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DELAWARE RIVER BASIN COMMISSION

TRANSCRIPT OF AUDIO-RECORDED COMMISSION HEARING

FEBRUARY 3, 2022

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:

Katie Muth

Ryan Linhart

Abigail Jones

David Pringle

Jeff Rapaport

Sakshi Rakshale

Timothy Kent

Wes Gillingham

Elizabeth Dale Harris

Linda Davis

Joanna Ward

Sharonda Allen

Raina Rippel

Amy Goldsmith

Jacqueline Sailer

Hilary Baum

Katherine McCaffrey

Michelle Fleurantin

Mary Saudergas

Gail Brunner

1 MS. BOWMAN KAVANAGH: Good
2 afternoon. My name is Kristen Bowman Kavanagh
3 and on behalf of the Delaware River Basin
4 Commission. Welcome to today's public
5 hearing. Before we proceed further, I will
6 explain how to listen to the language
7 interpretation being offered at this hearing
8 on a pilot basis. As a best practice, we
9 recommend that all attendees have the latest
10 version of Zoom installed. I'm going to share
11 a couple of slides to walk you through how to
12 set up language interpretation. For those
13 joining the hearing on a computer with a
14 Windows or Mac operating system, please look
15 at the meeting controls at the bottom of your
16 screen and locate the globe, then select
17 English or Spanish for the language in which
18 you prefer to listen to the hearing. If you
19 select Spanish, you will hear English speakers
20 at a reduced volume, along with the Spanish
21 interpretation. Similarly, if you select
22 English, you will hear Spanish speakers at a
23 reduced volume along with the English
24 interpretation. Optionally, you can also
25 select mute original audio to hear only your

1 preferred language during any interpretation.

2 For those joining the hearing on a
3 mobile device using Android or iOS systems,
4 look to the meeting controls at the bottom of
5 your screen. Tap the ellipses. Tap language
6 interpretation and then tap English or Spanish
7 for the language in which you prefer to listen
8 to the hearing. Optionally, you can also
9 toggle mute original audio to hear only your
10 preferred language during any interpretation.
11 Finally, tap done.

12 Please note that language
13 interpretation is only available when using
14 the computer audio. You cannot listen to
15 language interpretation if you have joined the
16 webinar by phone using either the dial in or
17 call me features. If you would like to leave
18 and rejoin the hearing using computer audio so
19 that you may access language interpretation,
20 please do so now. I will now pause for a
21 moment again to check with our Technical
22 Support staff to confirm that we are ready to
23 proceed. One more moment, please. I may need
24 to pause shortly for a moment again, but I
25 believe we are now ready and can proceed.

1 So, again, my name is Kristen Bowman
2 Kavanagh and on behalf of the Delaware River
3 Basin Commission, welcome to today's public
4 hearing. I am the deputy executive director
5 for the DRBC and I will be serving as the
6 Hearing Officer for this proceeding. As the
7 hearing officer, my primary role is to ensure
8 that we conduct an orderly hearing that allows
9 individuals who wish to do so to provide oral
10 comments and testimony that will become a part
11 of the administrative record for the
12 rulemaking that I will describe shortly. I
13 would like to thank the public for attending
14 and once again I thank you for your patience.
15 This public hearing is being held remotely and
16 has been advertised as such on the DRBC
17 website via social media and in federal and
18 state register publications. Members of the
19 public may view the proceedings virtually on
20 either the Zoom Webinar platform or the DRBC
21 YouTube channel. However, only the English
22 language version of the Zoom webinar will be
23 live streamed on the DRBC YouTube channel. If
24 you want to hear the Spanish language
25 translation of the hearing, you must join this

1 Zoom webinar. Also, those who desire to speak
2 today must join the Zoom webinar, which is
3 interactive. You will not be able to provide
4 oral comments via the YouTube broadcast.
5 While these types of meetings and webinars are
6 not new at this hearing, DRBC is piloting
7 real-time language translation, both English
8 to Spanish and Spanish to English, for the
9 first time. Thus, I have already asked and
10 will likely ask again for your patience if we
11 need to pause to address any technical or
12 procedural issues related to language
13 interpretation or to the remote platforms.
14 Please also allow me to offer a few
15 announcements and reminders for this public
16 hearing.

