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DELAWARE RIVER BASIN COMMISSION

TRANSCRIPT OF AUDIO-RECORDED COMMISSION HEARING

DECEMBER 15, 2021

1:00 P.M.

18 CFR PARTS 410 AND 440 IMPORTATIONS OF WATER
INTO AND EXPORTATIONS OF WATER FROM THE DELAWARE
RIVER BASIN; DISCHARGES OF WASTEWATER FROM HIGH
VOLUME HYDRAULIC FRACTURING AND RELATED ACTIVITIES

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A P P E A R A N C E S

Hearing Officer: Kristen Bowman Kavanagh

Commenters:

Rachel Dawn Davis	Karen Feridun
Dusty Horwitt	Susan Volz
Barbara Brandom	Jane Cyphers
Kelsey Krepps	Bernard Handler
Ken Dolsky	Maya VanRossum
Janice Cooper	James Rapp
Coralie Pride	Alice Zinnes
Boris Kerzner	Lauren Lareau
Steve Cickay	John Pace
Eireann Young	
Linda Barnett	
John Irwin	
John Reichman	
Tina Weishaus	

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MS. BOWMAN KAVANAGH:

Good afternoon. My name is Kristen Bowman Kavanagh and on behalf of the Delaware River Basin Commission, welcome to this afternoon's public hearing. I'm going to pause for a moment. I've been notified that we might have a brief technical issue. Just give me one second. I'm just standing by for confirmation that everything is set. All right. I've been notified that we are good to go, so I'm just gonna go ahead and start over again. Since we're only one sentence into it.

Good afternoon. My name is Kristen Bowman Kavanaugh and on behalf of the Delaware River Basin Commission, welcome to this afternoon's public hearing. I am the deputy executive director for the DRBC and I will be serving as the Hearing Officer for this proceeding. As the Hearing Officer, my primary role is to ensure that we conduct an orderly hearing that allows individuals who wish to do so to provide oral comments and testimony that will become a part of the administrative record for the rulemaking that I will describe shortly. I would like to

1 thank the public for attending. This public
2 hearing is being held remotely and has been
3 advertised as such on the DRBC website via
4 social media and in federal and state register
5 publications. Members of the public may
6 attend the proceedings virtually on either the
7 Zoom Webinar platform or the DRBC YouTube
8 channel. However, those who desire to speak
9 today may participate only by joining the Zoom
10 Webinar, which is interactive. While these
11 types of meetings and webinars are not new,
12 please allow me to offer a few announcements
13 and reminders for this public hearing. I will
14 ask for your patience if we have to pause to
15 address any technical or procedural issues
16 related to the remote platforms. When you
17 join the Zoom webinar as an attendee, you will
18 not have the same meeting features that you
19 may be used to with Zoom meeting or other
20 similar remote meeting platforms.
21 Specifically, you do not initially have camera
22 or microphone access. If you have registered
23 in advance to speak at today's hearing or if
24 time allows us to accommodate you as an
25 unregistered speaker, your microphone will be

1 enabled when it is your turn to provide
2 comments. The public hearing is also being
3 broadcast for viewing on DRBC's YouTube
4 channel. However, if you would like to speak,
5 you must join the Zoom Webinar platform to be
6 able to participate. You will not be able to
7 provide oral comments via the YouTube
8 broadcast. You may also participate by phone
9 using one of the numbers provided on the DRBC
10 website. If you desire to speak, you are
11 encouraged to use your computer connection for
12 both audio and video. In any case, please do
13 not use your phone and computer simultaneously
14 for audio as this may result in echoes or
15 other interference. Comments provided using a
16 chat feature, if available, during the hearing
17 on any platform will not become part of the
18 administrative record. The procedure and a
19 link for submitting written comments on the
20 record are provided on the DRBC website. Only
21 oral comments provided during this or one of
22 the other three hearings and written comments
23 provided according to the procedures on the
24 DRBC website will become part of the
25 administrative record. If you are providing

1 oral comments today, it is not necessary for
2 you to also submit written comments, although
3 you certainly may do so.

4 The draft rules that are the subject of
5 this hearing were proposed by the Delaware
6 River Basin Commission to amend the
7 Commission's Water Code, Special Regulations,
8 and Water Quality Regulations regarding the
9 importation and exportation of water and
10 wastewater into and from the Delaware River
11 Basin and the discharge of wastewater from
12 high volume hydraulic fracturing or HVHF. A
13 notice of proposed rulemaking, along with text
14 of the draft rules and supporting documents
15 were posted on the DRBC website on October
16 28th, 2021 and have been published in the
17 Federal Register and Basin State registers.
18 Information about the draft rules and the
19 public process will remain available on the
20 Commission's website throughout the process.
21 As part of this rulemaking, the Commission is
22 in the process of having the key rulemaking
23 documents translated into Spanish. These
24 include the notice of proposed rulemaking and
25 public hearing and the text of the proposed

1 amendments for each of the three affected
2 components of the Commission's regulations.
3 To request the translation of these documents
4 into a language other than Spanish, you may
5 e-mail a request to translate@DRBC.gov.
6 Translation requests will be considered on a
7 case by case basis. In addition to translate
8 DRBC web pages to any of multiple languages,
9 please use the Google translation widget
10 located in the upper right of each web page.
11 In accordance with the Commissioners February
12 25th, 2021 resolution and directive, the
13 Commission is proposing amendments to its
14 comprehensive plan and regulations to better
15 provide for the planning, conservation,
16 utilization, development, management and
17 control of the basin's water resources in
18 connection with the importation of water,
19 including wastewater into the basin, the
20 exportation of water, including wastewater
21 from the basin, and the discharge of
22 wastewater from HVHF and HVHF related
23 activities. The Commission proposes to amend
24 the water code by clarifying the circumstances
25 in which exportations of water, including

1 wastewater from the basin and importations of
2 water, including wastewater into the basin are
3 considered by the Commission and the factors
4 to be used in evaluating whether such proposed
5 imports and exports of water may be approved.
6 The proposed amendments will not apply to
7 importations and exportations that existed
8 prior to the effective date of any final
9 rules, but are proposed to apply to increase
10 -- in the increases in the rate or volume of
11 existing importations and exportations. The
12 Commission also proposes to amend its special
13 regulations regarding HVHF by the addition of
14 a finding that the discharge of wastewater
15 from HVHF and HVHF related activities poses
16 significant, immediate and long-term risks to
17 the development, conservation, utilization,
18 management and preservation of the basin's
19 water resources and that controlling future
20 pollution by prohibiting such discharge is
21 required to effectuate the comprehensive plan,
22 avoid injury to the waters of the basin as
23 contemplated by the comprehensive plan and
24 protect the public health and preserve the
25 waters of the basin for uses in accordance

1 with the comprehensive plan. The finding is
2 accompanied by a provision prohibiting the
3 discharge to waters or land in the basin of
4 treated or untreated wastewater from HVHF and
5 HVHF related activities. Copies of the
6 proposed rules can be found on the DRBC
7 website. This is one of four public hearings
8 scheduled on this matter. In addition to
9 accepting oral comments at these public
10 hearings, the Commission is accepting written
11 comments through 5:00 PM Eastern Time on
12 Friday, February 28, 2022. Written comments
13 will receive the same consideration as oral
14 comments. Written comments can be submitted
15 online using a link that is posted on the DRBC
16 website. If you do not have access to a
17 computer or the Internet and you would like to
18 submit written comments, you may request an
19 exception by writing to the DRBC as follows:
20 Attention Commission Secretary, DRBC, PO Box
21 7360, West Trenton, NJ 08628. Today's
22 proceedings are being recorded and a
23 transcript will be created that will become a
24 part of the decision-making record for the
25 proposed rules. The recordings are being made

1 to enable the DRBC commissioners to hear your
2 comments, even though they cannot attend the
3 hearings and to allow the DRBC staff, in
4 consultation with the Commissioners, to
5 prepare a detailed comment and response
6 document that addresses the issues and
7 concerns you raise.

8 I will now describe how the hearing
9 will proceed. First, the Commission thanks
10 all of you who have registered in advance to
11 speak today. Your doing so has helped the
12 staff to prepare for these proceedings. Two
13 hours have been allotted for this hearing. If
14 you have not registered in advance and wish to
15 provide oral comments, limited time may be
16 available to accommodate you within the
17 hearing timeframe. I will make that
18 determination after all those who
19 preregistered and are in attendance have
20 spoken. Please remember that there are
21 procedures on the DRBC website for submitting
22 written comments, which receive the same
23 consideration as oral comments provided here
24 today. When I call your name from the list of
25 registered speakers, we will attempt to find

1 your name in the list of Zoom webinar
2 attendees. If we cannot find you quickly, you
3 can help us out by using the raise hand
4 feature, which is typically located at the
5 center bottom of the screen. If you are using
6 a phone to call into the hearing, we may only
7 be seeing a phone number rather than a name.
8 If we call your name, press star nine to raise
9 your hand. You may need to unmute on your end
10 of the connection as well and you can test the
11 audio before beginning. You should plan on
12 limiting your comments to about three minutes.
13 Once you exceed the permitted time, the timer
14 screen will turn red and I will likely ask you
15 to wrap up your comments. Please remember you
16 will have the opportunity to follow up in
17 writing, if you wish. Speakers are asked to
18 state their name and affiliation, if any, and
19 to direct all comments to the hearing officer.
20 Please offer your comments in a respectful
21 manner. As the hearing officer, I reserve the
22 right to decide if your presentation is not
23 consistent with the purpose of this hearing
24 and as such I can end your ability to provide
25 comments at anytime with or without warning,

1 depending upon the circumstances. If, as a
2 part of your comment, you ask a question,
3 please do not expect a response during the
4 hearing. Questions and comments will be
5 addressed as part of the comment and response
6 document that will be prepared by the
7 Commission after the comment period has
8 closed. A list of frequently asked questions
9 concerning this rulemaking has been posted on
10 the DRBC website, as well. After all the
11 speakers who have registered in advance and
12 are in attendance have provided comments, if
13 time permits, I will then ask unregistered
14 attendees who wish to speak to use the raise
15 hand feature to indicate their intention to
16 provide oral comments. Unregistered speakers
17 will be invited in the order your hands are
18 raised to provide comment until the two hour
19 hearing duration has been reached. If time
20 does not permit you an opportunity to speak at
21 this hearing, you may still have an
22 opportunity to speak at the public hearing
23 beginning at 4:00 PM today after all
24 registered speakers in attendance have done
25 so. Also, please remember that there are

1 procedures on the DRBC website for submitting
2 written comments, which receive the same
3 consideration as oral comments provided here
4 today.

