze the drilling activity in the  
7 Susquehanna River Basin. And here's  
8 the findings. No discernable impacts  
9 on groundwater in the Susquehanna  
10 River Basin.

11 And lastly, but not  
12 least, the Pennsylvania House of  
13 Representatives soundly passed house  
14 resolution 515, a resolution urging  
15 the DRBC to cease for de-escalation of  
16 a permanent ban.

17 I want to make it  
18 abundantly clear that Wayne County  
19 landowners feel deceived and misled.  
20 The DRBC has essentially robbed them  
21 --- robbed them of their property  
22 rights. And in my opinion, the DRBC  
23 is an example of an agency gone rogue.

24 Let me drive it home  
25 with this. The DRBC has caused real

1       harm and undue distress, and I urge  
2       the DRBC to amend the plans to install  
3       any kind of permeant ban on natural  
4       gas development in Wayne County.

5       Thank you.

6                               HEARING OFFICER:

7                               This is Jane Varcoe.

8                               Am I correct?

9                               MS. VARCOE:

10                              Yes.

11                              HEARING OFFICER:

12                              Okay.

13                              Just one moment, ma'am.

14       So the next three will be Jane Varcoe,  
15       Kathleen Nolan, and Susan Meacham.

16       All right.

17                              If you would, please,  
18       ma'am.

19                              MS. VARCOE:

20                              Welcome to Waymart,  
21       Wayne County. My name is Jane Varcoe.  
22       I'm a retired school librarian and a  
23       municipal police officer. And I'm  
24       Vice President of the Waymart Borough  
25       Council, 46 years serving the people

1 of Waymart. I'm proud to say I'm a  
2 fourth generation Wayne County  
3 resident.

4 My great-grandfather  
5 emigrated from Cornwall, England in  
6 1865 to preach from the good book  
7 arriving as a minister around this  
8 county and crossing the Delaware.  
9 What has passed through the  
10 generations is we are one of this land  
11 and its bounty provided to us through  
12 His word and hard work.

13 Wayne County citizens  
14 love this impossibly sometimes  
15 unforgiving rocky land. Daily we read  
16 about the Marcellus shale and 11,000  
17 gas wells today in Pennsylvania. We  
18 ask when will Wayne County be part of  
19 this immense find? The largest  
20 producer of gas in the Commonwealth is  
21 our western border, Susquehanna  
22 County, only a half hour drive from  
23 where you're sitting today.

24 What's the difference  
25 between Wayne and Susquehanna County?

1 Only one geological fact. The  
2 watershed is a --- their watershed is  
3 the Susquehanna River and ours the  
4 Delaware River. For over 200 years,  
5 we who live here in Wayne County have  
6 protected our land and water.

7 Thanks, but no thanks to  
8 all those who feel they must tell us  
9 how to protect our environment. We  
10 emphatically state we are acutely  
11 aware of how to continue our status as  
12 a source of high quality water. We  
13 have in place the Wayne County  
14 Conservation District and the  
15 Pennsylvania Department of  
16 Environmental Resources.

17 If really concerned  
18 about water, why doesn't the Delaware  
19 River Basin Commission address the  
20 pollutants leaching into the Delaware  
21 from Berryville, New York? Or why  
22 doesn't the Delaware River Basin  
23 Commission address the antiquated  
24 water delivery system from the  
25 reservoirs in upper Delaware to New

1 York City that lose 50 percent or more  
2 of the water coming up the Delaware  
3 River Watershed.

4 Or is it hands off  
5 because it's New York State? Every  
6 day our Pennsylvania Governor and  
7 Legislators drink, wash and cook with  
8 the water of the Susquehanna River  
9 Basin with none of the dire results  
10 that were forecasted by some  
11 self-proclaimed groups.

12 Why does the DRBC think  
13 there would be potential pollution in  
14 the Delaware River Basin if they drill  
15 for gas using the same regulations?  
16 Forbidding drilling for gas in a very  
17 small part of Pennsylvania reeks of  
18 discrimination politics.

19 Wayne County needs  
20 decent well-paying jobs. We citizens  
21 of the upper Delaware want to be  
22 treated equally as guaranteed in the  
23 US Constitution for property rights.

24 And this is taxation  
25 without representation, thank you.

1                   HEARING OFFICER:

2                   Thank you ma'am.

3                   Kathleen Nolan, she was  
4                   at the other hearing, is not present  
5                   tonight. And then the next three  
6                   would be Susan Meacham, Jodi Keggan,  
7                   and Christina Suroweic. Is Susan  
8                   Meacham with us? Jodi Keggan?

9                   MS. KEGGAN:

10                  Yes.

11                  HEARING OFFICER:

12                  If you would please,  
13                  ma'am, thank you. And to the staff, I  
14                  kind of fouled up your list, but I  
15                  will call every name in sequence so I  
16                  think we will be fine. All right.

17                  And this is Ms. Keggan?

18                  MS. KEGGAN:

19                  Yeah, Jodi Keggan.

20                  HEARING OFFICER:

21                  Okay.

22                  Thank you.

23                  MS. KEGGAN:

24                  I live in New Jersey.

25                  HEARING OFFICER:

1                   And could you speak  
2    louder?

3                   MS. KEGGAN:

4                   Oh, sure.

5                   I don't have any  
6    affiliation. I'm just a citizen here  
7    that wants to express my dismay in  
8    allowing the fracking of the Delaware  
9    River Basin. I've been around the  
10   river for a long time since I've lived  
11   in the same spot in New Jersey. I  
12   remember Merrill Creek Reservoir was  
13   developed for the Delaware.

14                  I don't remember Tocks  
15    Island. I went to high school out of  
16    the Peak West where --- where the  
17    Delaware and Peak West meet. So it's  
18    been a part of my life. I was  
19    baptized at Smithfield Beach. So I  
20    feel an affinity with the river and I  
21    feel an affinity with the water.

22                  Currently, I'm kind of  
23    --- the gas stations that's going to  
24    be ---. In looking around, I thought  
25    it's not going to be against gas



1       stations. I just don't want them to  
2       contaminate the water. And so I  
3       started looking around, and I saw all  
4       kinds of instances of water  
5       contamination. The local school,  
6       industrial capitals, and the heating  
7       oil dripping into it.

8                       And even my hospital  
9       supplied by a private well had  
10      contaminations in it. So I just want  
11      to --- and also the gas stations in  
12      the town I grew up in, both  
13      contamination sites now. So I'm very  
14      afraid --- I have a great fear of  
15      contamination of water and the  
16      fracking kind of fits right into that.

17                      I feel that the  
18      contaminants from how it's used and  
19      where the contaminants can go in the  
20      water and out of the water ---. So as  
21      a --- I kind of feel that fracking is  
22      a little bit like the nuclear energy  
23      industry. It just has this waste  
24      capacity that has not --- has not  
25      fully been addressed. We don't know

1        what we're going to do with this  
2        wastewater. I don't want that  
3        wastewater coming into our watershed  
4        and contaminating it.

5                    On a --- and I've looked  
6        on --- I don't just look at old  
7        things. I mean, we have recent  
8        contaminants like Fukushima. You  
9        know, it's not just Chernobyl. It was  
10       Fukushima just recently where we had  
11       the danger of, you know, nuclear power  
12       plants and those contaminations is  
13       going to last for years.

14                    So as a citizen, I feel  
15        like I'm watching the smaller water  
16        issues around, but I would ask the  
17        Commission that they look at the  
18        larger issues. You know, they can  
19        look at the entire watershed basin. I  
20        can just look at local little water  
21        sources. But I'd like the Commission  
22        to consider protecting and helping me  
23        as a citizen from of the ravages of  
24        fracking. Thank you.

25

HEARING OFFICER:

1                   Thank you, ma'am. The  
2 next three people, assuming they're  
3 here, Christina Surowiec would be  
4 next, then Robert Rutledge, and then  
5 Kate Bowers. Is Christina Surowiec  
6 here, please?

7                   S-U-R-O-W-I-E-C, okay.

8                   MS. SUROWIEC:

9                   Hi. I'm Chris Surowiec,  
10 I'm a freelance consultant. I don't  
11 live here, but I do live in your  
12 watershed and I want to take kind of a  
13 wider view as opposed to specific  
14 technical issues. I lived out west  
15 and I came across a place called the  
16 John bay fossil beds.

17                   And they have a find  
18 there, a perfect tracing in rock of  
19 part of an avocado tree. It's 50  
20 million years old. The place is like  
21 Central America then, and then it was  
22 under the sea, and now it's desert.  
23 But life persists and we still have  
24 those avocados. They're a popular  
25 food and a renewable natural resource.

1 And supposedly dinosaurs were the  
2 dominant animal on earth for 100  
3 million to 150 million years.

4 By contrast, human life  
5 creatures have been around maybe a  
6 million years at most, and  
7 civilization as we know it 10,000  
8 years or less. Civilization should be  
9 a course of advancing knowledge and  
10 wisdom and freedom and happiness. But  
11 I see the human project floundering.

12 And right now I feel  
13 like without a drastic course of  
14 correction, our species is in line to  
15 be 150 million times less successful  
16 than the dinosaurs.

17 And I ascribe a lot of  
18 the problem to an ethic of domination,  
19 both domination of humans over other  
20 humans, and humans over nature, over  
21 creation, if you will, even though  
22 it's nature or creation that fosters  
23 us and sustains us.

24 And I associate this  
25 ethic of domination with both

1       authoritarianism and extractive  
2       industry.

3                       There's overwhelming  
4       scientific consensus that there should  
5       be no new fossil fuel development.  
6       And I call on the DRBC --- I insist  
7       that it disallow not just fracking  
8       itself, but all frack-related  
9       infrastructure and activities. If it  
10      does this, you can say in practical  
11      terms, agency resources would be freed  
12      up for more positive uses.

13                      Protecting the watershed  
14      is what is vital. And any  
15      accommodation of an extractive and  
16      polluting and water squandering  
17      late-stage fossil fuel industry would  
18      be an unconscionable impairment.  
19      Thank you.

