

COMMONWEALTH OF PENNSYLVANIA
DELAWARE RIVER BASIN COMMISSION

* * * * *

IN RE: DRBC DRAFT HYDRAULIC FRACTURING
REGULATIONS

PUBLIC HEARING NUMBER 1

* * * * *

BEFORE: WILLIAM FORD, HEARING
OFFICER

HEARING: Tuesday, January 23, 2017
1:00 p.m.

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

WITNESSES: None

Reporter: Candace R. Pratt

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P R O C E E D I N G S

HEARING OFFICER:

Good afternoon,
everybody. Welcome. My name is
William Ford, and on behalf of the
Delaware River Basin Commission,
welcome to today's public hearing.

I will be serving as the
Hearing Officer for this proceeding.
And just to be clear, I am not a
member of the DRBC staff. I'm not
associated with the Commission at all.
I'm also not a member of any
environmental group nor do I own land
where there are natural gas, rock or
shale formations.

All right.

As of a few years ago, I
retired as a Pennsylvania trail judge.
I now --- I live here near
Philadelphia and I now mediate cases
and arbitrate cases. So my point is,
I have no affiliation, I think, with
anybody involved here today.

1 The DRBC has engaged me
2 to conduct these hearings on its
3 behalf to provide opportunities for
4 oral comment on the Commission's draft
5 rules. Today can be an outstanding
6 opportunity for you to get your view
7 before and be considered by the DRBC.

8 I will make that point
9 at the end of my, approximately, five
10 minutes of comments before we actually
11 hear from you. I want to make sure
12 you understand the opportunity that we
13 have today.

14 First, a few reminders
15 about safety. In the unlikely event
16 that we would need to evacuate this
17 space, please make a note of the
18 emergency exits and plan in advance
19 which exits you would use.

20 Please keep all aisles
21 and exits clear throughout the
22 hearing. And if you need to use the
23 facilities while we're in session
24 here, you're welcome to do that. The
25 facilities are back in that area.

1 You'd have to go through the radar
2 scanner to come back in. I just
3 wanted to tell you that.

4 Before we start, on
5 behalf of the DRBC, I would like to
6 thank our hosts from the Salvation
7 Army and the Ladore Camp for their
8 support for these hearings. Also, a
9 special thanks to Pennsylvania State
10 Police, to the Wayne County Sheriff,
11 and other law enforcement for their
12 presence here today and for the
13 security that they are providing.

14 I ask that everybody
15 rise, if you can rise, and join me in
16 saying the Pledge of Allegiance.

17 ---

18 (WHEREUPON, PLEDGE OF ALLEGIENCE WAS
19 CITED.)

20 ---

21 Thank you. On one
22 aspect of these five minutes of
23 comments, please forgive me as I
24 actually read. I want to make sure I
25 am accurate as far as the regulations

1 that are involved here today.

2 The draft rules that are
3 the subject of this hearing were
4 proposed by the Delaware Basin
5 Commission to amend the Commission's
6 Administrative Manual and Special
7 Regulations regarding hydraulic
8 fracturing activities and to provide
9 for additional clarifying amendments
10 to the Commission's Rules of Practice,
11 and Procedure.

12 A notice of proposed
13 rulemaking, along with a text of the
14 draft rules and supporting documents,
15 were posted on the DRBC website on
16 November 30th of last year and have
17 been published in the Federal Register
18 and Basin State Registers.

19 Information about the draft rules and
20 the public process has, and will
21 remain available, on the Commission's
22 website throughout the process.

23 And if I could find
24 those, anybody could find them because
25 I'm a dinosaur when it comes to things

1 like the computer, but I was able to
2 find them. And as probably most of
3 you know, the website is very
4 informative.

5 As set forth in the
6 notice of proposed rulemaking by
7 resolution for the minutes on
8 September 13, 2017, the DRBC
9 Commissioners directed the Executive
10 Director, to prepare and publish for
11 public comment, a revised set of draft
12 regulations to include --- and I'm
13 quoting here --- A, Prohibitions
14 relating to the production of natural
15 gas utilizing horizontal drilling and
16 hydraulic fracturing within the Basin,
17 B, provisions for ensuring the safe
18 and protected storage, treatment,
19 disposal and/or discharge of
20 wastewater within the Basin associated
21 with horizontal drilling and hydraulic
22 fracturing for the production of
23 natural gas where permitted, and C,
24 regulation of the inter-basin transfer
25 of water and wastewater for purposes

1 of natural gas development where
2 permitted.

3 If adopted, the draft
4 rules would add to the Commission's
5 regulations a section on hydraulic
6 fracturing in shale and other rock
7 formations.

8 This section would first
9 prohibit high volume hydraulic
10 fracturing in such formations within
11 the Delaware River Basin. Second,
12 require review under the Delaware
13 River Basin Compact of any project
14 that involves, A, the exportation from
15 the basin of surface water, ground
16 water, treated wastewater or mine
17 drainage water at any rate or volume
18 per use in hydraulic fracturing of
19 hydrocarbon bearing rock formations
20 outside the Basin, or the importation
21 into the Basin, and treatment and
22 discharge within the Basin of
23 wastewater from hydraulically
24 fractured oil and gas wells.

25 This section would also

1 establish standards for the treatment
2 and disposal of wastewater from
3 hydraulically fractured oil and gas
4 wells.

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

13 Minor amendments to the
14 project review classifications
15 unrelated to hydraulic fracturing are
16 also proposed and copies of the
17 proposed rules can be found on the
18 website.

19 Okay.

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

1 30th, 2018. Written comments will
2 receive the same consideration as
3 formal comments.

4 Written comments can be
5 submitted online using a link that can
6 be found on the website. If you do
7 not have access to a computer or to
8 the internet and you would like to
9 submit written comments, you may
10 request an exception by writing to the
11 Commission. And let me give you that
12 address and I'll state twice what it
13 is in case if you're able to record.

14 First of all, it's to
15 the attention of the Commission
16 Secretary and the address would be
17 DRBC, P.O. Box 7360, West Trenton, New
18 Jersey 08628. That's to the attention
19 Commission Secretary, DRBC, P.O. Box
20 7360 West Trenton, New Jersey 08628.

21 Okay.

22 Ladies and gentlemen,
23 today's proceedings are being
24 videotaped, and also, they are being
25 recorded manually by a registered

1 court reporter that was hired for
2 today's proceeding. A transcript is
3 being created by the court reporter
4 that will become a part of the
5 decision making record for the
6 proposed rules.

7 The electronic
8 recordings are being made first to
9 enable the Commissioners to see and
10 hear your comments, even though they
11 might not be in attendance at the six
12 hearings and probably will not be.
13 But also, they're to allow the DRBC
14 staff, in consultation with the
15 Commissioners, to prepare a detailed
16 comment and response document that
17 addresses the issues and concerns that
18 you've raised at these hearings.

19 And let me describe to
20 you how the hearing will proceed.
21 First, the Commission thanks all of
22 you who have registered in advance
23 either to attend or to attend and
24 speak today. Your doing so has helped
25 the staff to prepare for these

1 proceedings.

2 The order in which I
3 call the speakers as time permits will
4 be as follows: first those who
5 registered in advance to speak today
6 and who have not already spoken at
7 another hearing, second, those who
8 registered to speak when they arrived
9 today and have not already spoken or
10 registered in advance for another
11 hearing, and third, anyone in the
12 audience who wishes to speak whether
13 or not they have signed up to do so,
14 and that would be at the end of the
15 registered speakers.

16 When I call names from
17 the registered speakers list, I will
18 call at least three names so that
19 those next on the list are ready on
20 deck, so to speak, when their names
21 are called.

22 There are seats near the
23 microphone reserved for the use of the
24 on deck speakers, so simply walk up to
25 the front row if your name is called.

1 We will start with a
2 three-minute timed period per speaker.
3 And this will apply to public
4 officials as well. So it's three
5 minutes per person, and actually you
6 can get a lot said of substance within
7 three minutes, you really can. So
8 really try to direct your comments
9 within the three minutes.

10 What I'm going to do in
11 fairness to everybody here today, I'm
12 going to cut you off respectfully at
13 the end of the three minutes so
14 they'll be a very gentle reminder that
15 your time is up. And I think
16 everybody would agree that that is
17 necessary.

18 In order to accommodate
19 as many people --- I'm sorry. If you
20 exceed the permitted time, you will
21 actually hear a buzzer and I will ask
22 you to stop speaking. If you are --
23 if you continue, you are likely taking
24 time from somebody else. So a large
25 part of this is a matter of courtesy.

1 Okay?

2 You will have the
3 opportunity to follow up in writing
4 after today's hearing if you wish.

5 Well, 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. The audience
10 is asked to respect the person that's
11 speaking, so please remain quiet while
12 each commentator speaks so that the
13 court reporter and the recording
14 devices can produce an accurate
15 record.

16 Interrupting another
17 person's testimony with objections of
18 any sort or demonstrations is
19 prohibited. Speakers are asked to
20 state their name and if you wish, your
21 affiliation, like an organization that
22 you belong to, whether you're a
23 property owner, if you're a public
24 official, perhaps your position.
25 We'll leave that second part to you.

1 But please do state your name for us,
2 ladies and gentlemen, and the court
3 reporter will record that.

4 We ask that you direct
5 all of your comments to me --- that's
6 ideal because we have it set up that
7 that'll pick up very well on the video
8 recording and the court reporter,
9 Candace, will be able to hear
10 everything that you say. If you turn
11 around to the audience, it's going to
12 be missed. So for this to be
13 effective, talk this way and try to
14 speak loudly and clearly.

15 Please offer comments in
16 a respectful manner. All right.

17 If as a part of your
18 comment, you ask a question, do not
19 expect a response during the hearing.
20 I try to educate myself on things
21 here, but as you just heard, I'm the
22 wrong guy in terms of giving you
23 information. So we're going to
24 restrict with the comments, and in
25 fact, that's the mandate from the

1 Commissioners to the staff, that the
2 only purpose of this today is to hear
3 from you, get your comments.

4 So if you ask me
5 questions, respectfully, I'm not going
6 to answer. We're simply going to move
7 on to our next speaker after the
8 three-minute time limit.

9 And apparently, there
10 are some people that have - let's see,
11 some items --- that have some items
12 with them. You're welcome to bring
13 items with you to the microphone.
14 However, what I suggest you do, if you
15 show them to the audience, it's not
16 going to be seen in the video. What
17 you might want to do, is turn it over
18 that way, or to me, but primarily,
19 over toward the cameras so that they
20 are recorded on the video that will be
21 reviewed by the Commissioners.

22 The hearing's going to
23 end exactly at 4:30, and then we have
24 a second hearing tonight as I think
25 you know.

1 Okay.

2 What's next, ladies and
3 gentlemen, after today, after all
4 public input is received, the DRBC
5 staff and Commissioners will develop a
6 comment and response document that
7 addresses each of the concerns that
8 are expressed here today. The
9 Commissioners will consider changes to
10 the proposed rules in response to the
11 comments received and will hold a vote
12 to either approve the rules as
13 proposed, approve the rules with
14 changes or reject the proposed rules.

15 The decision makers on
16 this and all rulemakings by the
17 Commission are the Commissioners
18 themselves who may act through their
19 appointment alternates. The
20 Commissioners are the Governors of the
21 four basin states; Delaware, New
22 Jersey, New York, and Pennsylvania,
23 and on behalf of the federal
24 government, the Division Commander of
25 the North Atlantic Division of the

1 U.S. Army Corp of Engineers.

2 Now, think of that when
3 you have new Governors in the four
4 basin states. You know, we can guess
5 what their positions will be on
6 things. But again, this is the
7 opportunity, ladies and gentlemen, to
8 state your position today. All right.

9 Finally, I conclude my
10 initial comments here by stressing the
11 opportunity that this is. Think of
12 it, you're going to have a video, a
13 written transcript of what's said
14 here, ladies and gentlemen. And it's
15 going to be presented to the staff
16 somewhere along the way and then to
17 the Commissioners.

18 This is really an
19 opportunity to influence the process,
20 and respectfully, if there are things
21 other than what we talked about,
22 probably there won't be any recording
23 of them on the written record. How
24 can you record comments addressed with
25 your back to the court reporter?

1 So really, it's a matter
2 of respect, it's a matter of courtesy,
3 manners. But also, it's a matter of,
4 to the extent you want to in good
5 faith express your view, respectfully,
6 follow the process and that's how we
7 get your view heard. All right.

8 Now, this is the only
9 time in my life I've done something
10 like this, so excuse my fumbling with
11 the papers here as I start calling out
12 the names.

13 Okay?

14 I think I'll do okay
15 because I went through the list at the
16 beginning. All right.

17 We're first going
18 starting with the registered speakers
19 and I'm going to say the first three
20 names. The first speaker will be
21 Brandi Merolla, if she would come
22 forward, please, or if you're very
23 close to the mic, you can stay there.
24 The second will be Steve Adams, and
25 the third will be Brian Smith.

1 Okay.

2 This is Ms. Merolla.

3 That one there. Thank you.

4 MS. MEROLLA:

5 Hello. My name is
6 Councilwoman Brandi Merolla from the
7 Town of Tusten, New York located on
8 the Delaware River.

9 In 2017, our town Board
10 passed a bridge resolution whereas the
11 fundamental purpose of government is
12 to protect the health, safety and
13 welfare of its citizens. Whereas, the
14 Town of Tusten lies within the
15 Delaware River Basin and has an
16 interest in the continued exceptional
17 water quality and environment of this
18 important natural resource. Whereas,
19 the water in the scenic Delaware River
20 is classified as special protection
21 waters due to exceptionally high water
22 quality and outstanding natural
23 resources with special regulations
24 that protect those resources and
25 maintain the river's exceptional water

1 quality.

2 Whereas, since 2010, the
3 DRBC has had in place a de facto
4 moratorium that prohibits shale gas
5 development within the Delaware River
6 Basin until it adopts regulations and
7 citing three primary concerns, the
8 diminishment of surface and ground
9 water, the release of pollution and
10 the impacts of disposal of waste from
11 hydraulic fracturing activities.

12 Whereas, there is
13 significant evidence that shale gas
14 development has an adverse effect on
15 public health, property interest,
16 agriculture on our air, water and
17 land. Whereas, in recognition of
18 those adverse impacts of shale gas
19 development, the Town of Tusten has
20 enacted Zoning Law Article 14, which
21 among other things, explicitly
22 prohibited certain uses and activities
23 required or associated with, hydraulic
24 fracturing and shale gas development.

25 Whereas, in 2015, after

1 seven years of review, the State of
2 New York prohibited hydrauling ---
3 hydraulic fracturing concluding that
4 it posed significant adverse impacts
5 to land, air, natural resources and
6 potential significant public health
7 impacts that cannot be adequately
8 mitigated.

9 Whereas, the town
10 considers that the weight of the
11 evidence demonstrates that hydraulic
12 fracturing and shale gas development
13 cannot be done without degrading the
14 exceptional water quality of the
15 Delaware River and the environment
16 within the Delaware River Basin.

17 Now, therefore, be it
18 resolved that the town calls upon the
19 DRBC to enact a complete and permanent
20 prohibition of hydraulic fracturing
21 and shale gas development within the
22 Delaware River Basin and that a copy
23 of this resolution be filed with the
24 DRBC in West Trenton, New Jersey.

25 We, therefore, implore

1 you to protect our precious Delaware
2 River. Thank you.

3 HEARING OFFICER:

4 Thank you very much.
5 The next person lined up will be Dan
6 Rutledge, but the next speaker is
7 Steve Adams.

8 MR. ADAMS:

9 Okay.

10 Steven Adams, Damascus
11 Township Supervisor. I'm addressing
12 this Board to present the facts as I
13 understand them.

14 Under the Fifth
15 Amendment of the United States
16 Constitution, it states, and I quote,
17 no person shall be deprived of life,
18 liberty or property without due
19 process of law. Nor shall private
20 property be taken for public use
21 without just compensation.

22 The taking of this right
23 to capture and extract any mineral or
24 natural resource is an act of Eminent
25 Domain. Total ban on natural gas

1 extraction is a violation of the
2 Constitution. If this violation is
3 allowed, then there is no part of the
4 Constitution that's enforceable.

5 To my knowledge, there
6 is no scientific or other reason to
7 allow this taking without due process.
8 I visited active well drilling
9 operations, compressor stations,
10 recycling facilities, listed the pro
11 and con arguments regarding gas and
12 oil extraction, and attended formal
13 and informal sessions given by
14 independent consultants and
15 organizations.

16 As citizens of
17 Pennsylvania, we are, of course,
18 guaranteed certain rights under
19 Article 1, Section 27 of the
20 Pennsylvania Constitution. Governor
21 Wolf, the Delaware River Keeper, and
22 now the DRBC, are engaged in a
23 campaign to term a common sense
24 understanding of this section under
25 Pennsylvania Constitution into an

1 excuse to take private property from
2 any citizen or establishment without
3 evidence, just cause or compensation.

4 By ignoring Pennsylvania's success in
5 regulating fracking everywhere else,
6 this is what has --- this is what this
7 entire struggle has become for those
8 of us who live on the other side of
9 the mountain from the SRPC.

10 The claim that hydraulic
11 fracking is unsafe in the Delaware
12 Basin is not --- and not in the
13 Susquehanna Basin, is such hypocrisy
14 that I can't believe our Governor
15 would even consider such a ban. To
16 say that risk is too great to allow
17 this is not just --- is not a
18 justifiable reason to take this legal
19 right.

20 There is no procedure
21 that is without risk. To believe that
22 eliminating this risk in the Basin
23 will keep it safe is absurd. Our
24 roads and railroads alone pose more
25 risk than most people realize.

1 This book I hold is a
2 guidebook intended for use by first
3 responders for identifying
4 transportation incidents involving
5 dangerous goods and hazardous
6 material. The risk is far greater of
7 loss of life and contamination of
8 property traveling on the roads every
9 day. You just don't know it because
10 these risks are hidden in containers
11 on trucks and trains.

12 The winter maintenance
13 of our road system alone puts millions
14 of tons of salt on the ground and
15 water system each year, but no one has
16 protested that. And, in fact, I ask
17 more. We all want safe roads to drive
18 on, so no one cares if that destroys
19 the environment. Again, hypocrisy.

20 We all want what's best
21 for the environment. That's why there
22 should be good regulations. We all
23 need to be accountable regardless of
24 what we do. That's what makes this
25 country great ---.

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HEARING OFFICER:

Thank you, sir. If Andrew Seder would please be on deck, and then Brian Smith, please.

MR. SMITH:

My name is Brian Smith. I'm the Chairman of the Wayne County Commissioners. I'm also a dairy farmer, a school bus driver and a proud American.

I believe that your permanent ban is based on risk as it's read in these draft regulations. Let's talk a little bit about risk. Risk is something that's inherent in everything that we have done since time has began. Eating itself for men when they first showed up on earth was a risk. People risked their lives in ships to come to this country for a better way of life for opportunity for jobs. That's why people came here.

We started a country based on a revolution. We fought for our freedom. That was pretty risky.

1 I would say risk is not a valid
2 premise for what we're about to do. I
3 would say risk is something that we
4 should not base this on to shut it
5 down as a permanent ban. I would say
6 something's going on here much bigger.

7 This is an opportunity
8 for our country, not just Wayne
9 County, not just the Delaware River
10 Basin Commission, but for our country
11 in an energy source that's a clean
12 burning energy source.

13 Coal is something that
14 made this country a super power
15 because we had energy and we had
16 strength. Oil is something that made
17 this country even stronger yet because
18 we had strength. We had marketable
19 energy. We now have an opportunity to
20 take advantage of an energy that is
21 second to none. It's clean burning.
22 It's much better than coal. It's much
23 cleaner than oil.

24 But yet, we are looking
25 to shut this down because of risk.

1 There are other countries in the world
2 who are behind the effort to shut this
3 down. Vladimir Putin himself is
4 putting dollars into the United States
5 to help shut down the natural gas
6 industry because his economy depends
7 on it. He doesn't want somebody who's
8 going to be a competitor. They don't
9 want somebody else selling natural gas
10 that we --- if we can shut it down.

11 When we look at this
12 place, this place is relatively small
13 because it encompasses Ohio and
14 Pennsylvania, but this is a big thing
15 in the world. This could make us a
16 superpower and our power could exist
17 well into the future.

18 Jobs, an opportunity is
19 what brought people here. This is the
20 reason why we are freedom of the
21 world. We are the United States of
22 America. We are strong. We fought a
23 revolution once before. I hope we
24 don't ever have to do that again. And
25 what was said in the past was this;

1 those who forget the past and do not
2 remember the past are condemned to
3 relive it. Thank you.

4 HEARING OFFICER:

5 The next person on deck
6 will be Kevin Paul McGuinness. And if
7 the next could come forward, and I
8 believe that is Dan Rutledge.

9 MR. RUTLEDGE:

10 Dan Rutledge, Damascus
11 Township Supervisor. Fracking has
12 been taking place in the Susquehanna
13 River Basin for a decade. If fracking
14 turns land into moonscapes and causes
15 widespread ruination of water supplies
16 as anti-fossil fuel so-called
17 environmentalist hypocrites would have
18 us believe, then why is SRB booming?

19 Property values in
20 Pennsylvania's most heavily drilled
21 counties, Bradford and Washington, saw
22 median house values increase from 60
23 to 70 percent from 2000 to 2013. The
24 Wall Street Journal recently published
25 an Intergraph from Moody's Investor

1 Service which shows that eight out of
2 nine states that had the highest
3 percentage growth in property value
4 are major oil and gas producing
5 states. Seven of those states are
6 shale states using fracking.