5 So what happens next? After all the
6 public input is received, the DRBC staff and
7 Commissioners will develop a comment response
8 document that addresses the concerns raised
9 during the public process. The Commissioners
10 will consider changes to the proposed rule in
11 response to the comments received and will
12 either act at a public meeting to approve the
13 rules as proposed, approve the rules with
14 changes or reject the proposed rules.
15 Alternatively, the Commissioners may commence
16 a separate rulemaking to consider
17 substantially different rule changes. The
18 decision makers on this and all rulemakings by
19 the Commission are the Commissioners
20 themselves who may act through their appointed
21 alternates. The Commissioners are the
22 governors of the four basin states, Delaware,
23 New Jersey, New York and Pennsylvania, and on
24 behalf of the federal government, the division
25 commander of the North Atlantic Division of

1 the US Army Corps of Engineers.

2 I will now share my screen to show the
3 three minute countdown timer and proceed to
4 invite those who have registered in advance to
5 provide their comments. It will be just a
6 moment while I do this. Thank you for your
7 patience while I get the list of speakers teed
8 up here.

9 All right. Before we get started, I
10 will note for the record that we currently
11 have 43 attendees on the Zoom webinar and one
12 viewer on our YouTube live stream. I will
13 attempt to remember to give a briefing of
14 who's up next as far as speakers so you can be
15 prepared. The first registered speaker will
16 be Rachel Davis, followed by Dusty Horwitt,
17 Jeffrey Scott, Taylor McFarland and then
18 Barbara Brandom. So let me see if Rachel
19 Davis is here. There you are. You jumped to
20 the top of my list. Thank you for raising
21 your hand. I will allow you to talk if you
22 could please do a sound check and then once
23 you introduce yourself, I'll start the clock.

24 MS. DAVIS: Yes. Can you hear
25 me?

1 MS. BOWMAN KAVANAGH: I can.
2 Thank you.

3 MS. DAVIS: Great. Thank you.
4 Okay. My name is Rachel Dawn Davis and I'm
5 the public policy and justice organizer for
6 Water Spirit, a nonprofit ministry of the
7 Sisters of Saint Joseph of Peace. Wastewater
8 produced by fracking must be completely and
9 categorically banned. At present, there is no
10 threat of a fracking waste spill from
11 wastewater destined for the basin. DRBC
12 should keep it that way. In order for the DRB
13 not to succumb to loopholes with draft
14 regulations that leave a lot to be desired in
15 the way of protection of creation, we urge you
16 to enact a complete ban on the import,
17 processing, discharge, reuse, and/or disposal
18 of wastewater produced by fracking. Ten years
19 ago, had the DRBC had the votes to allow
20 fracking in the Delaware River Basin, wouldn't
21 the vote have taken place? Instead since the
22 majority of DRBC voters would have voted in
23 the negative, not allowing fracking or
24 fracking wastewater into this one of few fresh
25 remaining or remaining fresh water resources.

1 There was a nonvote neutral on banning
2 fracking and related wastewater. The
3 allowance of fossil fuel infrastructure that
4 ran directly against with public stakeholders
5 and then gubernatorial voters would have
6 wanted a decade ago results in ecological
7 sins. Ten years later this is a precarious
8 situation. When my family members died, I
9 sought refuge in Dingmans Falls in Pike
10 County, Pennsylvania and when the trees were
11 cut for a pipeline there, I felt in my core
12 and bones eco grief. Death is something I
13 know quite a bit about. My brother was part
14 of a cancer cluster in North Jersey, so when I
15 was four, he died just shy of eight. His
16 birthday was on Christmas. My mom died of
17 cancer when I was 13, though she would have
18 died from a broken heart at the loss of her
19 son. Death and grief had been part of my life
20 and I understand more than most of what
21 President Biden speaks of and feels every day,
22 but do you? Does he appreciate the death of
23 the young persons or young parent's imagined
24 future. For the past ten weeks for two nights
25 a week, I've helped facilitate a support group

1 for eco anxiety. The Lancet Health Journal
2 published last month 75% of young people are
3 grappling with the loss of their imagined
4 future. This is directly related to the
5 ecological previously mentioned. Children,
6 when they aren't dying by suicide, are dying
7 of preventable cancer, the worst type, a body
8 burden of fracking, irreconcilable social
9 costs because of the decisions like those of
10 your DRBC has made to allow industry to profit
11 while communities suffer. There is no death
12 to a corporation as they are not people. They
13 do not need to care for community or
14 corporation is fine with death, so long as
15 it's not death to profits.

16 Polly Rubin, a hydrogeologist, shared
17 that the water table has been reliable for
18 time immemorial, but due to unconventional
19 horizontal gas drilling and ancillary services
20 reduced from 10,000 years, but maybe 100 less
21 now. I want to end by saying a quote from
22 Joanna Macy before that, water is life and the
23 quote is life is on our side. May we be on
24 the side of life. May we invest in solutions.
25 We wish you and everyone listening peace and a

1 healthy and happy holiday season.

2 MS. BOWMAN KAVANAGH: Thank you
3 for your comments. Our next speaker is Dusty
4 Horwitt. I see Dusty here. Dusty, I will
5 allow you to talk. Kindly do a sound check.
6 You may need to unmute on your end.

7 MR. HORWITT: Right. Can you
8 hear me?

9 MS. BOWMAN KAVANAGH: I can.
10 Thank you.

11 MR. HORWITT: Great. My name is
12 Dusty Horwitt. I am representing the National
13 Office of Physicians for Social
14 Responsibility, a nonprofit that focuses on
15 environmental and health issues. Physicians
16 for Social Responsibility believes that the
17 Commission's proposal to ban the discharge of
18 high volume fracking wastewater to water and
19 land is an incomplete step to protect the
20 basin from pollution. This proposal still
21 leaves the basin's water supplies at risk of
22 serious contamination from wastewater related
23 to high volume fracking, low volume fracking
24 and other oil and gas extraction techniques.
25 That's because such wastewater is likely to

1 contain toxic substances, has been known to
2 leak and spill and could still be imported for
3 disposal, processing, reuse or storage under
4 the proposal. The Commission should
5 completely ban the importation into the basin
6 of wastewater related to oil and gas
7 extraction. The Commission should also ban
8 the export of oil for oil and gas extraction
9 outside the basin, in part because the
10 drilling industry's extraordinary use of water
11 up to tens of millions of gallons per well may
12 deplete local water resources. As the
13 Commission has noted, oil and gas wastewater
14 can include many toxic and unknown chemicals.
15 In a 2016 study, EPA found that health effects
16 associated with chemicals used in fracking
17 and/or found in fracking wastewater include
18 cancer, immune system effects and reproductive
19 and developmental toxicity. EPA study
20 included both high volume and low volume
21 fraction indicating that dangerous chemicals
22 can be found in wastewater related to both
23 techniques. Dangerous chemicals are also used
24 for drilling that precedes fracking. These
25 chemicals could, therefore, be found in waste

1 from the drilling process. The risk that
2 toxic drilling or fracking waste water could
3 leak, spill or become airborne in the basin
4 and enter water supplies is too great to allow
5 importation. This summer, Physicians for
6 Social Responsibility publicized for the first
7 time evidence to chemicals known as PFAS were
8 used in fracking and perhaps other stages of
9 oil and gas extraction. PFAS have been linked
10 to cancer, birth defects and other serious
11 health impacts. Toxic and minuscule
12 concentrations, they can accumulate inside the
13 human body and do not break down in the
14 environment. Hence their nickname, forever
15 chemicals. The Philadelphia Inquirer found
16 that PFAS had been used for fracking in eight
17 wells in Pennsylvania. Considering the
18 extensive use in Pennsylvania of fracking
19 chemicals whose identities are hidden from the
20 public as trade secrets, PFAS could have been
21 used more widely. Oil and gas wastewater from
22 Pennsylvania would be the most likely to be
23 imported into the basin adding a risk of PFAS
24 pollution. The potential presence of PFAS is
25 an additional reason to prohibit the

1 importation into the basin of all wastewater
2 related to oil and gas extraction. Thank you
3 for considering my comments.

4 MS. BOWMAN KAVANAGH: Thank you
5 for your comments. Next on the list is
6 Jeffrey Scott. I am not seeing a Jeffrey
7 Scott on the list of attendees. If you are
8 here, kindly raise your hand. I'll give you a
9 quick second to do that before I move on. Not
10 seeing a hand raised, the next registered
11 speaker is Taylor McFarland. I'm also not
12 seeing a Taylor McFarland. If you are here
13 and I'm just missing you, kindly raise your
14 hand. Our next registered speaker does look
15 to be in attendance, Barbara Brandom. Before
16 I tee up at, Barbara, I will note that the
17 next five speakers in order will be Ralph
18 Kissberg, Paula Rogovin, Kelsey Krepps, Ken
19 Dolsky, and Nancy McCauley. So coming back to
20 Barbara Brandom, I will now allow you to talk.
21 Kindly check your sound.

22 MS. BRANDOM: Hello. Can you
23 hear me?

24 MS. BOWMAN KAVANAGH: I can.
25 Thank you.

1 MS. BRANDOM: Okay. Well, thank
2 you for allowing me to speak today. I'm a
3 retired physician. I was born in New Jersey
4 and enjoyed the Delaware River Basin when I
5 was a child, but recently I've lived in
6 Western Pennsylvania and worked here and,
7 therefore, I have quite a lot of input from
8 families in Western Pennsylvania that I've
9 seen in many different Zoom arrangements and I
10 am very concerned about wastewater from
11 fracking and once it gets into our watershed,
12 we're done. Our land is worth nothing and we
13 will move away as fast as we can, but that's
14 not possible for many people. Therefore, the
15 proposed amendments to DRBC special
16 regulations that may deal with high volume
17 hydraulic fracturing, first it says it
18 includes a determination that the discharge of
19 this wastewater poses significant, immediate
20 and long-term risks to the basin's water
21 resources. That's certainly true.
22 Controlling future pollution by prohibiting
23 such discharges within the basin is definitely
24 required. Also, wastewater and solid waste
25 from conventional drilling for oil and gas

1 also contain toxins and from the Marcellus
2 Shale, significant amount of radioactivity.
3 These are long-lasting pollutants and should
4 never be allowed into the Delaware River
5 Basin.

6 As far as water importation goes, I'm
7 skipping the exportation step for a minute.
8 The proposed regulations are supposed to
9 clarify the factors the Commission will use in
10 evaluating proposed importations. This seems
11 to be in direct contradiction to the comment
12 that the wastewater should never be imported.
13 Really, it should never be imported. As
14 previous speakers have said, there are many
15 opportunities for leaks and spills, and once
16 this happens, you can't clean it up
17 adequately. Treatments that were proposed to
18 ensure applicable water quality criteria, such
19 as removal of radium or other radioactive
20 substances and the hazardous compounds, which
21 includes the Forever Chemicals, which Mr
22 Horwitt mentions know too often fail. Once
23 such toxins appear in the Delaware River
24 Basin, restoration efforts will be very
25 expensive and likely inadequate.