20                      HEARING OFFICER:

21                      Thank you, ma'am.

22                      Robert Rutledge, please.  
23      And as he moves forward, the next  
24      three would be Robert Rutledge, Kate  
25      Bowers and Ken Collins. I'm sorry,

1 it's Kate Sykes Bowers and Ken  
2 Collins. All right.

3 And this is Robert  
4 Rutledge?

5 MR. RUTLEDGE:

6 Yes, sir.

7 HEARING OFFICER:

8 Yes, sir.

9 MR. RUTLEDGE:

10 I'm Robert Rutledge. I  
11 am a lifetime resident of Wayne County  
12 and my family has been on the same  
13 land for nearly 200 years now.

14 Why is Wayne County  
15 being denied our right to develop our  
16 natural resources? You, the DRBC,  
17 would have us believe you protected  
18 our river basin from the devastation  
19 that should result from natural gas  
20 development. Actually, I believe it's  
21 much simpler than that. The reason  
22 here is money and politics.

23 Money for you, the DRBC  
24 and wealthy so-called environmental  
25 group such as the William Penn

1 Foundation who oppose natural gas  
2 development. And on the political  
3 side, votes for our Governor from the  
4 misinformed folks down the river who  
5 have been led to believe that natural  
6 gas development upriver would surely  
7 destroy their drinking water supply.

8 If this were not the  
9 case, how can you possibly explain the  
10 fact that natural gas development has  
11 been occurring in the SRB for a decade  
12 now with well over 3,000 wells drilled  
13 and successfully hydro-fracked, all  
14 while being monitored by the SRBC who  
15 reports under a very similar compact  
16 as the DRBC?

17 They have adapted to  
18 this new activity by regulating water  
19 usage and disposals. They've also  
20 been monitoring water quality. The  
21 SRBC's remote water monitoring system  
22 has detected no discernable impacts on  
23 the basin's water resources as a  
24 result of natural gas development.

25 Both river basins

1 contain special protection waters and  
2 they both supply drinking water to  
3 millions. So how is it that the  
4 voting majority uphold the DRBC and  
5 the SRBC who just happen to be the  
6 very same people both one way in the  
7 SRB, and the exact opposite in the  
8 DRB? And surely it can be done in an  
9 environmentally safe manner as it is  
10 in the SRB.

11 Like I said in the  
12 beginning, money is politics.  
13 Governor Wolf knows Wayne County is  
14 not going to vote for him, and he  
15 doesn't care since we are few in  
16 numbers. So why not just throw us to  
17 the wolves?

18 Meanwhile, he became a  
19 hero down in Philadelphia for saving  
20 their water, all the while he's  
21 pushing hard for a severance tax to  
22 save the failing schools. If this  
23 were not the case, why is it okay for  
24 people in Harrisburg to be downriver  
25 from thousands of fracked wells and



1 it's not okay for the people in  
2 Philadelphia?

3 The bottom line here is  
4 --- bottom line here is that Wayne ---  
5 bottom line here is if the Wayne land  
6 mineral group did not bring a lawsuit  
7 against you, you would not be here  
8 today. Why else, after nearly a  
9 decade of inaction, you decide to  
10 bring forth these proposed regulations  
11 now? We're all well aware that  
12 science and facts have nothing to do  
13 with your actions or proposed  
14 regulations, as science and facts show  
15 that fracking can is being done safely  
16 just on the other side of the economic  
17 iron curtain in Susquehanna County.

18 The DRB is still within  
19 the boundary --- the DRB is still in  
20 the boundaries of the United States of  
21 American which is governed by our  
22 Constitution, the Fifth Amendment that  
23 affords landowners certain rights, and  
24 developing our resources is one of  
25 these rights.

1                   Stop treating us as  
2 second class citizens.

3                   HEARING OFFICER:

4                   Thank you very much.

5                   The next three would be  
6 Kate Sykes Bowers, Ken Collins, and  
7 Jan London. Is Ms. Sykes Bowers  
8 present? Sykes Bowers? Is not  
9 present. Is Ken Collins present? Jan  
10 London, is Jan London present?

11                   The next three would be  
12 Sandra Davis, Trevor Walczak, and John  
13 Hahn. And is this Ms. Davis?

14                   MS. DAVIS:

15                   Yes.

16                   HEARING OFFICER:

17                   Right. Okay.

18                   If you'd please begin  
19 when you are ready.

20                   MS. DAVIS:

21                   Yes, sir. My name is  
22 Sandra Davis. I'm a New Yorker, a  
23 native of Delaware County. I'm active  
24 in my community, church, and other  
25 organizations including the UDRBC, the

1 Deposit Gas Group, and the JLCNY and  
2 it doesn't end there.

3 At home I have three  
4 children under eight that are my  
5 world. My husband travels hundreds of  
6 miles to --- hundreds of miles a week  
7 in order to support us. I was born  
8 and raised on a dairy farm in Delaware  
9 County. I love New York, its  
10 mountains, rivers, fields, and  
11 sometimes the changing seasons.

12 At a young age, I  
13 started to help on the farm. My  
14 upbringing taught me morals, good work  
15 ethics, and an appreciation for land  
16 and animals. I am a steward of the  
17 land. Work builds character and  
18 appreciation, and I want that kind of  
19 life for my boys. I'm not sure they  
20 will experience it, though, at least  
21 not in New York.

22 The key word is work.  
23 The work isn't here. It's elsewhere,  
24 usually 60 to 180 miles away. My  
25 husband is a union carpenter.

1 Currently, he is traveling over three  
2 hours each way. We're lucky. He has  
3 the skills, he has the drive, and  
4 we're steady for now, but not always.  
5 Sometimes it's how do we stretch the  
6 paycheck?

7 But he's always up no  
8 later than 4:30 in the morning to  
9 drive to work. Gas brings jobs, some  
10 temporary, some permanent, like the  
11 job my husband is currently working  
12 on, a compressor station. It's not a  
13 permanent jobsite, but isn't that what  
14 construction jobs are based on?

15 Work hard, complete a  
16 job, move on to the next. Opening up  
17 HVHF will not only reduce unemployment  
18 rates, it will ease the burden on  
19 landowners which in turn will increase  
20 the local economy. Since the last  
21 census in New York, over a million  
22 people have left New York for other  
23 states.

24 That's the most people  
25 leaving numerically and as a

1 percentage of residents. If you're  
2 not careful, you will see the same  
3 effects in Pennsylvania and that's the  
4 question today. Whether or not to  
5 take a swath of Pennsylvania and put  
6 it into the economic coffin that New  
7 York is in?

8 People in upstate New  
9 York have little to no opportunities  
10 for jobs and if you have a college  
11 education, most employers can't hire  
12 you because they can't afford to pay  
13 you what you're worth.

14 DRBC, please stick to  
15 what you were set up to do. Don't  
16 steal landowner mineral rights like  
17 Cuomo has done to New York.

18 The decision to ban HVHF  
19 is not up to you. Besides the fact  
20 that it is not up to you how land is  
21 to be used, please take the data from  
22 the SRBC and get the facts on water  
23 quality in the shale zone.

24 Don't listen to  
25 ideological --- ideologically driven

1 anti's who dream nightmarish  
2 dangerous. Choose data, choose  
3 science, and do the right thing.  
4 Thank you.

5 HEARING OFFICER:

6 Thank you ma'am.

7 MS. DAVIS:

8 I know you don't answer  
9 questions. I'm sorry. Why were there  
10 no hearings in New York, only  
11 Pennsylvania? This involves New York,  
12 New Jersey, Pennsylvania, and  
13 Delaware? And there's only hearings  
14 in Pennsylvania. I had to travel  
15 hours to get here and that's  
16 ridiculous.

17 HEARING OFFICER:

18 I'll give you my answer.  
19 I have no idea.

20 MS. DAVIS:

21 I know, thank you.  
22 That's my question because that's not  
23 right.

24 HEARING OFFICER:

25 That was not a statement

1 by --- I don't know the answer.

2 MS. DAVIS:

3 It's okay.

4 HEARING OFFICER:

5 Okay.

6 Let's see --- some  
7 people are not here so --- but I'll  
8 say the names. Trevor Walczak, is he  
9 here? John Hahn, H-A-H-N? He's here?

10 Okay.

11 If you'd come forward  
12 sir. And then the next three would be  
13 Stephanie Meadows, Bernie Handler and  
14 Ron Stamets.

15 Okay.

16 Mr. Hahn, take your time  
17 and when you're ready, please.

18 MR. HAHN:

19 Good evening.

20 HEARING OFFICER:

21 Good evening sir.

22 MR. HAHN:

23 I thank the Commission  
24 for having the opportunity to  
25 present ---.

1  
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AUDIENCE MEMBER:

I can't hear you.

MR. HAHN:

I thank you for the opportunity to present my case here. I was --- I did a presentation six years ago at the Honesdale High School, and there were 69,000 comments that were submitted over a period of four months in response to the DRBC's original publication of regulations on December 9th, 2010 which led to the issuance of revised regulations on November 8th, 2011.

A DRBC resolution states that the Commission members have continued to defer in good faith since then, evaluating the diverse use of stakeholders as well as involving scientific literature. The combination of hydraulic fracturing with horizontal drilling and related activities for extracting natural gas from tight shale formations presents risks, vulnerabilities and impacts to



1 surface and groundwater resources  
2 across the county.

3 Current Governor Tom  
4 Wolf recently stated today we are  
5 acting to protect the watershed that  
6 supplies drinking water to more than  
7 15,000 people in one of the most  
8 densely populated areas of the  
9 country.

10 I believe this  
11 resolution preserves water quality and  
12 water supply for the residents of the  
13 watershed, and will protect the  
14 precious resources for generations to  
15 come.

16 This is in contrast to  
17 the previous Governor Corbett who  
18 pressed ahead without any studies on  
19 health and safety and opened the  
20 entire state to fracking. Because of  
21 your Commission and the moratorium,  
22 you decided to try to dock pay and the  
23 state's share of its dues of \$400,000  
24 for many years.