7 I have attached a
8 graphic. Three of you, the majority
9 sit on the SRBC and know full well
10 that both rivers are significant
11 sources of drinking water. Both
12 basins include exceptional quality
13 water and that the SRBC's monitoring
14 programs have not detected the
15 discernable impacts on the quality of
16 the basin's water resources as a
17 result of natural gas development.

18 If you are a landowner
19 in the Susquehanna River Basin, you
20 are experiencing prosperity. And in
21 the Delaware River Basin, you are
22 experiencing poverty. Who gave Tom
23 Wolf and Andrew Cuomo the right to
24 choose prosperity for some and poverty
25 for others? What is the rationale that

1 they used to go one way in one basin
2 and the opposite in another?

3 Why do they treat the
4 lives of those of us in the DRB with a
5 different standard? It's not fair and
6 it's not right. We are being
7 discriminated against and not allowed
8 equal rights. Why is opportunity
9 quartered or denied based on which
10 side of the mountain the water
11 descends?

12 HEARING OFFICER:

13 Could I interrupt?
14 Would you actually show your diagram
15 to this side, too, please? I realize
16 that the camera is over there. Thank
17 you, sir. Thank you.

18 The next person on deck
19 will be Cathy Nolan. And let's see
20 here, this should be Andrew Seder?

21 MR. SEDER:

22 It is.

23 HEARING OFFICER:

24 Okay.

25 Thank you, sir.

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MR. SEDER:

Good afternoon, and thank you for the opportunity to comment on the conditions of proposed regulations. My name is Andrew Seder. I'm a field representative for Senator Lisa Baker. Senator Baker cannot be with us today because she's in session in Harrisburg.

She would like the hearing record to reflect what an unfortunate consequence that the direction the Commission is taking. And she is giving notice of a legislative remedy she will be perusing. I submit the following testimony on her behalf.

Across a wide area of northern and southwestern Pennsylvania, natural gas drilling is providing jobs, boosting the prospects of small communities, lowering energy costs and giving our state an energy advantage in the competition for keeping and bringing in jobs.

1 State regulations have
2 been stiffened, enforced and
3 strengthened and impact fees are being
4 collected and distributed to affected
5 communities. There is certainly more
6 to be done, but we have recognized and
7 responded to concerns about
8 environmental impact and community
9 safety.

10 Despite this reality,
11 the Delaware River Basin Commission is
12 moving toward a permanent ban on
13 natural gas drilling in Wayne and Pike
14 Counties and the rest of the Delaware
15 River Basin following a lengthy
16 moratorium put in place in 2009. The
17 Susquehanna River Basin Commission
18 recently examined potential impacts to
19 water quality for unconventional
20 natural gas drilling and found no
21 discernable impacts on the Susquehanna
22 River Basin's water resources.

23 So the assertion that
24 drilling was an intolerable threat to
25 water supplies just over the hill, is

1 remarkably inconsistent and
2 contradictory. There is also
3 legitimate concern that this is the
4 beginning of an assault on other
5 economic enterprises. The impact here
6 is not necessarily limited to
7 hydraulic fracturing and could
8 potentially be applied to agricultural
9 enterprises and many other activities
10 that have an impact on water supplies.

11 I believe this potential
12 action constitutes a taking, and I
13 will be proposing a legislative
14 remedy. Specifically, my bill will
15 clarify that while the General
16 Assembly does not seek to prevail any
17 lawful and off right action of the
18 DRBC to achieve its purposes, a ban on
19 the extraction of Marcellus shale gas
20 from properties located in the
21 Delaware River Basin constitutes the
22 exercise of Eminent Domain and would
23 require just compensation to impacted
24 landowners.

25 The people of Wayne and

1 Pike Counties have consistently
2 demonstrated that they are good
3 stewards of the land, the water and
4 the environment. And they should be
5 permitted to continue exercising their
6 prerogatives and judgements. Thank
7 you.

8 HEARING OFFICER:

9 The next person on deck
10 would be Laurie Ramie, and I believe
11 the next speaker would be Kevin Paul
12 McGuinness.

13 MR. MCGUINNESS:

14 Hi. My name is Kevin
15 McGuinness. I'm Chairman of Dyberry
16 Township Supervisors. I'm here to
17 state the Supervisors' opposition to
18 the fracking ban.

19 The ban that is in
20 effect are taking the property rights
21 and the assets without compensation.
22 Not only is this action un-American,
23 but it's also a violation of the
24 United States Constitution. The DRBC
25 is proposing to steal property rights

1 and gas assets from law abiding tax
2 paying property owners of Wayne
3 County.

4 Here are the facts.
5 There are over 11,000 oil and gas
6 wells in Pennsylvania that are deeper
7 than Marcellus shale. Fracking has
8 been standard practice in Pennsylvania
9 since the '50s without any known
10 adverse effects. Marcellus drillers
11 drill wells to exceed DEP regulations.
12 Former Governor Tom Corbett wrote to
13 the DRBC complaining about the huge
14 economic losses Wayne County residents
15 and landowners were experiencing.

16 He further mentioned
17 that there will be legal ramifications
18 if the ban continues. The Assistant
19 Commissioner of New Jersey DEP Water
20 Resource Management, John Plonski,
21 personally wrote me a letter stating
22 New Jersey does not believe the DRBC
23 regulations should expand into areas
24 that are under state authority.

25 He further stated that

1 the New Jersey DEP wants the DRBC to
2 adopt regulations that actively
3 protect water resources while enabling
4 the natural gas industry to proceed
5 responsibly in developing these energy
6 resources.

7 The DRBC and the SRBC
8 are both controlled by the same
9 governing majority. PA Governor Wolf
10 sits on both the SRBC and DRBC Boards.
11 Why has Governor Wolf allowed fracking
12 in his own county of York, but oppose
13 it Wayne County?

14 Over 3,000 wells have
15 been fracked in the SRBC over the last
16 ten years, and the SRBC has stated, to
17 date, there is no discernable impact
18 on hydraulic fracking on the waters of
19 the Susquehanna Basin. In closing,
20 the ban on fracking will destroy the
21 Wayne County Property values, depress
22 Wayne County incomes, steal assets
23 away from law abiding property owners,
24 stall the job growth, greatly reduce
25 local and state tax receipts, increase

1 the cost of natural gas, and violate
2 the Constitution of the Unites States.

3 This is a politically
4 motivated taking of property rights
5 and assets without compensation. The
6 proposed ban is an illegal act. If
7 you want our gas rights, pay for them
8 just as the gas companies did ten
9 years ago when they were leasing them.
10 Dyberry Township Supervisors want you
11 to know that we are strongly opposed
12 to the ban and we will fight it.
13 Thank you.

14 HEARING OFFICER:

15 The next person in the
16 on deck circle, so to speak, is Vera
17 Scroggins. And the next speaker is
18 going to be Ms. Nolan --- Cathy Nolan?

19 DR. NOLAN:

20 Dr. Nolan.

21 HEARING OFFICER:

22 Dr. Nolan?

23 DR. NOLAN:

24 I'm the Research
25 Director for Catskill Mountainkeeper,

1 one of the founders of concerned ---.

2 HEARING OFFICER:

3 Speak a little louder,
4 please.

5 DR. NOLAN:

6 Sorry. My name is Dr.
7 Cathy Nolan. I'm the research
8 Director for Catskill Mountainkeeper,
9 one of the founders of concerned
10 health professionals of New York, and
11 a legislator for the District 22 in
12 Ulster County, New York, the District
13 composed of the four western most
14 towns of the county.

15 I'm speaking for myself
16 today, and they'll be additional
17 written comments. Having studied
18 hydraulic fracking intensively for
19 over a decade, I've traveled here to
20 provide oral testimony because I want
21 to communicate a few points as
22 forcefully as I can.

23 I deeply respect the
24 obligations of the DRBC to protect
25 water quality in the basin and thereby

1 protecting human health and well-
2 being. I thoroughly endorse the
3 Commission's decisions to ban fracking
4 in the basin as incompatible with the
5 Commission's mission, due to numerous
6 interminable potential mechanisms for
7 water contamination.

8 These are widely known
9 and in 2018 well documented adverse
10 impacts on water quality which the
11 proposed amendments reference and
12 address in the proposed ban on
13 fracking. I'd like to focus on an
14 additional element, the uncontrolled
15 character of fracking's underground
16 explosions and on induced seismicity,
17 that is, earthquakes caused by both
18 fracking itself and by the underground
19 injection of wastewater.

20 The primary action of
21 fracking, high pressure explosions
22 underground and slippery fluids is
23 described by engineers working through
24 the oil and gas company and by the
25 text of the amendments as taking place

1 in shale formations that are, quote,
2 separated from potential freshwater
3 aquifers by thousands of feet of
4 sandstones and shales, unquote.

5 However, recordings
6 taken at the most carefully studied
7 frack wells in the world in Greene
8 County, Pennsylvania, show multiple
9 long induced fractures that extend
10 above the hypothesized frack barrier.
11 Not surprisingly, fracking activity
12 itself can cause earthquakes as we've
13 been seeing across the United States
14 and in Canada and as close to the
15 Delaware River Basin as Morton County,
16 Pennsylvania.

17 The deliberations of the
18 Commissioners and the drafted
19 regulations should reflect these
20 facts. Moreover, since injecting
21 fracking wastewater underground poses
22 even more risk, the proposed amendment
23 should directly address induced
24 seismicity and explicitly, ban any
25 underground injection of fracking

1 wastewater in the Delaware River
2 Basin.

3 Given the toxic
4 composition of the fracking waste,
5 including radioactive materials, the
6 regulations should also ban the use of
7 the fracking waste on roads and on
8 fields, and should not address
9 treatment of fracking waste on a case-
10 by-case docket basis, but ban it
11 pending further development of
12 mechanisms to treat fracking waste.
13 Waste that is supposedly stored in the
14 basin is not really adequately
15 contained.

16 Ulster County, New York
17 took care of these matters banning
18 fracking, and fracking waste, in our
19 county for over a decade.

20 HEARING OFFICER:

21 Fifteen (15) more
22 seconds because I interrupted at the
23 beginning.

24 DR. NOLAN:

25 Thank you very much. I

1 urge the Commission to take these
2 actions now and continue a bright
3 future for the waters of the basin and
4 the health and economy of its
5 citizens.

6 HEARING OFFICER:

7 Thank you.

8 The next person on deck
9 will be Lee Clark. And let me see,
10 Laurie Ramie should be our next
11 speaker.

12 MS. RAMIE:

13 Laurie Ramie, Upper
14 Delaware Council. Unfortunately, due
15 to several weather cancellations, our
16 Board has not had an opportunity to
17 thoroughly vet our comments, so at
18 this time, we will be submitting those
19 in writing by the date. Thank you.

20 HEARING OFFICER:

21 Thank you, ma'am. Thank
22 you. On deck will be Lee Clark and
23 then let's see - on deck --- I'm
24 sorry. The next speaker should be
25 Vera Scroggins. Can I just see your

1 hand, please? Okay.

2 Good. And then on deck
3 should be --- can I see the hands of
4 people on deck? Let's see, you're the
5 next speaker, but the other names that
6 I have called. Okay.

7 Lee Clark and Thomas
8 Shepstone. Those two people would be
9 on deck. Okay.

10 So the next speaker will
11 be Vera Scroggins. Ms. Scroggins.

12 MS. SCROGGINS:

13 My name is Vera
14 Scroggins. I'm from Susquehanna
15 County, Pennsylvania which is a
16 heavily fracked county since 2008.
17 And I live there and I've been
18 recording and documenting since 2008,
19 all of the impacts and negative
20 impacts to my county with videos and
21 photography and documentation and
22 testimony.

23 I want to say that our
24 water has been impacted by --- dozens
25 of water wells or aquifers were

1 impacted. So the SRBC may be studying
2 the watershed, but for some reason
3 it's not picking up our aquifers.
4 It's been verified by the DEP that we
5 have impacted storage water and that
6 people are suffering since 2008 with
7 water buffalos, special treatment
8 systems to be able to have some kind
9 of potable water.

10 And we also have dozens
11 of non-disclosures. People are
12 signing them from reviewing what's
13 happened to them and --- by the gas
14 industry. And we have over 1,000 DEP
15 violations just in our county because
16 of the gas industry.

17 We have 1,300 gas wells
18 so far at least, and we have over 50
19 compressor stations which are spewing
20 out air contamination by the tons as
21 well as all the truck traffic, the
22 noise and the lights. So I want to
23 say that we have deleterious effects
24 from this industry. It's not a clean
25 producing industry by any means.

1 And I'd like to say
2 that, what about our property rights?
3 What about our rights period, to clean
4 air and clean water? We have a
5 constitutional right in Pennsylvania.
6 And also, as far as property value,
7 some have mentioned up to 2013. If
8 you take property value from 2013 to
9 2017, you will see a drop in the
10 values. And lots of property for sale
11 is not moving at all.

12 So we also have the same
13 poverty levels in my county that has
14 not improved. We have more food banks
15 than ever in my county. People
16 needing food. And lining up in front
17 of our churches in our county seat to
18 get food. This is what they call
19 prosperity.

20 We also have less than
21 ten percent of our jobs that are
22 connected with this industry. This
23 industry right now is in more than
24 fifth --- lower than fifth on the list
25 for the jobs availability for our

1 county. And they think that they're
2 giving us so many jobs.

3 Right now, we have over
4 10,000 complaints with the DEP
5 concerning water from the citizens,
6 and the DEP with their very strict
7 proprietors and narrow proprietors
8 have only determined three percent
9 that they are impacted by the gas
10 industry. Meanwhile, almost 10,000
11 complaints.

12 Think about the truck
13 traffic you will have if you allow
14 water to be removed from the basin,
15 think about the truck traffic to bring
16 the frack water in and then to remove
17 clean water.

18 I'm against salt on the
19 roads also, so I think that should be
20 banned, too.

21 HEARING OFFICER:

22 I will stop you.

23 MS. SCROGGINS:

24 Thank you.

25 HEARING OFFICER:

1 On deck would be Pat
2 Henderson, and then the next speaker
3 would be Lee Clark. Lee Clark,
4 please? All right.

5 If Lee Clark appears
6 later, we'll give that person an
7 opportunity to speak. Then on deck
8 would be -- in addition to Pat
9 Henderson, would be Jeff Tittel, if
10 you could move forward, please. And
11 then the next speaker is Thomas
12 Shepstone.

13 MR. SHEPSTONE:

14 Thank you. My name's
15 Thom Shepstone. I'm a landowner and
16 I'm directing my remarks to the DRBC
17 Commissioners, even though you're
18 sitting there.

19 You are with this
20 proposed ban stealing the natural
21 resources and economic futures on this
22 side of the Berlin Wall and
23 constitutes the boundary two miles
24 west of here that direction between
25 the Delaware and Susquehanna River

1 Basin. Worst, you're doing it by
2 fraud.

3 On the other side of
4 that wall is the best laboratory
5 there, is to evaluate the impacts of
6 gas drilling. Thousands of gas wells
7 have been drilled hydraulically
8 fractured there. But I tell you, of
9 course, that you already know it.
10 Three of you a member --- a majority
11 of the DRBC also serve as a majority
12 of the SRBC. You're the same people.

13 You also know very well
14 that the SRBC staff has been
15 continuously evaluating the gas
16 drilling you allow on the other side
17 of that wall for impacts on water.
18 Those studies as recently as September
19 2017, say the Commission's remote
20 water quality monitoring network has
21 not detected discernible impacts on
22 the quality of the basin's water
23 resources as a result of natural gas
24 development.

25 And that's found in this

1 report right here. Anybody can get it
2 off the web. And yet, we know that
3 it's been deliberately ignored.
4 Twenty-two (22) pages of justification
5 for a ban and not one mention, not one
6 mention of this data that's at the
7 DRBC's hands.

8 They've deliberately
9 ignored it because both impacts --- or
10 despite, I should say, both impacts
11 being nearly identical, both faces
12 being sources of drinking water. And
13 you refuse to acknowledge gas drilling
14 is already safely taking place on the
15 other side of that wall in some of the
16 highest rated special protection
17 waters in Pennsylvania.

18 Meanwhile, the DRBC's
19 offices are heated with SRBC gas.
20 Yet, your notice of proposed
21 regulations, this 22 pages, pretends
22 this water quality data doesn't exist.
23 You simply want to apply a different
24 standard. You've chosen to cite phony
25 and speculative New York studies

1 rather than hard data in your hands.

2 You're engaged in a
3 massive land grab with the intent of
4 making a wilderness of our land for
5 the enjoyment of elite special
6 interest funding the Delaware River
7 Keeper. You've even taken money from
8 those special interest yourselves,
9 shame on you. What you're doing is
10 nothing less than high tech
11 colonialism.

12 You're taking our land
13 and economic future on the basis of a
14 fraud. And part of that fraud is the
15 fact that your own attorney, Kenneth
16 Warren, told the Third Circuit Court
17 of Appeals, a month or so ago, told
18 them that you'd already decided to do
19 this. This whole thing, and you're
20 running a good program here, but this
21 whole program today is a sham.

22 The decision's been made
23 and it's a terrible decision and it'll
24 be decided ultimately by the courts.
25 Thank you.

1 HEARING OFFICER:

2 Mary Beth Wood would be
3 on deck, and then the next speaker
4 would be Pat Henderson.

5 Am I correct? No?

6 Let's see here. What's
7 your name, sir?

8 MR. TITTEL:

9 I'm Jeff Tittel.

10 HEARING OFFICER:

11 Okay.

12 Mr. Henderson's before
13 you.

14 MR. TITTEL:

15 I'm sorry, no problem.

16 HEARING OFFICER:

17 I probably fouled up on
18 you. All right.

19 And let's see here.

20 This is Mr. Tittel? You're on, you're
21 on.

22 MR. HENDERSON:

23 Thank you, good

24 afternoon. My name is Patrick

25 Henderson, and I serve as the Director

1 of Regulatory Affairs for the
2 Marcellus Shale Collation.

3 Our members represent
4 thousands of Pennsylvania employers
5 and by extension, tens of thousands of
6 Pennsylvania landowners who are
7 committed to the safe development,
8 transportation and utilization of
9 domestic natural gas.

10 To be clear, the MSC and
11 its member companies and the thousands
12 of Pennsylvanians who work for these
13 companies, support responsible, safe
14 development of natural gas within the
15 Delaware River Basin. To prohibit the
16 development of this critical energy
17 resource as the Commission seeks to do
18 defies common sense, sound science,
19 responsible policy making and the
20 corporate charter and statutory
21 authority of the Commission.

22 It is simply wrong, not
23 authorized, and this rulemaking ought
24 not to be adopted. The intention of
25 any public comment and hearing process

1 is presumably to solicit and
2 thoughtfully consider input from a
3 wide array of stakeholders on the
4 proposed policy and to withhold final
5 judgement until all of the facts are
6 in.

7 Yet, that is not what is
8 happening here. It is clear that the
9 majority of the Commissioners have
10 already made up their political minds
11 on this manner. Indeed, while the
12 Commission staff took great pains in
13 announcing these hearings and the
14 public comment period to stress that
15 no final decision or action had yet to
16 be taken, on September 13th. A
17 majority of the Commissioners issued a
18 press release congratulating
19 themselves on banning natural gas
20 development within the watershed
21 depriving their own citizens of their
22 private property rights.

23 The Commission's
24 enactment for the past eight years,
25 which it seeks to permanently adopt

1 through this rulemaking, has inflicted
2 significant harm upon the Commonwealth
3 and its citizens.

4 Hundreds of millions of
5 dollars of lease and royalty payments
6 to the Pennsylvania landowners have
7 been lost. Potentially, billions of
8 dollars of private capital investment
9 has been diverted out of the
10 Commonwealth. The economic and job
11 damage inflicted by the Commission is
12 difficult to fully quantify or
13 comprehend.

14 So what would you find
15 if you examined the facts of natural
16 gas development in Pennsylvania in
17 2018? You would find a highly
18 compliant industry of over 95 percent.
19 You would find an industry that has
20 been in a partner in working to enact,
21 adopt and implement the most stringent
22 operating requirements of the nation.
23 You would find an industry that
24 voluntary stopped taking wastewater to
25 discharge treatment systems and has

1 focused on treating and recycling
2 water. And you would find an industry
3 that has contributed hundreds of
4 millions of dollars to study, monitor,
5 enhance and safeguard the water
6 resources of Pennsylvania.

7 When Pennsylvania's
8 elected general assembly voted to
9 adopt the compact in July 1961, they
10 could not possibly have envisioned
11 this day when the rights of the
12 citizens of Pennsylvania and the
13 authority of the Commonwealth would be
14 subverted in furtherance of political
15 objectives of a select few.

16 Ironically, one of the
17 core principles of the compact
18 contained in that 1961 act, states
19 that its purpose is to apply the
20 principle of equal and uniform
21 treatment of all water users without
22 regard for established political
23 values. The Commission's proposed
24 actions are anything but equal or
25 uniform and its outcome could not be

1 allowed to prevail. Thank you.

2 HEARING OFFICER:

3 Robert Friedan is the
4 next person on deck, and next is Jeff
5 Tittel.

6 MR. TITTEL:

7 I'm Jeff Tittel,
8 Director of New Jersey Sierra Club.
9 I'm here representing our three
10 million members and supporters
11 nationally, but more importantly, our
12 100,000 property owners here in the
13 Delaware Valley and the 17 million
14 people that get their drinking water
15 from the Delaware Valley. They have
16 property rights, too, and what you do
17 on your property could affect my
18 property and my life and my family.