1 I'll jump to water exportation. The
2 Commission's policy has been to discourage the
3 exportation of water right from the basin. I
4 support continued strong discouragement of
5 exportation of water. Exportation eliminates
6 an important part of the hydrologic cycle.
7 Clean water is a necessary element of a living
8 ecosystem. Water from the DRB must never be
9 exported for industrial purposes such as
10 fracking, which removes water permanently from
11 the hydrologic cycle. Such wastewater is
12 permanently poisoned. DRB can suffer from
13 drought and low water levels. Low water can
14 result in extinction of species from the
15 Delaware River Basin and the USA. Clearly,
16 low water levels should be prevented. I'm
17 almost out of time, so I just want to say that
18 water quality regulations, which may be
19 enforced, should not allow importation for
20 processing because it disturbs the air and
21 that will disturb the water. Thank you for
22 your time.

23 MS. BOWMAN KAVANAGH: Thank you
24 for your comments. Our next two speakers I do
25 not see on the list. They are Ralph Kissberg

1 followed by Paula Rogovin. If either of you
2 are present and I'm just not seeing your name
3 on the list, kindly use the raise hand feature
4 on the bottom center of your screen to help me
5 identify you. I will give you a moment to do
6 that. Not seeing any raised hands, I will
7 continue to the next registered speaker who is
8 Kelsey Krepps. I do see that Kelsey is here.
9 Kelsey, I will now allow you to talk. Kindly
10 do a sound check while I reset the clock.

11 MS. KREPPS: Great. Can you
12 hear me?

13 MS. BOWMAN KAVANAGH: Yes.
14 Thank you. Please introduce yourself and your
15 affiliation, if any.

16 MS. KREPPS: Thank you and thank
17 you for hosting today. My name is Kelsey
18 Krepps. I am the senior campaign
19 representative in Pennsylvania for the Beyond
20 Dirty Fuels campaign at the Sierra Club. I
21 work on oil and gas issues across the state of
22 Pennsylvania. The Sierra Club is the most
23 enduring and influential grassroots
24 environmental organization in the United
25 States and we amplify the power of our

1 millions of members and supporters to defend
2 everyone's right to a healthy world, and
3 regarding these regulations, the Sierra Club
4 will be submitting more thorough comments
5 before the comment deadline, but first I'd
6 like to thank the Commission for banning
7 fracking in the basin earlier this year and
8 extending the comment period for these
9 wastewater regulations through February of
10 next year. Thank you for listening to
11 constituents, an organization working on this
12 important issue and protecting the basin's
13 resources from the impacts of this industry.
14 I do request that the Commission adds public
15 hearing dates in 2022, as well. Hosting these
16 hearings early and the extended comment period
17 amidst the holidays in the busiest time of the
18 year for many people is not acceptable and
19 further, public hearings are needed in order
20 to get the full amount of comments into these
21 spaces. Additionally, these proposed
22 regulations need to be strengthened. While
23 banning fracking in the basin was a great
24 first step, reducing water export is critical
25 to the protection of water resources both in

1 quantity and quality. According to the
2 Environmental Protection Agency, water
3 withdrawals can affect water flow, recreation
4 and biological uses and result in impacts to
5 stream and wetland habitats. Furthermore, the
6 EPA recommends additional analysis as
7 cumulative impacts of water quality, head
8 water streams, high quality and/or sensitive
9 aquatic resources. Utilizing water from the
10 basin for use in fracking outside of the
11 watershed inflicts these harms in addition to
12 supporting more fracking, which damages public
13 health, the environment and increases the
14 emissions of methane, which is driving the
15 climate crisis. Additionally, the draft
16 regulations do not address prohibition of
17 frack wastewater process, processing, storage,
18 transport, or disposal within the basin, all
19 of which have already been linked to spills
20 and damages to the environment and public
21 health. These regulations need to go further
22 and will be providing it, like I said before,
23 for more comments in detail about ways in
24 which these regulations could go further, but
25 thank you for your time.

1 MS. BOWMAN KAVANAGH: Thank you
2 for your comments, and before I bring up the
3 next speaker, I will note that since my last
4 announcement, the number of attendees on Zoom
5 came down a little bit, but it did peak at 46
6 Zoom attendees. Three on our YouTube live
7 stream. I will now go to the next speaker who
8 is Ken Dolsky. I believe I saw Ken in
9 attendance. Let me find him again. Nope.
10 He's back at the top of the list. Thanks for
11 raising your hand. All right. Ken, I'm going
12 to now allow you to talk. Go ahead and do a
13 sound check.

14 MR. DOLSKY: Very good. You
15 could hear me?

16 MS. BOWMAN KAVANAGH: Yes.
17 Thank you.

18 MR. DOLSKY: Okay. Thank you
19 very much. My name is Ken Dolsky. I'm on the
20 Empowering New Jersey Steering Committee. I
21 am also co-leader of the Don't Guess, the
22 Meadowlands Coalition, and I'm on the Board of
23 New Jersey Forest Watch.

24 Commissioners, in 18 CFR subchapter B.
25 Special Regulations, part 440 high volume

1 hydraulic fracturing you say as, Kirsten, you
2 originally also stated, the Commission has
3 determined that the discharge of waste water
4 from high volume hydraulic fracturing and HVHF
5 related activities poses significant,
6 immediate and long-term risks to the
7 development, conservation, utilization,
8 management and preservation of the basin's
9 water resources. Controlling future pollution
10 by prohibiting such discharge is required to
11 effectuate the comprehensive plan to avoid
12 injury to the waters of the basin and protect
13 the public health and preserve waters at the
14 basin. It's clear from this policy language
15 that protecting the waters of the basin from
16 any pollution from fracking wastewater is of
17 paramount importance to the Commission. We
18 must, therefore, insist that the Commission
19 adhere to its own policy and take steps to
20 prevent all other means by which basin waters
21 may still be polluted by fracking. Wastewater
22 at the Commission's proposed regulations
23 currently still allow this includes air
24 pollution and subsequent deposition from --
25 deposition from evaporation of frack

1 wastewater from its transportation by truck,
2 rail or pipeline, processing, storage, reuse,
3 or disposal in the basin, including
4 incineration, thermal oxidation, thermal or
5 air drying and other processes. Spill it
6 operation of wastewater from using closed loop
7 cooling water system, cement manufacturing,
8 construction activities and other so-called
9 beneficial processes. Dumping or spilling of
10 frack wastewater directly into water onto
11 land, which will allow for eventual flow into
12 water bodies, often be it storm water runoff,
13 either deliberately or unintentionally, from
14 all the above processes. The bottom line is
15 that unless you prevent all frack wastewater
16 from entering the basin, you're keeping open a
17 Pandora's box of potential means of
18 discharging, guaranteeing future disasters.
19 Commissioners please don't open up our
20 watershed to pollution from fracking. Don't
21 let the industry backdoor you and don't allow
22 pollution from fracking to occur despite your
23 ban on fracking. A complete and categorical
24 ban of the import of fracking wastewater as
25 subsequent storage processing disposal here is

1 the only way to achieve your goal of
2 preventing fracking wastewater pollution in
3 the watershed. Finally, you must also clearly
4 prevent exportation of basin water to support
5 fracking. Your proposed rules to allow
6 exportation to serve any other water systems,
7 even to meet public health and safety needs,
8 still allow export when those other systems
9 needs are caused by withdrawals for fracking.
10 We must not allow basin waters to support
11 further fracking and this type of export must
12 be explicitly prohibited in these rules.
13 Thank you very much.

14 MS. BOWMAN KAVANAGH: Thank you
15 for your comments. Our next speaker is Nancy
16 McCauley. I am not seeing that name on our
17 list of attendees. Nancy, if you are here,
18 kindly raise your hand. I'll give you a
19 moment to do that while I announce the next
20 five speakers in order. They are Laura
21 Brendan, Mark Holleran, Janice Cooper, Coralie
22 Pride and then James Coffee. I'm not seeing
23 anyone who raised their hand, so I will take
24 it that Nancy McCauley is not present and I
25 will continue on to Laura Brendan, who I also

1 don't believe I saw in attendance. However,
2 if you are here, kindly raise your hand.
3 Similarly for Mark Holleran, if you are here,
4 kindly raise your hand. I'm not seeing Laura
5 or Mark on the list of attendees yet. I'll
6 just give you a moment. Okay. Seeing no
7 hands raised by either of them, I will move on
8 to Janice Cooper who is here and thank you for
9 raising your hand, Janice. I will now allow
10 you to talk. Kindly do a sound check.

11 MS. COOPER: Can you hear me?

12 MS. BOWMAN KAVANAGH: I can,
13 yes. If you would please introduce yourself
14 and your affiliation, if any.

15 MS. COOPER: My name is Janice
16 Cooper. I am simply a long-term resident of
17 New Jersey and have loved the Delaware River
18 Water Gap for many, many years. I have
19 vacation many times in the wonderful areas
20 around Lambertville and New Hope and hope that
21 these areas remain as pristine as they have
22 been. When they say hazardous waste is not
23 hazardous, they are wrong. Hazardous waste
24 properties of wastewater produced by fracking
25 are not recognized by the government, which

1 allows fracking waste to be handled,
2 transported and disposed through less
3 restrictive processing systems than would be
4 required for contaminants, list classified as
5 hazardous waste. Waste from oil and gas
6 mining was renamed special by the Benson
7 Amendment to the Resource Conservation and
8 Recovery Act in 1980 so that these wastes
9 would not be regulated as toxic materials that
10 they are. Our CRA takes a cradle to grave
11 approach to ensure that wastes are handled
12 properly from the point of creation to
13 transportation to disposal. As special
14 wastes, drilling fluids, produced water,
15 hydraulic fracturing fluids are unregulated
16 toxic substances. Additionally, that change
17 isolated the gas and oil companies from the
18 liability they would have if this waste were
19 regulated as toxic under our RCRA. Because it
20 is labeled special does not mean that it is
21 not toxic. It is toxic and very harmful. The
22 liquid wastes contain carcinogens, endocrine
23 disrupting chemicals, heavy metals, poisonous
24 hydrocarbons, radioactivity, and extremely
25 high salt content. Included in the mix are

1 the toxic b-e-t-x materials, benzene and many
2 other almost unpronounceable substances. In
3 its national study of fracking wastewater, EPA
4 identified 1606 chemicals in fracking fluid
5 and filling wastewater, including 1,084
6 identified in fracking fluid and 599
7 identified in wastewater. Only 173 had
8 toxicity values from sources that met EPA
9 standards for continuing risk assessments.
10 Commissioners just because they say it isn't
11 hazardous, doesn't make it so. The proof is in
12 the dangerous and polluting constituents of
13 frack wastewater that make it in the real
14 world hazardous. Thank you for your time and
15 attention.