25 I'm happy that you

1 supplied this attempt to --- your  
2 Commission.

3 I'm here today to  
4 implore you to permanently ban  
5 fracking, do not allow the extraction  
6 of water from the river, and do not  
7 allow wastewater importation. We have  
8 --- now have exceptional water quality  
9 so let's keep it that way for us and  
10 future generations to enjoy.

11 Please don't turn to the  
12 river into an S-hole. Thank you very  
13 much.

14 HEARING OFFICER:

15 All right.

16 That was Mr. Hahn.

17 Am I correct?

18 MR. HAHN:

19 Yes.

20 HEARING OFFICER:

21 Mr. Hahn? Okay. Thank  
22 you.

23 And then, let's see,  
24 Stephanie Meadows, is Ms. Meadows  
25 here? Yes, okay. And after Ms.

1 Meadows, it'll be Bernie Handler and  
2 Ron Stamets.

3 And when you're ready,  
4 Ms. Meadows.

5 MS. MEADOWS:

6 Good evening.

7 HEARING OFFICER:

8 Good evening.

9 MS. MEADOWS:

10 My name is Stephanie  
11 Meadows, and I'm a manager in the  
12 upstream department of the American  
13 Petroleum Institute. And I've been  
14 working on hydraulic fracturing issues  
15 for API since 2008.

16 I'd like to start out by  
17 making something perfectly clear. Our  
18 top priority is to provide energy in a  
19 safe, technologically sound way with  
20 the least possible impact to the  
21 environment.

22 Our members take their  
23 responsibility to the surrounding  
24 community seriously and we work with  
25 federal and state agencies to develop

1 design standards, recommended  
2 practices, and guidance that will  
3 improve operational integrity and  
4 regulatory processes across the board.

5 It is important to note  
6 that within the current vision  
7 statement of this Commission, it  
8 states that comprehensive watershed  
9 management will be accomplished by  
10 basing decisions on sound science.  
11 Therefore, the DRBC's final decision  
12 on high quality hydraulic fracturing  
13 must be grounded in science.

14 While both the  
15 Commission and the critics continue to  
16 contend that this stimulation process  
17 can pollute and will pollute water  
18 resources, that accusation is simply  
19 not grounded in science. To be more  
20 clear, that is not what the sound  
21 science shows.

22 In the proposed  
23 rulemaking, the Commission relies  
24 heavily on two specific studies to  
25 make its claims of the risks and

1       vulnerabilities associated with  
2       fracturing. That's the New York's  
3       SGEIS and the US Environmental  
4       Protection Agency's hydraulic  
5       fracturing water study.

6                       In response, there are a  
7       series of recent reputable studies by  
8       no fewer than seven government  
9       agencies and several academic  
10      institutions which support the  
11      conclusion that hydraulic fracturing  
12      is not a major threat to drinking  
13      water. In 2017, a natural resources  
14      defense counsel funded a Duke study,  
15      and a United States geological survey  
16      study found fracturing does not  
17      contaminate groundwater in West  
18      Virginia, in significant portions of  
19      the Fayetteville, Haynesville, shale  
20      plays respectively.

21                      The EPA's own six year  
22      \$30 million study was unable to draw a  
23      significant correlation between  
24      hydraulic fracturing and impaired  
25      water resources. The bottom line,

1 fracturing activities have not led to  
2 widespread systematic impacts. Where  
3 it has been suggested that fracturing  
4 can or might cause impacts under  
5 certain conditions, we stress that  
6 those potential impacts have been  
7 addressed for years by what I like to  
8 call the three-legged stool.

9 This consists of ever  
10 improving industry practices, robust  
11 state regulatory programs and federal  
12 regulations. As a standard setting  
13 organization, we have a key role in  
14 that. We have hydraulic fracturing  
15 standards on our website which are  
16 available to the public and our  
17 numbers to look at.

18 It is this powerful  
19 combination of activities all working  
20 together to provide an effective  
21 structure that allows for the  
22 essential development of the nation's  
23 oil and natural gas resources while  
24 protecting the environment.

25 It has worked for the

1 nation and it can work for the  
2 Delaware River Basin. Thank you.

3 HEARING OFFICER:

4 Thank you. Is this Mr.  
5 Handler?

6 MR. HANDLER:

7 Yes, sir.

8 HEARING OFFICER:

9 Okay.

10 And just let me say the  
11 next names, Ron Stamets, Dick Martin,  
12 and Faith Zerbe.

13 Okay.

14 Mr. Handler, when you're  
15 ready, please.

16 MR. HANDLER:

17 My name is Bernie  
18 Handler and I'm also a property owner  
19 in Wayne County. I want to thank the  
20 Governors, Commissioners, and the DRBC  
21 staff for their efforts and for coming  
22 to the one conclusion based on  
23 scientific evidence that there is no  
24 safe way to regulate gas drilling if  
25 the goal is to protect the waters of

1 the basin.

2 It took great courage in  
3 this political climate to ban fracking  
4 entirely in the DRB. I sincerely hope  
5 that there's no walk-back from this  
6 and the decision remains to keep the  
7 ban on fracking. Two things the gas  
8 company are very desperate for are the  
9 sources --- or a source of clean water  
10 and a place to dump their toxic waste  
11 products.

12 The draft proposal opens  
13 up the pathway to allow both of these  
14 with the word discourage. A ban is an  
15 ambiguous word, clear and powerful,  
16 while the word discouraged invites  
17 them to the party as an unwanted  
18 guest.

19 First comes the  
20 exploration --- exportation of water.  
21 Over the past nine years, I've been  
22 following the dockets on the DRBC and  
23 cannot recall one docket allowing  
24 water to be used outside of the basin  
25 for an industrial purpose other than



1 for drinking water, for  
2 municipalities, and for bottling.

3 So why open up the  
4 spigot, especially since almost every  
5 drop will become toxic waste. And in  
6 the previous --- in the previous  
7 proposed regulations of 2010, water  
8 was prohibited for exportation from  
9 the basin for gas drilling. Why this  
10 change?

11 Also, the demand for  
12 water is continually increasing in the  
13 basin. New dockets and most  
14 renewables are requesting more water.  
15 Please keep the water in the basin for  
16 future use for future generations.  
17 Also, the estimated amount of water  
18 for each well has dramatically changed  
19 as the super wells operates at 20  
20 million gallons.

21 That's a lot of well  
22 water and a lot more waste. And a  
23 little bit I have here on the  
24 treatment of water, the wastewater.  
25 And the main point is that a lot of

1 these chemicals are still --- into the  
2 gas drillings. They come in  
3 canisters, in trucks, and they're  
4 pumped in, and companies like  
5 Haliburton keep them ---.

6 How can we ever clean  
7 that water? How we can we put them  
8 through it if nobody knows what they  
9 are, and many of those chemicals are  
10 toxic at one part per billion? So  
11 it's really impossible to clean.

12 Thank you.

13 HEARING OFFICER:

14 Thank you, sir.

15 Ron Stamets? Mr.

16 Stamets, please?

17 MR. STAMETS:

18 Thank you.

19 HEARING OFFICER:

20 Yes, sir.

21 MR. STAMETS:

22 My name is Ron Stamets.

23 I reside in Lakewood, Wayne County,  
24 Pennsylvania. Fracking activities  
25 have been effectively prohibited in

1 the basin since May 2010.

2 The DRBC released a  
3 draft of regulations at the end of  
4 2010, revised them in 2011, then  
5 canceled voting on the rules. The  
6 DRBC had not visited this issue until  
7 the fall of 2017 when the  
8 Commissioners directed the DRBC to  
9 draft a rule prohibiting fracking  
10 activities within the region.

11 The DRBC notice states  
12 that the use of hydraulic fracturing  
13 to extract natural gas from the  
14 Marcellus and Utica formations  
15 presents risks, vulnerabilities and  
16 impacts to the quality and quantity of  
17 the surface and groundwater resources  
18 in the basin at each step of the,  
19 quote, hydraulic fracturing water  
20 cycle.

21 What is disturbing is  
22 the DRBC's failure to mention the fact  
23 that over 3,000 fracked well drilling  
24 operations have been completed. The  
25 SRBC issued its report publication

1        number 299 dated April 2016 which  
2        clearly states to date the  
3        Commission's monitoring programs have  
4        not detected discernable impacts on  
5        the quality of the Basin's water  
6        resources as a result of natural gas  
7        drilling, but continued diligence is  
8        warranted.

9                                Three Commissioners of  
10       the SRBC are the same commissioners of  
11       the DRBC, and they have deemed it safe  
12       to drill for natural gas in the SRB  
13       where Marcellus shale underlies 80  
14       percent of the region.

15                              The arbitrary decision  
16       of the DRBC to permanently ban  
17       fracking and associated operations  
18       flies in the face of the findings of  
19       its sister organization, the SRBC.  
20       And it is so warranted and politically  
21       motivated without regard to the  
22       livelihood or welfare of the citizens  
23       of the upper Delaware River Basin.

24                              The DRBC has been sent  
25       1,300 signatures of local residents of

1 the upper Delaware River Basin who  
2 oppose this proposed permanent ban  
3 document which potentially places the  
4 DRBC in authority position over the  
5 state legislator in the regulation of  
6 private land rights, something which  
7 was never intended by the Compact  
8 agreement between the states and the  
9 federal government. Thank you.

10 HEARING OFFICER:

11 Thank you, sir.

12 Mr. Martin, Dick Martin,  
13 is he present? Then after Mr. Martin,  
14 it'd be Faith Zerbe and Jane  
15 Bollinger.

16 Okay.

17 Mr. Martin, please?

18 MR. MARTIN:

19 I'm Dick Martin from 20  
20 minutes down the road in Lakeville. I  
21 get my water from a well, most of you  
22 do, too. And without pure water we  
23 are SOL.