19 We also are --- and I
20 live in Lambertville. I actually get
21 water out of the river. I'm of those
22 people. But also in my community and
23 communities up and down the river,
24 these people's pipeline companies want
25 to take our land for Eminent Domain,

1 for private gain, not for public
2 purpose. So it is about property
3 rights, it is about the Constitution.
4 And the U.S. Supreme Court has ruled
5 time after time that governmental
6 entities have the right to put bans in
7 place and moratoriums in place and the
8 Lake Tahoe decision on and on.

9 And the first cases of
10 property rights in this country had to
11 do with zoning and banning uses that
12 ruined other people's property values
13 like slaughterhouses in residential
14 areas or garbage dumps. Do not dump
15 on the Delaware River, do not dump on
16 our Valley, and do not dump on the
17 people of this state --- in all four
18 states.

19 We're here today to say
20 that the Delaware River Basin
21 Commission is doing the right thing in
22 protecting the water supply for the 17
23 million people and protecting the
24 property rights for everyone in this
25 valley. What they are doing is right,

1 but it's not enough. They need to
2 also make sure that we do not allow
3 the waste dumping in the river or
4 anywhere in the Valley.

5 We do not take the water
6 that we preciously need for our own
7 industries. And New Jersey's three
8 largest industries are water
9 dependent, food processing, tourism
10 and pharmaceutical. Don't take our
11 life and dump it into another valley
12 so it comes back as polluted water.

13 Another point I want to
14 say, because I heard someone mention
15 the New Jersey DEP. We have a new
16 Governor, we have a new DEP
17 Commissioner. Governor Murphy is
18 committed to a full ban on the
19 Delaware River for fracking and that
20 ban includes, do not take any
21 waste --- do not take wastewater into
22 the valley and do not take our
23 drinking water out. There is a new
24 day in New Jersey. We don't have
25 Governor Christie any more. That

1 fossil fool is gone.

2 But now we are at a
3 turning point in this valley and this
4 basin because our industries depend on
5 this clean water. If fracking were to
6 go forward, there would be thousands
7 of wells using millions of gallons of
8 our precious water, with that water
9 coming back as polluted with more than
10 600 different toxic chemicals.

11 New Jersey has tried to
12 limit and ban fracking waste because
13 stuff is coming back with
14 radiologicals from Pennsylvania. The
15 point is, that we need to look to the
16 future. We need to move towards clean
17 energy and renewable energy that will
18 actually provide more jobs. By the
19 way, you know, there's actually three
20 times more jobs in the solar field
21 than the fracking industry today. We
22 need to move forward. We need to make
23 sure that we protect this river and
24 this valley for future generations.

25 And so what I want to

1 say in closing, is that the DRBC
2 stands for do the right thing basin
3 provision, ban fracking in the
4 Delaware. Thank you very much.

5 HEARING OFFICER:

6 Thank you. Gregory
7 Lotoro is on deck. And let's see,
8 Mary Beth Wood is the next speaker.
9 And sir, could you say your name for
10 me, though?

11 MR. FRIEDMAN:

12 My name is Robert
13 Friedman.

14 HEARING OFFICER:

15 Yeah, you're after. So
16 this would be Mary Beth Wood, and then
17 on deck, is Robert Friedman and
18 Gregory Lotoro. Okay.

19 This is Mary Beth Wood.

20 MS. WOOD:

21 My name is Mary Beth
22 Wood. I'm the Executive Director of
23 Wayne Economic Development
24 Corporation. I'm going to confine my
25 comments of economic development and

1 economic opportunity.

2 When speaking about
3 natural gas development in the
4 Susquehanna River Basin, Pennsylvania
5 gets positively giddy. We have very
6 intentional and strategic activity
7 taking place to attract natural gas
8 users and build economic opportunity
9 within the Commonwealth.

10 For example, in 2016,
11 Governor Wolf created a new Pipeline
12 Investment Grant Program to make
13 natural gas accessible to business
14 parks and communities. Tremendous
15 effort went into luring the shale
16 cracker plant in western Pennsylvania
17 which Governor Wolf said was, and I
18 quote, part of a much needed larger
19 term plan to translate our abundant
20 resources to make Pennsylvania a
21 leader in downstream production.

22 And the Commonwealth has
23 partnered within Pennsylvania to very
24 intentionally build an economic
25 development strategy based on the

1 natural gas industry. Governor Wolf
2 said that, and I quote, Pennsylvania
3 has a once in a generation opportunity
4 to develop and implement a strategy
5 that will cultivate the manufacturing
6 renaissance and transform our economy
7 across the Commonwealth. Everywhere
8 but here where we desperately need
9 economic stimulants.

10 Wayne leads the seven
11 counties of northeastern Pennsylvania
12 in declining labor force. We've lost
13 over 4,000 people in the last 10
14 years. We have the least diversified
15 industry profile, and the lowest
16 personal per capita income. Our per
17 capita of 38,965 is the lowest of all
18 Pennsylvania counties within the
19 Delaware River Basin. And it's
20 approximately half, half of Chester
21 County and other counties in
22 southeastern Pennsylvania.

23 Wayne County lacks the
24 economic engines that provides
25 resources and increases our

1 competitiveness such as higher
2 education institutions, large
3 corporations, strong industrial base
4 and natural gas revenue.

5 We only have to look
6 towards neighboring Susquehanna County
7 and see the insurgence of economic
8 activity and envy their \$8 million of
9 Act 13 funds that they got last year
10 alone for redevelopment, to know that
11 natural gas activity fosters economic
12 development.

13 We have been told by the
14 administration that Marcellus gas
15 shale development is good, that is
16 spurs job growth and attracts
17 investment, that it puts Pennsylvania
18 at a competitive advantage, that it's
19 worthy of state investment and an
20 intentional effort to grow and that
21 the Wolf Administration wants, and I
22 quote, to ensure that we make the most
23 of this chance to create good paying
24 jobs for Pennsylvania.

25 Yes, Pennsylvania is

1 giddy about natural gas development.
2 We respectfully request that the DRBC
3 bring its opposing treatment of the
4 same natural resource in harmony with
5 the SRBC. Thank you.

6 HEARING OFFICER:

7 Thank you, ma'am.

8 On deck would be Larysa
9 Dyrszka, and excuse my awful
10 mispronunciation there. And then
11 let's see here, this is Robert
12 Friedman. Mr. Friedman, please.

13 MR. FRIEDMAN:

14 Thank you very much.

15 HEARING OFFICER:

16 Yes, sir.

17 MR. FRIEDMAN:

18 Good afternoon. Thank
19 you for allowing me to speak today.
20 My name is Rob Friedman. I'm a policy
21 advocate of the Natural Resources
22 Defense Council.

23 I'm here on behalf of
24 NRDC's over 400,000 members living in
25 DRBC member states and 2.4 million

1 members nationwide. I'm here to speak
2 in support of a full ban on fracking
3 in the watershed, one that is
4 inclusive of all aspects of the
5 fracking process, not just drilling,
6 but also the withdrawal of water for
7 fracking elsewhere and wastewater
8 treatment storage and disposal.

9 No aspect of the
10 fracking process belongs here, or for
11 that matter, anywhere. To quote the
12 draft resolution passed on this issue
13 this past September, whereas the
14 combination of hydraulic fracturing
15 with hydraulic horizontal drilling and
16 related activities for extracting
17 natural gas from type shale formations
18 presents risks, vulnerabilities and
19 impacts the surface and groundwater
20 resources across the country.

21 This statement could not
22 be more accurate. We've seen here in
23 Pennsylvania and across the country,
24 that gas drilling and wastewater
25 treatment and storage industrializes

1 our communities. Hundreds of peer
2 reviewed studies state that people
3 living in proximity to drilling and
4 wastewater injection wells are on
5 record, experiencing respiratory
6 issues, pregnancy complications, PTSD,
7 endocrine abnormalities, among other
8 symptoms.

9 While the regs include
10 --- that prohibit that, it is
11 currently incomplete. Specifically,
12 the rigs create a possibility of
13 opening the watershed to storage,
14 treatment and disposal of fracking
15 wastewater and allowing the withdrawal
16 of fresh water for fracking elsewhere.
17 This would be a step backwards.

18 Opening the river basin
19 to any aspect of fracking would
20 imperil the air, water, land and
21 health of our communities for
22 generations to come. Instead of
23 relying on the dirty, dangerous fossil
24 fuels of the past, we must transition
25 and diversify local economies towards

1 an industry that do not destroy our
2 drinking water, pollute our land, and
3 make our loved ones sick.

4 The bottom line is, that
5 no regulations can fully protect our
6 communities and the environment from
7 the dangers of fracking and its
8 associated activities. The science
9 backs that up. Only a full ban on
10 fracking in the watershed is
11 sufficient and it must include all
12 aspects of this dangerous practice
13 including the storage, treatment and
14 disposal of wastewater and the
15 withdrawal of water for fracking
16 elsewhere.

17 Let's not turn our
18 communities into industrial zones. I
19 stand here to ask that the DRBC take a
20 courageous stand for the residents of
21 the states that represent us at this
22 region and for future generations by
23 banning fracking in the Delaware River
24 Basin. Thank you.

25 HEARING OFFICER:

1 On deck would be James
2 Barth and then the next speaker should
3 be Gregory Lotoro. Gregory?

4 MR. LOTORO:

5 Thank you. My name is
6 Greg Lotoro. I'm from Milford,
7 Pennsylvania. The Delaware River has
8 always been a part of my life.
9 Growing up, I fought to stop the Tocks
10 Island Dam and more recently, have
11 been working to prevent the basin from
12 being negatively impacted by gas
13 extraction and gas infrastructures.

14 I'm here today to ask
15 the DRBC to continue to protect the
16 basin for the future generations. The
17 DRBC was created in '61 for the
18 purpose of bringing the Delaware River
19 under collective and balanced control
20 to ensure fair usage by the four
21 states that share the basin. To this
22 end, it is involved in water quality
23 protection which is different than the
24 SRBC, water supply allocation and
25 water conservation.

1 Today, we're discussing
2 the proposed regulations for hydraulic
3 fracturing and associated operations
4 within the DRB. First, I'd like to
5 state that fracking cannot be done
6 safely, which is supported by purely
7 sought studies within --- around the
8 country. I agree with the DRBC and
9 their decision to exclude this
10 practice within the basin.

11 Second, I encourage the
12 DRBC to allow --- to not allow water
13 withdrawals in any amount for the
14 purpose of being used for fracking in
15 other areas. This is
16 counterintuitive. If fracking is not
17 safe in one area, it should not be
18 supported in another area.

19 Third, the DRBC must not
20 allow processed water to be allowed to
21 be discharged into the Delaware River
22 or any of its tributaries or waterways
23 that flow into the river. The
24 wastewater that --- contains toxins
25 that will ultimately contaminate the

1 watershed.

2 Let's look at the
3 practice of hydraulic fracturing as it
4 relates to water. Millions of gallons
5 of water mix with multiple unknown
6 chemicals and sand are injected into
7 the bore hole to fracture gas
8 formations in order to reduce methane
9 and other gasses. Right from the
10 beginning there are hazardous risks.

11 Many of the chemicals
12 that are added to the water are toxic.
13 When these compounds are injected into
14 the shale, they mix with other
15 indigenous chemicals that are also
16 toxic. In addition to the mixing of
17 chemicals, the shale formations at the
18 depth, they are being injected, are
19 naturally heated to as much as 100 to
20 300 degrees Fahrenheit. This cooks
21 them.

22 As the fracturing
23 progresses, some of the fluid flows
24 back to the surface and is recaptured.
25 This highly toxic cocktail is what

1 we're talking about sending to a water
2 treatment facility and then
3 discharging it into our river.
4 There's no treatment process that can
5 guarantee that all of the toxic
6 components of this waste can be
7 removed.

8 The process of treating
9 fracked water is usually completed in
10 three stages, and I'm just going to
11 give you a little bit. First of all,
12 the stage one, is the pretreatment ---
13 okay.

14 I'm done.

15 HEARING OFFICER:

16 Thanks, Mr. Lotoro.

17 The next person on deck
18 is Ann DiCampello, that's Ann
19 DiCampello. And the next person to
20 speak is Ms. Dyrszka. Excuse my
21 mispronunciation, if you would,
22 please.

23 MS. DYRSZKA:

24 My name is Larysa
25 Dyrszka. I'm a Pediatrician, Board

1 Certified. And ---.

2 HEARING OFFICER:

3 Speak louder if you can.

4 MS. DYRSZKA:

5 Sure. And with my
6 science and medical colleagues, I
7 cofounded Concerned Health
8 Professionals in York. Our task is
9 the investigation and compilation of
10 the risks of high volume hydraulic
11 fracturing on health. We together
12 with the New York Chapter of the Nobel
13 Prize Winning Physicians for Social
14 Responsibility, have written a letter
15 to the Commissioners and to the
16 Executive Director.

17 We write to share with
18 you a new compilation and analysis of
19 scientific health and investigative
20 findings about unconventional oil and
21 gas development or fracking. We
22 represent health professionals and
23 scientists who have followed closely
24 the science and emerging data on the
25 issue for many years.

1 A rapidly growing body
2 of evidence including numerous studies
3 published just in the past years shows
4 that the disposal of fracking waste,
5 as well as drilling of fracking,
6 threaten drinking water and put public
7 health at risk. These studies are a
8 key component of the forthcoming fifth
9 edition of the Compendium of
10 Scientific Medical and Media Findings
11 Demonstrating Risks and Harms of
12 Fracking. It's the latest in a series
13 of reports that have compiled, tracked
14 and summarized the evidence pertaining
15 to the harms to health and the
16 environment.

17 With the DRBC now
18 considering the issue, we wish to send
19 the section of the forthcoming report
20 ahead of its full publication to help
21 inform the important work and it's
22 included with this letter.

23 Cases of drinking water
24 contaminated by fracking activities
25 are now proven. Studies have

1 confirmed specific incidences of water
2 contamination by various pathways
3 including spills, discharge of
4 fracking waste into rivers and
5 streams, and underground migration of
6 chemicals, including gas into drinking
7 water wells. Water contamination can
8 also stem from well integrity failures
9 caused by aging cement and the
10 pressures of fracking itself.

11 As it's currently
12 drafted, the Commission's proposed
13 rule to ban fracking in the Delaware
14 Watershed on the grounds of fracking,
15 exposes its waters to significant
16 immediate and long-term risks, has two
17 important loop holes.

18 It does not ban the
19 importation of wastewater from
20 fracking operations located outside
21 the basin nor does it prohibit water
22 withdrawals from the Delaware River
23 and its tributaries. We urge you to
24 close these loop holes.

25 There are a couple more

1 paragraphs, but I'll just end by
2 saying that our compendium, from which
3 the attached document is drawn,
4 compiles the significant and rapidly
5 accumulating body of evidence about
6 fracking activities including
7 wastewater spills and disposal
8 practices and that they pose serious
9 risks of water contamination and harm
10 to public health.

11 We're available to
12 answer any questions and to consult.

13 HEARING OFFICER:

14 Thank you. Appreciate
15 it.

16 The next person on deck
17 would be Carol Lawson and the next
18 speaker would be James Barth. James
19 Barth, please?

20 MR. BARTH:

21 James Barth, Berlin
22 Township, Pennsylvania. I support the
23 DRBC proposal to ban hydraulic
24 fracturing and I urge the
25 Commissioners to ban the treatment and

1 disposal of fracturing flowback waste
2 in the basin.

3 In 2010, working with
4 Damascus Citizens for Sustainability,
5 I prepared the tax information of
6 Damascus Township to the Citizen's
7 Voice newspaper database of East
8 Landing, Damascus Township. This
9 comparison showed that 67 percent of
10 the owners of property forming 61
11 percent of the taxpayers had not
12 leased their land while 33 percent of
13 property owners had leased.

14 The 33 percent who
15 leased, controlled 69 percent of the
16 land surface. Two months ago, I
17 compared tax information on Wayne
18 County to the gas lease and data base
19 in Wayne County. The data shows the
20 tax bills are mailed out to just under
21 41,000 individual addresses.

22 While 41,000 may not be
23 an exact property ownership number in
24 Wayne County, it is a good
25 approximation. The Citizen's Voice

1 data base had showed that less than
2 3,500 property owners in all of Wayne
3 County had leased and they controlled
4 52 percent of the land and surface.
5 Over 37,000 property owners did not
6 lease versus 3,500 who had leased.

7 A tiny minority of
8 property owners of large tracks of
9 land would be the ones to benefit from
10 shale gas extraction while the vast
11 majority of residents would suffer the
12 negative impacts. As a further
13 example of the imbalance of property
14 ownership and tax assessment as it
15 applied to gas leasing, I looked at
16 four hunting club properties in Wayne
17 County.

18 Their land totaled 2,200
19 acres and it is tax assessed at
20 \$195,000. My wife and I own a house
21 on 25 acres. Our house alone is
22 assessed at \$200,000. \$200,000 for
23 one house on a 32 by 48 footprint,
24 2,200 acres 195,000.

25 The environmental impact

1 assessment conducted in New York State
2 was followed by a declaration from the
3 State Health Commissioner Dr. Howard
4 Zucker, that the assessment had found
5 significant public health risks
6 associated with high volume hydraulic
7 fracturing.

8 A ban on fracking was
9 then imposed by Governor Cuomo in
10 2014. In October of 2016, the
11 Pennsylvania Medical Society's 300
12 member House of Delegates representing
13 its 16,000 members unanimously called
14 for a moratorium on shale gas drilling
15 and hydraulic fracturing throughout
16 the Commonwealth.

17 Regarding the risk of
18 the health of residents in the basin,
19 these two examples offer all the
20 support needed for the DRBC's proposed
21 ban. Thank you.

22 HEARING OFFICER:

23 Thank you, sir. Sue
24 Mickley would be the next person on
25 deck and then this should be Ms.

1 DiCampello. Am I correct about that?
2 No? Just stick with us for a moment,
3 is DiCampello here? Yes, okay good.

4 Thank you. That
5 probably was Carol Lawson, you'll be
6 next. And once again, this is Ann
7 DiCampello.

8 MS. DICAMPELLO:

9 Yes, correct.

10 Good afternoon. My name
11 is Ann DiCampello. I'm from
12 Levittown, Pennsylvania, and I'm here
13 to represent the Bucks County Sierra
14 Club, the Bucks County Green Party,
15 and also Bristol Township
16 Environmental Advisory Council, and
17 also anyone else who cannot be here
18 today, to urge the DRBC to consider a
19 complete ban on drilling and fracking
20 and its related activities.

21 A ban is needed
22 throughout the watershed for a lot of
23 different reasons, and one of them is
24 its consumptive water use. A single
25 well frack can draw millions of

1 gallons of water for its operation
2 without ever replenishing it from its
3 sources or giving any regards to the
4 damage it causes to the waterways, the
5 land around the path to the water, or
6 the community and wild life around
7 this path.

8 Consumptive water use
9 for drilling and fracking use will
10 only increase over the life of the
11 well and it puts burden on
12 availability of water for other uses.
13 As is the Delaware already sees low
14 waters, low level of water throughout
15 the year as a cycle and I'm pretty
16 sure the oil and gas industry will
17 likely key to this.

18 Also, once fracking
19 waste is introduced into the water
20 ways, land and air, the poisons are
21 not likely to be remediated and
22 damages not monetarily confiscated by
23 the industry.

24 In closing, I would just
25 like to say it is so to science that

1 shows a water cycle could not be
2 destroyed or altered without expecting
3 adverse effects to its entire
4 ecosystem.

5 And also, I realize this
6 is a hearing, so if the DRBC needs any
7 references in according to this
8 speech, please let me know. Thank
9 you.

10 HEARING OFFICER:

11 Jeanne Cimorelli would
12 be the next person on deck. And the
13 next speaker is, let me see, Carol
14 Lawson?

15 MS. LAWSON:

16 Yes.

17 HEARING OFFICER:

18 If you would, ma'am?

19 MS. LAWSON:

20 My name is Carol Lawson,
21 and I live in Burlington Township in
22 Pennsylvania. In my profession, a
23 speech language pathologist, a child
24 development specialist, I provide
25 early intervention services for

1 children from birth until the age of
2 three.

3 In aggregate the cost to
4 states who make up this Commission for
5 early intervention services for our
6 most vulnerable is roughly \$1.5
7 billion a year of taxpayer money.

8 I heard recently that a
9 --- during a community meeting, an
10 appropriately member of our community
11 claiming that no one has turned green
12 or dropped dead yet from the effects
13 of drilling in the Susquehanna River
14 Basin. As a therapist and clinician,
15 I have treated and helped infants who
16 are grey in color, infants who turn
17 blue as they struggle to coordinate
18 their suck, swallow and breathing.
19 All of these are critical life-
20 sustaining skills.

21 I have held a four-
22 month-old infant born with Leukemia
23 enduring toxic chemotherapy in my arms
24 to teach her how to swallow. Humans
25 do not survive without the ability to

1 swallow. Every uterus, fetus, unborn
2 child, developing child, exists
3 downstream from staggering numbers of
4 health regulated chemicals. We cannot
5 cure cancers or birth defects, but we
6 can, as a responsible and informed
7 community, do all within our power to
8 prevent further degradation of our
9 shared environment and the cancers and
10 birth defects that follow such
11 degradation.