17 When you join the Zoom webinar, you
18 must select whether to listen to the hearing
19 in English or Spanish using the interpretation
20 feature in your meeting controls that looks
21 like a globe. Also, as a Zoom webinar
22 attendee, you will not have the same meeting
23 features that you may be used to with Zoom
24 meeting or other similar remote meeting
25 platforms. Specifically, you do not initially

1 have camera or microphone access. If you have
2 registered in advance to speak at today's
3 hearing or if time allows us to accommodate
4 you from the wait list or as an unregistered
5 speaker, your microphone will be enabled when
6 it is your turn to provide comments. You may
7 also participate by phone using one of the
8 numbers provided on the DRBC website. If you
9 desire to speak, you are encouraged to use
10 your computer connection for both audio and
11 video. In any case, please do not use your
12 phone and computer simultaneously for audio,
13 as this may result in echoes or other
14 interference. Comments provided using a chat
15 feature, if available during the hearing on
16 any platform will not become part of the
17 administrative record. The procedure and a
18 link for submitting written comments on the
19 record are provided on the DRBC website. If
20 you provided oral comment during one of the
21 prior four hearings, we thank you for your
22 participation. Each person who wishes to
23 provide oral comment may do so at only one
24 public hearing. However, there is no limit to
25 the number of written comments that may be

1 submitted. Only oral comments provided during
2 this or one of the prior four hearings and
3 written comments provided according to the
4 procedures on the DRBC website will become
5 part of the administrative record. If you are
6 providing oral comments today, it is not
7 necessary for you to also submit written
8 comments, although you certainly may do so.

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

1 process. As part of this rulemaking, the
2 Commission has had the key rulemaking
3 documents translated into Spanish and they are
4 available on the DRBC website. These include
5 the notice of proposed rulemaking and public
6 hearing and the text of the proposed
7 amendments for each of the three affected
8 components of the Commission's regulations.
9 To request the translation of these documents
10 into a language other than Spanish, you may
11 e-mail a request to translate@drbc.gov.
12 Translation requests will be considered on a
13 case-by-case basis. In addition, to translate
14 DRBC web pages to any of multiple languages,
15 please use the Google translation widget
16 located in the upper right of each web page.
17 In accordance with the Commissioners February
18 25th, 2021 resolution and directive, the
19 Commission is proposing amendments to its
20 comprehensive plan on regulations to better
21 provide for the planning, conservation,
22 utilization, development, management and
23 control of the basin's water resources in
24 connection with the importation of water,
25 including wastewater into the basin, the

1 exportation of water, including wastewater
2 from the basin, and the discharge of
3 wastewater from HVHF and HVHF related
4 activities. The Commission proposes to amend
5 the water code by clarifying the circumstances
6 in which exportations of water, including
7 wastewater from the basin and importations of
8 water, including wastewater into the basin are
9 considered by the Commission and the factors
10 to be used in evaluating whether such proposed
11 imports and exports of water may be approved.
12 The proposed amendments will not apply to
13 importations and exportations that existed
14 prior to the effective date of any final
15 rules, but are proposed to apply to increases
16 in the rate or volume of existing importations
17 and exportations. The Commission also
18 proposes to amend its special regulations
19 regarding HVHF by the addition of a finding
20 that the discharge of wastewater from HVHF and
21 HVHF related activities poses significant,
22 immediate and long-term risks to the
23 development, conservation, utilization,
24 management, and preservation of the basins
25 water resources and that controlling future

1 pollution by prohibiting such discharge is
2 required to effectuate the comprehensive plan,
3 avoid injury to the waters of the basin as
4 contemplated by the comprehensive plan and
5 protect the public health and preserve the
6 waters of the basin for uses in accordance
7 with the comprehensive plan. The finding is
8 accompanied by a provision prohibiting the
9 discharge to waters or land of the basin of
10 treated or untreated wastewater from HVHF and
11 HVHF related activities. Copies of the
12 proposed rules can be found on the DRBC
13 website. This is one of five public hearings
14 scheduled on this matter. In addition to
15 accepting oral comments at these public
16 hearings, the Commission is accepting written
17 comments through 5:00 PM Eastern Time on
18 Friday, February 28th, 2022. Written comments
19 will receive the same consideration as oral
20 comments. Written comments can be submitted
21 online using a link that is posted on the DRBC
22 website. If you do not have access to a
23 computer or the internet and you would like to
24 submit written comments, you may request an
25 exception by writing to the DRBC as follows:

1 Attention Commission Secretary: DRBC, PO Box
2 7360, West Trenton, NJ 08628.

3 Today's proceedings are being recorded
4 in English and a transcript will be created
5 that will become a part of the decision-making
6 record for the proposed rules. The recordings
7 are being made to enable the DRBC
8 commissioners to hear your comments, even
9 though they cannot attend the hearings, and to
10 allow the DRBC staff, in consultation with the
11 Commissioners, to prepare a detailed comment
12 and response document that addresses the
13 issues and concerns you raise.