24 Last June 20th, the  
25 State Supreme Court affirmed our right

1 to clean air and water. We can thank  
2 the Pennsylvania Environmental Defense  
3 Foundation for that. Now, the Basin  
4 Commission folks did their homework,  
5 and they saw that there were over  
6 1,000 violations of sanitation or oil  
7 and gas violations.

8 And 800 private water  
9 wells had been contaminated. That's a  
10 worry. Also a worry is that the New  
11 York Department of Health found that  
12 the likelihood of adverse health  
13 outcomes and environmental impacts of  
14 fracking would not be prevented. So  
15 banning hydraulic fracturing will  
16 protect our clean water, but  
17 importation of flow back fluids is  
18 asking for trouble.

19 I'd ask you to strike  
20 all parts of section 440 dealing with  
21 produced water or fracked flow back.  
22 Don't invite trouble. If you don't  
23 know all of the effects of a process,  
24 don't do it. You can't un-ring a  
25 bell, you can't un-send a bullet,

1 don't take a chance with my water. So  
2 just like every elected official  
3 swears to uphold our Constitution and  
4 the right to clean air and water,  
5 every doctor takes the Hippocratic  
6 oath. First, do no harm. If it's  
7 good enough for them, it's good enough  
8 for me. That's it, folks. Do no  
9 harm.

10 HEARING OFFICER:

11 Thank you, sir.

12 Is Faith Zerbe here?

13 Z-E-R-B-E. Jane Bollinger is here,  
14 and as she's coming over, Robert Shane  
15 would be the next individual.

16 Ms. Bollinger, please  
17 begin.

18 MS. BOLLINGER:

19 My name is Jane  
20 Bollinger and I live in Wayne County  
21 in Dyberry Township. I'm here to  
22 speak for a friend of mine who cannot  
23 speak for herself. She is called  
24 Dyberry Creek and she is an exquisite  
25 stream, a gift from god and nature.

1                   We Pennsylvanians have  
2 another gift that many states do not  
3 have. We have an amendment to our  
4 Constitution that says the people have  
5 a right to clean air, pure water and  
6 to the preservation of --- or to the  
7 preservation of natural, scenic,  
8 historic, and aesthetic values of  
9 native America.

10                   Pennsylvania's public  
11 natural resources are the common  
12 property of all the people including  
13 generations to come. As trustee of  
14 these resources, the Commonwealth  
15 shall conserve and maintain them for  
16 the benefit of all people.

17                   Let me tell you more  
18 about Dyberry Creek. The waters of  
19 her east branch are so clean they  
20 warrant the designation under  
21 Pennsylvania law as a stream of  
22 exceptional value, officially worthy  
23 of special protection. Only four  
24 percent of the Commonwealth's rivers  
25 and streams are so designated.



1                   But there's another  
2                   category, high-quality waters. They  
3                   are also specially protected.  
4                   Ninety-four (94) percent of all Wayne  
5                   County streams and rivers are listed  
6                   for special protection. Four percent,  
7                   like the Dyberry's east branch, are  
8                   rated exceptional value. Eighty-nine  
9                   (89) percent of our waters are rated  
10                  high-quality under Pennsylvania law.

11                  And this means they  
12                  exceed the levels necessary to support  
13                  propagation of fish, shellfish, and  
14                  wildlife and recreation in or on the  
15                  water.

16                  Natural gas is a natural  
17                  recourse, but I am here to say that my  
18                  friend, Dyberry Creek, is also a  
19                  natural resource. Like dozens of  
20                  other streams and creeks in Wayne  
21                  County, it is part of what helps  
22                  define our world and character.

23                  The Dyberry and all of  
24                  the County's special protected waters  
25                  need to be safe from potential harm

1 from the extraction of natural gas,  
2 safe from the pollution from toxic  
3 chemicals and use of extraordinary  
4 quantities of water that fracking  
5 requires.

6 And so I request that  
7 the DRBC ban fracking on ecologically  
8 sensitive and recreational public  
9 lands and in the watersheds of all the  
10 high quality and exceptional value  
11 streams and rivers, and to prevent any  
12 activity that would degrade their  
13 water quality or fisheries.

14 I'm also here to respond  
15 to the Township leaders who indicated  
16 they would be present today to offer  
17 their official opposition to the  
18 fracking ban.

19 HEARING OFFICER:

20 I must stop you.

21 MS. BOLLINFER:

22 I understand.

23 HEARING OFFICER:

24 Okay.

25 Thank you, ma'am, thank

1       you .

2                               Is Robert Shane here?

3                               MR. SHANE:

4                               Yes sir .

5                               HEARING OFFICER:

6                               And then as you're  
7 coming up, let's see, is Ken Collins  
8 here? And Sandra Davis --- she  
9 already spoke. And this is Robert  
10 Shane .

11                              MR. SHANE:

12                              Yes, sir. Good evening,  
13 my name is Robert Shane. I am the  
14 Mid-Atlantic organizer for Trout  
15 Unlimited. Trout Unlimited is a  
16 national cold water conservation  
17 organization .

18                              Across the country we  
19 have 300,000 members and supporters  
20 and in the basin alone, they're  
21 representing 23,000 of our members .  
22 Additionally, we are also a member of  
23 the sportsmen's alliance for Marcellus  
24 conservation which consists of 280,000  
25 men and women from Virginia to New

1 York.

2 At the beginning of the  
3 Marcellus boom, Trout Unlimited  
4 determined its top ten special places  
5 in the east. Of these ten, four have  
6 already received relief from hydraulic  
7 fracturing. The DRBC would be the  
8 fifth. Overall, Trout Unlimited  
9 supports the proposed regulations  
10 primarily because it would go a long  
11 way to protect the wild trout  
12 fisheries in the upper Delaware River.

13 A fishery that currently  
14 promotes a \$4 billion economy, billion  
15 with a B. On top of that, we do have  
16 three recommendations for the DRBC.  
17 First, we would ask that you set  
18 conditions for water withdrawal to  
19 include impacts to aquatic resources,  
20 flow back standards, and erosion and  
21 sediment controls.

22 Secondly, we ask that  
23 you establish comprehensive standards  
24 for all pollutants of concern.  
25 Currently, only 78 of the 1,600

1 chemicals known to be involved in  
2 hydraulic fracturing are listed. And  
3 third, we encourage regulations should  
4 outline the mechanisms for inspection  
5 and monitoring to ensure proper water  
6 withdrawal and wastewater treatment  
7 within the basin.

8 HEARING OFFICER:

9 Thanks, Mr. Shane.

10 The next three people  
11 would be Jeff Skelding and coming  
12 forward after him would be Lani  
13 Schaffer and then Louis Disimone.

14 Okay.

15 Mr. Skelding when you're  
16 ready.

17 MR. SKELDING:

18 Thank you. Yeah. I'm  
19 Jeff Skelding. I'm the Director of  
20 Friends of the Upper Delaware River.  
21 And we are a professional staff  
22 conservation and watershed protection  
23 organization in the basin. Our office  
24 is in Hancock, New York and I'm also a  
25 Wayne County property owner.

1                   So we are --- we find  
2                   ourselves in a newly interesting  
3                   position in this debate. Our local  
4                   work is primarily focused on water  
5                   quality, protecting the cold water  
6                   fishery, working to improve  
7                   communities, and working to improve  
8                   the economy. All of that involves  
9                   diverse partnerships and coalitions.  
10                  We can't do that all by ourselves.

11                  So we have --- we take  
12                  pride in the coalitions that we've  
13                  organized, and by their very nature  
14                  they are diverse and they include many  
15                  people from all walks of life, from  
16                  both sides of the aisle in this room  
17                  or people earlier today. There are  
18                  people here tonight that we work with  
19                  that are on the opposite side of this  
20                  particular issue.

21                  We are fortunate enough  
22                  to be able to do other work in the  
23                  watershed that we think is really  
24                  protective to the communities, people,  
25                  the economy and the environment. And

1 we essentially are able to agree to  
2 disagree with these groups. And we  
3 feel fortunate that we're able to  
4 maintain levels of communication that  
5 allow us to be affective in other ways  
6 while we wrestle with this particular  
7 issue.

8 So in my case, my  
9 organization is in support of the  
10 draft proposal. One of the key  
11 exceptions, and it's been raised a  
12 number of times here earlier today and  
13 tonight, is this business of water  
14 withdrawals. And it's unclear to me  
15 whether they were adding protective  
16 regulations or inventing something new  
17 here.

18 But, if the numbers are  
19 correct that I'm hearing in terms of  
20 the volumes of allowable water to be  
21 withdrawn from the upper Delaware  
22 River for purposes of this industry  
23 are way out of sync with what is good  
24 for this river.

25 Okay?

1                   So we spend almost every  
2 day of our lives up there in our  
3 office at Hancock in conversations  
4 with the City of New York and the  
5 truth part is about how those  
6 reservoirs are managed and how much  
7 water is in this river. And most of  
8 the time we're asking for more water.

9                   In fact, all the time  
10 we're asking for more water. So if  
11 this proposal is going to somehow  
12 allow significant bodies of water to  
13 be removed from the river, this is  
14 going to have incredible implications  
15 for the flexible flow management plan  
16 and New York City's operation of the  
17 upper Delaware Basin reservoirs.

18                   And I'm surprised that  
19 we didn't see --- I don't think we saw  
20 a representative here today from the  
21 city. Maybe we'll see them in the  
22 future here. So we do have some  
23 concerns about that, keeping an eye on  
24 that.

25                   And I would close with



1 just saying I've done watershed  
2 protection for 30 years and I submit  
3 that the way this really should be  
4 done is through coalitions and through  
5 diverse partnerships.

6 We don't have that here.  
7 What we have here is a culture war. I  
8 understand why it's happening, but I  
9 submit that we have to change our  
10 approach is we want to protect the  
11 river.

12 HEARING OFFICER:

13 Thanks, Mr. Skelding.

14 Lani Schaffer, please.

15 Lani Schaffer is coming?

16 Okay.

17 And then after Lani  
18 Schaffer we'll have Louise Disimone  
19 and then Kathryn --- it looks like  
20 Rowedder. I'm probably mispronouncing  
21 it. So let's see Lani Schaffer.