12 I support a ban on
13 fracking from the Delaware River
14 Basin, and I urge the Commission to
15 ban the importation of frack waste
16 into the basin for the purpose of
17 treatment and disposal. I thank the
18 Commission for the valiant efforts
19 they have made over nearly ten years
20 to resolve this contentious issue.

21 And what has been
22 achieved so far is deeply appreciated.
23 But we can and we must do more as a
24 community. Thank you.

25 HEARING OFFICER:

1 Richard Martin, you'll
2 be third in line, sir. All right?

3 And then the next person
4 would be, let's see --- it should be
5 Sue Mickley.

6 MS. MICKLEY:

7 Thank you. I'm Sue
8 Mickley. I have a Master's in public
9 health from Yale University. I have
10 over 30 years' experience in
11 evaluating public health data to
12 determine trends in the community.

13 I just recently
14 published a study looking at the
15 mortality rates in the six highest
16 drilled counties in Pennsylvania.
17 This a tandem study that I did in
18 Texas when they had ten years'
19 experience and the results both panned
20 out --- in both areas is the same.

21 This study looked at the
22 major mortality rate classifications
23 such as chronic respiratory disease,
24 including asthma, cancer, diseases of
25 the heart, stroke, cerebral disease,

1 influenza, pneumonia and other
2 diseases including infant mortality
3 rates.

4 Using these to identify
5 categories, looking at the mortality
6 rates over the trended time period of
7 at least ten years, but in fact, I
8 went back to the year 2000 by public
9 health data that has been designed by
10 the CDC that all states report at the
11 county level, I was able to identify
12 the trends.

13 And what I found in all
14 these categories, mortality rates
15 actually declined. This again also
16 happened in Texas. And this was also
17 in lieu of the fact that the elderly
18 populations increased significantly in
19 these areas during the same time. So
20 the expectation would have been
21 mortality rates would have gone up.

22 Most importantly,
23 recently there's been a lot of focus
24 on infants and infant health and in
25 the infant mortality rates they state

1 the same declined. And this is very
2 important because when you look at a
3 decline, that means more infants are
4 surviving. They aren't being listed
5 as a fatality in the first year of
6 life.

7 There is another study
8 that is being considered and I would
9 like to say that this should be
10 thoroughly cautioned to the
11 Commission. This study was on birth
12 rates near wells. The study itself,
13 caveats itself to not understanding
14 that their conclusion was quite
15 questionable.

16 They say they didn't
17 have enough data, they say that they
18 didn't have any rationale for why it
19 was happening. When you look at the
20 actual raw data, they only had 30
21 additional low birth weight babies
22 over 7,000 health sites in nine years.

23 And yet, they draw the
24 conclusion that those low birth weight
25 babies are related to fracking. If

1 they expanded their area of concern to
2 what other two studies they cite in
3 their own research, out of two --- or
4 one month from well fracking, their
5 conclusion would have been the
6 opposite.

7 And that's very
8 concerning when you're looking at
9 research like that. My data was all
10 based from the state. I cannot
11 manipulate it. It's published on a
12 regular basis. It's vetted by them.
13 It's contrived by CDC. All I did was
14 report the trends.

15 I would say that you
16 have to look at the benefits and the
17 risks. But in these communities, it's
18 saving lives. Thank you.

19 HEARING OFFICER:

20 All right.

21 The next person on deck
22 would be Joe Levine and the next
23 speaker would be Jeanne Cimorelli.

24 MS. CIMORELLI:

25 Hi. I'm Jeanne

1 Cimorelli. I had --- actually, when I
2 registered, I'm deferring my public
3 comments, so I should have been
4 crossed off the list.

5 HEARING OFFICER:

6 Okay.

7 Thank you, ma'am.

8 The next person on deck
9 would be Jane Cyphers and the next
10 speaker would be Mr. Martin, Richard
11 Martin. Would you say your name for
12 me, though, sir?

13 MR. LEVINE:

14 John Levine.

15 HEARING OFFICER:

16 Yeah, Mr. Martin before
17 you, sir.

18 Okay?

19 MR. MARTIN:

20 I'm Richard Martin,
21 Coordinator for the Pennsylvania
22 Forest Collation. Our primary mission
23 is good stewardship of our public
24 lands. Stewardship doesn't end at the
25 boundaries of our state forests or the

1 state game lands.

2 The issue here, is harm.
3 Would natural gas activities in the
4 Delaware River Basin harm our air, our
5 water, our health? Our sportsmen are
6 concerned that many present wells that
7 are in the head waters of our cold
8 water streams and our native rookies
9 are the canaries in the coal mine.

10 Now, the best indicator
11 of future performance is past
12 performance. And the River Basin
13 Commission saw the past problems in
14 Pennsylvania. They saw contamination
15 of almost 300 private water wells,
16 thousands of DEP citations. And the
17 New York Department of Health's report
18 that the likelihood of adverse health
19 incomes and environmental impacts from
20 fracking could not be prevailed.

21 One part of the proposed
22 Section 440, mentions frack water
23 flowback released if it is treated at
24 a wastewater facility. That is a big
25 word, treating. Treatment would not

1 remove the radioactive elements or
2 make it anything you and I would
3 knowingly drink. OJ's lawyer Johnny
4 Cochran would describe that as the
5 solution to pollution is dilution.

6 It makes no sense at all
7 to allow importation of water. Remove
8 all wording from Section 440 that
9 refers to importation of water.

10 We're lucky in
11 Pennsylvania, last June, our State
12 Supreme Court finally affirmed the
13 Pennsylvania Environmental Defense
14 Foundation's lawsuit over right to
15 clean air and water, Article 1,
16 Section 27 of our state Constitution.

17 And every elected public
18 official in Pennsylvania takes an oath
19 of office to uphold our State
20 Constitution from the Governor to our
21 Township Supervisors.

22 Safe, safe is the
23 absence of risk. You can't un-ring a
24 bell just like you can't recall a
25 bullet once you pull the trigger.

1 Because 6 percent of gas wells still
2 leaked upon completion and almost 50
3 percent will leak over the life of the
4 well, we rely on science.

5 And science uses a
6 precautionary principle, which is, if
7 you do not know all of the ultimate
8 effects of a process, do not do it.
9 If the natural gas industry provides a
10 good track record in the future, my
11 opinion could change. But for now,
12 the goal is do no harm.

13 HEARING OFFICER:

14 Robert Madison would be
15 on deck and then this is Joe Levine.
16 Yes, sir, if you would, please.

17 MR. LEVINE:

18 My name is Joe Levine
19 from Milanville, Pennsylvania. I
20 commend the DRBC and the Governors of
21 the four states who come together to
22 support a fracking ban in the DRB.
23 This river is way too valuable and
24 irreplaceable to expose to the
25 accumulative detrimental impacts of

1 fracking.

2 The Commission has
3 determined that high volume hydraulic
4 fracturing poses a significant
5 immediate and long-term risks to
6 development, conservation,
7 utilization, management and
8 preservation of the water resources of
9 the Delaware River Basin and of the
10 special protection waters of the
11 basin.

12 Considered by the
13 Commission to have exceptionally high
14 scenic, recreational, ecological and
15 water supply values. Controlling
16 pollution by prohibiting such activity
17 in the basin is required to effectuate
18 the comprehensive plan, avoid injury
19 to the waters of the basin as
20 contemplated by the comprehensive plan
21 and protect the public health and
22 preserve the waters of the basin for
23 uses in accordance with the
24 comprehensive plan.

25 I know this is not a

1 hasty decision. It's taken ten years.
2 Thank god the door was never opened
3 because it has since been proven by
4 comprehensive state and independent
5 studies including New York City and
6 New York State, that fracking and its
7 cumulative impacts are hazardous to
8 our health and must be banned.

9 Let's not forget the
10 industry's plan in 2008 fall to more
11 than 20,000 wells in the Delaware
12 River Basin. This would have resulted
13 in the industrialization and
14 environmental devastation of the
15 watershed and the loss of this
16 pristine water supply.

17 Treatment of fracked
18 wastewater should also be banned.
19 Last week's New York Times article
20 Dollar Investment to Protect Drinking
21 Water, notes that New York City will
22 spend some 200 million annual leave on
23 maintenance and upgrading of domestic
24 wastewater treatment plants in their
25 watershed.

1 Stating that ensuring
2 the adequate collection of treatment
3 of wastewater is crucial, because it
4 will be released back into the
5 environment and eventually reaches the
6 reservoirs. Fracking wastewater is
7 untreatable and hazardous and toxic.
8 Its movement, storage and disposal are
9 notorious for leaking and spilling.
10 These wastes should not be allowed
11 into the Delaware River nor should
12 injection wells which leak and migrate
13 into aquifers and cannot be cleaned.

14 It is much more
15 economical to control future pollution
16 by prohibiting such activity in the
17 basin. Our basin water use for
18 fracking, it makes no sense to allow
19 water from the Delaware River Basin to
20 be taken out of the river and used
21 elsewhere, especially for any fracking
22 related uses.

23 This depletes the water
24 and because it has been determined
25 that fracking is hazardous to our

1 health and the environment, it should
2 not be used to assist elsewhere.
3 Fracking cannot be done safely. Thank
4 you.

5 HEARING OFFICER:

6 We ask Betty Sutliff to
7 be on deck, and the next person would
8 be Jane Cyphers, please.

9 MS. CYPHERS:

10 Good afternoon. My name
11 is Jane Cyphers. I'm a founding
12 member of Damascus Citizens for
13 Sustainability, a landowner in
14 Rileyville, Pennsylvania, and a proud
15 American.

16 I've been teaching young
17 children for 29 years. The value of
18 good health as a prerequisite for
19 learning cannot be underestimated.
20 Children who struggle from ailments
21 from specific developmental,
22 neurologic, cognitive, and physical
23 problems are at a disadvantage.

24 Peer reviewed research
25 shows the children who live near

1 fracking sites suffer health and
2 learning impacts from air and water
3 contamination as well as from stress.
4 Concerned Health Professionals of New
5 York State that living near drilling
6 and fracking operations significantly
7 increases asthma attacks.

8 According to a Johns
9 Hopkins University study of 35,000
10 medical records, those who lived near
11 a higher number of active gas wells
12 were one and a half to four times more
13 likely to suffer from asthma attacks
14 compared to those who live further
15 away. With the closest group having
16 the highest risk.

17 Fracking drives ozone
18 and other federally regulated air
19 pollutants to levels that violate air
20 quality standards. This increased air
21 pollution and smog formation poses a
22 serious risk to all of those already
23 suffering from respiratory issues such
24 as children with asthma.

25 Exposure to ozone

1 particulate matter, silica dust,
2 benzene and formaldehyde, all of which
3 are associated with drilling and
4 fracking operations, are linked to
5 adverse respiratory health effects,
6 particularly in infants and children.

7 Speaking from the point
8 of view of one who has suffered with
9 asthma their entire life due to
10 chemical exposure at an early age, I
11 don't speak lightly. My brother was
12 also exposed and he died from an
13 asthma attack at the young age of 37
14 leaving three young boys behind.

15 Moving on, a 2015 study
16 found a 40 percent increase in the
17 risk of preterm births among infants
18 born to mothers who live near active
19 drilling and fracking sites in
20 Pennsylvania. A Yale University
21 Research team reported that
22 carcinogens involved in fracking
23 operations have a potential to
24 contaminate both air and water in
25 nearby communities in ways that may

1 increase the risk of childhood
2 leukemia.

3 These contaminants are
4 in the wastewater also. Children
5 should be able to live free from
6 chemical contaminants in the air they
7 breathe and the water they drink. I
8 support the do no harm principle. I
9 also support ban in the basin, and I
10 support a ban of all importation of
11 wastewater. Thank you for your time.

12 HEARING OFFICER:

13 Ann Finneran on deck,
14 and then the next speaker should be
15 Robert Madison?

16 MR. MADISON:

17 Yes.

18 HEARING OFFICER:

19 Okay.

20 If you would, sir,
21 please.

22 MR. MADISON:

23 Thank you. I'm Sid
24 Madison from New Jersey. I'm a
25 Climate Activist and a member of the

1 Citizen's Climate Lobby. Thank you
2 for extending the comment period by
3 one month and adding two opportunities
4 for verbal testimony.

5 We want to achieve a
6 permanent and complete ban on natural
7 gas drilling and fracking and all
8 related activities throughout the
9 Delaware River Watershed. Our
10 comments and testimony will strongly
11 support those goals.

12 I'm going to draw some
13 parallels between climate and
14 environmental problems to impress upon
15 you a need to take strong action to
16 protect the Delaware River Watershed.

17 On the climate side, we
18 have not taken strong action on
19 greenhouse gas emission, which
20 continue to go up. Thus, we have more
21 and greater floods, fires, droughts,
22 sea level rise, and stronger storms,
23 et cetera. We're forced to adapt.

24 On the environmental
25 side, remediation is the equivalent of

1 what adaptation is to climate change.
2 And here, we have a similar story. An
3 increasing number of Super Fund sites.
4 What that means, is that we are
5 dealing with symptoms, resulting
6 problems, et cetera, instead of
7 eliminating the cause.

8 You are at the point in
9 time when cause can be addressed.
10 Without question several years from
11 now, hopefully not in the Delaware
12 River Watershed, a lack of attention
13 on causes will come due. When your
14 grandchildren ask you, what did you do
15 about these problems, what will you
16 say?

17 Your actions on these
18 matters will provide the answer.
19 Taking strong action to protect the
20 Delaware River Watershed is the
21 answer. Thank you.

22 HEARING OFFICER:

23 On deck would be Sharon
24 Furlong, and the next speaker should
25 be Betty Sutliff.

1 MS. SUTLIFF:

2 Betty Sutliff, UDRBC.

3 Thank you, Ace, for your vote against
4 the proposed ban on natural gas
5 development in the DRB. To the
6 representatives of New York and
7 Pennsylvania, Governors Cuomo and
8 Wolf, I will refer to you as the
9 double standard rules and behavior
10 commission.

11 You vote yay on the SRB
12 and nay on the DRB. The water quality
13 is fine for the residents in the SRB
14 including Downey for Harrisburg and
15 Governor Wolf himself, but not so for
16 New York City. How could it be fine
17 for one group of people and not
18 another?

19 Our lives and work are
20 less valuable in certain regions? Or
21 is there something else at play here,
22 like politics? On June 8th, 2015,
23 along with six others, I met with
24 Governor Wolf regarding natural gas
25 development. And what was very

1 telling in that meeting was not just
2 what we talked about, but what he
3 never talked about, water quality.

4 His conversation was all
5 about severance tax and how if we
6 helped him achieve that, he would help
7 us get our gas out of the ground. My
8 husband and I attended the Harper Fair
9 last fall and spoke to many venders.
10 Some told us that they don't even
11 bother going to the Wind Gap Fair
12 (phonetic) because there's no money
13 there.

14 The economic disparity
15 between areas that either get your yay
16 vote and those who get your nay vote,
17 is a great injustice. You vote
18 prosperity for one area and poverty
19 for another. What gives you that
20 right?

21 Don't say water quality
22 because you sit on the SRBC and know
23 the Commission's monitoring programs
24 have not detected discernable impacts
25 on quality of the basin's water

1 resources as a result of natural gas
2 development. Welcome to my side of
3 the mountain.

4 On my side of the
5 mountain, I'm not allowed to recover
6 what is rightfully mine. I've lost
7 out on economic opportunity and my
8 right to prosper. I am a dispensable
9 lifelong resident landowner. A
10 sacrifice to the all-important god
11 down the river, the vote. I've lost
12 these things just because I'm in a
13 different watershed than other areas
14 of Pennsylvania.

15 If a raindrop rolls down
16 the western side of the mountain, all
17 is well. The raindrop is safe, the
18 water resources are unpaired, and
19 Governor Wolf allows fracking. But
20 not for my side of the mountain. How
21 can that be? It's all about the votes
22 and Governor Wolf knows where the
23 population is and where his base
24 lives.

25 Oh, but if he can get

1 his severance tax out of us so he can
2 send money to Philadelphia, how things
3 would change. The ban on the DRB has
4 nothing to do with the quality or the
5 quantity of the water, but the
6 quantity of the vote. For the record,
7 I would like to submit a color collage
8 of what dying farms on my side of the
9 mountain look like, run down the farms
10 and they look rustic or even scenic to
11 those who visit.

12 But for those who live
13 and work here, it's evidence of
14 poverty. Even Hillary Clinton
15 acknowledged that the phony
16 environmental groups --- oh, that
17 pipeline, that fracking, that whatever
18 will be a problem for you. But a lot
19 of that money supporting them comes
20 from Russia.

21 HEARING OFFICER:

22 Sharon Furlong would be
23 on deck, and the next speaker should
24 be Ann Finneran.

25 MS. FINNERAN:

1 My name's Ann Finneran
2 and I'm speaking as a private citizen
3 today, but will provide details under
4 my position as Chair of the Water
5 Issues Committee for the Atlantic
6 Chapter of the Sierra Club.

7 Thanks for this hearing.
8 Thanks to the policy and chapters of
9 the Delaware River Keeper.

10 This is about --- it's
11 what it is about for the industry and
12 suede government entities. It's about
13 producing and shipping natural gas to
14 export in the world market, and they
15 will do and say anything and
16 everything to manifest this projection
17 before the fossil fuel market
18 collapses.

19 There is more than
20 enough already produced to see us
21 through any transition to renewables.
22 The bridge is only a bridge to hell.
23 It's such a waste of time for most
24 American citizens. The external
25 costs, both economic and

1 environmental, are extraordinary. So
2 look very hard for lies and
3 exaggerations the industry will
4 present.

5 Any job estimates have
6 proven to be overestimates, plus, most
7 of the workers are imports from
8 Oklahoma and Texas creating boom and
9 bust communities as I have personally
10 witnessed in Towanda, PA in the
11 Susquehanna River Basin. Despite the
12 known fact that the world is facing a
13 future of water scarcity, the industry
14 would suck dry for drilling purposes
15 such as they have in the Town of
16 Erwin, New York during a drought from
17 an SRBC designated stress aquifer.

18 Drilling needs have
19 increased from 3 million to 10-20
20 million per unconventional event.
21 They will use as much possible ---
22 water as possible over the basic needs
23 of 17 million Americans and will try
24 stunts as shown in Sierra Club, et
25 al., versus SWEPI, LLC and Village of

1 Painted Post, and Sierra Club versus
2 NYBC and Ravenswood Power Plant in New
3 York City.

4 They will lie and force
5 through every project despite calls by
6 state under these borders at the
7 expense of endangered and threatened
8 species such as the family of three
9 American Bald Eagles in Wawayanda, New
10 York to see the CPV Energy Power Plant
11 borne of industry corruption.

12 They were claiming that
13 they have a need to clean the flowback
14 water. Ask them what will happen as a
15 resulting waste now in concentrated
16 form of salt chemicals and TENORM,
17 technically enhanced natural occurring
18 radioactive material.

19 They will keep calling
20 natural gas clean energy. However,
21 methane has increased 30 percent in
22 the last ten years and is 105 time
23 more potent than carbon dioxide as a
24 greenhouse gas. And the production
25 conveyance are both dirty and

1 dangerous. I have multiple articles
2 showing --- coming out now about the
3 increase in radioactivity in landfills
4 and stream beds as a result of even
5 conventional drilling.

6 We need to keep it
7 underground. Thank you.

8 HEARING OFFICER:

9 The next person should
10 be Sharon Furlong and then on deck
11 would be Fred Peckham and also Barbara
12 Arindell. Okay.

13 Ms. Furlong, when you're
14 ready, please.

15 MS. FURLONG:

16 Sharon Furlong, Bucks
17 County Sierra Club, Bucks
18 Environmental Action.

19 In 1961, before there
20 was an EPA, the DRBC came to be. Its
21 ambitious goal was to bring a foul and
22 dying Delaware River back to life and
23 it proceeded to do just that. A
24 partial list of accomplishments
25 include pioneering comprehensive water

1 quality standard done nowhere else,
2 and a year later, regulations for
3 implementation, again, done nowhere
4 else in the United States.

5 They instituted an
6 administrative procedure to settle
7 water disputes, published the first
8 recreational map and launched another
9 recreational pastime and industry. It
10 constructed reservoirs such as
11 Beltsville, which stabilized streams
12 and enhanced quality.

13 It adopted rules,
14 programs and regulation that pioneered
15 water conservation before anyone else
16 did. It mapped flood plains amongst
17 the first in the nation. It worked
18 towards the designation of parts of
19 the river to the National Wild and
20 Scenic Rivers Federal Program, which
21 it helped to draft and later
22 designated almost the entire and then
23 the entire 197 miles of the river as
24 special waters protection program,
25 significant resource waters.

1 It sought --- it adopted
2 regulations concerning discharge of
3 pollutants from wastewater treatment
4 plants. It implemented regulations to
5 protect limited groundwater resources
6 in portions of Pennsylvania,
7 especially in emergencies.

8 It undertook research
9 again amongst the first and created
10 policies and rules regarding
11 stabilization of flow in order to
12 safeguard aquatic ecosystems. Also,
13 on interests done rarely in the U.S.
14 at the time and not too much better
15 now.

16 It wrote the rules to
17 establish pollutant minimization
18 standard and planned requirements
19 concerning discharges of PCBs into the
20 basin. And therefore, but I don't
21 have the time to fully outline and
22 applaud the very long and amazing
23 history of the Commission and its work
24 to free and preserve a river, its
25 tributaries, its surrounding lands,

1 its incredible and vibrant habitats on
2 both lands and in water. So suffice
3 as to say that without this
4 Commission, this river would remain
5 the polluted dumping ground of garbage
6 and dangerous toxins. I invite anyone
7 to go onto the website of the DRBC and
8 look at the history for themselves.