16 MS. BOWMAN KAVANAGH: Thank you
17 for your comments. Next on the list of
18 registered speakers is Coralie Pride who I
19 believe is present. Coralie, no need to raise
20 your hand. I've got to hear. I will now
21 allow you to talk. If you would kindly check
22 your sound.

23 MS. PRIDE: Can you hear me now?

24 MS. BOWMAN KAVANAGH: I can,
25 yes. Go ahead.

1 MS. PRIDE: Okay. My name is
2 Coralie Pride and I'm one of the co-chairs of
3 the Natural Resources and Environment
4 Committee for the League of Women Voters of
5 Delaware. The proposed regulations are just
6 not acceptable. They do not protect
7 Delaware's most important economic and
8 environmental treasure, the Delaware estuary
9 and bay. Allowing clean water to be withdrawn
10 from the river and also allowing contaminated
11 water to be imported into our watershed can
12 both have negative effects on this vital
13 resource. Removing water, even in times of
14 heavy flow, can affect biodiversity throughout
15 the length of the river. Spring flooding is a
16 natural occurrence that supports plant and
17 insect life in riparian areas along the
18 tributaries to the Delaware, making possible
19 the great biodiversity found throughout the
20 river and bay. Changes in the level of
21 flooding will upset natural patterns.
22 Furthermore, trucks approaching streams to
23 remove water inevitably damage stream banks,
24 creating muddy water that cannot support
25 important insects such as caddisflies that

1 require a pristine environment. This too will
2 affect the balance of life throughout the
3 river. Importing water will result in
4 spillage from huge trucks that are regularly
5 involved in accidents. Intentional discharge
6 to water or land may be prohibited under the
7 present and proposed rules, but it will happen
8 because it is impossible for the states to
9 control the whole basin to prevent these
10 illegal acts. Toxic contaminated water can
11 leak from storage tanks and be washed from
12 storage pits into streams during floods.
13 Beneficial uses or treatment systems can also
14 leak toxins to water and to water, ground and
15 air. Well over 1000 chemicals have been found
16 in fracking water. At least a third of these
17 are known to be toxic or carcinogenic.
18 Particularly to the larva farms of insects and
19 fish for the Delaware estuary and bay. Radium
20 may present the greatest danger. Radium has
21 been found to attach to silt in the river.
22 Let's see. It's been found to attest to
23 silt --

24 MS. BOWMAN KAVANAGH: Coralie, I
25 think you may have inadvertently muted

1 yourself. Can you unmute on your end?
2 Coralie, I can't hear you. You cut off when
3 you started talking about silt. It looks like
4 you muted yourself on your end. I'll give you
5 another second to see if you've been unmuted
6 and, you know, give you a little bit more time
7 based on where you cut out. Okay, Coralie
8 might be having connectivity issues, so
9 Coralie, if you can hear me and you would like
10 to finish your --

11 MS. PRIDE: Am I unmuted now? I
12 was pressing the same thing.

13 MS. BOWMAN KAVANAGH: Okay. You
14 are. You are. So I think you were probably
15 -- I'm gonna guess you were at about 40
16 seconds.

17 MS. PRIDE: Okay. Okay.

18 MS. BOWMAN KAVANAGH: It's a
19 minute. Okay?

20 MS. PRIDE: Allowing water to be
21 exported. If radium enters the bay, it is
22 likely to stay in the bay. It will be active
23 for thousands of years coming on. Allowing
24 water to -- for export and contaminant water
25 imported to the basin will facilitate more

1 fracking in the Susquehanna Basin. The
2 methane generated will cause more negative
3 effects on the river and bay through global
4 warming and sea level rise. These effects
5 will lessen the value of these resources to
6 Delaware, New Jersey residents who depend on
7 it. There's only one way to protect the
8 Delaware River system. That is a complete ban
9 on all tracking activities in the Delaware
10 River Basin. Thank you.

11 MS. BOWMAN KAVANAGH: Thank you
12 for your comments. The next registered
13 speaker is James Coffee. I do not see James
14 on the list of attendees. I will give you a
15 moment to raise your hand if you are here. In
16 the mean time, I will announce the next five
17 speakers in order and just as a check, we're
18 not quite halfway through, folks, with the
19 registered speakers. The next five speakers
20 in order are Susanna Nicholson, Bill Wolf,
21 Boris Kerzner, Steve Cickay and Jane
22 Clevenger. I only see two of these people on
23 the list of the attendees. If you would
24 kindly raise your hand if you're here, that
25 will help me find you if I'm just overlooking

1 your name. So James Coffee, I don't see a
2 James Coffee or who has raised his hand. For
3 those that have not been present, once I get
4 through the list of registered speakers, I
5 will double check that you didn't have a
6 difficulty such that you logged on a little
7 bit late. I will proceed though to Susanna
8 Nicholson, whose name I did not see in
9 attendance and I do not see her raising her
10 hand. Similarly for the next registered
11 speaker who is Bill Wolf. If either of you
12 are here, raise your hand. I'll give you a
13 few seconds. Okay. Not seeing you raise your
14 hand, I will proceed to Boris Kerzner who is
15 here. Boris, I will allow you to talk.
16 Kindly do a sound check.

17 MR. KERZNER: Yeah, can you hear
18 me?

19 MS. BOWMAN KAVANAGH: I can.
20 Thank you. Please introduce yourself and your
21 affiliation, if any.

22 MR. KERZNER: Hi. My name is
23 Boris Kerzner and I'm a concerned citizen
24 living in Montgomery County, Pennsylvania.
25 Thank you for allowing me to speak today. I

1 urge the DRBC to not only prohibit the
2 importation of fracking wastewater for
3 discharge onto land and water, but to prohibit
4 this importation throughout the basin, period.
5 This wastewater should not enter the watershed
6 at all. The proposed rule, as it currently
7 stands, allows the wastewater to travel
8 through the basin on its way elsewhere.
9 Inevitably, there will be accidents and leaks.
10 The proposed rule, as it currently stands,
11 allows for wastewater storage within the
12 basin, whether it be in metal storage tanks or
13 plastic lined retention ponds. Inevitably,
14 these will corrode and leak. The proposed
15 rule, as it currently stands, allows for this
16 wastewater to sit in open air ponds and
17 evaporate, thus releasing its toxins and
18 contaminants into the air and impacting life
19 within the basin. Accidents and leaks are
20 inevitable. I urge the Commission to prohibit
21 all importation of fracking wastewater,
22 period. If we prohibit fracking in the basin,
23 why should we be on the hook for any risk at
24 all associated with the management and
25 disposal of a toxic -- of a toxic waste

1 byproduct of our process we claim to not want
2 within our boundaries? In addition if the
3 proposed rule as it currently stands allows
4 for any exportation of water from the basin
5 for the purposes of fracking, for example, as
6 Ken Dolsky explained, please prohibit that as
7 well and finally, we're already feeling the
8 affects of climate change. We know from the
9 UN report that we've got roughly 10 years to
10 severely divest from fossil fuels as a society
11 to avoid some of the worst impacts of climate
12 change. As a father of two very young
13 daughters, this concerns me. Simply put, this
14 fracked natural gas needs to stay in the
15 ground. It's the moral and ethical thing to
16 do, period. The evidence at this point is
17 practically undeniable and we must listen.

18 I urge the Commission to amend the
19 rules so that we, within its jurisdiction, can
20 say that we've got nothing, truly nothing to
21 do with an industrial process that is in slow
22 motion killing the world. Thank you.

23 MS. BOWMAN KAVANAGH: Thank you
24 for your comments. Our next speaker is Steve
25 Cickay. Okay. I apologize if I mispronounced

1 that. I will now allow you to talk. Would
2 you like to check your sound?

3 MR. CICKAY: Steve Cickay,
4 ordinary citizen, Newtown, PA.

5 MS. BOWMAN KAVANAGH: Thank you.

6 MR. CICKAY: Moral reasons not
7 to pollute our river. Let me start by quoting
8 the philosopher Ludwig Wittgenstein who wrote
9 in his philosophical investigations problems
10 are solved not by giving new information, but
11 by arranging what we have always known. So I
12 won't bore you with the facts that we already
13 know, namely that the economic institution of
14 fracking causes disease and death as a
15 byproduct of its economic value. Our society
16 has sadly accepted these consequences as a
17 necessary price of doing business in the early
18 21st century. You have a decision to make
19 soon that could allow the continuation of this
20 institution, which is supported by powerful
21 people and business, politicians,
22 bureaucracies, and even ordinary consumers.
23 So I understand the pressure in perspective
24 under which you operate at this point in time
25 in the history of humanity. You may perceive

1 a sense of freedom as you deliberate as you
2 weigh compromises that would satisfy these
3 various strong interest group and allow the
4 institution of fracking to continue along with
5 an acceptable level of deleterious effects,
6 but I want you to arrange the facts we all
7 know so that you understand that you have the
8 freedom to make a different decision that
9 would harm this institution and perhaps then
10 place it on the road to its rightful
11 extinction and that freedom you possess is not
12 the freedom of selecting choices among the
13 passions of a business, person, a politician
14 or a consumer, but the freedom to choose in
15 the realm of fundamental moral truths that
16 pertain not to any selective interest group,
17 but to all of humanity, all sentient creatures
18 and to even as some philosophers argue to the
19 physical world as well for the known moral
20 fact that I know, you know, as children,
21 parents, lovers, brothers, sisters, husbands,
22 wives and grandparents is that all of us must
23 strive in our daily lives not to cause harm to
24 others. We should be using our wisdom and
25 resources to develop institutions, which

1 nurture living creatures and the environment,
2 which sustains them and we should do our best
3 to shun and make obsolete institutions, which
4 cause disease and suffering to sentient
5 creatures and irreparable harm to our -- until
6 now, thank goodness, life sustaining planet.
7 It takes wisdom and moral courage to do what
8 is right, especially when those locked into
9 the present only see what is and not what
10 could and should be, but a new dawn is rising
11 where the light of the sun can bring power to
12 a new generation without releasing toxic
13 chemicals into the bodies of our children. We
14 should strive to move our energy institutions
15 there instead of continuing to support those
16 that reek such havoc on the ones we should
17 love as their own who by accident fall
18 helplessly in the way of toxic flows. I do
19 not have many years left on this planet, so I
20 speak not for myself, but I have as many in
21 this audience also have a beautiful wonderful
22 grandchild. I adore her as I am sure all
23 grandparents adore theirs and wish only the
24 best possible world for all grandchildren to
25 grow into so they can celebrate the great

1 mysterious gift of being that is bestowed upon
2 us for oh so short of time. So be wise, be
3 courageous, make a moral decision that will
4 have tremendous ripple effects down through
5 many generations for many who will one day be
6 grateful to you for both your wisdom and moral
7 courage. Choose the light over the darkness
8 of toxicity. Thank you for listening.