22 MR. SCHAFFER:

23 Hi, guys, Lani Schaffer.  
24 I live in New York State underneath  
25 the Cannonsville Reservoir that

1 everybody's been talking about. I  
2 would mimic a lot of the things like  
3 Jeff said that --- the Friends of the  
4 Upper Delaware River and things that  
5 they're involved in in our community.  
6 They've done a good job on a few of  
7 those things.

8 I'm on our town board,  
9 but I'm not here representing my town  
10 board tonight. I'm here representing  
11 myself. I'm a farmer. I'm a fourth  
12 generation farmer. Family farm is ---  
13 the centennial farm in my lifetime.  
14 This is a legacy project. It's a  
15 really important thing to me.

16 I went to college at  
17 Cornell University and got a degree in  
18 economics, graduated in 2006. And the  
19 first job I had when I got out of  
20 college, surprisingly the most  
21 important job I had, brought a huge  
22 opportunity to my farm. And I said I  
23 had an opportunity to work on a  
24 pipeline. It's the most money I ever  
25 made in my life.

1                   I haven't had a year  
2 farming where I could even get close  
3 to that again. I had --- kind of  
4 every other year, work would come,  
5 work would go. I was able to get an  
6 operator book in the local union which  
7 got me a pension and helped me plan  
8 to, you know, prepare for retirement.  
9 Gave me opportunities I wouldn't have  
10 had otherwise as just a farmer.

11                   I'm 35 years old. I  
12 have two little girls. They're three  
13 and five. And it's just --- I want  
14 for my children to have the same  
15 opportunities I had. I'd like to see  
16 where we could do like Jeff had just  
17 mentioned, where we should be able to  
18 cross both sides of the aisle. I  
19 believe in landowner rights. I want  
20 the right to extract minerals from my  
21 land.

22                   I want the right to take  
23 my timber. I want the right to take  
24 my stone. I want the right to harvest  
25 my corn when and where I want to

1       because that's my land. That's why my  
2       family came here from Germany 100  
3       years ago because they wanted freedom  
4       and they wanted the opportunity to be  
5       successful.

6                       Where I live underneath  
7       of the Cannonsville Reservoir, it's  
8       like an economic black hole. New York  
9       City and New York State want all of  
10      the land around us. There's five  
11      towns underneath the Cannonsville  
12      Reservoir where there's no people  
13      there anymore. I have no market to  
14      sell to.

15                      I need economic  
16      opportunity for myself and for my  
17      community. I need jobs that are going  
18      to hold the next generation behind me  
19      there to build families and build  
20      careers where money that we're  
21      investing into our educations is being  
22      kept at home. It's not going to  
23      Boston or New York. It's staying in  
24      our communities and it's doing smart  
25      things for us.

1 I would hope that the  
2 DRBC can find a way to work with  
3 everybody so we can extract these  
4 minerals so that we can have  
5 successful lifetimes and so we can be  
6 a competitor in our local and global  
7 economy that we're going to be selling  
8 normal products like corn, beans,  
9 beef, lumber, stone.

10 All of these commodities  
11 matter, and we need every opportunity  
12 we can to be competitive globally. I  
13 own 100 beef cows. I pay attention to  
14 futures markets. We're concerned with  
15 the futures price in the fall. It's  
16 going to be like the cheapest corn of  
17 all time per capita. What's it take  
18 make to make cheap food? Cheap energy  
19 to help us make it.

20 So if you want cheap  
21 food, people, get us some cheap energy  
22 so we can keep feeding you. Thank  
23 you.

24 HEARING OFFICER:

25 Louis Disimone? And

1       then Kathryn Rowedder, Francine Harvey  
2       or Marvey.

3                               Okay.

4                               And this is Louis  
5       Disimone.    If you would.

6                               MS. DISIMONE:

7                               I stand before you as an  
8       Army Veteran honorably discharged and  
9       a member of the --- enrolled member  
10      and a descendent of the Cherokee  
11      Nation as well as contacts --- family  
12      contacts with New York, New Jersey,  
13      Delaware and Pennsylvania.

14                              I say this as my  
15      ancestors, do not frack.   I ask you  
16      and I compliment the DRBC and their  
17      great work they've been doing, and I  
18      don't insult them like Mr. Crapstone  
19      over there.   I don't insult them by  
20      saying lies like Ms. API.   I'm not a  
21      part of a gas company.

22                              HEARING OFFICER:

23                              Don't make it personal,  
24      if you just address ---.

25                              MS. DISIMONE:

1                   Therefore, my ancestors  
2                   say don't frack. Borders run  
3                   everywhere I drive. I am an owner ---  
4                   also a property owner and taxpayer of  
5                   the lands in Damascus. Where I drive  
6                   there, there's historical balance.  
7                   Our people say save the land, stop  
8                   this butchering, this atrocity.

9                   What is going on in  
10                  South Dakota, that pipeline there  
11                  leaked because it's Chinese steel.  
12                  I'm also a member of the AFGE which  
13                  also states that we must stop  
14                  fracking. Stop the total destruction  
15                  of the EPA. This is horrible. It's  
16                  horrific. It's evil. And the people  
17                  who are for it are greedy and they  
18                  have complete lies.

19                  There's Dr. Gale Comar,  
20                  there's Josh Bucks with Gas Line who  
21                  lives only a few miles from me.  
22                  There's all kinds of real scientific  
23                  evidence, medical doctors, Dr. Sandra  
24                  Steingraph. She has --- also has all  
25                  these things. There was a frack that

1 exploded that went to the last organic  
2 farmer that was there.

3 I had a problem with my  
4 water. I have tumors. I found only  
5 one doctor in Long Island that was  
6 curing of the waste. I had to  
7 literally use up all of my credit  
8 cards just to pay for that surgery.  
9 It took me nine years to use my water.

10 I ask for a complete  
11 ban, and my ancestors ask for it. Ban  
12 fracking now. I yield the rest of my  
13 time.

14 HEARING OFFICER:

15 Thank you.

16 Kathryn ---.

17 MS. ROWEDDER:

18 It's Rowedder (corrects  
19 pronunciation.)

20 HEARING OFFICER:

21 I'm sorry. Did I  
22 mispronounce your name? I can't quite  
23 read it.

24 MS. ROWEDDER:

25 Hello. My name is



1 Kathryn Rowedder. Thank you for the  
2 opportunity to be here tonight to  
3 speak. And I'm a landowner for  
4 generations. My family has had a  
5 place on the Delaware River. We  
6 originally were on the New Jersey  
7 side. That went way back in my  
8 family.

9 My grandma moved, my  
10 grandparents were there. We all spent  
11 land to the Tocks Island Dam Project.  
12 So I know well the sting of eminent  
13 domain. My family was never the same  
14 after that. I've had an aunt and  
15 uncle die because of the heartbreak of  
16 it.

17 So I know what it is for  
18 that, and I have a great deal of  
19 compassion for all of the families and  
20 parents that I've heard speak about  
21 their caring about their land and  
22 their children, and also people who  
23 have been here in Wayne County who  
24 have talked about stewardship.

25 Because that was part of

1 my family as well. We came up into  
2 Wayne County after we lost that place  
3 in the '70s. And we started to be  
4 solicited by the gas companies almost  
5 20 years ago. My dad thought it might  
6 be a good idea because, you know,  
7 money coming in is always a good idea.

8 And he left that  
9 decision to me. At the time, the  
10 Sierra Club thought it was a good  
11 intermediate fuel between complete  
12 renewables and getting off of nuclear  
13 and oil. So it was a very hard time  
14 to navigate.

15 After great  
16 consideration, my instincts said no,  
17 we didn't know then. We didn't know.  
18 We were told it was safe. We only had  
19 conversations with the gas company ---  
20 which by the way, I thought it was  
21 interesting that they would always  
22 would hire people that were local in  
23 our community to talk to us.

24 And it really, for me,  
25 came down to are you going to

1       guarantee that my water will be safe?  
2       Is it going to be in writing in the  
3       contract? And it took several back  
4       and forths and when it finally came  
5       back, no, they weren't putting that in  
6       writing. That was my red flag.

7                       And I said, then we're  
8       not doing it. We're not going to go  
9       that way. Well, that was back in  
10      1990-whatever, and now so many years  
11      later, 2017, we know. We know. We  
12      have enough evidence. We know what  
13      happened in Dimmick, where I know  
14      people had to bring water to the  
15      people there when their water went  
16      bad.

17                      We know about all the  
18      gag orders being put on people that  
19      get sick in Colorado and all the  
20      different states. We know about the  
21      seismic activity in Oklahoma. Please  
22      do not allow any fracking in the  
23      Delaware River Basin or any other  
24      fracking activities as a landowner.

25                                      HEARING OFFICER:

1 Thank you.

2 Francine --- either  
3 Harvey or Marvey and then Frank Millen  
4 and then John Rojapi.

5 MS. HARVEY:

6 Yes. Hi, I'm from  
7 Susquehanna County ---

8 HEARING OFFICER:

9 Would you say your name  
10 first?

11 MS. HARVEY:

12 Francine Harvey.

13 HEARING OFFICER:

14 Thank you.

15 MS. HARVEY:

16 The DRBC website says  
17 that there are 1,084 chemicals that  
18 they documented used in fracking. Now  
19 it's impossible if you're a citizen to  
20 test their water, whether their water  
21 source is a private well or a  
22 municipality. These chemicals are  
23 also un-treatable.

24 The chemicals used are  
25 proprietary and citizens don't have

1 the right to know what they are and  
2 even if they knew, how much would it  
3 cost to test more than 1,000  
4 chemicals?

5 Most of the chemicals  
6 are not regulated by the EPA or the  
7 DEP. Now, more than 15 million people  
8 depend on the Delaware River Basin for  
9 their drinking water. And the EPA was  
10 on a website a while ago, and it said  
11 that the water --- a person's water  
12 could be contaminated even though it  
13 looks clean, it smells fine, and  
14 tastes great.