9 So this question I have,
10 and it's the question that everybody
11 here of like mind becomes even more
12 incredulous in some light of its
13 history. How can this Commission even
14 begin to think about doing an about
15 face of its own mission, its own
16 rules, its own laws and allow
17 activities related to the highly
18 destructive hydrofracturing process to
19 occur anywhere even remotely close to
20 the lands and waters that you yourself
21 pull from the depths of pollution,
22 cancer and death?

23 How do you explain this?

24 HEARING OFFICER:

25 Next person on deck

1 would be David Jones, and the next
2 speaker --- let's see, should be Fred
3 Peckham. Ms. Furlong? You are Ms.
4 Furlong.

5 Right? Okay.

6 Good. Thank you. This
7 would be Fred Peckham, Mr. Peckham,
8 please?

9 MR. PECKHAM:

10 My name is Fred Peckham,
11 I'm a roofer and landowner from
12 Hancock, New York. My family has made
13 a living using the natural resources
14 of the river valley for over 160
15 years. I come here today in defense
16 of my private property rights.

17 The new ban of the
18 hydraulic fracturing proposed by the
19 DRBC seems to be nothing more than an
20 unconstitutional attempt of taking
21 private property rights in the Upper
22 Delaware River Basin using the advice
23 of special interest groups having
24 science as a guide with no intentions
25 of providing just compensation to

1 landowners .

2 Almost seems as though
3 the DRBC is taking us back to the
4 1830s when feudalism was still a use
5 in New York. When tenants were
6 granted the use of the land and the
7 promise of ownership in some future
8 date, paying his landlord taxes while
9 never gaining rights of ownership
10 afforded to them by the U.S.
11 Constitution until the anti-rent wars
12 in the 1840s in Delaware County and
13 New York put an end to this corrupt
14 system once and for all.

15 As well documented by
16 the Susquehanna River Basin
17 Commission, of which several of the
18 same members are represented in the
19 Delaware Basin Commission, that the
20 Susquehanna, using remote ordered
21 quality monitoring networks, has not
22 detected discernable impacts on the
23 quality of the basin's water
24 resources.

25 In fact, it has become

1 cleaner. Giving the fact that in the
2 past these differences have been used
3 by the DRBC to justify the moratorium,
4 their argument has become invalid.

5 The development area in
6 the DRBC will have a smaller footprint
7 than in the Susquehanna with only a
8 fraction of the site being considered
9 for development.

10 To date, there have just
11 been under 5,000 wells completed in
12 the Susquehanna in the ten years since
13 development started. And just under
14 11,000 wells in the entire State of
15 Pennsylvania. When the DRBC
16 moratorium was declared, it was
17 claimed by the DRBC and their special
18 interest groupies that there would be
19 tens of thousands of wells drilled in
20 the DRBC, which we know then as we
21 know now is a sky, is falling scare
22 tactic used to frighten the public.

23 The DRBC likes to say
24 they protect the water for 15 million
25 people, but 9 million of those people

1 get their water from the New York City
2 reservoirs. An area unaffected by the
3 DRBC rulemaking.

4 How can members of the
5 DRBC sit here and convince us it's
6 okay for the Susquehanna to develop
7 its resources when over 4 million
8 people depend on its waters but not
9 the DRBC right next door?

10 The DRBC has been taking
11 money from special interest groups for
12 studies, but also allowed them to sit
13 on several SRBC Committees even
14 sharing one while these same groups
15 bring lawsuits and threats of lawsuits
16 against the DRBC. A clear and
17 admitted conflict of interest by the
18 DRBC, an issue which is yet to be
19 resolved.

20 How can one even
21 contemplate writing outlandish rules
22 and regulations when landowners are
23 shut out of the rulemaking process?
24 The landowners of the Upper Basin have
25 been and will always be, true stewards

1 of their lands. Those sitting ---.

2 HEARING OFFICER:

3 Sir, I'm going to stop
4 you at this point, Mr. Peckham. Thank
5 you very much.

6 Next, can I have Barbara
7 Arindell as the next speaker? And
8 then let's see, can you say your name
9 for me, sir?

10 DAVID JONES:

11 David Jones.

12 HEARING OFFICER:

13 David Jones? You'll be
14 after her. And then also we have Doug
15 O'Malley on deck. All right.

16 Is this Barbara
17 Arindell?

18 MS. ARINDELL:

19 Yes.

20 HEARING OFFICER:

21 Please?

22 MS. ARINDELL:

23 Yes. My name is Barbara
24 Arindell. I'm the Director of
25 Damascus Citizens for Sustainability

1 and my family owns property in
2 Pennsylvania.

3 The DRBC is so correct
4 to propose a protected ban on fracking
5 in the Delaware River Basin. It is
6 wrong, though, to propose allowing
7 drilling waste into the basin or
8 export of our precious water. The oil
9 and gas industry has received
10 unprecedented exemptions from our
11 nation's most important environmental
12 and public health laws including the
13 Safe Drinking Water Act, the Clean Air
14 Act, and the Clean Water Act. The
15 industry has known for decades about
16 their inability to prevent damages
17 from drilling and from their liquid
18 and solid waste, leading to their need
19 to avoid liability for the damages
20 they knew they would cause.

21 Their solution was
22 exemptions. First, by making the
23 waste special by an advancing
24 amendment to the Rigboy (phonetic) law
25 of 1980, so the waste from oil and gas

1 exploration and production are not
2 trapped or manifested and needn't be
3 disposed of as the toxic materials
4 they actually are.

5 Then after about 25
6 years of trying, the industry got
7 exemptions to major provisions of
8 settled protected environmental laws
9 in the 2005 Energy Policy Act. The
10 more I learned about the contents of
11 the potential impacts from the waste,
12 the more alarmed I've become.

13 DCS is actively involved
14 with people and communities where
15 drilling wastes are transported and
16 then disposed of. Truck accidents,
17 spills, damaging legal and illegal
18 dumping, all occur. These people will
19 verify that these are literally killer
20 practices. They should not be
21 inflicted on any community and
22 certainly not within the DRB.

23 Property records do not
24 include the right to pollute and
25 contaminate. And regulatory

1 constraints on property usage is not a
2 taking, but rather the obligation of
3 government. If the DRBC was to allow
4 imported waste, the DRBC should also
5 eliminate the exemptions boosting that
6 waste usage in the Delaware Basin and
7 restore the liability to the companies
8 disposing of that damaging waste.

9 The DRBC --- the
10 Delaware River Basin is not for sale
11 to the highest bidder or as a favor to
12 a business associate. It's not a bank
13 account. It is our home and it is the
14 DRBC's mandate to protect and preserve
15 the basin and its resources for
16 current and future residents, human
17 and otherwise. Thank you.

18 HEARING OFFICER:

19 Greg Swartz will be on
20 deck and then the next speaker would
21 be David Jones.

22 MR. JONES:

23 My name is David Jones,
24 born and raised in the Delaware River
25 Basin. Landowner. I don't think

1 anyone in this room cares more about
2 the river than me. I get me
3 livelihood from it. I love the
4 Delaware River.

5 And it's not a question
6 of one or the other. We can have
7 both. We can have a sustainable clean
8 river and economic growth and
9 development. And the purpose of the
10 DRBC originally was just that, for
11 economic development. This is our
12 economic development up here, don't
13 take it away. You have economic
14 growth and development further down
15 the basin.

16 One of the biggest users
17 of this river water is the power
18 industry, power generation. Whether
19 it's coal fired, natural gas, oil or
20 nuclear. The water to cool those
21 plants, a lot of that water is
22 exported out of the basin through
23 evaporation, but that's okay.

24 This is our private
25 property. You do not have the

1 authority to pick and choose what
2 industry gets water and what doesn't.
3 We do have the right to this water up
4 here.

5 And the other thing,
6 this drilling is not going to be
7 widespread. You know that. You know
8 it's only in certain areas. The whole
9 area does not contain commercial
10 natural gas.

11 So don't deny what is
12 rightfully ours. It is the federal
13 government and the state to regulate
14 this industry. If it's so damn bad,
15 ban it nationwide. Do not allow ---
16 I respectfully ask a little more
17 time ---.

18 HEARING OFFICER:

19 No, sir.

20 MR. JONES:

21 Well, I was interrupted,
22 sir.

23 HEARING OFFICER:

24 I'll stop you at three
25 minutes.

1 MR. JONES:

2 Okay.

3 Listen, ---.

4 HEARING OFFICER:

5 I'll give you 15 seconds
6 because of that interruption.

7 MR. JONES:

8 Thank you. Why is it
9 okay in Pennsylvania in some areas and
10 not here? If it's so bad, if it's not
11 good enough for this basin, it
12 shouldn't be good enough everywhere
13 else. We need this energy, this clean
14 --- everyone in this room uses it.

15 Everyone in this room
16 pollutes, and you know what, unless
17 you're willing to give up the standard
18 of living and the power of the United
19 States, if natural gas drilling is
20 banned nationwide and oil through
21 fracking, we are in big trouble.

22 This is a blessing.
23 This industry needs to be preserved.
24 It needs to be regulated, which it is.
25 Let the DEP do the job, not the DRBC,

1 the DEP. And you know that the
2 regulations work in the SRB because
3 three of the members sit there and you
4 know you already made up your mind.
5 This is a formality, you know.

6 Do the right thing, and
7 it's private property. If you want to
8 seize it, pay for it. Don't take it.
9 My family has been a victim of Eminent
10 Domain for the Tocks Island Project.
11 It's not going to happen again.
12 You're going to be fair.

13 And you use it yourself
14 to heat the DRBC building.

15 If it's so bad, switch,
16 go to solar, go to wind, whatever.
17 But you use it yourself and there's a
18 building in Bristol, Pennsylvania that
19 uses it also. And everybody needs to
20 realize we all pollute. Thank you.

21 HEARING OFFICER:

22 Let me see. That was
23 David Jones. Doug O'Malley, Doug
24 O'Malley? Okay.

25 And then on deck should

1 be Greg Swartz and Steven Swartz.

2 Okay.

3 Mr. O'Malley, when
4 you're ready, please.

5 MR. O'MALLEY:

6 My name is Doug
7 O'Malley. I'm the director of
8 Environment New Jersey. We represent
9 more than 20,000 paying citizens
10 across the great State of New Jersey
11 as well as 16,000 activists. And
12 fracking is clearly the largest threat
13 to our drinking water in the Delaware
14 River Watershed.

15 Seventeen (17) million
16 people depend upon the drinking water
17 from this watershed. And the DRBC was
18 created more than 50 years ago in 1961
19 to deal exactly with these issues, to
20 ensure equal protection for our
21 watershed, not to promote economic
22 development. DRBC's mission is to
23 ensure that we have clean drinking
24 water not just for this year and this
25 decade, but for generations, not to

1 serve as some de facto economic
2 development agency.

3 And it is clear from
4 these regulations the DRBC obviously
5 gets it on working to move to ban
6 fracking, but there needs to be an
7 absolute ban of fracking wastewater as
8 well as ensure that there are no water
9 withdrawals for the use of the
10 fracking industry.

11 And the reason why this
12 is so critical to move forward, is in
13 the DRBC earlier this decade moved to
14 open up the watershed to fracking and
15 that was blocked because of massive
16 public outcry. Over the course of the
17 last seven years through 2011 until
18 now, the science has become more clear
19 on the dangers of fracking and
20 fracking wastewater.

21 And seven years later,
22 New York State has moved to ban
23 fracking because of the absolute
24 public health risk that the fracking
25 represents. It also should be noted

1 that Pennsylvania is a cautionary tale
2 for this watershed because between
3 2008 and 2016, Pennsylvania fracking
4 companies together committed more than
5 4,351 violations.

6 That's more than a
7 violation a day. This is an industry
8 that's running rampant and running
9 rampant over environmental laws,
10 because just 17 percent of the
11 violations that ended up with a fine.

12 So this is why we need
13 DRBC to act because Pennsylvania DEP
14 is clearly not doing their job. And
15 there's been 300 cases of
16 contamination due to drilling of
17 drinking water in --- across
18 Pennsylvania. And we've seen some of
19 the largest petrochemical and oil and
20 gas industries from Exxon Mobile and
21 Shell and Cabot and Chesapeake.

22 We need to hold them
23 accountable, and if Pennsylvania DEP
24 is not going to act, this is why we
25 need the DRBC to act. We should note,

1 too, that the research has gotten not
2 only stronger, but it's showed drinking
3 water contamination in Bradford County
4 according to a peer reviewed research
5 study from National Academy of
6 Sciences issued three years ago.

7 We've also seen studies
8 on the impact of fracking wastewater.
9 But, again, don't take my word for it.
10 Listen to Pennsylvania Auditor General
11 Eugene DePasquale, who said that the
12 Pennsylvania DEP had failed to
13 adequately regulate the fracking waste
14 --- fracking industry.

15 And specifically, they
16 failed to restore drinking water
17 supplies. We do not want to wait
18 until our drinking water is
19 contaminated. And we have seen all
20 the way across Pennsylvania into
21 Allegheny River Watershed the impacts
22 of fracking wastewater. That's why we
23 need DRBC to act, to ban fracking and
24 fracking wastewater. Thank you.

25 HEARING OFFICER:

1 Buck Moorehead would be
2 the next person on deck. And then is
3 this Greg Swartz?

4 MR. G. SWARTZ:

5 It is.

6 HEARING OFFICER:

7 Okay.

8 If you would, sir.

9 MR. G. SWARTZ:

10 Good afternoon. My name
11 is Greg Swartz. I'm a resident and
12 property owner in Damascus, Wayne
13 County, Pennsylvania. I'm also a
14 vegetable farmer and an employer. As
15 a farmer, my business is based upon
16 access to, and sustainable management
17 of, the natural resources of soil and
18 water.

19 It is my responsibility
20 to manage these resources for the long
21 term, not only for the success of my
22 business, but also so that future
23 generations will have access to those
24 resources.

25 The DRBC has a similar

1 job. It is tasked with ensuring the
2 quality and quantity of water
3 resources in the basin today and into
4 the future. The strength of the DRBC
5 and what sets it apart from any other
6 watershed, is that the entire
7 watershed is managed holistically.
8 This approach will only become more
9 important as population continues to
10 grow and weather patterns change.

11 We see many examples
12 throughout the U.S., especially in the
13 west where a fragment management of
14 water resources leads to a compromised
15 water supply. It is clear that the
16 process of eyeballing the hydraulic
17 fracturing poses significant threats
18 in the short term and unknown threats
19 in the long term to all of the goals
20 in the Delaware River Basin Compact.

21 This fact is underscored
22 by the lack of requirements for
23 fracking to comply with the most basic
24 federal environmental laws. Laws are
25 put into place to protect the common

1 good from individual decisions.

2 It is for this reason
3 that I fully support the ban of
4 hydraulic fracturing in the Delaware
5 River Basin. For those that claim
6 that the ban prevents them from
7 exercising their rights of private
8 property, you should try to understand
9 the property rights are not absolute.

10 When an activity
11 undertaken on private property impacts
12 other property, there are limitations
13 to these rights and it is called
14 acting for the common good. I do not
15 support the exportation of water
16 fluidity nor the importation of
17 produced water.

18 Concerning exportation,
19 I believe the current regulations
20 would be an established basis for
21 denying any application to remove
22 significant amounts of water from the
23 basin regardless of its end use.
24 Concerning the importation of
25 wastewater, I would hope current

1 regulations would limit this activity.

2 However, regulations
3 should be strengthened to clearly ban
4 importation of produced water even if
5 it is, quote, unquote, treated, as it
6 poses a threat to the quality of our
7 water resources. The same logic used
8 to ban fracking should be extended to
9 banning the importation of produced
10 water.

11 Thank you for
12 considering my comments. I look
13 forward to the efficient adoption
14 regulations which will ban fracking
15 and the importation of wastewater for
16 the good of the whole basin and so
17 that I can continue to grow healthy
18 food and provide good paying jobs.

19 HEARING OFFICER:

20 The on deck people would
21 be Alice Zinnes, and then, is this Mr.
22 Steven Swartz?

23 MR. S. SWARTZ:

24 Yes.

25 HEARING OFFICER:

1 Mr. Swartz, please.

2 MR. S. SWARTZ:

3 I'm Steve Swartz. I'm a
4 property owner in Wayne County in the
5 Delaware Basin, and I live on the
6 river. I support wholeheartedly the
7 ban on fracking. I oppose the
8 proposed regulation allowing the
9 withdraw on exported water from the
10 Delaware River Watershed to other
11 watersheds for the purposes of natural
12 gas exploration and production.

13 The use is depletive and
14 consumptive. The water withdrawn
15 leaves the system. The scale of the
16 potential withdraws is enormous,
17 export of water for the thousands of
18 proposed wells, as well as existing
19 wells, that require refracting in a
20 nearby Susquehanna Watershed.

21 At 5-20 million dollars
22 --- 5-20 million gallons per well
23 would add up to billions of gallons of
24 water depleted from the system. This
25 is precedence then. Other than water

1 withdraws permitted by DRBC for food
2 and beverage processing, when the
3 water leaves the system, there have
4 been no other permitted exports for
5 industrial use to my knowledge. All
6 of water withdraws for current
7 industrial uses are for processes and
8 activities within the basin. And the
9 disposal of the waters not used is
10 within the basin.

11 As the DRBC knows,
12 mandated releases from the New York
13 City reservoirs to meet downstream
14 water needs may detrimentally affect
15 river flows and temperatures critical
16 to maintaining a healthy aquatic
17 habitat. And this is a very important
18 issue we have to know. If water is
19 withdrawn from the west branch of the
20 Delaware or the upper Delaware, there
21 is no accounting system.

22 There is no way to
23 account for the loss of water and no
24 requirements for New York City to make
25 up the flows in increased releases.

1 There has been a speculative proposal
2 on the table to build multiple
3 pipelines along an old railroad right-
4 of-way in northern Wayne County. One
5 of the --- and DRBC staff knows about
6 this.

7 One of the pipelines was
8 proposed to transport water for
9 distribution to drilling sites. If
10 withdraws of billions of gallons of
11 water for fracking were to be allowed,
12 a water extraction station will be
13 built at the site at which this right-
14 of-way crosses the west branch
15 disrupting the river and riparians at
16 that location.

17 And the loss of water
18 from extractions at that point, would
19 seriously harm the downstream aquatic
20 habitat which includes critical native
21 trout spotting areas and rare and
22 endangered species of fresh water
23 mussels.

24 The proposed application
25 fees is capped at a withdraw of 75 to

1 80 gallons per month. But there seems
2 to be no limit on the amount of water
3 to be withdrawn. And the applicant
4 doesn't have to be a drilling company,
5 a new company could be set up whose
6 sole purpose is to withdraw, transport
7 and sell the water to out of basin
8 industrial uses with no
9 accountability.

10 HEARING OFFICER:

11 Thank you, Mr. Swartz.

12 Gail Brunner would be
13 the next person on deck. And then is
14 this Mr. Moorehead?

15 MR. MOOREHEAD:

16 Yes, it is.

17 HEARING OFFICER:

18 If you would, sir,
19 please.

20 MR. MOOREHEAD:

21 Hi. My name is Buck
22 Moorehead speaking for NYH20 in New
23 York City and Damascus Citizens for
24 Sustainability in the Upper Delaware.

25 Who knew there was a

1 science of complexity? The study of
2 complex systems. We are talking about
3 a complex system, the Delaware River
4 Watershed. The science of complexity
5 tells us that complex systems such as
6 the Delaware River and its sub
7 systems, can appear to absorb the
8 negative impacts of activity such as
9 fracking without initially exhibiting
10 evidence or signs of distress.

11 Those negative impacts
12 silently accrue. When this accrued
13 distress is finally evident, the
14 aggregation of negative cumulative
15 impacts, the complex system is at risk
16 of having been subjected to
17 irreparable damage and ultimately
18 failing catastrophically.

19 The DRBC cannot risk
20 that type of catastrophic failure with
21 the Delaware River Watershed. As a
22 complex system, it is charged with
23 being responsibly regulated. As was
24 established in years of testimony that
25 the geology of the Watershed is

1 already figured and fractured, it is a
2 misrepresentation to say that fracking
3 or fracking waste, can be controlled
4 in our geology.

5 To say that fracking
6 fluids and chemicals will not migrate
7 or leach, eventually, into aquifers.
8 No fracking in the watershed, no
9 fracking waste, no water shipped out.
10 Respect the science of complexity and
11 the millions of people in the
12 watershed. Do not enable what would
13 be the real taking here, the taking
14 from those millions, the taking of
15 public health, the taking of clean
16 drinking water, the taking of clean
17 air, the taking of existing
18 sustainable local economies who rely
19 upon clean air, clean water, and good
20 soil.

21 Thank you.

22 HEARING OFFICER:

23 Emily Rinaldi would be
24 the next person on deck, and then
25 Alice Zinnes is next, please.

1 MS. ZINNES:

2 Good afternoon. I'm
3 Alice Zinnes and a property owner ---
4 can you hear me?

5 HEARING OFFICER:

6 Yeah, that's better.

7 MS. ZINNES:

8 And a property owner in
9 Wayne County. I am strongly in favor
10 of the prohibition of fracking in the
11 Delaware River Basin and strongly
12 opposed to the import of wastes from
13 fracking in other areas, and also
14 reject the export of Delaware Basin
15 water for fracking elsewhere.