9 MS. BOWMAN KAVANAGH: Thank you
10 for your comments. The last speaker in this
11 set of five is Jane Clevenger. I do not see
12 Jane on the list of attendees, but if you are
13 here, I will give you a moment to raise your
14 hand. That is in the bottom center of your
15 screen as a raised hand icon. If you do that,
16 you will pop to the top of my list and I'll be
17 able to identify you better. I will note
18 while I'm giving Jane Clevenger a second that
19 our attendance on Zoom has increased by one to
20 48. We are still at a peak of three on our
21 YouTube live stream. All Right. I'm not
22 seeing that Jane Clevenger is here, so I will
23 move on and announce the next five registered
24 speakers in order. They are Eireann Young,
25 Karen Feridun, Linda Barnett, Kirk Frost, and

1 Shannon Pendleton. I will also note that the
2 total number of registered speakers is 35, so
3 we're a little bit more than halfway. If you
4 have noticed, there are quite a few registered
5 speakers who have not shown up, which means
6 that if you have not registered to speak and
7 you are interested in doing so, there is a
8 good chance that we will have time left in the
9 hearing for you to do so. However, I will
10 make that final determination only after all
11 of our registered speakers have had the chance
12 to speak if they are here. Having said that,
13 I will now look to see if Eireann Young is
14 present with me. Think she is here. There
15 she is okay. Every time someone raises their
16 hand, they pop to the top of my list and I
17 have to find them again. Thank you very much
18 though. That's helpful. I will now allow you
19 to talk, Eireann. If you would please check
20 your sounds.

21 MR. YOUNG: Can you hear me?

22 MS. BOWMAN KAVANAGH: I can.

23 Thank you. Please state your name and your
24 affiliation, if any, before you begin your
25 comment.

1 MR. YOUNG: Okay. My name is
2 Eireann Young. I'm an ordinary citizen, but I
3 also am a leader or volunteer with Reclaim
4 Philadelphia. So a previous commenter already
5 explained the special status of fracking
6 wastewater, which was based on the Benson
7 amendment and explained, you know, why they
8 are exactly as toxic as hazardous materials
9 that are officially recognized as hazardous
10 materials. I wanted to add that the treatment
11 process of fracking wastewater releases
12 pollution through various pathways, not just
13 directly into the water. While it's essential
14 that discharges to water and land be
15 prohibited, emissions to air are also damaging
16 human health and the environment when they are
17 released into the surrounding environment as
18 poisonous smog producing air pollution. I
19 live in Philadelphia. Myself, my neighbors
20 and community, we are already subject to
21 unhealthy levels of air pollution on a regular
22 basis. We need our health and safety to be
23 valued more, not devalued further through
24 dangerous air pollution from fracking
25 wastewater treatment process and this health

1 risk is on top of the health risks that we
2 would suffer and the natural environment would
3 suffer through accidental spillages and
4 leakages into the ground or into the Delaware
5 River itself and these spillages and leakages
6 will inevitably happen. They cannot be
7 prevented entirely and once they're spilled,
8 they're spilled forever. As well as
9 threatening the health of my community,
10 allowing fracking wastewater to be imported
11 and exported undoes the work that we are doing
12 to protect our natural environment in the
13 Delaware Basin, as well as the fight against
14 climate chaos.

15 We need to -- I urge you to institute a
16 full and comprehensive ban on every aspect of
17 fracking in order to protect our community,
18 the basin and the natural environment, as well
19 as our region and the world from pollution and
20 climate chaos. Thank you.

21 MS. BOWMAN KAVANAGH: Thank you
22 for your comments. Our next speaker is Karen
23 Feridun. I do not see Karen in attendance.
24 If I'm just missing your name, kindly raise
25 your hand. The next registered speaker is

1 Linda Barnett. I do see a Linda in
2 attendance, but I don't see a last name
3 associated with that attendee. Linda, if that
4 is Linda Barnett indeed, kindly raise your
5 hand. Yes, you have. Okay. Great. I still
6 don't see Karen Feridun, so Linda, I will now
7 allow you to talk. If you could do a sound
8 check, please.

9 MS. BARNETT: Testing. Testing.

10 MS. BOWMAN KAVANAGH: That's
11 lovely. Thank you. You may begin. Please
12 introduce yourself and your affiliation, if
13 any, before your comments.

14 MS. BARNETT: Thank you. Linda
15 Barnett. I am a concerned citizen who lives
16 in New Castle County, Delaware. I won't
17 repeat all of the wonderful arguments that
18 have been made this afternoon because I agree
19 with them. The points have been very well
20 made that the rules as proposed need to be
21 revised. Need to add protections for our
22 river basin. We all live in this environment.
23 We depend upon this environment and it is at
24 great risk. As has been said many times,
25 there is no planet B. This is what we have

1 and this is what we must protect. I urge you
2 to make the changes that I am arguing for and
3 that others have done so as well so
4 eloquently. Thank you.

5 MS. BOWMAN KAVANAGH: Thank you
6 for your comments. Our next registered
7 speaker is Kirk Frost, followed by Shannon
8 Pendleton. I did not see either of them in
9 attendance, but I will check one more time and
10 if you are here, kindly raise your hand. That
11 will speed things up a bit. Still not finding
12 them and not seeing any raised hands. I will
13 now announce the next five speakers in order.
14 John Irwin, Sam Zapala, John Reichman, Matthew
15 Lipstick and Tina Weishaus. Thanks for your
16 patience while I try and find folks on the
17 list here. I'm not seeing John Irwin. If
18 you're here, kindly raise your hand. I will
19 look next for Sam Zapala. Also not seeing
20 Sam. Kindly raise your hand if you're here.
21 There is one attendee who has called in. I
22 only see a phone number. If you have
23 registered to speak and at anytime I say your
24 name, kindly raise your hand because I won't
25 be able to tell who it is. I do see that John

1 Irwin has raised your hand. Thank you very
2 much. I will now allow you to talk. Go ahead
3 and check your sound before you get started.

4 MR. IRWIN: Can you hear me?

5 MS. BOWMAN KAVANAGH: I can.
6 Thank you.

7 MR. IRWIN: My name is John
8 Irwin. I'm the co-chair of the Climate and
9 Energy Committee of the Delaware chapter of
10 the Sierra Club. Thank you for allowing me to
11 make comments today about the proposed
12 amendments. I support the determination that
13 discharge of wastewater from fracking related
14 activities into the Delaware River Basin poses
15 unacceptable risks to our largest resources.
16 I also want to oppose exportation of water
17 from the basin. I think you should maintain
18 the existing policy prohibiting this. We
19 should protect and preserve our water
20 resources. Climate change creates uncertainty
21 about the future of our water supply. The
22 need for caution is obvious.

23 Finally, I oppose importation of
24 wastewater from other areas. Importing
25 wastewater doesn't serve the community served

1 by the basin. It just adds a burden for us.
2 Bringing wastewater into our community adds
3 risks for us. We should not risk
4 contamination of our waters with toxic heavy
5 metals and other risky materials, many of
6 which persist in the environment for many
7 years and some even thousands of years.
8 Spills, leakage, evaporation of wastewater are
9 all possibilities that threaten public health
10 with toxins. It's bad enough that there is
11 fracking happening in nearby states. Fracking
12 is a major source of methane emissions, which
13 I'm sure you know is the greenhouse gas. The
14 wells leak during production and many
15 abandoned wells leak forever afterwards until
16 exhausted. Methane has more than 80 times the
17 warming power of carbon dioxide over the first
18 20 years after reaching the atmosphere. At
19 least 25% of today's warming is driven by
20 methane from human actions. We need to phase
21 out natural gas and transition to clean energy
22 sources. We should not be taking measures to
23 make fracking easier or cheaper to continue.
24 Please do not allow import of contaminated
25 water or exported clean water from my Delaware

1 Basin. Thank you very much.

2 MS. BOWMAN KAVANAGH: Thank you
3 for your comments. Our next speaker is Sam
4 Zapala. Though I am not seeing on the list of
5 attendees. Kindly raise your hand if you are
6 present. Give you a moment to do that. If
7 not, I will proceed to John Reichman. Sorry.
8 I thought I saw John here a moment ago. Give
9 me a second to see if I can find him again.
10 Jump to the top of the list. Thanks for
11 raising your hand. John, I will announce you
12 to talk if you would kindly check your sound.

13 MR. REICHMAN: Thank you. Can
14 you hear me?

15 MS. BOWMAN KAVANAGH: I can.
16 Thank you.

17 MR. REICHMAN: My name is John
18 Reichman. I'm the chair of the Wave
19 Environmental committee. I'm also on the
20 steering committee of Empower New Jersey. I
21 thank you for taking the time to hear my
22 comments. Allowing the import of fracked
23 waste under any circumstance would be a
24 complete abdication of the commissioner's duty
25 to protect the Delaware River Basin. It would

1 prioritize short-term gains for polluters over
2 the long-term public interest. The DRBC and
3 the governors did the right thing when it
4 banned fracking. This was an epic victory.
5 It should not now snatch the feet from the
6 jaws of victory. There is not enough to ban
7 direct discharges of fracking wastes, but you
8 must ban indirect discharges as well, which
9 would be allowed through the massive loopholes
10 big enough to drive a tanker truck through.
11 That must be closed and eliminate. Many
12 others have already spoken about the specific
13 reasons why fracked gas waste is so dangerous
14 and toxic. I don't think I need to go into
15 that now, but I think anyone who looks at the
16 evidence will see it's absolutely clear that
17 frack waste is both hazardous and toxic. So
18 not only should that be -- the loopholes be
19 closed and no fracked waste to allowed because
20 of the direct effect on water in the water
21 basin, but also in terms of the larger issue
22 of climate change. We should not be adopting
23 regulations that make it easier for fossil
24 fuel producers to continue to take us down the
25 path of climate catastrophe.

1 The bottom line question for the
2 governors is whose side are you on? The
3 public or the polluters? You made the
4 courageous decision to ban fracking. Don't
5 make this a hollow victory. Finish the job
6 and ban fracking waste from the watershed.
7 Thank you.

8 MS. BOWMAN KAVANAGH: Thank you
9 for your comments. The next registered
10 speaker is Mathew Lipshick. I don't see you
11 here. I'll give you a few moments to raise
12 your hand before proceeding to Tina Weishaus.
13 All right, Tina. Thank you for raising your
14 hand. I do not see a Matthew Lipshick. I
15 believe I see a speaker from earlier. I do
16 recognize you and I'll come back to you in a
17 few moments. Thank you. Thanks for raising
18 your hand. Tina, I'll allow you to talk. You
19 might have to unmute on your end.