15 They have no way of  
16 knowing this. So they could be  
17 drinking their water for years and it  
18 could be contaminated. They suddenly  
19 find out sometimes. Now a Susquehanna  
20 County drilling company recently in  
21 the past month was fined \$90,000 for  
22 contaminating Susquehanna County air  
23 for years.

24 How has this affected  
25 our farms, our gardens, our water

1 supply? And how about our farm  
2 animals and children? The fracking  
3 industry claims that only a small  
4 amount of chemicals are used with  
5 approximately 5 million gallons of  
6 water used in each well.

7 Now, what that really  
8 means is that there are thousands of  
9 gallons of chemicals in each well.  
10 Which chemicals? That's proprietary  
11 information and we don't have the  
12 right to know. The fracking industry  
13 also claims that fracking is safe.

14 Well, then it's safe.  
15 Why then do they demand that there be  
16 a gag order after settlements were ---  
17 that occurred as a result of  
18 contaminated water lawsuits? Now  
19 there are also under ten gas pipeline  
20 inspectors for the entire state.

21 These pipelines --- it's  
22 a given that these pipelines will  
23 eventually rust and leak. In my  
24 opinion, perhaps the reason is that  
25 there are so few inspectors is that

1 it's literally impossible to monitor  
2 the integrity of these pipes across  
3 the state.

4 HEARING OFFICER:

5 Okay.

6 Ma'am, I'm going to have  
7 to stop you there

8 MS. HARVEY:

9 Okay.

10 HEARING OFFICER:

11 Thank you.

12 MS. HARVEY:

13 Just one quick thing.

14 Governor Wolf took an oath --- he took  
15 an oath of the PA Constitution to  
16 protect our air, land, and water ---

17 HEARING OFFICER:

18 Nobody's listening.

19 MS. HARVEY:

20 --- Article 1 Section 27  
21 of the Pennsylvania Constitution ---  
22 the entire state needs to be  
23 protected.

24 HEARING OFFICER:

25 By the way, that's the

1 first disrespectful thing we've heard.  
2 Everybody else has been very  
3 respectful, so please let's not revert  
4 to that. Okay.

5 This is Mr. Millen.

6 MR. MILLEN:

7 My name is Frank Millen,  
8 I grew up here and my family has been  
9 here for generations now. I have  
10 dairy farms just south of here and  
11 we've been doing that since 1947.

12 I have a degree from  
13 Penn State. I also have a degree from  
14 the University of Scranton. I was a  
15 teacher for 38 years, a farmer all my  
16 life. And I've watched --- since  
17 we've been here I've seen a lot of  
18 things happen.

19 For example, the Tocks  
20 Island dam, for those of you that are  
21 my age or a little older, is something  
22 that came about and came in and took  
23 areas along the Delaware River and  
24 came in by eminent domain and removed  
25 these family farms, just took them.



1                   I didn't have any choice  
2                   in that. And this is what this DRBC  
3                   right now is currently trying to do  
4                   with us. We've sat on these amendment  
5                   rights for years, and years, and  
6                   years. We also have other deposits on  
7                   our farm, for example. We have  
8                   uranium, traces of copper. Are we  
9                   going to be blocked from doing that  
10                  sometime in the future, too?

11                  And who's going to pay  
12                  us for this? As far as the safety of  
13                  this, there's an EPA study which is  
14                  online that says --- it doesn't say  
15                  that you shouldn't drill. It says  
16                  that there are precautions that you  
17                  have to take. And many times those  
18                  precautions are superseded by  
19                  companies that try to cut corners.

20                  And that's where a fine  
21                  should be in play to stop it. We have  
22                  a power plant that's going in about  
23                  ten miles from our farm, and a  
24                  pipeline that's going to have to come  
25                  from way up north to supply gas. They

1       could come ten miles across through  
2       game lands that we don't see and cut  
3       down our transportation cost which  
4       would then cut down the cost of  
5       generated electricity.

6                       As for being a farmer,  
7       and as some of the other ones here  
8       have said, we are the true stewards of  
9       the land. And if you prevent us from  
10      using this natural resource that we  
11      have and you continue to move in here  
12      with your developments and so on and  
13      keep cranking our taxes up, you're  
14      going to drive us out.

15                      When you drive us out,  
16      that's when your water should --- that  
17      is where the clean water comes from.  
18      Not from you running around hollering  
19      about how you're going to save the  
20      river. We actually do it every day.

21                      I had the opportunity a  
22      couple years ago to participate in a  
23      study called Hertz Scope and they're  
24      monitoring earthquake activities and  
25      so on ---.

1                   HEARING OFFICER:

2                   I'm going to stop you  
3 there sir.    Okay.

4                   Thank you.

5                   John Rojapi?

6                   Maybe say your last name  
7 I probably mispronounced it.

8                   MR. ROJAPI:

9                   Perfect.

10                  HEARING OFFICER:

11                  Oh, okay.

12                  MR. ROJAPI:

13                  You nailed it.

14                  Good evening, my name is  
15 John Rojapi.    I was born and raised in  
16 Hancock, New York.   My family moved to  
17 --- I'm 41 years old.   My family moved  
18 to Pennsylvania in 1980.

19                  Subsequently, we're ---  
20 we own 900 acres and several  
21 businesses in Hancock, New York.   I  
22 have to say, in the past 30 years,  
23 I've seen such a different --- such a  
24 change in climate in my neck of the  
25 woods.

1                   I grew up doing several  
2 different jobs in Hancock. There were  
3 75 kids in the graduating class. Now  
4 I went to an elementary school and it  
5 had 30 kids in that elementary school.  
6 Now, my kindergarten --- I have a four  
7 and five year old. My oldest daughter  
8 is just starting kindergarten.  
9 There's 12 kids in her class.

10                   Just four girls. My  
11 high school can't fill the football  
12 team. They have to merge with the  
13 adjoining district. What's happening  
14 right now in upstate New York needs to  
15 almost be a study. It's not working.  
16 Whatever the plan is in this neck of  
17 the woods --- and I love this place.  
18 And I hope to stay here and I hope to  
19 keep my family here because there's so  
20 much I love about this place.

21                   But economically, it's a  
22 disaster. I have several businesses  
23 one of them is a motel, I know the  
24 tourism thing, I get it. That's  
25 probably what we have to offer at this

1 point. And every business I have  
2 relies on tourism and I certainly  
3 welcome it. But I got to be frank. I  
4 own a motel as well as some other  
5 things I do.

6 Nobody's moving to  
7 Hancock, New York. I got to be honest  
8 with you. I look around and I go in  
9 the grocery store. I don't see any  
10 young people. I go to other places.  
11 I've been to --- I've had the  
12 opportunity to travel around this  
13 country a little bit.

14 I've been to Texas.  
15 I've been to the south. I've been to  
16 Oklahoma. And everybody --- the  
17 boogeyman comes in and oh, my gosh,  
18 things are going horrible there. No,  
19 they're not. They're doing very well.  
20 There's people with a lot of money.  
21 It's vastly growing and they have fast  
22 growing school districts.

23 You have stores, you  
24 have vibrant kind and people are  
25 happy. It works. Natural gas is done

1 safely, there's no doubt in my mind.  
2 And for us to have any shot in this  
3 neck of the woods, this is what needs  
4 to happen economically. This is what  
5 needs to happen. Thank you very much.

6 HEARING OFFICER:

7 Thank you.

8 Judy Ahrens and then

9 Lisa Connor.

10 And this is Judy Ahrens?

11 MS. AHRENS:

12 Yes.

13 HEARING OFFICER:

14 Okay.

15 If you would.

16 MS. AHRENS:

17 Hi. My name is Judy  
18 Ahrens and I am a landowner. You at  
19 the DRBC are doing a land grab of my  
20 privately owned, paid for and taxed on  
21 land. Now, we suffer from taxation  
22 without representation.

23 You --- who gave you the  
24 right to take my Fifth Amendment  
25 rights away? PP&L for their land grab

1 of a right-a-way. I received  
2 compensation. You, on the other hand,  
3 have stolen our mineral rights and  
4 destroyed our land values. But you  
5 still want us to pay taxes and help  
6 support the DRBC. Taxation without  
7 representation.

8 If you proceed with your  
9 insane discrimination of Wayne County  
10 landowners by allowing fracking in  
11 Susquehanna County and along their  
12 waterways, not allowing fracturing  
13 along the Delaware River is  
14 discrimination.

15 I own 129 acres of land  
16 and my family have lived on it and  
17 worked it since 1967. How much are  
18 you going to compensate us for this  
19 discrimination against our rights to  
20 develop, drill, frack our minerals?

21 My gas lease was ripped  
22 out of my hands by you, the DRBC. Why  
23 are you allowing our neighbors in  
24 Susquehanna just a few miles away to  
25 drill, frack and protect --- and

1 profit from the same minerals I have  
2 under my ground? Why are you  
3 discriminating against us and  
4 depriving us of our Fifth Amendment  
5 rights?

6 Why can George Soros,  
7 Russia's Putin, and the Huss family  
8 and all the million dollar foundations  
9 are --- why are they able to take my  
10 Fifth Amendment rights away, and at  
11 the same time support and fund the  
12 DRBC, and their false research by that  
13 of Soros-funded Josh Fox Gasland  
14 movie.

15 My dad told me our land  
16 should be able to support us. That  
17 has been lost for political interest  
18 and gains, not the needs of the real  
19 people of Wayne County. Some of the  
20 people who spoke this afternoon have  
21 been arrested for obstruction of  
22 justice by sitting in the roads and  
23 preventing workers from making a  
24 living and shutting down roads.