16 But because so many
17 people already outlined why any
18 fracking activities make absolutely no
19 sense in the Delaware River Basin, I'm
20 going to comment today on the Delaware
21 River Basin Commission's allowing only
22 computer based comments.

23 When you say fill in
24 this web form and upload only
25 searchable PDFs, there are so many

1 people for whom this is just as clear
2 as if it were said in ancient Greek.
3 Not only do you have to have a
4 computer and sufficient broadband, you
5 have to know the arcaying (phonetic)
6 ins and outs of doing these tasks.

7 By the way, the word
8 arcaying has a current meaning of
9 understood by few, mysterious or
10 secret. And comes with a Latin word
11 meaning to shut up. Please allow
12 email comments and letters to be
13 accepted without having to go online
14 to ask permission first.

15 With the web form
16 arrangement, I do understand that you
17 are making it easier for the DRBC
18 staff to cope with comments. But
19 simultaneously, you're
20 disenfranchising everyone who does not
21 have the hardware, software, hookup
22 and knowledge, to use your preferred
23 commenting method. This is an
24 undaubed difficulty that I object to.

25 I also ask that you add

1 more public hearings. Not holding
2 hearings in New York, New Jersey, and
3 Delaware disenfranchise residents from
4 those states. Omitting New York is
5 especially egregious, as many areas of
6 New York are exactly the areas where
7 water might be removed, frack waste
8 stored or even fracking itself be
9 done. Thank you.

10 HEARING OFFICER:

11 Pat Kennedy is the next
12 person on deck, and the next speaker
13 is Gail Brunner. Ms. Brunner, please?

14 MS. BRUNNER:

15 Good afternoon. It is
16 an honor to be here to speak to the
17 members of the DRBC. My name is Gail
18 Brunner, a previous member of the New
19 Jersey Environmental Health
20 Association, Secretary of Bergen
21 County Health Offices Society, a
22 member of Food and Water Watch, and a
23 contributor to Damascus Citizens, and
24 a landowner.

25 I'm here today asking

1 you to please reconsider these
2 unacceptable regulations that will
3 allow produced water from fracking
4 operations be permitted and allow the
5 export of water for fracking from the
6 Basin if certain permit conditions are
7 met. We don't want to be the
8 Watershed that fuels fracking
9 activates elsewhere.

10 We want a complete and
11 permanent ban on fracking and fracking
12 related activities. Please be
13 reminded that this is the drinking
14 water for many including your friends,
15 colleagues, children, grandchildren,
16 relatives and possibly yourselves.
17 I'm also licensed by the State of New
18 Jersey as a Public Health Inspector
19 Enforcement Officer that contracted
20 with local municipalities to protect
21 the public's health.

22 We conducted restaurant,
23 hospital and day care inspections
24 along with enforcement. We monitored
25 communicable diseases, illness, along

1 with answering community complaints
2 about contaminated drinking water and
3 air pollution. As a public servant in
4 the health departments, we were
5 requested to commit and abide by a
6 mission vision statement.

7 In some of our
8 communities, we were under oath to
9 adhere to our statement to protect the
10 public's health. Our statement was to
11 provide professional and efficient
12 public health and environmental
13 services to the residents of the
14 communities we served. It stated,
15 will protect and promote the public's
16 health by using health promotion,
17 education, disease prevention, and
18 environmental enforcement activities.

19 We respected our mission
20 vision statement and honor it every
21 day in our decision making. We all
22 took our statement seriously. It was
23 a commitment and we were and still
24 are, very proud of our mission to
25 protect the public's health. The

1 vision statement of the DRBC states,
2 quotation, the Commission will be the
3 leader in protecting --- I repeat,
4 protecting, enhancing, and developing
5 the water resources for the Delaware
6 River Basin for present and future
7 generations.

8 In performing this
9 leadership role, the Commission will
10 serve as a policy maker, regulator,
11 planner, manager and mediator on
12 behalf of the signatories to the
13 Delaware River Basin Compact and the
14 citizens of the basin, end of
15 quotation.

16 We are the citizens of
17 the basin sitting here before,
18 pleading for you to protect our
19 Watershed. This is stated on your
20 website that this is what your vision
21 is.

22 Therefore, I'm
23 respectfully requesting that you stay
24 focused, faithful, and adhere to your
25 vision statement, which is your job,

1 obligation, and responsibility to the
2 citizens of the Delaware River Basin
3 and citizens of New Jersey, New York,
4 Delaware, and Pennsylvania.

5 I thank you for your
6 commitment in this extremely important
7 matter.

8 HEARING OFFICER:

9 Joann Puskarcik would be
10 on deck, and then is this Emily
11 Rinaldi? Okay.

12 Ms. Rinaldi, please.

13 MS. RINALDI:

14 My name is Emily Rinaldi
15 and I'm a northeastern Pennsylvania
16 outreach coordinator for Penn Future.
17 Penn Future is a Pennsylvania
18 statewide organization dedicated to
19 protecting our environmental and our
20 environment, in supporting a clean
21 energy economy in Pennsylvania.

22 We thank you for holding
23 these public hearings. The comments I
24 make today are in addition to the
25 written comments that will be

1 submitted by Penn Future. My
2 colleagues in Philadelphia will
3 comment later this week on Penn
4 Future's concerns that the DRBC has
5 proposed.

6 Regulations on water
7 transfers and fracking wastewater
8 treatment and disposal within the
9 Basin, are inadequate to protect the
10 water quality and necessary water
11 quantities needed to support all uses
12 for the Delaware River.

13 I'm here to express Penn
14 Future's support of the DRBC's
15 proposed ban on fracking within the
16 Basin. The significant evidence
17 confirming the potential devastating
18 impacts on water, air and human
19 health, shows that this ban is needed
20 to protect the Delaware's unique
21 resources, recreational and industrial
22 economies and the drinking water for
23 over 17 million people.

24 In Pennsylvania alone in
25 the past decade, the DEP has received

1 over 4,000 water complaints related to
2 oil and gas operations and nearly
3 10,000 public complaints of
4 environmental problems from shale
5 drilling. The DEP reports over 300
6 private water wells in Pennsylvania
7 have been contaminated by oil and gas
8 operations in Pennsylvania.

9 And we know that
10 significant contaminations occur
11 unreported. The harms from fracking
12 are simply too great to allow in the
13 Delaware River Watershed. Penn Future
14 urges the DRBC to join the States of
15 New York and Maryland to ban fracking.
16 Thank you.

17 HEARING OFFICER:

18 Roy Morsch would be the
19 next person on deck, and then the next
20 speaker would be Pat Kennedy. Is this
21 Ms. Kennedy? Oh, I'm sorry.

22 Let me make sure I have
23 this right. Pat Kennedy is next, and
24 then after Ms. Kennedy is Joann
25 Puskarcik. Would you say your name

1 for me, please?

2 MS. PUSKARCIK:

3 Joann Puskarcik and you
4 said it earlier. Okay.

5 We'll trade.

6 HEARING OFFICER:

7 Okay.

8 Ms. Kennedy.

9 Right?

10 DR. KENNEDY:

11 It's Dr. Kennedy.

12 HEARING OFFICER:

13 When you're ready,
14 please.

15 DR. KENNEDY:

16 Thank you, Mr. Ford.
17 I'm speaking here today in support of
18 the ban on oil fracking in the basin
19 as an appropriate, and as we see
20 today, clearly difficult risk benefit
21 analysis that the DRBC has to engage
22 in.

23 I'm a property owner
24 from Stroudsburg, Pennsylvania. I
25 live on the banks of Michael Creek,

1 which leads into the Broadhead, which
2 leads into the Delaware. I'm an
3 active water sports person. I'm a
4 retired college professor. And I'm an
5 attorney from New York State. I spent
6 ten years representing the City of
7 Ithaca in a lot of issues similar to
8 those we're hearing about today.

9 I've been someone who
10 lived across the street from a
11 proposed dump, and so I have powerful
12 feelings for the people who are
13 concerned about what this means for
14 their own property. I have a very
15 extended family in both New York and
16 Pennsylvania. We've been on the
17 Delaware for a very long time.

18 And what I wanted to
19 talk about today were the risk issues
20 involved here, and as several speakers
21 have already mentioned ---.

22 HEARING OFFICER:

23 Excuse me. Could we ask
24 those people to step outside, please?

25 DR. KENNEDY:

1 Okay.

2 I get some more time.

3 Right?

4 HEARING OFFICER:

5 It is.

6 DR. KENNEDY:

7 Okay.

8 The risk issues that I
9 have incurred experience in my own
10 life. But it is that I grew up on the
11 Hudson River. I was born actually as
12 the General Electric Plants started to
13 put PBCs into the river without a
14 permit in the days before permitting
15 was required. It was not illegal for
16 them to put cancer-causing PCB's in
17 the river.

18 The cleanup process is
19 still ongoing. One of my brothers
20 runs a rowing club on the river. They
21 just scooped up all the mud from there
22 two summers ago and it's costing
23 billions. So there's a risk if we're
24 wrong about the safety of fracking.

25 The other experience, my

1 dissertation involves a public water
2 system where E coli from farm animals
3 got into the public water system and
4 killed seven people, sent thousands to
5 the hospital, in a system where people
6 thought what they were doing was right
7 and safe.

8 It was an, oops,
9 situation. It was, you know, Homer
10 Simpson's running a plant kind of
11 situation. And not that there was any
12 bad will on anybody's part, it was a
13 mistake that caused deaths and
14 thousands and thousands of irreparable
15 harm to people.

16 And the third one is,
17 while I was a city attorney in Ithaca,
18 a fish kill. We had them from our
19 water plant. We had a great system of
20 regulations from DEP, we had well-
21 maintained water plant, and something
22 got stuck. Chlorine poured into the
23 edges around the plant and killed
24 thousands of fish and destroyed the
25 environment and stream for years. We

1 got fined.

2 But that didn't help
3 what happened to the environment.
4 What I urge is the precautionary
5 principal, because unless we know
6 what's really safe, we can't do this
7 to future generations and ourselves.
8 Thank you.

9 HEARING OFFICER:

10 Tracy Carluccio would
11 join the on deck people, please. And
12 then this is Ms. ---.

13 MS. PUSKARCIK:

14 Puskarcik, yes.

15 HEARING OFFICER:

16 Did I get it right the
17 first time? Okay.

18 MS. PUSKARCIK:

19 Yes, just do it
20 phonetically. Puskarcik (corrects
21 pronunciation.)

22 My husband and I have
23 lived here for over 30 years and own
24 over --- well, almost 300 acres in
25 Buckingham Township which is on

1 wonderful Hempstead Lake that feeds
2 the Delaware River.

3 We acquired this
4 property over time and we did not buy
5 any of the land in speculation for the
6 possibility of future gas drilling
7 profits like some landowners who don't
8 even live here full-time. We believe
9 that owning property here means being
10 a good steward of the land and the
11 water, having respect for all the
12 creatures that live here, and also to
13 be respectful of all of our neighbor's
14 rights to clean air and water.

15 A decade ago when the
16 landmen approached us, we listened to
17 the sales pitch because then we didn't
18 know about much of the pros and cons
19 of the process and the offer of 3,000
20 dollars per acre was pretty enticing.

21 However, we had to do
22 our homework. We researched the data
23 available at the time and decided that
24 no amount of money was worth the risk
25 of polluting our air and water. And

1 the last ten years have given us even
2 more well-documented information to
3 confirm that we made the right
4 decision.

5 So thank you, DRBC, for
6 taking the first steps in banning
7 fracking in the River Basin, but the
8 agency should ban all aspects of
9 fracking including water withdrawal
10 and wastewater projection. The water
11 injected for fracking is not only
12 consumed, but it is a total loss to
13 its source.

14 The water is no longer
15 available to the hydraulic cycle
16 because most of it is left sequestered
17 deep in the ground cut off from the
18 natural water cycle compounding the
19 impacts of the loss. And 96 percent
20 of the water withdrawn for fracking is
21 used consumptively.

22 Meaning, that it will
23 never again be available for
24 consumption, never. Considering that
25 only one percent of the earth's water

1 is drinkable, how we manage water will
2 define our future and the future of
3 this planet. Since 99 percent of that
4 water is ground water, how we look at
5 our aquifers is the most critical
6 component involved.

7 And then there's the
8 issue of earthquakes. Unfortunately,
9 my hometown, Youngstown, Ohio, which
10 never had any earthquakes in recorded
11 history has had 77 earthquakes in the
12 last --- well, in the year 2014, the
13 last known numbers that I have. They
14 were only in the magnitude of one to
15 three, but again, these were
16 earthquakes that never occurred before
17 there was deep well water injections.

18 Oklahoma had 887 in one
19 year of a magnitude of three point and
20 over. So DRBC, thank you for banning
21 fracking in the Basin, but please,
22 also ban any water withdrawals or
23 wastewater injection into the basin.
24 Thank you.

25 HEARING OFFICER:

1 Peter Wynn would be on
2 deck and then Roy Morsch would be our
3 next speaker.

4 MR. MORSCHE:

5 Hi folks. My name is
6 Roy Morsch and I live in Sterling,
7 Pennsylvania and I'm not a scientist
8 or anything else. I'm just a
9 landowner, and my wife and I live full
10 time on 300 acres in Sterling,
11 Pennsylvania in the Delaware River
12 Basin, and are proud owners of
13 Hempstead Lake, which is a pristine
14 lake with nobody else on it.

15 We support a total ban
16 of gas and oil development in the
17 Watershed, but the ban should go
18 further and also include the ban on
19 water withdrawal and wastewater
20 injection for fracking. The entire
21 process of fracking is dangerous to
22 our environment and only benefits a
23 handful of landowners a short profit.

24 And a risk of polluting
25 not only their own groundwater, but

1 that of their neighbors. And it
2 benefits an industry that lies about
3 negative impacts. These multi-
4 national corporations don't care about
5 the people in the United States or the
6 environment, only the profits of the
7 CEOs and Stockholders no matter what
8 happens to the quality of life in the
9 fracking zones.

10 There may be some jobs
11 initially, but most of the high paying
12 jobs go to travelling work camps that
13 have the necessary skills, not to the
14 locals. There is nothing natural
15 about natural gas and should not be
16 considered a bridge to alternative
17 energy because fracking is as big a
18 litter as other fossil fuels.

19 There is time to support
20 true alternative forms of energy not
21 going backward in time to Danish
22 fossil fuels. The fossil fuel energy
23 is doing everything possible
24 politically and financially to stop
25 the growth of renewable resources,

1 when technology is here, but not
2 supported by our current government.

3 In the end, the fossil
4 fuel industry knows that it will
5 extract and sell large amounts of
6 fracked gas to China and other farming
7 countries for profits. So it's really
8 not all about America's energy
9 independence. To gamble on whether or
10 not fracking harms our water is not
11 worth the risk, the odds are against
12 us.

13 HEARING OFFICER:

14 Thank you.

15 MR. MORSCHE:

16 Greed is a terrible
17 disease.

18 HEARING OFFICER:

19 Jim Rapp would be our
20 next person to join the pool, and then
21 the next speaker would be Tracey
22 Carluccio.

23 MS. CARLUCCIO:

24 Thank you. I'm Tracey
25 Carluccio, Deputy Director of Delaware

1 River Keeper Network, and we're here
2 today to express our unwavering
3 dedication to achieving a
4 comprehensive ban on hydraulic
5 fracturing throughout the Delaware
6 River Watershed.

7 A complete ban means a
8 ban on fracking and it also means a
9 ban on the activities that fracking
10 entails including those that DRBC has
11 unreasonably proposed to allow. The
12 import of wastewater produced by
13 fracking for discharge and the
14 exported water from the Basin to fuel
15 water elsewhere.

16 Those proposals lie in
17 the face of DRBC's responsibility to
18 protect the water resources of the
19 Basin for those of us here today and
20 future generations. It makes no sense
21 to prohibit fracking, but dump
22 pollution from fracking into our water
23 ways and allow our river's finite
24 water to be depleted for fracking
25 elsewhere.

1 And it's unethical to
2 use the Delaware River Watershed to
3 fuel fracking where our neighbors
4 live. In your summary information
5 published with proposed rulemaking,
6 you stated you propose to prohibit
7 fracking to protect the quality and
8 quantity of the Basin's water
9 resources.

10 We support your
11 dedication to our, and our future
12 generation's, drinking water. It is
13 well established that fracking
14 pollutes, and no matter how regulators
15 try, it simply can't be done without
16 an enduring legacy of pollution and
17 human health harms.

18 This has been proven
19 over and over in recent years by EPA
20 scheduled fracking study, by New York
21 Department of Health seminal report
22 that lead to the ban of fracking, and
23 by the recent body of evidence
24 produced by Maryland that has resulted
25 in a complete ban there.

1 Probably most
2 compelling, is the scathing
3 information they produced right here
4 in Pennsylvania where fracking is
5 ruining the health of residents as
6 well as the environment. We know from
7 these reports, that if you live within
8 a mile or two of a fracked well,
9 you're going to be disproportionately
10 exposed to dangerous air and water
11 pollution and a greater risk of
12 cancer.

13 We know mothers who live
14 close to highly fracked areas are more
15 likely to give birth to infants with
16 health problems. That is unjust. It
17 is simply wrong to ruin peoples' air,
18 and water, and health just so a
19 company can make money at our, and the
20 environment's, expense.

21 This is where government
22 is supposed to step in to set
23 standards for the greater public good
24 and the good of those who live and
25 work and rely on this watershed for

1 drinking water and a healthy place to
2 be. This is not the Wild West or a
3 free for all where anything goes,
4 consequences be damned. This is one
5 of the most careful and monitored
6 watersheds in the world where people
7 have worked for generations for a
8 river that is free flowing,
9 exceptionally clean and capable of
10 providing drinking water for up to 17
11 million people every single day.

12 That trumps private
13 gain, corporate greed, and the desires
14 of industry. The only way to really
15 provide a stable economy here in our
16 watershed, is to keep our river clean,
17 our air pure, and the people in non-
18 neighboring communities healthy and
19 thriving. That is real wealth and
20 we've achieved here in the laws of the
21 scenic Delaware River after putting
22 the river back from the ditch that it
23 turned into.

24 HEARING OFFICER:

25 Thank you.

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MS. CARLUCCIO:

We stand with the Delaware River Basin Commission to ban fracking, ban fracking and all of its activities. Thank you.

HEARING OFFICER:

Janice Rapp is on deck, and then the next person to speak is Peter Wynn.

MR. WYNN:

My name is Peter Wynn. I own property in Wayne County's Preston Township. The Delaware River Basin Commission decided that natural gas wells laid within the Commission's regulatory interview all the way back in May of 2009, and even later, the five Commissioners voted unanimously to hold off on any decision whether to permits such wells in the basin until drilling regulations were adopted.

In December 2010, the DRBC published proposed regulations and held public hearings which elicited more than 60,000 public

1 gas by breaking up the shale
2 surrounding the well bore with fluid
3 under high pressure in a process
4 called hydraulic fracturing.

5 Backing up into 2011,
6 only a limited amount of information
7 was indeed available on the effects
8 and risks of fracking in the Marcellus
9 shale and in shale areas such as the
10 Utica, laying deeper down. But since
11 then, something like 1,100 natural gas
12 wells, have been drilled and fracked
13 next door in Susquehanna Count where
14 geologists tells us the geology is
15 essentially the same as ours in Wayne
16 County and there is yet to be a single
17 instance where hydraulic fracturing
18 fluids have seeped upward and
19 contaminated the fresh water aquifers
20 that lay many thousands of feet above
21 the shale.

22 Moreover, the surface
23 activities of the well drillers have
24 vastly improved over the last six or
25 seven years. Wastewater for fracking

1 is now recycled. It's no longer held
2 in open pits or carted off to be
3 pumped into injection wells.

4 Pipelines now carry
5 water from one well to another
6 replacing the trucks that were once
7 used for that task. The Delaware ---
8 the Susquehanna River and its
9 tributaries show no sign of pollution
10 from fracking chemicals. Just how
11 much evidence that drilling fracking
12 is safe must the Delaware River Basin
13 Commissioners have?

14 If the Commission
15 proceeds to adopt a permanent ban on
16 horizontal drilling and hydraulic
17 fracturing in the basin, I, for one,
18 will be forced to conclude that the
19 Governors of the Commission member
20 states, their representatives and the
21 professional staff of the Commission
22 are willing to serve their own
23 political and financial advantage by
24 aggregating the property rights of the
25 landowners of Pike and Wayne Counties.

1 Thank you.

2 HEARING OFFICER:

3 Thomas Church is on
4 deck, and the next speaker would
5 be --- let's see if I have this right.
6 Jim Rapp? Jim Rapp?

7 Not here? Okay.

8 Janice Rapp, is she
9 here? Not here? All right.

10 Thomas Church? Okay.

11 Mr. Church is next and
12 then on deck would be Ken Maher and
13 Susan Sullivan. Okay.

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

16 MR. CHURCH:

17 Thank you.

18 HEARING OFFICER:

19 Thank you, sir.

20 MR. CHURCH:

21 I want to thank you for
22 the chance to comment. I would submit
23 --- my name is Tom Church and I live
24 along the Delaware above Easton,
25 Pennsylvania. And I would submit that

1 corporations and landowners like me
2 are being paid for extracting and
3 selling to the common wealth of the
4 many. This is a taking.