20 MS. WEISHAUS: Can you hear me
21 now?

22 MS. BOWMAN KAVANAGH: I can.
23 Thank you. Kindly introduce yourself and your
24 affiliation, if any.

25 MS. WEISHAUS: My name is Tina

1 Weishaus. I am a concerned citizen living in
2 Sussex County, New Jersey right next to the
3 Delaware River. I am here to raise my voice
4 along with so many others to call for a ban on
5 the importation and storage of any fracked gas
6 wastewater into the Delaware River Basin and a
7 concurrent ban on the exportation of any water
8 for fracking elsewhere. I oppose, I echo in
9 echoing scientists around the world and the
10 International Energy Agency. I opposed the
11 use and expansion of all fossil fuel projects
12 at this point in time as it is driving a
13 climate catastrophe that humanity may not
14 survive. I specifically opposed fracked oil
15 and gas for the toxic chemicals that it uses
16 and then offloads into our air, soil and water
17 and for the methane that it produces in the
18 process, a more potent greenhouse gas than
19 carbon dioxide. You should be doing all that
20 you can to protect the basin from any further
21 environmental and climate damage. Encouraging
22 fracking elsewhere and allowing the Delaware
23 to be used in that process is not the way to
24 carry out your duties. Both allowing the
25 importation of toxic and radioactive fracked

1 wastewater to the Delaware River Basin and the
2 exportation of Delaware River water for
3 fracking elsewhere is a terrible betrayal to
4 the people of the region and all people in
5 surrounding states and everywhere. It makes
6 the Delaware River Basin a dumping ground for
7 toxic wastewater and endangering people's
8 health and well being, the economy,
9 recreational life of the area, as well as
10 endangering ecosystems and habitats of so many
11 species. There is so little fresh water on
12 Earth already. To allow so much water to be
13 used for fracking made toxic and radioactive
14 and become unavailable for future generations
15 is totally unacceptable. Fracking must stop
16 here and now and renewable energy must replace
17 it immediately and the Commission must do its
18 duty. I call on you to listen, Commissioners,
19 to listen to the EPA, the experts, the
20 Philadelphia Water Department and to the
21 representatives of the 17 million people who
22 use the Delaware River Basin for drinking
23 water. Close all loopholes and regulate a
24 complete ban on the importation, processing,
25 storage, discharge reuse and endured disposal

1 of toxic fracked wastewater into the Delaware
2 River Basin and to concurrently ban the
3 importation -- the exportation of our precious
4 and vital water of the Delaware for fracking
5 projects elsewhere, and please make sure that
6 this public comment period is extended and so
7 that everyone who wants to have the ability to
8 weigh in on this life-determining decision.
9 Thank you for your time.

10 MS. BOWMAN KAVANAGH: Thank you
11 for your comments. Before I proceed with the
12 final group of five, I am going to jump back
13 to a registered speaker who we weren't able to
14 find on the list before, but we have now
15 identified, Karen Feridun. Karen, I will go
16 ahead and allow you to talk now. Kindly do a
17 sound check.

18 MS. FERIDUN: Can you hear me
19 now?

20 MS. BOWMAN KAVANAGH: I can,
21 Yes. If you could introduce yourself and your
22 affiliation, if any, before making your
23 comments.

24 MS. FERIDUN: Thank you very
25 much. My name is Karen Feridun and I'm the

1 founder of Berks Gas Truth. I needed to leave
2 your business meeting for another meeting last
3 week before having an opportunity to comment.
4 I wanted to say that this public participation
5 process needs to be improved to allow everyone
6 who wants to comment to get their chance. I
7 am particularly concerned the people of who
8 live on the wrong side of the digital divide,
9 especially those who live in areas of the
10 watershed that are proximal to drilling and
11 more likely to be impacted by these
12 regulations. There's a good likelihood they
13 don't know about the proposed regulations,
14 much less the comment period. Those who do
15 deserve every opportunity to comment. If for
16 no one else you should improve the process
17 with them in mind. My comment pertaining to
18 the proposed regulations is this. You have
19 put a prohibition on the discharge of
20 wastewater, but you can't prohibit it.
21 Accidents can and do happen and we know all
22 too well that there are bad actors out there
23 who flout the rules and so you were fully
24 aware that the water resources the basin will
25 be compromised by discharges. When that

1 happens, the damage will be done and you will
2 have to leave it up to state regulators to
3 clean up the mess because you have no
4 enforcement arm. I will be submitting for the
5 record a brief I wrote that we released this
6 week on road spreading of conventional
7 drilling wastewater in Pennsylvania. While I
8 know it is important to these regulations, I'm
9 submitting it in hopes that you'll review it
10 to see how badly drilling wastewater is being
11 managed by our DEP currently. I don't trust
12 them to clean up messes that would never have
13 happened if you had delivered the full
14 fracking ban that you promised. I have many
15 more comments I'll submit in writing, but I
16 must close by saying that it defies reason
17 that we were even having to talk about giving
18 the industry the two things it needs to stay
19 in business more than anything else. Water
20 for fracking and places to dump their waste.
21 When, one, you were so concerned about the
22 dangers of fracking that you banned here and,
23 two, when the climate crisis is undeniable and
24 the UN Secretary General has declared it Code
25 Red for Humanity. I never imagined I'd be

1 living through such a moment and I never
2 imagined that witnessing an unfolding disaster
3 that our future generations may not survive
4 would leave government officials unmoved.
5 Thank you.

6 MS. BOWMAN KAVANAGH: Thank you
7 for your comments and thank you also for
8 adhering to the time limit, despite my
9 tardiness in starting the clock. My
10 apologies. We are now on to our last set of
11 five registered speakers. They will be Susan
12 Volz, Jane Cyphers, Harrison Mace, Bernard
13 Handler, Maya VanRossum. It looks like four
14 out of the five speakers in this group are
15 here, so you get the attendance award for
16 today in terms of the most number being
17 present. So I will go back and start with the
18 first of the last five. Susan Volz. It looks
19 like Susan might have moved to the top of my
20 list. Yes. Thank you. Susan, I will now
21 allow you to talk. Susan, I'm having
22 difficulty allowing you to talk. If you would
23 kindly be patient for a moment, I'm going to
24 send a message to our tech help and it will
25 come back to those, so please don't leave.

1 Just give me a moment.

2 MS. VOLZ: Can you hear me now?

3 MS. BOWMAN KAVANAGH: Yes, I
4 can, and this is Susan Volz; is that correct?

5 MS. VOLZ: Yes.

6 MS. BOWMAN KAVANAGH: Okay.
7 Yes, wonderful. Please go ahead and state
8 your name and affiliation, if any, and I'll
9 start the clock this time.

10 MS. VOLZ: Okay. Thank you. My
11 name is Susan Sunghee Volz and I am an
12 advocacy coordinator with the Clean Air
13 Council. I live in Philadelphia where many of
14 us get our drinking water from the Delaware
15 River. The Council is deeply concerned that
16 the current wording of the DRBC proposed
17 regulations leaves open the possibility that
18 industry could withdraw water for fracking
19 operations and treat or dispose of fracking
20 wastewater within the basin. In order to
21 protect the Delaware River watershed and the
22 health and safety of all who live in this
23 region, the regulations must be strict and
24 specific and must hold up against the powerful
25 private interests of the oil and gas industry.

1 The regulations must clearly state a complete
2 ban on fracking, extraction, disposal, and
3 storage. The Delaware River watershed
4 provides a significant source of clean
5 drinking water for 15 to 17 million people in
6 four states. Extraction of these waters for
7 fracking essentially amounts to a theft of a
8 natural resource shared by millions.
9 According to the EPA, there are over 1000
10 known chemicals, many with serious and well
11 documented public health impacts that are used
12 in fracking, and even more that are considered
13 prepared proprietary and thus have not been
14 disclosed. The DRBC or the DEP cannot
15 effectively and continuously test for 1000
16 known substances, let alone unknown chemicals,
17 the contents of which may vary from day to day
18 and well to well. There is no reasonable
19 testing that would assure the public health
20 and safety of our citizens. Fracking
21 wastewater transportation or storage should
22 not be permitted in the Delaware River Basin
23 under any circumstances and this should be
24 explicitly stated in the regulations. The
25 risk of ground and surface water contamination

1 is just too high and the risk to public health
2 is unacceptable. There is no real possibility
3 of effective remediation once contamination
4 occurs. The waters of the Delaware River
5 Basin are precious protected resource that
6 millions of people depend on for drinking and
7 other uses. In Pennsylvania citizens are
8 guaranteed the right to clean air and pure
9 water by article 1 Section 27 of the state
10 constitution. The DRBC as a trustee of these
11 resources has an obligation to uphold these
12 rights and protections. Our well being
13 depends on clean, safe drinking water. I
14 strongly urge the DRBC to enact a complete ban
15 on all fracking related operations in the
16 Delaware River Basin, including extraction,
17 disposal and storage. Thank you.

18 MS. BOWMAN KAVANAGH: Thank you
19 for your comments. Our next registered
20 attendee -- and thank you to our Technical
21 Support for getting your microphone working so
22 quickly.

23 Our next registered speaker is Jane
24 Cyphers. I do see you, Jane. I will now
25 allow you to talk. Kindly check your sound

1 first. You may have to unmute on your end, as
2 well, Jane. You should be able to do that
3 now.

4 MS. CYPHERS: Okay. Does that
5 work?

6 MS. BOWMAN KAVANAGH: It does.
7 Thank you. Yes.

8 MS. CYPHERS: Fantastic. Good
9 afternoon, everyone. My name is Jane Cyphers
10 and I live in Milanville, PA and have been an
11 active member of Damascus Citizens for
12 Sustainability for 14 years. My family and I
13 honor the clean sweet water that we drink
14 everyday from our well in the Delaware River
15 Basin. We're ecstatic and thankful that there
16 was a ban on gas drilling. We want a full ban
17 on water withdrawals and frack water imports
18 in any form. We need the DRBC, the keepers of
19 our quality water, to create an airtight
20 regulation that anticipates every possible
21 loophole that big gas and big oil can contrive
22 with their army of lawyers. The only thing
23 that will work to do that would be a ban on
24 the import of these materials. I would like
25 my water to be as nature intended it for

1 generations to come. Please pay close
2 attention to the following: The detection of
3 PFAS and PFOS, the forever chemicals in water
4 is of dire consequence to all life. The fact
5 that it's being used, in fact, PA gas wells
6 and it's being detected in water wells cannot
7 be underestimated. As if benzene, toluene,
8 heavy metals, formaldehyde, biocides and
9 radiation weren't big enough problems. Even
10 the very best water filtration systems cannot
11 remove these chemicals and expensive high
12 pressure membrane water treatment system may
13 remove some part of the chemical, but even if
14 removed, disposal of the waste sludge is not
15 even possible. The PFAS family of chemicals
16 are too toxic and there are no medical
17 procedures to clear it from the human body.
18 These chemicals bioaccumulate, but even in
19 minuscule concentrations it is known as a
20 carcinogen and an endocrine disruptor. In the
21 fracking process, these chemicals are exposed
22 to extreme heat and pressure, which makes them
23 highly concentrated and even more toxic. The
24 US Navy, who is now well aware of PFAS
25 contamination in many of their bases around