25 HEARING OFFICER:



1 I'm going to have to  
2 stop you there, thank you, ma'am.

3 Jan London, please?

4 And then Lisa Connor and  
5 then Jack Mayers. I'll double check  
6 to make sure I didn't miss anybody.

7 Okay.

8 And sir would you say  
9 your name please?

10 MR. LONDON:

11 Jan London.

12 HEARING OFFICER:

13 Okay.

14 And Mr. London, please.

15 MR. LONDON:

16 To me, I'm against  
17 fracking but that's not the big issue  
18 to me. And the reason I'm here at  
19 this hearing for the DRBC is because m  
20 issue is water. I look at it as  
21 collateral damage for the good of  
22 mankind to try to extract these  
23 minerals, gas, oil, uranium because  
24 there's uranium under the land as  
25 well.

1 I look at it as stealing  
2 our future's water. We're looking at  
3 the modern wells using about 10  
4 million gallons per well, several  
5 wells per pad. You're talking about  
6 hundreds of millions of gallons in a  
7 small area.

8 This water is not  
9 returned to the hydrologic cycle.  
10 Much of it stays underground, half of  
11 it stays underground. Some of it  
12 comes up slowly and has to be carted  
13 away by truck and some of it is put in  
14 injection wells. This water is never  
15 going back to a river, it's never  
16 going back to a stream, it's never  
17 going back to my toilet, it's never  
18 going back to my sink.

19 I look at that as you're  
20 stealing my water for short term gain  
21 for profit. That's about it.

22 HEARING OFFICER:

23 Thank you, Mr. London.

24 MS. LONDON:

25 Thank you very much for

1       letting me speak.

2                   HEARING OFFICER:

3                   Lisa Connor, please?

4                   MS. CONNOR:

5                   I'm going to refrain  
6       until later.

7                   HEARING OFFICER:

8                   And then Jack Mayers.

9                   Then it'll be Larry  
10       Ruger and James Spencer.

11                   All right.

12                   Mr. Mayers, please?

13                   MR. MAYERS:

14                   My name is Jack Mayers  
15       and I own property in northern Wayne  
16       County. I've been in Pennsylvania  
17       most of my life. I moved to northern  
18       Wayne County many years ago.

19                   And when I purchased  
20       property in Wayne County I was told  
21       that I had mineral rights to my  
22       property. Apparently I don't. And  
23       the other thing that I don't  
24       understand is that --- I understand  
25       the Delaware River is a boundary river

1 between several states and the  
2 Susquehanna runs mainly in  
3 Pennsylvania.

4 But I don't understand  
5 why it's safe to drill in the  
6 Susquehanna River Basina and not in  
7 the Delaware River Basin. I feel that  
8 we've gotten our rights taken away  
9 from us. Is there risk of fracking?  
10 Yes, there's risk, but there's no  
11 benefit without risk.

12 Can you imagine if our  
13 forefathers decided if it was  
14 dangerous they weren't going to do it?  
15 We would be nowhere by now. I'm a  
16 pilot by trade. I've flown over 50  
17 years.

18 In the present time I  
19 fly EMS helicopters out of Sullivan  
20 County and there's risk to that. But,  
21 if your fellow neighbor is hurt and  
22 needs medical help, I don't say, well,  
23 this is too risky. I'm not going to  
24 do it.

25 So risk is involved in

1 everything that we do. Driving to  
2 work, walking down the street. But,  
3 if the regulations are put in place to  
4 mitigate that risk, I feel that it is  
5 worthwhile. Thank you.

6 HEARING OFFICER:

7 Thank you sir.

8 Larry Ruger, please?

9 MR. RUGER:

10 My name is Larry Ruger,  
11 and I'm a resident of Wayne County.  
12 And I also have the distinction of  
13 being able to teach at Suny Sullivan  
14 Community College which is on the  
15 other side of the Delaware, and I  
16 teach renewable energy classes and I  
17 talk about energy every day.

18 So this has some  
19 personal effect because I also have a  
20 farm that has gas wells underneath. I  
21 want to remind the Commission I  
22 support the Commission. My family and  
23 I support the Commission in stopping  
24 the fracking. And I would remind the  
25 Commission of the Department of Health

1        --- the New York State Department of  
2        Health 2014 high-volume fracturing.

3                    High-Volume hydraulic  
4        fracturing and some of the major  
5        findings of that study was the air  
6        impacts affect respiratory health,  
7        climate change impact due to methane,  
8        drinking water impacts from  
9        underground migration, surface water  
10       contamination, and every day in class  
11       I also talk about how hydro fracturing  
12       can bring up earthquakes.

13                    And we don't always know  
14        what those effects are going to be.  
15        But, I'd also like to remind you that  
16        as a person that will inherit a farm  
17        that has gas wells already on them, my  
18        family is not seeing any economic  
19        benefit from those wells.

20                    And to that extent, that  
21        hunting land and the history --- I've  
22        heard people speak of the history of  
23        the land that they're on. My family  
24        has been on it since like 1890 and  
25        it's not like it used to be. And it's

1 not really a piece of land that I want  
2 to inherit. So I'd like to leave the  
3 Commission with that thought and thank  
4 you for your time.

5 HEARING OFFICER:

6 Thank you, sir.

7 James Spencer, please?

8 Okay.

9 Mr. Spencer, good  
10 evening.

11 MR. SPENCER:

12 I'm James Spencer, and I  
13 own some land. But now the thing that  
14 I see with the wells is there's no  
15 such thing as a safe well. If you  
16 have 200 chemicals that are being used  
17 or not this is a very serious thing.

18 That one gentleman said  
19 one part per billion. I just came  
20 from Geisinger about three hours ago.  
21 The doctor, I learned a little bit  
22 about fracking from him. He's very  
23 upset. He says they study different  
24 parts of the country, cancer rates are  
25 going up, you have alleged tolling of

1 all the different chemicals, benzene,  
2 formaldehyde, and on, and on, and on.

3 They can last 1,000 to  
4 2,000 years in the water so we looked  
5 at each other and we say guess what?  
6 There's no such thing as a safe well,  
7 not one. They have the chemicals in  
8 there. They're going to be in there a  
9 long time, cancer rates are up.

10 Earthquakes are up.  
11 When the earthquakes cut lose --- I  
12 just googled the Netherlands of all  
13 places. But what the earthquakes did  
14 --- they fracked their precious little  
15 line in their well and it leaks, and  
16 it just gets a mess. People get  
17 Cancer. Oklahoma, Colorado, they're  
18 sick. They just board up their houses  
19 and move out.

20 And you should also get  
21 the new frack two on HBO. Now, it's -  
22 -- I think Twain said it's easier to  
23 fool people --- convince people  
24 they've been fooled, this gentleman --  
25 - and my heart goes out when he said



1 his two little girls. And I'm sitting  
2 in line and all these people have  
3 cancer.

4 Okay.

5 You know, it doesn't  
6 have to be a well to get cancer, but  
7 it can be. And I hope that it doesn't  
8 come back and bite him that when he  
9 kisses his little girls tonight, and  
10 they go to bed, and some day, god  
11 forbid, they get cancer and sit on a  
12 site of some fellow like me that has  
13 terminal cancer because of chemicals  
14 alleged.

15 So that's all I have to  
16 say and you people should really think  
17 about this one.

18 HEARING OFFICER:

19 Thank you, sir.

20 And that was James

21 Spencer.

22 Am I correct?

23 MR. SPENCER:

24 Yes, sir, thank you.

25 HEARING OFFICER:

1                   Abbey Jones? Is Abbey  
2 Jones here? Thomas Shepstone?

3                   You were very articulate  
4 earlier. You really were.

5                   MR. SHEPSTONE:

6                   Thank you, I appreciate  
7 that.

8                   I want to go back to  
9 when I had a few additional points and  
10 since there's time. And the point I  
11 want to make --- first I want to  
12 correct something that's been said and  
13 that is on the hydro volume site.  
14 Everybody says the water's  
15 disappearing there, that's not  
16 correct.

17                   There's actually more  
18 water coming from every gas well that  
19 is required for fracking. Because  
20 when you burn natural gas and it  
21 combusts, it produces H2O. And in  
22 fact, it's the same thing as what  
23 somebody talked about the power plant  
24 that --- where the water evaporates.  
25 That water evaporates and goes through

1 the hydrologic cycle. It may or ---  
2 may or may not rain back in on the  
3 same spot.

4 And it's the same way  
5 when you burn natural gas. So it's  
6 not true. The main thing I wanted to  
7 say, though, is that we wouldn't be  
8 here if weren't for one thing, and  
9 that is the fact that the Wayne Land  
10 and Mineral Group sued the DRBC to  
11 challenge their project review  
12 authority.

13 They would have sat on  
14 this moratorium forever, forever,  
15 because they want to ride the fence  
16 and not make a decision. And they  
17 would have done that forever, but for  
18 the Wayne Land and Mineral Groups  
19 lawsuit, which is now before the Third  
20 Circuit Court of Appeals, challenging  
21 their authority.

22 This ban is nothing but  
23 an end run around the court case.  
24 They're afraid of losing. I don't  
25 know whether they will lose or win. I

1 don't --- you're a Judge and I'm just  
2 a ---.

3                   So I have no idea what  
4 will happen, but I do know they fear  
5 losing. And this is about an end run  
6 around that court case. That's what  
7 this is. And if water quality is the  
8 question I want to also point out that  
9 the SRBC battle is the answer.

10                   And that bat is in their  
11 hands, as I said earlier. But they're  
12 deliberately ignoring it. And why are  
13 they ignoring it? Because they know  
14 it's devastating to the Article 5 case  
15 they're making for pollution.

16                   They're saying under  
17 Article 5 they have a right to control  
18 pollution, and if they admit what's in  
19 their hands, if they admit that there  
20 is no discernable impact on water  
21 resources, then they know their case  
22 is dead on that as well.

23                   So that's why they're  
24 avoiding it, and that's why their  
25 avoidance is both arbitrary and

1 capricious. And I expect they'll  
2 ultimately pay a heavy price legally  
3 for that. And part of that arbitrary  
4 and capricious behavior is also the  
5 fact that they're in league with the  
6 William Penn Foundation, with whom  
7 they had a contract for several years.