5 FERC allows the taking
6 of private property to transport this
7 taking to market. And the theft of
8 clean air and clean water is a type of
9 taking. Industry and FERC pressure is
10 enormous. I firmly believe that the
11 DRBC's previous protections have
12 complied with the PA Constitution's
13 protections for cleaner air and purer
14 water for millions of people.

15 When I was a young man
16 in rural West Virginia, I leased my
17 property for gas and oil drilling and
18 four wells were drilled and fracked on
19 my property. Here are some of the
20 results of that decision, which I made
21 when I was younger.

22 When I first moved
23 there, I could comfortable drink the
24 water from the creek, I lost that.
25 The road building, the site building,

1 the tank battery degraded the
2 landscape and caused erosion. During
3 fracturing, charts on wells a half a
4 mile away showed that contrary to
5 industry statements, there is
6 migration between formations
7 underground.

8 The charts would spike
9 while the other wells were being
10 fracked a mile away. A number of
11 times I woke to, or came home to,
12 either a valley filled with gas or an
13 oily yellow film on my field. Within
14 ten years, the two wells that did
15 produce, initially slowed to a level
16 where producers sold them to smaller
17 companies.

18 And the other two wells
19 were donated to an inexperienced
20 charity to avoid the responsibility of
21 taking care of them. The industry
22 used different types of meters to
23 determine what they would pay in
24 royalties and another to ensure that
25 they got full payment from who they

1 were selling it to.

2 As a West Virginia
3 licensed meter and regulator tester
4 and gas utility worker, I understood
5 much more than the typical landowner
6 about these practices.

7 Horizontal drilling and
8 water based fracking has changed the
9 landscape. I believe this ban is
10 necessary to protect our watershed. I
11 also believe that water withdrawal for
12 fracking and storing, treating and
13 disposal of produced water should be
14 banned as well. Thank you.

15 HEARING OFFICER:

16 I want to say something
17 just for a moment here, this will be
18 very quick. I'm a little bit
19 concerned about our court reporter
20 here. She needs a little bit of a
21 break, and what I'm going to do is
22 finish the list of the people who
23 signed up in advance. We'll take just
24 a five- to ten-minute break after that
25 for a stretch break, especially for

1 her.

2 And then from there,
3 what we're going to do is pick up with
4 the people who signed up today.

5 All right?

6 So that was Mr. Church.
7 We'll next hear from Mr. Maher.
8 That's Ken Maher, and then on deck
9 would be Susan Sullivan and Debbie
10 Gillette. And then we'll take our
11 little break. And by the way, right
12 after the break, the people on deck
13 will be Madeline Moorehead, Rich
14 O'Dell, and Carol Ohlandt. All right.

15 And then we hear now
16 from Ken Maher.

17 MR. MAHER:

18 My name is Ken Maher, a
19 concerned angler. While hydraulic
20 fracturing is in its relative infancy,
21 the overwhelming body of evidence
22 suggests we've already gone too far.
23 And so we must take head and call off
24 this advance that benefits of energy
25 companies and residents at the

1 enormous expense of the folks of not
2 only Pennsylvania, but the other
3 boundary states as well.

4 The huge amounts of
5 water required for fracking to take
6 place in itself, sends up the red
7 flag. This water's lost to the planet
8 and the sheer volume required has
9 grown from about 5 million gallons per
10 site to over 10 million gallons and
11 above, for larger bores.

12 Removal of this amount
13 of water per site over the large and
14 the short term and compounded with
15 climate change, presents a dire
16 situation for the people of
17 northeastern U.S.

18 The chances are already
19 high that a truck loaded with
20 wastewater would be involved in an
21 accident and spill its deadly contents
22 into a creek. This could potentially
23 destroy not only that creek, but the
24 river that feeds, which could very
25 well be the Delaware.

1 Whether by truck, train,
2 or pipeline, accidents can and do
3 happen. We are literally looking at
4 one accident and the Delaware could be
5 ruined forever from the source of the
6 accident all the way down to the
7 Delaware Bay. Wastewater has such a
8 plethora of high toxic substances and
9 radiation within it, that there should
10 be a complete ban on it being any
11 closer to the Delaware than it already
12 is.

13 We should collectively
14 manage water like our lives depend on
15 it, because frankly, they do. This is
16 boundary water, so it's shared,
17 meaning, it should be treated like we
18 don't own it because frankly, we
19 don't. Water removed from the
20 northeastern Pennsylvania will have a
21 negative effect on birds, fish and
22 wildlife that cannot be accurately
23 gauged because of the lack of long
24 term studies.

25 Short term studies point

1 definitively to the degradation of
2 fish and wildlife populations near
3 fracking sites. Water quality is
4 suffering already near fracking sites
5 and this will only get worse over time
6 as cement casings fail and even things
7 like minor seismic events will cause
8 fissures in the earth and fracking ---
9 to allow fracking water to mix with
10 water that is ultimately destined to
11 be utilized for the Delaware and its
12 residents.

13 We are at a cross road
14 with regards to energy policy in this
15 nation. It is time for green
16 technologies to become the focus of
17 energy policy investment. Advance in
18 fracking will only shorten the life
19 span of this planet, I am 100 percent
20 certain of this statement.

21 Allowing oil and gas
22 companies to call the shots and have
23 free reign will only intensify the
24 density of fracking operations across
25 the country and serve to slow the

1 advancement of healthy green
2 alternatives that are not only needed,
3 they are warranted.

4 The storage of
5 wastewater is already a huge issue for
6 this country, and the ever increasing
7 amounts of it used in fracking will
8 become a bigger headache and
9 environmental issue over time. We
10 must remain intensely committed and
11 dedicated to keeping the Delaware
12 Basin clean and pristine because
13 frankly, it was put here for the
14 humans and animals to utilize and
15 benefit from, first and foremost.

16 Monitoring and policing
17 of the companies that frack
18 Pennsylvania, needs to be enhanced by
19 leaps and bounds. American big
20 business will typically operate at a
21 level they know they can get away with
22 knowing they have an expert legal team
23 and deep pocket to shield them from
24 liabilities.

25 As far as I'm concerned,

1 the only person who's allowed to drill
2 in the northeast is my dentist.

3 HEARING OFFICER:

4 So that everyone has a
5 chance to speak, we're going to limit
6 the people that signed up today to two
7 minutes. So perhaps tailor your
8 remarks. That's the only way we can
9 get everybody in. All right.

10 The next individual will
11 be Susan Sullivan. Ms. Sullivan,
12 please, when you're ready.

13 MS. SULLIVAN:

14 I'm Susan Sullivan. I'm
15 a resident of the Town of Tusten, New
16 York located in Sullivan County along
17 the banks of the Delaware. Our town
18 is a Delaware River town. I applaud
19 the DRBC's ban on fracking in the
20 basin. It was already considered to
21 be a heavy industrial use by the upper
22 Delaware Council in 2011.

23 Our letter to you folks
24 said this is a heavy industrial use
25 and this is not appropriate for the

1 River Carter. And it's not
2 appropriate for the river, for the
3 special protection waters either. In
4 my opinion, I'm speaking for myself
5 here.

6 Two things, you talk
7 about allowing withdrawals from the
8 river, and you also talk about
9 allowing the transportation and
10 possibly storage of toxic produced
11 water within the special protection
12 area. My question is --- and I know
13 that you're not answering questions,
14 but let me raise this issue. You
15 don't have regulatory power.

16 In other words, you
17 don't have people on the ground to
18 regulate these two things. So who's
19 going to follow the trucks taking
20 water out of the basin? Who's going
21 to regulate the pipelines? Who's
22 going to regulate and examine the
23 dangers of spills, et cetera, by
24 either storing or transporting
25 produced water?

1 It's simply --- I know
2 DRBC cannot do that. We don't have
3 the funds and neither, frankly, do the
4 areas that we're talking about. So I
5 oppose those two things and I'd also
6 like to speak to the economic impacts
7 of the de facto ban and also New York
8 State's ban.

9 New York State, after
10 many, many public hearings, banned
11 fracking in the State of New York.
12 The result has been a very healthy
13 real estate industry in our town.
14 It's been one business after another,
15 opening. It's been a really
16 interesting influx of young people
17 willing to come up here and raise
18 their children in all respects.

19 Banning fracking has
20 been an economic plus. We've also had
21 young farmers take up farming. Our
22 farmers markets are prosperous. So I
23 think we've seen excellent results
24 from what you guys have done and I
25 would just urge you to not allow those

1 two things. Thank you.

2 HEARING OFFICER:

3 Thank you, ma'am.

4 Ms. Gillette, please?

5 MS. GILLETTE:

6 Welcome to the North
7 Pocono Mountains. My name is Debbie
8 Gillette and I am the Executive
9 Director of the Chamber of the North
10 of Poconos. We are the chamber of
11 commerce that represents businesses
12 and organizations within Wayne and
13 Pike Counties.

14 I speak on behalf of the
15 Chamber's Board of Directors. I would
16 like to be clear that the Chamber of
17 the northern Poconos supports
18 responsible economic development and
19 the rights of private property owners
20 to make their own decisions to utilize
21 their land in accordance with local
22 and state regulations.

23 The proposed regulations
24 to permanently ban hydraulic
25 fracturing within the Delaware River

1 Basin are based on the suggestion of
2 risk and the qualities of the
3 watershed. Drilling was allowed and
4 has continued in the much larger
5 27,486 square mile watershed of our
6 neighbors in the Susquehanna River
7 Basin.

8 The actions of the SRBC
9 within Pennsylvania, tell us that
10 there is little or no risk with
11 hydraulic fracturing. If there is
12 substantial risk to the health of
13 people and the environment, then
14 Pennsylvania would not allow this
15 action to continue. The SRB
16 Commissioners are comfortable with
17 that decision because it is noted in
18 their 2016 annual report monitoring of
19 natural gas development from 2008 to
20 2013 revealed, and I quote, no
21 discernable impacts on the quality of
22 the basin's water resources, end
23 quote.

24 The fact that the SRBC
25 has maintained an increase quality of

1 water during natural gas exploration,
2 fracturing and production is an
3 example of responsible economic
4 development.

5 We need economic
6 stimulus in the northern Pocono
7 Mountains and here is why. We have
8 the lowest per capita personal income
9 in seven-county radius of northeastern
10 Pennsylvania. This translates into
11 our people having to hold multiple
12 jobs in order to make ends meet. Our
13 average weekly wage is \$723 and this
14 is 67 percent of the state average of
15 \$1,078.

16 The income disparity is
17 due to lack of diversity in our
18 industry profile. We are very top
19 heavy in low-wage industries and lack
20 the traditional economic engines such
21 as higher education and large
22 corporations to turn this around. We
23 need the jobs that will be created not
24 just within the gas and oil industry,
25 but jobs that will be created and

1 maintained within hospitality trades,
2 finance and retail.

3 For generations Wayne
4 and Pike Counties have been good
5 stewards of our land. We have
6 maintained a high quality of water
7 within the Delaware River Basin and we
8 will continue to do this and be
9 conscious of our environment for
10 future generations.

11 Why don't the citizens
12 of Wayne and Pike Counties matter?
13 Are we only to be the recreational
14 playground for those who receive their
15 income elsewhere? We need responsible
16 economic growth, let us know so our
17 economic development efforts are not
18 in vain. And we may prepare future
19 generations who might otherwise expect
20 fair and equal economic opportunity in
21 Pennsylvania.

22 HEARING OFFICER:

23 Thank you. We will
24 resume in five to ten minutes, then
25 you.

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(WHEREUPON, A SHORT BREAK WAS TAKEN.)

HEARING OFFICER:

Abbey Jones. I missed Abbey Jones in our list in the first group. So Abbey Jones, come forward, please. Is this Ms. Jones? All right.

Where we are going to begin, I missed someone on the first list, so you will have three minutes, Ms. Jones. The other people, we're going to try to get through the entire list. If we don't get through the entire list, the best we can do --- because we have to have people out of here by 4:30, based on the arrangements that we have with the owners of the facility.

The best we can do is, if you are willing, you can come back this evening, and then --- the attendance this evening is going to be less than it was this afternoon. So

1 if we don't reach you in the people
2 that signed up today, you're welcome
3 to come back this evening and we
4 really expect that we'll be able to
5 get to you. But we're going to try to
6 get everybody in here this afternoon.
7 All right.

8 This is Abbey Jones who
9 did signed up previously. And Ms.
10 Jones, you have three minutes. All
11 right?

12 Ms. Jones.

13 MS. JONES:

14 Thank you. My name is
15 Abigail Jones and I'm a staff attorney
16 at Penn Future. Again, we thank you
17 for holding these public hearings and
18 the comments I make today are in
19 addition to the written comments that
20 will be submitted by the end of the
21 hearing.

22 In addition to all of
23 the documented environmental and human
24 health impacts from fracking we've
25 heard about today, the community

1 impacts are astounding and must not be
2 overlooked. We've heard about
3 increased traffic and road damage, air
4 and noise pollution, light pollution.
5 All of these things happen 24/7, and
6 all of these things run directly
7 counter to our community values in
8 northeast Pennsylvania.

9 We understand that there
10 are some who believe that the economic
11 opportunities of a few should trump
12 the protection of the environment that
13 we all share in the long-term health
14 of our region. But we respectfully
15 disagree. Our children and
16 grandchildren do not deserve the toxic
17 landscape that fracking leaves behind.

18 Instead, we need to
19 protect the environment that supports
20 the outdoor economy that has drawn
21 people to the area for over a century.
22 The long-term residents and short-term
23 visitors value the upper Delaware
24 River Basin for its pristine
25 headwaters, exceptional trout fishing,

1 and unaltered environmental resources.

2 In the Delaware River
3 Basin alone, we have a thriving
4 recreational economy that represents
5 hundreds of jobs and over \$70 million
6 annually. Fishing alone accounts for
7 \$1 to \$3 million of the economic
8 benefits in the region.

9 We literally cannot
10 afford to allow fracking to jeopardize
11 the clean water that drives economic
12 activity, including tourism,
13 manufacturing, agriculture and small
14 businesses. The harms from fracking
15 are simply too great to allow in the
16 Delaware River Watershed. The DRBC
17 has both the authority and the duty to
18 protect the Delaware River from the
19 harms of fracking.

20 Penn Future urges the
21 DRBC to be the steward of the Delaware
22 and approve the proposed ban on
23 fracking. Thank you.

24 HEARING OFFICER:

25 Thank you, ma'am. Ms.

1 Moorehead? And you have two minutes
2 as do the remainder.

3 MS. MOOREHEAD:

4 Madeline Moorehead. I'm
5 from DCS ---.

6 HEARING OFFICER:

7 Could you try to speak
8 louder, please?

9 MS. MOOREHEAD:

10 Sorry. To ban fracking
11 in the Delaware River, would have the
12 conclusion to ban fracked toxic waste
13 disposal and copious water withdrawal
14 provided for fracking, at other
15 locations. The direct conflict of the
16 DRBC stated mandate to protect all
17 river resources.

18 In addition, there is no
19 mention of pipeline expansion. It
20 appears as though it might let
21 potential leakage and toxic radiated
22 contamination to the equation. To
23 oppose a partial recognition of
24 responsibility on the present and
25 future health of the Delaware River

1 leads to a dysgenic foundation for
2 groundwater, aquifer, and water supply
3 to 17 million people who rely on this
4 essential water source for their very
5 survival.

6 By not including and
7 defining all aspects of the true
8 definitive fracking process within the
9 fracking ban resolution, including
10 toxic radiated grime waste and fluids
11 leaking and migrating injection wells,
12 the dumping into substandard waste
13 disposal sites, pipeline transport,
14 and water withdrawal for fracking
15 operations elsewhere, DRBC puts in
16 direct jeopardy of risk the stated
17 goal of the ban itself.

18 Each of these operations
19 are part and parcel of the critical
20 components of the fracking process.
21 To ignore that obvious fact points to
22 a dismissal of awareness and a
23 fragmentation recognizing the gravity
24 of the complete fracking process.

25 Consequently, by not

1 thoroughly following through on every
2 premise of the ban, the ban itself is
3 a hollow vacating attempt to create an
4 appearance of compliance regarding the
5 protection of the water and lacks
6 intelligent insight as to the
7 direction that that this regulation
8 --- regulation ban should demonstrate.

9 Clear meaning is lost
10 without a full recognition of more
11 than one single component of the
12 fracking process itself.

13 Simplistically speaking, if fracking
14 is banned yet toxic wastewater,
15 dumping, and storage coming from other
16 fracked fields are permitted water
17 withdrawal for fracking elsewhere and
18 the pipelines near the Delaware River
19 are yet still permitted, then fracking
20 impacts results regardless of an open
21 ban ---.

22 HEARING OFFICER:

23 Quiet, please. You're
24 stopped, please.

25 ---

1 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

2

3

HEARING OFFICER:

4

Rich O'Dell, please,

5

would be the next person, and on deck

6

would be Carol Ohlandt and Mary

7

Finneran. But this is Rich O'Dell.

8

Mr. O'Dell, please?

9

MR. O'DELL:

10

Yes. My name is Rich

11

O'Dell --- Richard O'Dell, I am ---.

12

HEARING OFFICER:

13

Excuse me a second.

14

Could the people on the aisles take

15

conversations outside, please? Okay.

16

Start again.

17

MR. O'DELL:

18

I'm here today to

19

support the DRBC in their ban on

20

fracking in any manner, shape or form.

21

I'm here to represent my

22

grandchildren. I believe that the

23

watershed that supplies the quality of

24

water that it does to millions of

25

people, should be preserved and not

1 have this plethora of contamination
2 and corruption placed upon it by
3 anything that it's been known or
4 speculated, to have caused damage to
5 the aquifers in the vicinities.

6 I would also like that
7 the DRBC continue with the moratorium
8 probably for 50 to 100 years to allow
9 these towns to implement a water
10 quality tax to supplement those who
11 are going to be hurt if they don't
12 receive from fracking money and those
13 that have already have.

14 I haven't prepared any
15 paperwork. This comes solely from my
16 belief and what I've seen and what I
17 understand. Something that's good
18 should not be made bad. This is the
19 future of 17 million people at this
20 point and it'll probably double by 40
21 years from now or whatever.

22 We cannot contaminate
23 the water system or place the specter
24 of that contamination to ---. If I
25 had the Governors of all these states

1 that are involved, I would offer them
2 that this is what we have now, and
3 this is --- well, it's not yet
4 discernable.

5 Which one do you think
6 they would take? The President of the
7 United States has stated that people
8 need clean water. I took him on his
9 word. That's all I have to say.

10 HEARING OFFICER:

11 Thank you, sir.

12 Carol Ohlandt, please,
13 and then on deck also, would be
14 Constantine Deraki.

15 Okay.

16 Ms. Ohlandt?

17 MS. OHLANDT:

18 Yes, thank you. I'm
19 Carol Ohlandt. I am a 50 year
20 landowner in Damascus Township and an
21 eight year permanent resident there.
22 I'm here today as myself, as a
23 citizen. I don't belong to any of
24 these organizations.

25 I've come. I've

1 listened to everyone. I've decided
2 that no matter what your position, you
3 can find enough statistics to support
4 it, at least in your own mind. I
5 personally believe you could frack
6 safely with enough regulation that
7 needs to be enforced. I understand
8 that.

9 Aside, if you need to
10 keep the ban, you need to recompense
11 the property owners which are ---
12 that's not me, that's my neighbors.
13 Some of whom have been on their farms
14 for generations and generations and
15 they should be entitled to develop as
16 Wayne County itself should be entitled
17 to develop. Thank you.

18 HEARING OFFICER:

19 Thank you, ma'am.

20 Up next would be Wes
21 Gillingham and the next speaker would
22 be Mary Finneran. Ms. Finneran,
23 please?

24 MS. FINNERAN:

25 I'm Mary Finneran. I'm

1 from Green County in New York State.
2 I'm a retired worker and a member of
3 the AFL/CIO, NEA, AFT and sheet metal
4 workers. My heart goes out to the job
5 desperate. You'll hear more about the
6 physical health of fracking. I wish
7 to address a fiscal health,
8 F-I-S-C-A-L, that the Delaware River
9 Basin Commission must consider.

10 This month, the World
11 Bank declared that in 2020 they will
12 no longer support investments in the
13 oil and gas industry. This is the
14 death null for the fossil fuel
15 industries. Due to this, I conjecture
16 and I contend that it would be fiscal
17 --- fiscally responsibility ---
18 responsible thing to do for the DRBC
19 to not --- to continue the ban on
20 fracking and water withdrawal from the
21 Delaware River Basin and especially
22 consider the domino effect of this
23 withdrawal from the world bank on
24 financial support from all other Wall
25 Street investors.

1 It would be fiscally
2 irresponsible as well, to allow for
3 Delaware communities to suffer boom
4 and bust economies like in Towanda,
5 Wyalusing, and dozens of others in PA
6 Counties and the SRBC, if drilling is
7 allowed.

8 I beg workers here to
9 look into other energy fields, solar,
10 wind, hydro and geothermal drilling.
11 Union members need to appeal to the
12 AFL/CIO to organize these industries
13 so workers can live comfortably as
14 others do. As others have implied ---
15 I'm sorry. I know it's kind of --- as
16 others have implied, water consumption
17 is a fiscal and physical health issue.
18 Please, water is life, save the water.

19 HEARING OFFICER:

20 Thank you, ma'am. On
21 deck is James McDonald, and then the
22 next person we hear from is
23 Constantine Deraki --- is that your
24 name, sir?