1 the country from firefighting foam tasks
2 they've done on their bases say that the best
3 step you can take concerning PFAS is to remove
4 the source of the exposure from your
5 environment. This means ban the import.
6 These forever chemicals should be banned, but
7 they are not. There's no safe amount that
8 should be allowed. Any water laced with these
9 chemicals in any form is a health hazard. The
10 Biden administration has made the PFAS issue a
11 top priority for good reason, but these
12 chemicals have been in use and continue to be
13 in use in the fracking industry. We have
14 learned to not trust the industry to disclose
15 information on chemicals used in fracking and
16 their health effects, but testing has revealed
17 a lot of content. The DRBC exists to keep the
18 Delaware River Basin clean. The DRBC must not
19 enable the gas and oil industry to facilitate
20 the expansion of their industry by using the
21 Delaware River Basin for waste processing.
22 All imports must be banned as well as exports.
23 The Commission should allow -- should allow
24 additional public comment sessions. Thank you
25 so much for your time. Very sincerely, Jane

1 Cyphers.

2 MS. BOWMAN KAVANAGH: Thank you
3 for your comments. Very timely, as well. All
4 right. Our next registered speaker is
5 Harrison Mace. I did not see that name on our
6 list of attendees, but I will give you a few
7 moments to raise your hand if you are present.
8 The raise hand feature should be in the center
9 bottom of your screen. Not seeing a raised
10 hand from a Harrison Mace, I will proceed to
11 Bernard Handler. Thank you for raising your
12 hand. I will now allow you to talk. Please
13 check your sound.

14 MR. HANDLER: Can you hear me
15 now?

16 MS. BOWMAN KAVANAGH: Yes, I
17 can. Yes. Kindly state your name and
18 affiliation, if any, before beginning your
19 comments.

20 MR. HANDLER: Bernard Handler,
21 resident at the Upper Delaware community --
22 Upper Delaware River Basin and a long-term
23 member of Damascus Citizens for
24 Sustainability.

25 First, I'd like to say the DRBC must

1 have more public comment sessions and allow
2 e-mails and postal mail to submissions. I am
3 deeply worried that the impact import of frack
4 wastewater into the Delaware Basin will deeply
5 harm the basin, degrade the quality of water
6 and degrade the environment in the Delaware
7 Basin. All wastewater must be banned from
8 entering the basin. The DRBC says expressly
9 seeks comment on the effects the proposed
10 rules may have within the basin. Among other
11 items to control and abatement of water
12 pollution, economic development, the
13 conservation and protection of drinking water
14 supplies aquatic life and water quality and
15 special protection waters. The Upper Delaware
16 is special protection waters and will suffer
17 economic problems if any pollution is
18 introduced. Who wants to go fishing or
19 boating on water with toxic chemicals or
20 radiation? This is a tourist area and depends
21 on second homeowners who will not visit or who
22 will leave if there is pollution. If the
23 waste is allowed since the area is also rural,
24 there will be illegal dumping is what has
25 helped to kill Dunkard Creek and accidents

1 like in Western Pennsylvania and the
2 Susquehanna Basin involving the large
3 wastewater trucks on small roads, spill
4 situations that pollute the surroundings and
5 downstream waters and kill or injure others on
6 the roads. Also, as far as allowed, the tanks
7 will corrode and leak. The surface
8 impoundments lined with plastic will leak.
9 Trucks or pipes bringing a waste will leak.
10 Spill will be deliberately dumped or will be
11 deliberately dumped. All causing lasting
12 community contamination. No entity will be
13 monitoring emissions either. The chemicals
14 and radiation in the waste and health effects
15 known for decades are being proposed to be
16 imported, transferred, processed. Will
17 communities have control or say anything about
18 these facilities? Remember that the DRBC does
19 not have any enforcement capabilities and PA
20 has a very bad record of enforcement. Also,
21 these materials have been shown to be
22 persistent in the environment. Capable of
23 causing harm over a long period of time and
24 they do not disappear. They will injure and
25 kill aquatic life, other wildlife, our pets

1 and human life. DRBC made a wise decision
2 years ago to ban fracking. Now they must
3 continue this thought and ban the import of
4 wastewater and the export of fresh water to
5 the drilling companies. Thank you.

6 MS. BOWMAN KAVANAGH: Thank you
7 for your comments. Our final registered
8 speaker for today is Maya VanRossum. I saw
9 you here. I will now -- thanks for raising
10 your hand. She's popped to the top. I will
11 now allow you to talk. Kindly check your
12 sound.

13 MS. VANROSSUM: Great. I'm just
14 checking my sound.

15 MS. BOWMAN KAVANAGH: Sounds
16 good. Go ahead. Please introduce yourself
17 and your affiliation that they need before you
18 provide your comments.

19 MS. VANROSSUM: Great. Hi, I'm
20 Maya VanRossum. I'm the Delaware Riverkeeper
21 and leader of the Delaware Riverkeeper
22 Network.

23 First, we want to recognize DRBC for
24 putting in place the ban on fracking and to
25 say that we also support the portion of the

1 proposed regulations that would ban the
2 discharge to water or land of frack
3 wastewater, but overall, we cannot support
4 the proposed regulations and firmly oppose
5 them for the devastating consequences they
6 will bring. The regulations do not ban water
7 exports that will inflict significant harm on
8 the water resources and communities of our
9 basin and the regulations are marred by major
10 loopholes that will subject our watershed and
11 communities to dangerous levels of
12 contamination. The wastewater loophole will
13 allow fracking wastewater to be imported to
14 our watershed for a multitude of uses that do
15 not meet the, quote, discharge to land or
16 water, end quote, prohibition. For example,
17 the loophole will allow import to wastewater
18 processing operations that release their
19 contamination to the air. What goes up into
20 the air as pollution does come down and
21 contaminate our waterways, environments and
22 communities. We have already seen how the air
23 emission pathway has been a major source of
24 water contamination in the case of PCB's in
25 our watershed. The same will be true here for

1 fracking waste. The regulatory loophole will
2 also allow reuse of fracking wastewater for
3 things like cooling water, cement making
4 and/or storage. Any operation that treats,
5 uses, stores or transfers fracking wastewater
6 for any purpose can cause serious and
7 dangerous contamination of our watershed
8 individually and cumulatively. As written,
9 the regulations will also allow our watershed
10 to be used to support fracking in other
11 watersheds, subjecting them to critical harm.
12 It is immoral to allow our watershed to be
13 used in this way. In addition to helping the
14 fracking industry overcome two of its major
15 hurdles so that it continued -- can continue
16 to grow, one, finding places to dispose of
17 their toxic waste and, two, securing sources
18 of water needed for their operations. We will
19 be increasing the need for more pipelines,
20 compressors, LNG facilities and other fracked
21 based industrial operations that will come to
22 our watershed, subjecting us to more harm, and
23 we will be magnifying the climate crisis and
24 all of the devastating consequences that will
25 be inflicted on our watershed from pollution,

1 floods, drought, catastrophic storms and the
2 consequences of a warming climate for present
3 and future generations.

4 The Delaware Riverkeeper Network urges
5 the DRBC to pass regulations that fully and
6 categorically ban water exports for fracking
7 and fracking wastewater imports so that we can
8 prevent the devastating consequences that
9 science and experience proves will come if we
10 do anything less than full prohibition. The
11 Delaware Riverkeeper Network opposes the
12 regulations the Commission has proposed.

13 MS. BOWMAN KAVANAGH: Thank you
14 for your comments. All right. That was our
15 final registered speaker. I am going to
16 quickly state the names of those who had
17 registered that had not yet had an opportunity
18 to speak. In case you had to jump on the
19 hearing late or I didn't catch you earlier, I
20 will give you the chance to raise your hand
21 while I'm stating those names. If there is
22 anyone who is not registered to speak during
23 this hearing, but would like to or if there is
24 anyone who happens to be registered to speak
25 during hearing number four later today who

1 would prefer to speak during this hearing,
2 please go ahead and raise your hands and time
3 allowing, I will get through as many
4 unregistered speakers as we can. As stated
5 earlier, we have allotted of two hours for
6 this hearing and it looks like by the time I
7 get to the list of names, there might be about
8 a half an hour left, so we will be able to,
9 I'm guessing, accommodate maybe eight or ten
10 unregistered speakers. So, again, if you are
11 unregistered and wish to speak, raise your
12 hand. Zoom very conveniently will list you in
13 the order in which you raised your hands.
14 While you're doing that and getting prepared,
15 I will go through the list of registered
16 speakers who had not yet had the opportunity
17 to speak during this hearing because they did
18 not appear to be present. Jeffrey Scott,
19 Taylor McFarland, Ralph Kissberg, Paula
20 Rogovin, Nancy McCauley, Laura Brendan, Mark
21 Holleran, James Coffee, Susanna Nicholson,
22 Bill Wolf, Jane Clevenger, Kirk Frost, Shannon
23 Pendleton, Sam Zapala, Matthew Lipshick, and
24 Harrison Mace. If any of you are present,
25 raise your hand and I will allow you to

1 provide your comments before I move on to the
2 unregistered speakers. It looks like so far
3 we have four hands raised for unregistered
4 speakers during this session. I do note that
5 one of those four hands is actually registered
6 to speak during the fourth hearing this
7 afternoon. As I said, you are welcome to
8 speak during this session. I'm just going to
9 check the other names to see if there is --
10 but you cannot speak during two different
11 hearings, so you're welcome to speak during
12 this third hearing and we would then simply
13 remove you as a registered speaker from the
14 fourth hearing. My IT folks are going to help
15 me double check a few of the names. In their
16 interim, I am going to get started with the
17 unregistered speakers because I don't see that
18 any registered speakers from this session have
19 since raised their hands. So I'm going to go
20 ahead and get started. It looks like I'll go
21 ahead and say these names so you can be
22 prepared and know where you are in the lineup.
23 We will be going with James Rapp, then Alice
24 Zinnes or Zinnes and then Lauren Lareau.
25 Okay. First I will start with James Rapp.

1 James, I will allow you to talk. Please go
2 ahead and check your sound.

3 MR. RAPP: Hello. Can you hear
4 me?

5 MS. BOWMAN KAVANAGH: I can and
6 then if you would kindly state your name for
7 the record and your affiliation, if any,
8 before you begin.