8 I don't believe that  
9 they're currently active, but it's  
10 still in their budget, where they took  
11 money from the same foundation --- the  
12 same foundation that funds the  
13 Delaware River people. The Delaware  
14 River people have sued the DRBC. The  
15 DRBC for years had a relationship  
16 where they put the --- put the  
17 Delaware River people on most of their  
18 committees.

19 They took the --- they  
20 let them sue them, but then they took  
21 money from the organization that sued  
22 --- that paid for the lawsuit. That  
23 is arbitrary and capricious. Thank  
24 you.

25 HEARING OFFICER:

1 Thank you, sir.

2 James Barth?

3 MR. BARTH:

4 Good to see you again.

5 HEARING OFFICER:

6 Mr. Barth, please.

7 MR. BARTH:

8 James Barth, Berlin  
9 Township. Earlier today, I stated  
10 that I support the DRBC proposal to  
11 ban high-volume hydraulic fracturing  
12 and I urge the Commissioners to ban  
13 the treatment and disposal of  
14 fracturing for that basin.

15 I focused on the fact  
16 that --- I've come here. I spoke  
17 about the economic impacts and I spoke  
18 about the number of people who lease  
19 and the number of people who actually  
20 own property in Pennsylvania. And I'm  
21 going to just remind you of that again  
22 because that's the major argument  
23 that's being made at this forum.

24 And when you compare the  
25 tax base for Wayne County, there are

1 just under 41,000 individual owners of  
2 property. And when you look at the  
3 citizen's voice leasing database from  
4 2010, there were under 3,500 people  
5 --- property owners who lease their  
6 land.

7 Eight and one half  
8 percent of property owners in Wayne  
9 County lease their land and 91 and a  
10 half percent did not lease their land.  
11 The people who benefit from this and  
12 who are speaking tonight and the  
13 people who own 129 acres, 366 acres.  
14 They are the owners of large  
15 properties. And most of them are  
16 vacant and have paid very little ---  
17 low tax assessment.

18 Now, I wanted to add a  
19 little bit I didn't get a chance to  
20 say this afternoon as far as the  
21 ability of regulations' enforcement to  
22 protect the residents of the basin.

23 Quoting Secretary  
24 Patrick McDonald, this was January of  
25 2017. DEP is down nearly 800 fewer

1 people than we had in 1995. Over the  
2 past decade, state funding declined by  
3 40 percent. Separately, the US EPA  
4 warned that they lacked the necessary  
5 staffing to enforce safe drinking  
6 water standards.

7 And that, quote,  
8 unaddressed safe drinking water act  
9 violations nearly doubled in the past  
10 five years from 4,298 to 7,922. A  
11 three year investigation by the  
12 Pittsburgh based Public Herald found  
13 that PA DEP received 9,442 complaints  
14 in areas where unconventional shale  
15 gas development occurred between the  
16 years 2004 and 2016.

17 4,108 concerned water  
18 quality problems. So this notion that  
19 things were --- are fine, nothing has  
20 happened in the Susquehanna River  
21 Basin is ridiculous. And by the way,  
22 PENGA owned --- only connected 284 of  
23 those 4,108 to oil and gas. So it  
24 shows we're radically unable to  
25 enforce anything or to protect



1 anything.

2 And I say that with  
3 great regret. Thank you very much.

4 HEARING OFFICER:

5 Thank you, sir.

6 Mr. Martin? Dick  
7 Martin? Dick Martin? Now that  
8 actually completes my list. However,  
9 Lisa Conner, did you want to address  
10 the DRBC?

11 MS. CONNOR:

12 No. I'll have --- we're  
13 having general conference.

14 HEARING OFFICER:

15 This is later?

16 MS. CONNOR:

17 This is later?

18 HEARING OFFICER:

19 We've gone through the  
20 list, yes. Is there anything you'd  
21 like to --- say again please?

22 MS. CONNOR:

23 Do I have to go up there  
24 to speak?

25 HEARING OFFICER:

1                   It's up to you. For it  
2 to be recorded, you'd have to be up  
3 there.

4                   MS. CONNOR:

5                   I'll abstain.

6                   HEARING OFFICER:

7                   I'm saying it to be  
8 respectfully ---.

9                   MS. CONNOR:

10                  No, no, no.

11                  HEARING OFFICER:

12                  It would not have any  
13 impact.

14                  MS. CONNOR:

15                  I thought there was  
16 going to be a general ---.

17                  HEARING OFFICER:

18                  No, we got people ---  
19 okay.

20                  Is there anybody else  
21 that would like to say something here  
22 tonight? I just want to give  
23 everybody the opportunity we have  
24 enough time for that. Is there  
25 anybody else? If you'd raise your

1 hand, please. Okay.

2 Ladies and gentlemen,  
3 first of all, thank you. You followed  
4 the rules, and I think that works to  
5 your benefit --- I'm sorry. Ma'am?

6 MS. ROWEDDER:

7 I did speak, but I'd  
8 like to speak just a little bit.

9 HEARING OFFICER:

10 Okay.

11 If you would? And we're  
12 actually going to pose a time limit if  
13 you don't mind?

14 MS. ROWEDDER:

15 Pardon?

16 HEARING OFFICER:

17 Time limit, same time  
18 limit.

19 MS. ROWEDDER:

20 Yeah, yeah, that's fine.

21 Thank you, this is  
22 Kathryn Rowedder again and I just  
23 wanted to come up to complete ---  
24 because I wanted to bring it full  
25 circle what I had said before about

1 being a landowner because we own about  
2 200 acres and went through whole DRBC  
3 thing.

4 We've heard lots of  
5 comments that tend to believe that  
6 there's great danger in leasing. And  
7 as a property owner and as someone who  
8 has had two very scary health  
9 incidents that have clearly been  
10 linked to chemicals as an artist and  
11 also later as an occupational hazard  
12 as an art teacher. I know that any  
13 exposure to chemicals would affect me  
14 personally in a detrimental way.

15 And so I want to thank  
16 the DRBC for protecting landowner's  
17 rights to have clean air and clean  
18 water on their property which is what  
19 I'm asking for. I'm asking for you to  
20 continue to stand up for me to be able  
21 to not be affected by a neighbor's  
22 well or by the storage of fracked  
23 waste material near my property that  
24 could have been run off onto my  
25 property.

1                   Or waste because no one  
2 controls that, no three-legged stool  
3 is going to control that. No arm of  
4 the government, no corporation, no  
5 watchdog can control which way the  
6 wind blows. That's beyond us all.

7                   And I just really want  
8 to implore and ask you to please  
9 continue to be brave and to stand up  
10 to this because I have rights as a  
11 property owner, too. And I am a  
12 longtime steward of the land for  
13 generations like other people here and  
14 in my opinion, we don't have enough  
15 time to really look at the effects.

16                   Just look at smoking.  
17 It was great in the 1920s. They were  
18 passing them out to everybody, but now  
19 we know better. So let's let some  
20 time go by and protect our land in the  
21 present time. Thank you very much.

22                   HEARING OFFICER:

23                   Ma'am, I'll give you one  
24 minute.

25                   All right?

1                   In light of what you did  
2 last time, one minute.

3                   MS. HARVEY:

4                   I would just like to let  
5 everyone know that in the Pennsylvania  
6 Constitution under the declaration  
7 rights is the environmental clause.  
8 Article 1, Section 27, the people have  
9 a right to clean air, pure water, and  
10 to the preservation of the natural,  
11 scenic, historic, and aesthetic values  
12 of the environment.

13                   Pennsylvania's public natural  
14 resources are the common property of  
15 all the people, all the people,  
16 including generations yet to come. As  
17 trustee of these resources, the  
18 Commonwealth shall concern and  
19 maintain them for the benefit of all  
20 the people, not just the people in the  
21 Delaware River Basin.

22                   All of Pennsylvania.  
23 Governor Wolf took an oath to defend  
24 the PA Constitution. He should be  
25 defending the entire state and ban

1 fracking entirely. It is not safe.  
2 Thank you very much.

3 HEARING OFFICER:

4 Thank you very much.

5 MS. AHRENS:

6 Wait a second. I would  
7 like to finish my --- what I have to  
8 say, if you don't mind because I think  
9 it's important.

10 COURT REPORTER:

11 Excuse me, can we get  
12 her name?

13 HEARING OFFICER:

14 Ma'am. Sorry, ma'am  
15 hold on one second. The lady that  
16 just spoke, ma'am, could you say your  
17 name, please?

18 MS. HARVEY:

19 Francine Harvey.

20 HEARING OFFICER:

21 Okay.

22 Francine --- you have  
23 the last name?

24 Okay.

25 Go ahead, Ms. Ahrens

1 please.

2 MS. AHRENS:

3 Okay.

4 Josh Fox lied about this  
5 in his Soros movie. And how many  
6 people here that spoke today and  
7 received money from the foundations  
8 supported by the anti-fossil fuel  
9 movement machine of the Soros money?

10 The children of Wayne  
11 County should not be discriminated  
12 against while Susquehanna flourishes.  
13 All these naysayers never once  
14 mentioned Berryville and the pollution  
15 of discrimination against Wayne County  
16 while carrying --- covering up  
17 Berryville.

18 The Constitution gave me  
19 the Fifth Amendment and the right to  
20 drill and frack. And the DRBC has  
21 taken it away.

22 HEARING OFFICER:

23 Okay.

24 Thank you.

25 All right.



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Thanks, ladies and gentlemen. I think you did a good job in presenting your views. Safe drive on your way home, please.

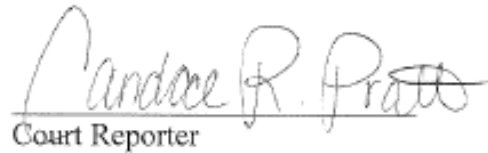
\* \* \* \* \*

HEARING CONCLUDED AT 7:48 P.M.

\* \* \* \* \*

## CERTIFICATE

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



Candace R. Pratt

Court Reporter

Candace R. Pratt