25 MR. GILLINGHAM:

1 No, Wes. Wes
2 Gillingham.

3 HEARING OFFICER:

4 Okay.

5 Is Constantine Deraki,
6 perhaps? Is that person here?
7 D-E-V- or D-E-R-A-K-I. All right.
8 Maybe not here. And
9 then we'll turn to Mr. Gillingham.
10 Mr. Gillingham, please, when you're
11 ready.

12 MR. GILLINGHAM:

13 Hi, I'm Wes Gillingham,
14 the Associate Director for Catskill
15 Mountain Keeper. Thank you for this
16 opportunity to testify at this
17 hearing.

18 First, I want to
19 congratulate and support the DRBC
20 staff and the Commissioners who have
21 voted to protect and preserve the
22 basin.

23 In today's world, having
24 a government agency make a decision
25 based on science and facts, it's a

1 pleasure to watch. The majority of
2 the voices who live here and work here
3 speak against drilling in this basin.
4 And we speak here hoping you will
5 listen, instead of listening, to the
6 corporate interests who want to line
7 their pockets.

8 Line their pockets by
9 using benzene, tri-ethyl benzene, di-
10 ethyl benzene, propylene oxide,
11 bromide --- I could keep going on and
12 on and use all of my time, but I
13 won't. I will read the findings ---
14 the major findings from the hydraulic
15 fracturing for shale gas development,
16 a public health review by the New York
17 State Department of health.

18 It reads, the major
19 findings, air impacts that could
20 affect respiratory health due to
21 increased levels of particulate
22 matter, diesel exhaust, and volatile
23 organic chemicals, climate change
24 impacts due to methane and other
25 volatile organic chemicals released in

1 the atmosphere.

2 Drinking water impacts
3 on the underground migration methane
4 and fracking chemicals associated with
5 faulty well construction. I'm going
6 to stop reading there and address what
7 some other speaker said which is ---.

8 HEARING OFFICER:

9 The court reporter
10 thanks you for stopping. Ten more
11 seconds.

12 MR. GILLINGHAM:

13 Someone else said that
14 it was a mistake to ban fracking in
15 this basin because it was being pushed
16 by special interest groupies. Yes,
17 this is a special interest to protect
18 our water, yes, this is a special
19 interest to protect the longest free-
20 flowing river in the eastern half of
21 the Unites States, yes, this is a
22 special interest to protect climate
23 stability, yes, this is a special
24 interest for building a sustainable
25 future for the Delaware River Basin.

1 Thank you very much.

2 HEARING OFFICER:

3 On deck, are Inge Grafe-
4 Kieklak. I'm going to spell that,
5 G-R-A-F-E, hyphen, K-I-E-K-L-A-K and
6 also James McDonald --- I'm sorry.
7 This is McDonald?

8 MR. MCDONALD:

9 Yes.

10 HEARING OFFICER:

11 Okay.

12 You'll be next. And
13 then Inge Grafe-Kieklack is first on
14 deck and second on deck, is Joe
15 Zennes.

16 Okay.

17 And then Mr. McDonald,
18 when you are ready, please.

19 MR. MCDONALD:

20 Good afternoon. My name
21 is Jim McDonald and I am a small
22 business owner that has worked in the
23 agricultural and cultural segments of
24 the local economy for over 40 years.
25 I am a resident of Preston Township.

1 Today, my comments are
2 about our Governor Tom Wolf. Tom Wolf
3 is a werewolf. He changes his mind
4 and his vote depending upon where he
5 is. Some people change their minds
6 depending on the way the wind blows,
7 but Tom Wolf changes his mind
8 depending on which way the water
9 flows.

10 In the Susquehanna River
11 Basin, he votes drill baby, drill.
12 And then in the Delaware River Basin,
13 he votes ban baby, ban. If natural
14 gas development is being carried out
15 successfully without impact on the
16 water quality in the Susquehanna River
17 Basin and Governor Wolf knows it, why
18 does he vote against it in the
19 Delaware River Basin?

20 It is purely a political
21 decision without scientific merit, and
22 he is denying the Delaware River Basin
23 landowners equal rights and economic
24 opportunity. We are not second-class
25 citizens, stop treating us as though

1 we are.

2 In Governor Wolf's
3 inaugural address, he said that
4 Pennsylvania, quote, has to offer a
5 level playing field making sure all
6 businesses, all Pennsylvanians have a
7 chance to get ahead, and that all
8 Pennsylvania families deserve the same
9 opportunities, end quote.

10 He also said we needed
11 to be, quote, willing to listen to
12 each other and to learn from each
13 other and to work together to give all
14 Pennsylvanians a shot at a good life,
15 end quote.

16 Does all not include the
17 residents of Wayne County just because
18 we live in a different watershed? Or
19 on the other side of the mountain?
20 Governor Werewolf, like a
21 chameleon ---.

22 HEARING OFFICER:

23 I'm going to stop you.

24 MR. MCDONALD:

25 Okay.

1 Fair enough.

2 HEARING OFFICER:

3 Thanks for coming.

4 Junior Romero can join
5 the on deck list, and the next speaker
6 would be Ms. Grafe-Kieklack. And
7 apologies for pronunciation.

8 MS. KIEKLACK:

9 That's okay. Nobody can
10 get it.

11 HEARING OFFICER:

12 Okay.

13 When you're ready.

14 MS. KIEKLACK:

15 My name is Inge Grafe-
16 Kieklack. I'm a landowner of New York
17 State and a member of the UDRBC in New
18 York. After listening through the
19 last hours, let's get back to basics
20 and reasoning. In 1961, you
21 commissioned that DRBC was created to
22 manage the water resources of the
23 Delaware River Basin.

24 Its mission was to act
25 as steward in protecting the surface

1 and groundwater quality of the Basin
2 by regulating land for strong
3 conservation and the protection of
4 sensitive areas in the basin.

5 The Commission's water
6 quality protection was to attain ---
7 was to obtain through sound science
8 balancing economic concerns with
9 environmental needs. Core value of
10 the Commission, includes listening and
11 responding to your constituents in
12 order to improve your knowledge.
13 Thank you for this opportunity.

14 In order to access sound
15 science, I suggest you look to your
16 sister River Commission, the SRBC, to
17 learn from their years of experience.
18 Their territory situated just a few
19 miles west of yours includes some of
20 the most concentrated gas territories
21 in the country.

22 Since 2006, the SRBC has
23 monitored ground and surface water in
24 the catch basin area, in both head
25 waters and down river. By 2013, they

1 had almost 60 sites uploaded data ---
2 data to satellites continues 27 365
3 days. The data was open source
4 available simultaneously through the
5 property.

6 For this data, the SRBC
7 has supported no negative impact and
8 no degradation trends in ground and
9 surface water.

10 HEARING OFFICER:

11 Thank you, ma'am.

12 The next person on deck
13 would be Mary Ann Llewellyn, and then
14 let's see --- is this Mr. Zennes?

15 MR. ROMERO:

16 Romero.

17 HEARING OFFICER:

18 Excuse me. Okay.

19 Joe Zennes would be
20 next. And then you're after him, sir.
21 Joe is next, Joe Zennes?

22 And just before we start
23 with you, some of you may think at two
24 minutes you're being cut off. Believe
25 me, I think your message is getting

1 through, as far as where you stand on
2 the issue.

3 So I think the
4 impression is coming across. Okay,
5 sir.

6 Would you say your name
7 for me, please?

8 MR. ZENNES:

9 First of all, thank you
10 for letting me testify today. My name
11 is Joe Zennes and I grew up on the
12 Delaware River and still reside in the
13 basin. I have a Master's of Science
14 degree in environmental science and
15 I've worked for the Delaware River
16 Keeper Network in that capacity
17 monitoring fracked gas pipelines in
18 Pike County.

19 I feel there are three
20 issues besides the drilling that need
21 to be considered when implementing a
22 permanent ban on fracking in the
23 basin. First, water transfer out of
24 the basin. There has been
25 considerable efforts through the 1954

1 Supreme Court that read to protect the
2 valuable resources of the basin.

3 My understanding is, the
4 Commission supports a ten-year
5 extension to the flexible flow
6 management plan, and any withdraws for
7 fracking needs to be considered under
8 this complicated agreement.

9 Second, is wastewater
10 disposal. I find it hard to believe
11 that the Commission would even
12 consider allowing this vulnerable
13 natural resource we've strived to
14 protect for decades to be exported out
15 of the basin and replaced with
16 wastewater containing some of the most
17 dangerous chemicals known to man.

18 My third point for
19 pipelines I'll put in writing at
20 another time. But I would direct the
21 Commission to consider these comments
22 when imposing a permanent ban on
23 fracking to protect the cleanest fresh
24 water in the world. I would encourage
25 the Commission for a complete ban on

1 fracking now. Thank you.

2 HEARING OFFICER:

3 Edward Lang would be on
4 deck, and then this is Junior Romero?

5 MR. ROMERO:

6 Yes. I'm with the Food
7 and Water Watch, an environment non-
8 profit. We're one of the first
9 national environment groups to call
10 for a national ban on fracking, and we
11 represent over 100,000 supporters in
12 New York, Pennsylvania and New Jersey.

13 If fracking was so safe,
14 why did the Republican Governor of
15 Maryland just sign a ban on fracking
16 last year? I joined colleagues in
17 Vermont and New York and hopefully New
18 Jersey in calling for a ban --- a
19 statewide ban on fracking. The
20 mention of other generation --- the
21 next generation has been mentioned
22 here today.

23 We look at the cities in
24 Philadelphia, Trenton, Camden, some of
25 the most diverse communities. And

1 also a large scheme of younger folks
2 18 to 35, millennials. They all get
3 their water from the DRB. We need to
4 look at the next generation. You
5 know, we urge that the DRB to pass a
6 permanent ban on fracking here in the
7 Basin.

8 And just as our
9 organization and our allies have been
10 fighting water extraction from Arrow
11 Head and Nestle and some of our ---
12 and depleted water sources all over
13 the country. We're going to keep on
14 fighting water extraction from private
15 water companies and any oil and gas
16 corporate polluting interest who want
17 to take our clean water away, and
18 unlawfully inject it with dirty
19 chemicals.

20 Dick Cheney passed a
21 rule --- Dick Cheney and his former
22 company Halliburton, helped pass this
23 called, Halliburton loop hole, which
24 bypasses the Clean Water Act. So
25 today, we don't even know half of the

1 chemicals that are in --- that are
2 used in fracking chemicals.

3 So if fracking was so
4 safe, why do we need so many loop
5 holes and why are states banning left
6 and right? So I urge you to ban
7 fracking and also to ban fracking
8 waste dumping here in the DRBC because
9 water is life. Thank you.

10 HEARING OFFICER:

11 Martin Springhetti would
12 be joining the hole, and let me see
13 here. Sorry sir, I have Mary Ann
14 Llewellyn is next. She's here, and is
15 your name Edward Lang?

16 MR. LANG:

17 Yes.

18 HEARING OFFICER:

19 You'll be right after.
20 Thank you. And this would be Mary Ann
21 Llewellyn. When you're ready, ma'am,
22 please.

23 MS. LLEWELLYN:

24 Good afternoon. My name
25 is Mary Ann Llewellyn. I'm speaking

1 as a private citizen, as it relates to
2 Wayne County. My husband and I were
3 both born and raised in Wayne County
4 and we are lifelong Wayne County
5 residents.

6 I believe the Commission
7 has already made a decision and are
8 just going through the motions to
9 satisfy the law. I resent those in
10 the lower basin who believe that who
11 are either financially stable or
12 because they will get no financial
13 benefit from development in our
14 county, to tell us how to use our
15 lands we have cared for all of our
16 lives.

17 Wayne County is the 32nd
18 poorest county in the Commonwealth.
19 No one can survive and raise a family
20 on vacation area minimum wages. I'm
21 sorry, the Delaware River Basin has a
22 budget of over \$10 million. The
23 municipalities of Wayne County do an
24 excellent job enacting their own laws
25 and regulations. We are not

1 uneducated country bumpkins.

2 We do understand and are
3 good stewards of our land. Otherwise,
4 people from New York, New Jersey,
5 Philadelphia would not be moving here.
6 I believe the DRBC is overreaching
7 their intended purpose. If this
8 regulation is approved, what is the
9 next step? Will private wealth be
10 metered? Will we be charged for water
11 we use?

12 It's a nightmare that
13 few people can see coming. I would
14 like also to say, that contrary to
15 popular belief, Wayne County is not a
16 problem in the basin and never was.
17 The DRBC wants us to believe we have a
18 say, but we do not. This is a mini
19 dictatorship and is only going to get
20 worse.

21 Empty cans make the
22 loudest noise. In closing, I would
23 like to say my husband's ancestors
24 were here long before the white man
25 knew that this land existed. Wayne

1 County is just a substitute for the
2 Native American. Thank you.

3 HEARING OFFICER:

4 Next on deck would be
5 Mary Evans, and this is Edward Lang?

6 MR. LANG:

7 Ned Lang.

8 HEARING OFFICER:

9 I'm sorry, Ned Lang.

10 Okay.

11 Mr. Lang, when you're
12 ready, please.

13 MR. LANG:

14 Good afternoon. My name
15 is Ned Lang, lifelong resident of
16 Wayne County. I come before you today
17 as President of the Upper Delaware
18 River Basin Citizens Association which
19 represents the landowners throughout
20 the Delaware River Basin their rights,
21 life style, and heritage.

22 Our organizations
23 comprised of landowners who are
24 responsible for the clean air, water,
25 and overall quality of the environment

1 we all enjoy today. The fact that the
2 same Commissioners on the SRBC who
3 voted, yes, to natural gas exploration
4 and yet on the DRBC vote, no, to
5 natural gas exploration because they
6 care so much about the water quality
7 in the Delaware River, are about to be
8 exposed for who and what they are.

9 It's a façade, they're
10 liars. I'm telling you they lie and
11 I'll show you why. The Barnes
12 Landfill is an abandoned landfill
13 built on the side of the mountain back
14 in 1947 overlooking the Delaware River
15 in Berryville, New York.

16 It was operated until
17 approximately 1989 and was in the
18 closure process. New York State then
19 found the pollutants contained in the
20 landfill fold were so hazardous that
21 they declared --- did a Superfund site
22 in 2004. Apparently, no further work
23 for closure and containment were
24 undertaken, and the leachate.
25 Thousands of gallons per day was

1 allowed and is allowed, to flow in
2 from the basin landfill into a nearby
3 creek getting to the Delaware about 40
4 miles away.

5 Unfortunately, it's
6 still flowing into the Delaware as we
7 speak. You can go to YouTube Barns
8 Landfill Leeching to see for yourself.
9 I became aware of this environmental
10 nightmare in 2012 and wrote a letter
11 to Governor Cuomo and copied every
12 Governor and Attorney General from
13 each state affected downstream.

14 As well as Carol
15 Collier, your former Executive
16 Director, alerting them to this
17 environmental tragedy. I received
18 only one response from the New York
19 State DEC, which I'll quote you in
20 part. As you know, the escrow fund
21 established years ago has been
22 depleted. Unfortunately, there are no
23 funding mechanisms available to the
24 state for these types of situations.

25 So in New York State

1 with a \$96 billion budget in 2004
2 still, it did --- and is still not
3 doing the right thing. And the DRBC
4 with 30 million in the bag won't spend
5 a dollar protecting the drinking water
6 of the millions downstream. How many
7 people south of Berryville have
8 suffered health effects from exposure
9 to the Superfund leachate over the
10 past 14 years?

11 HEARING OFFICER:

12 Thank you, sir.

13 Is this Martin

14 Springhetti?

15 MR. SPRINGHETTI:

16 Springhetti (corrects
17 pronunciation.)

18 HEARING OFFICER:

19 Spring? Okay.

20 Thank you. Let's see,

21 on deck would be Mary Evans and

22 Richard Hawran. Mr. Springhetti, if

23 you would, please?

24 MR. SPRINGHETTI:

25 Okay.

1 My name is Martin
2 Springhetti. I live in Wayne County,
3 Pennsylvania. And I'm very concerned
4 about unintended consequences. And 75
5 years ago the United States was
6 developing a nuclear weapon and they
7 did a lot of the work at Washington.

8 That is only --- it was
9 about a mile or two from the Columbia
10 River. And there was a lot of toxic
11 waste and some of it was put and
12 buried in containers, some of it was
13 just buried in open pits, some of it
14 was stored in more safe place. But
15 now, due to hydrology and ground
16 migration, 75 years later some of that
17 very toxic radioactive water is now
18 leeching into the Columbia River.

19 And that is causing a
20 lot of worry and concern about health
21 benefits to all the people who live on
22 the Columbia River.

23 Now, at the time, 75
24 years ago, there was a ---scientists
25 looked at the risks and they said,

1 okay, it's worth it because, you know,
2 we might be saving the world.

3 So they analyzed the
4 risk and they said it's worth it and
5 we're going to do it. And now,
6 something unattended has happened 75
7 years later, and it's going to be very
8 difficult to stop that migration of
9 water, of toxic water, and it's going
10 to be almost impossible to keep it
11 from getting into the Columbia River.

12 Now, in that situation,
13 we had the U.S. government that is
14 going to pay for the cleanup versus
15 you and me. But what I'm concerned
16 about here, is that the landowners up
17 here have no concern there, but there
18 could be some unintended consequences
19 and I would ask you not to let any
20 toxic liquids be stored indefinitely
21 in the future and the river basin.
22 Thank you.

23 HEARING OFFICER:

24 Thank you, sir.

25 We are about 10 minutes

1 or so, away from 4:30, so we can only
2 get two other speakers. We have to
3 have people out by 4:30. And let's
4 see here, this would be Mary Evans?
5 Okay.

6 Ms. Evans, please?

7 MS. EVANS:

8 Today I'd like voice my
9 strong opposition to the Delaware
10 River Basin Commission's proposal to
11 severely restrict and, therefore,
12 effectively ban hydraulic fracking.
13 And whereas, I'm with --- and the
14 draft proposal seems wholly
15 understandable without bias and
16 evidence or a strong safety record of
17 regional energy.

18 Development of public
19 energy policies need to be based on
20 sound science in tactical risk
21 benefits and analysts, not politics,
22 and from activists who want to stop
23 the use of traditional energy
24 resources. Hydraulic fracturing has
25 taken place for decades in imperative

1 improvements and technology long
2 before. Horizontal drilling has given
3 unprecedented energy regulations in
4 our nation. America is no longer
5 heavily dependent on foreign energy
6 sources thanks in large part of
7 hydraulic fracturing.

8 ***33:30 The DRBC's
9 proposal and rules would take our
10 region and nation in the wrong
11 direction. The rules within the
12 energy --- in the region, for tech
13 related costs for households and
14 businesses --- that resurgence in the
15 regional manufacturers supported by
16 affordable energy could be impacted if
17 other regulatory states --- agencies
18 limit what was just affordable natural
19 gas development.

20 I strongly urge the
21 Commission to rethink and withdraw in
22 a new energy, development rules, tight
23 oversight, and strict regulation
24 available for the government are
25 appropriate. Overreaching and

1 unjustified restrictions are not.
2 Thank you for your considerations.

3 HEARING OFFICER:

4 Thank you, Ms. Evans.

5 The people who are not
6 here are going to be reminded about
7 this evening if you're able to do
8 that. So the last person we would
9 hear from for this session is Richard
10 Hawran.

11 MR. HAWRAN:

12 Richard Hawran. I'm a
13 Wayne County resident and property
14 owner. And something the DRBC needs
15 to understand and everybody here needs
16 to understand, is there's not a person
17 in this room who wants to see the
18 Delaware River polluted, period. But
19 if we don't frack, what are we going
20 to do? Use Oil? They just don't
21 work.

22 The Keystone Pipeline
23 --- and I had a spill of 220,000
24 gallons of crude oil in South Dakota,
25 but that's South Dakota. That's not

1 here. What's best, wind and solar,
2 but how many people that have been
3 protesting here have solar panels and
4 windmills in their backyard? Good,
5 I'm glad you do. But not everybody
6 has that and I think fracking, if it's
7 controlled, is okay for Wayne County
8 and okay for the Delaware River Basin
9 Commission to go ahead and allow it.

10 I have to believe that
11 the people that sit on this Commission
12 are well-educated and intelligent
13 people, and I find it extremely
14 perplexing that for ten years almost,
15 they haven't been able to make a
16 decision your way or our way. And
17 yet, the Susquehanna River Basin
18 Commission did it in nine months.
19 It's ridiculous that they can't make a
20 decision.

21 They need to get off
22 their butts and do something for the
23 people of Pennsylvania. Thank you.

24 HEARING OFFICER:

25 Ladies and gentleman, I

1 know this doesn't matter to you, but
2 this has been a real education for me,
3 wow. Thank you, first of all, for
4 your courtesy. You were wonderful,
5 you really were.

6 Secondly, I thought you
7 were very articulate and you stated
8 your positions very well.

9 As you leave, I want to
10 point out when you leave, you can't go
11 out of here the way you came in. You
12 got to follow the arrows and I believe
13 it's down this way. I think we have
14 state police troopers here that are
15 very interested in that. And again,
16 finally, please leave the hall
17 promptly to allow those attending the
18 next hearing to sign in and take their
19 seats, so that we can begin on
20 schedule.

21 * * * * *

22 HEARING CONCLUDED AT 4:27 P.M.

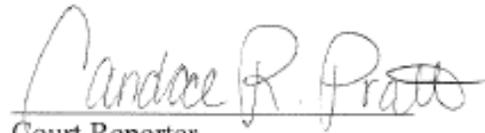
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CERTIFICATE

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


Court Reporter
Candace R. Pratt