9 MR. RAPP: My name is James
10 Rapp, a Jackson Township, New Jersey resident,
11 but a property owner with 11 acres of river
12 corridor of property in conservation in
13 Equinunk, PA. I insist the DRBC reject the
14 importation and exportation of any end
15 processing of any fracking components within
16 the basin. These proposed utilizations are a
17 clear violation of the intention of the
18 Commission. You must recognize the
19 degradation that these practices will
20 certainly have on the basin. Special interest
21 profits should not be placed above the
22 protective mandate so clearly in the DRBC's
23 creation. If the DRBC allows these practices
24 within the basin, it will not be long before
25 the value of the entire basin would be so

1 diminished as to violate the very intention of
2 the Commission rendering it irrelevant, and
3 all for so called transitional energy
4 resources that are not actually utilized in a
5 manner that makes it worth the damage that it
6 does. So I implore you to disallow any of
7 these uses, continue the mandate, and I would
8 like to also ask that you recognize that
9 COVID-19 restrictions on everyone's life are
10 disruptive and are hampering our citizens'
11 rights to petition our government. It was a
12 last minute word for me to get online and I
13 think that there are numerous people out there
14 who are not able to express themselves in
15 opposition to the proposed rules changes. So
16 I implore you to continue the ban and build on
17 that ban and understand that it was the
18 intention of the creation of the basin as a
19 quasi government private entity for you to
20 protect the resources in perpetuity. So to
21 employ them for a temporary energy source
22 violates the intention of the creation of the
23 DRBC.

24 I thank you for your time today and I
25 thank you for the opportunity to speak.

1 MS. BOWMAN KAVANAGH: Thank you
2 for your comments. Our next unregistered
3 speaker is Alice Zinnes. I will now allow you
4 to talk and I will note that we now have a
5 fourth hand raised. That is John Pace.
6 Alice, sound check, please.

7 MS. ZINNES: Yes. Can you hear
8 me?

9 MS. BOWMAN KAVANAGH: I can.
10 Thank you.

11 MS. ZINNES: Okay. Great. My
12 name is Alice Zinnes. I have two homes. One
13 in New York City and the other in the Upper
14 Delaware River Basin on the PA side, both
15 areas affected by the DRBC fracking
16 regulations. I applaud the DRBC for banning
17 fracking in the basin. However, the current
18 draft regulations include a number of
19 disturbing policies, such as allowing toxic
20 frack wastewater to enter our pristine area
21 and clean water to be removed for fracking
22 operations elsewhere. These loopholes must be
23 closed and nothing related to fracking should
24 be permitted in our basin. These loopholes
25 are so dangerous, I wanted to speak at one of

1 your few hearings and I'm grateful to have the
2 opportunity. Unfortunately, instead of
3 speaking about these loopholes, I am called to
4 use my time to ask that DRBC offer more public
5 hearings and make the sending of written
6 comments easier. I was granted a voice today
7 only because some people who had preregistered
8 did not attend. Because preregistration was
9 closed when I attempted to sign up, I almost
10 didn't bother attending at all, and I'm sure
11 many others were so frustrated by their
12 inability to register that they also did
13 not -- they did not attend today. I'm also
14 sure many people who are here today will not
15 be able to speak anyway. Many spoken voices
16 will be silenced. The DRBC's current hearings
17 are only in English. Given the number of
18 Spanish speakers affected by DRBC regulations,
19 public hearings in Spanish must be offered, as
20 well. DRBC website is very difficult to
21 navigate, so difficult that many people simply
22 are unable to post written comments online. I
23 myself have had to help quite a few people
24 upload their comments and know of others who
25 have simply given up. The DRBC must offer

1 more democratic and user-friendly systems to
2 send written comments. For instance, the DRBC
3 can create a dedicated e-mail, fax number and
4 simple mailing address without the need for
5 special permission to mail comment as the
6 method announced during today's hearing. The
7 DRBC must schedule more public hearings and
8 make it simpler to send in written comments.
9 All stakeholders must be given the opportunity
10 to have their concerns heard publicly. Thank
11 you.

12 MS. BOWMAN KAVANAGH: Thank you
13 for your comments. Our third registered
14 speaker is Lauren Lareau. Lauren, I will
15 allow you to talk now. I will note that we
16 have you as registered for the Earth hearing,
17 which is late this afternoon. You are welcome
18 to provide comments during this session right
19 now. I do want to confirm with you not to
20 speak at both hearings, though.

21 MS. LAREAU: Yes, I understand.
22 I initially wanted to register for this
23 meeting, but I was unable to do so because it
24 was full. So if I could speak now, that would
25 be great.

1 MS. BOWMAN KAVANAGH:
2 Absolutely. I'm glad we can accommodate you
3 at your preferred time. Sounds like your
4 sound is good. Please state your name and
5 your affiliation, if any, before providing
6 your comments.

7 MS. LAREAU: Thank you so much.
8 My name is Lauren Lareau. I am a resident of
9 Langhorne, Pennsylvania and I drink water from
10 the Delaware River Basin. I just want to
11 thank you for holding this public comment
12 hearing. You should definitely extend it.
13 Offer in-person meetings and allow people to
14 send e-mail comments for those who are having
15 trouble accessing today's meeting. Thank you
16 so much for banning direct fracking in the
17 Delaware River Basin, but your ban is not
18 complete and that's why I'm here today. We
19 have a constitutional right to the vital
20 resources of clean air and water and fracking
21 is a direct violation of our constitutional
22 right and right to life. Access to clean air
23 and water is not just a constitutional right,
24 it's a fundamental human right because clean
25 air and water is essential to our basic

1 survival. Without clean water and oxygen,
2 human beings will perish. That's what vital
3 means. We must protect vital resources with
4 all of our power and it is your duty as
5 Commissioners and the DRBC to protect the
6 basin with a complete ban on all fracking
7 related activities. While energy is necessary
8 to our society's function and there is a
9 greater good in supporting energy production,
10 fracking for natural gas does not support that
11 cause for several reasons. It is a finite
12 resource. It is harmful to the environment
13 during extraction, and it is harmful during
14 use. Fracking companies are not required to
15 disclose the toxic recipe that they use to
16 frack to get their natural gas because it's
17 considered intellectual property of the
18 company. Since we don't know what chemicals
19 they're using, how on earth can we safely
20 store their wastewater? Instead of supporting
21 the fracking industry with loopholes that
22 allow them to further destroy our environment
23 and natural resources, we should be supporting
24 clean energy alternatives. We can do that by
25 instituting a complete ban on fracking and all

1 fracking related activities in the Delaware
2 River Basin. This includes water use and
3 storage. Allowing our vital resources to be
4 used to destroy the environment and then
5 talking -- storing toxic fracking waste in the
6 drinking supply for 17 million people between
7 New York and Philadelphia would be an
8 abdication of your responsibilities as
9 overseers of this vital resource. You must
10 ban all fracking related activities, including
11 water use and storage in the Delaware River
12 Basin, full stop.

13 Thank you so much for giving me an
14 opportunity to leave my comments and to leave
15 it at the earlier meeting.

16 MS. BOWMAN KAVANAGH: Thank you
17 for your comments. Our fourth unregistered
18 speaker with a hand raised is John Pace.
19 Before I allow John to speak, I will note time
20 check. Looks like we will have close to 30
21 minutes, so if there is anyone else who is
22 unregistered or who is registered for the
23 fourth hearing, but would prefer to speak at
24 this hearing, please raise your hand and it
25 does look like we will have time to allow you

1 to speak. Going back to John Pace, I will now
2 allow you to talk, John. Can you check your
3 sound for me, please?

4 MR. PACE: I think I've done so.

5 MS. BOWMAN KAVANAGH: Yes.

6 Kindly state your name and affiliation, if
7 any, before you start with your comments.

8 MR. PACE: Right. My name is
9 John Pace and I'm a citizen of Honesdale,
10 Pennsylvania. Okay, so I found there were
11 many fine points made from many people and
12 it's sort of very unsatisfactory that the
13 format is such that person after person can
14 make essentially the same points, sometimes in
15 greater depth, sometimes not, but there is no
16 real dialogue that is taking place, which
17 makes the entire thing kind of have an empty
18 feeling. I applaud that, in fact, that people
19 are allowed to come up here and take part in
20 the Commission's activities and that people
21 are making the most of that, but the only
22 thing that's clear to me is that the intent of
23 the Commission is to ban fracking and it's
24 pollution and consequently one would think
25 that anything that leads to that unfortunate

1 situation of pollution will also be included.
2 So I think the intent of the ban was to make a
3 complete ban and people have made the point
4 over and over again that, in fact, there are
5 loopholes and yet no one has addressed those
6 loopholes. So it doesn't make it particularly
7 clear whether or not the loopholes exist in
8 the glaring way that people say they do or
9 not, and I would appreciate some kind of an
10 interactive format that would allow someone to
11 explain the regulations from the point of view
12 of the Commission and explain the regulations
13 from the point of view of the activists. So I
14 think we have a long way to go and this is
15 kind of disheartening in the sense that the
16 clarity that could be there is not there. So
17 I just want to, again, agree with many of the
18 activists and say that indeed there should be
19 a sense that fracking is being banned and all
20 associated activities are being banned that
21 would lead to somewhat of the same result.
22 Now, if the Commission, in fact, disagrees
23 with that, there should be some way for them
24 to make that crystal clear and actually
25 typically government allows some pretty

1 horrible things. In this case, government is
2 actually on I think the right side morally,
3 but for that to really have teeth in it or not
4 to be an empty victory for all the population
5 here in the Delaware Basin area, then we have
6 to be reassured and I don't think the system
7 as it's set up right now for interaction is
8 actually making that clear. So I thank you
9 and keep up the good work.

10 MS. BOWMAN KAVANAGH: Thank you
11 for your comments. That was the last
12 unregistered speaker who had raised their hand
13 to provide comments during this hearing. I am
14 going to pause for 10 seconds to allow anyone
15 else, given that we still have close to 20
16 minutes left. If there is anyone else who
17 would like to provide comments during this
18 hearing, please look for the raise hand
19 feature in the center bottom of your screen
20 and I will give you a moment to do so, so we
21 can take advantage of the opportunity that we
22 have right now. Don't be shy. I'm seeing no
23 additional attendees who are raising their
24 hands for the opportunity to provide comments
25 during this hearing. I will now stop screen

1 sharing. That does conclude this public
2 hearing. Thank you to everyone for attending.
3 I would note again that a list of frequently
4 asked questions concerning this rulemaking has
5 been posted on the DRBC website. Thank you to
6 everyone for attending and on behalf of the
7 Delaware River Basin Commission, I also want
8 to thank those of you who offered comments
9 this afternoon.

10 As a reminder, if time permits, there
11 may also be an opportunity at this evening's
12 hearing for unregistered speakers to provide
13 comments and you may also submit written
14 comments by 5:00 PM Eastern Time on February
15 28, 2022. For more information, please visit
16 the DRBC website. Have a good evening.

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C E R T I F I C A T E

I, CYNTHIA BAUERLE, a Certified Shorthand Reporter, do hereby certify that the foregoing is a true and accurate transcript of testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

Cynthia Bauerle

CYNTHIA BAUERLE

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