14 I will now describe how the hearing
15 will proceed. First, the Commission thanks
16 all of you who have registered in advance to
17 speak today. Your doing so has helped the
18 staff to prepare for these proceedings. Three
19 hours have been allotted for this hearing. If
20 you wish to provide oral comments and are on
21 the wait list, limited time may be available
22 to accommodate you within the hearing
23 timeframe. If you have not registered in
24 advance and wish to provide oral comments,
25 limited time may be available to accommodate

1 you as well within the hearing timeframe. I
2 will make these determinations after all those
3 who pre-registered and are in attendance have
4 spoken. Please remember that there are
5 procedures on the DRBC website for submitting
6 written comments, which receive the same
7 consideration as oral comments provided here
8 today.

9 When I call your name from the list of
10 registered speakers, we will attempt to find
11 your name in the list of Zoom webinar
12 attendees. You can help us out by using the
13 raise hand feature, which is typically located
14 at the center bottom of the screen. If you
15 are using a phone to call in to the hearing,
16 we may only be seeing a phone number rather
17 than a name. If we call your name, press star
18 nine to raise your hand. You may need to
19 unmute on your end of the connection as well,
20 and you can test the audio before beginning.
21 You should plan on limiting your comments to
22 about three minutes. Once you exceed the
23 permitted time, the timer screen will turn red
24 and I will likely ask you to wrap up your
25 comments. Please remember you will have the

1 opportunity to follow up in writing if you
2 wish. Speakers are asked to state their name
3 and affiliation, if any, and to direct all
4 comments to the hearing officer. Please offer
5 your comments in a respectful manner. As the
6 hearing officer, I reserve the right to decide
7 if your presentation is inconsistent with the
8 purpose of this hearing. I can end your
9 ability to provide comments at any time with
10 or without warning, depending upon the
11 circumstances. If you'll pardon me for one
12 moment, I need to pause to check on a
13 technical issue. This will be a brief pause.
14 Thank you.

15 Thank you. I will continue now. If,
16 as a part of your comments, you ask a
17 question, please do not expect a response
18 during the hearing. Questions and comments
19 will be addressed as part of the comment and
20 response document that will be prepared by the
21 Commission after the comment period has
22 closed. A list of frequently asked questions
23 concerning this rulemaking has been posted on
24 the DRBC website as well. After all the
25 speakers who have registered in advance and

1 are in attendance have provided comments, if
2 time permits, I will then allow waitlisted
3 speakers to provide comments until the hearing
4 duration has been reached. Following the
5 waitlisted speakers, if time still permits, I
6 will then ask unregistered attendees who wish
7 to speak to use the raise hand feature to
8 indicate their intention to provide oral
9 comment. Unregistered speakers will be
10 invited to provide comments in the order your
11 hands are raised and until the hearing
12 duration has been reached. If time does not
13 permit you an opportunity to provide oral
14 comments at this hearing, please remember that
15 written comments, which can be submitted
16 through 5:00 PM Eastern Time on February 28th,
17 2022 receive the same consideration as oral
18 comments provided here today. Please visit
19 the DRBC website for details.

20 So what happens next? After all public
21 input is received, the DRBC staff and
22 commissioners will develop a comment and
23 response document that addresses the concerns
24 raised during the public process. The
25 Commissioners will consider changes to the

1 proposed rules in response to the comments
2 received and will either act at a public
3 meeting to approve the rules as proposed,
4 approve the rules with changes, or reject the
5 proposed rules. Alternatively, the
6 Commissioners may commence a separate
7 rulemaking to consider substantially different
8 rule changes. The decision makers on this and
9 all rulemakings by the Commission are the
10 Commissioners themselves who may act through
11 their appointed alternates. The Commissioners
12 are the governors of the four basin states,
13 Delaware, New Jersey, New York, and
14 Pennsylvania, and on behalf of the federal
15 government, the division commander of the
16 North Atlantic Division of the US Army Corps
17 of Engineers. In a moment I will share my
18 screen to show the three minute countdown
19 timer and proceed to invite those who have
20 registered in advance to provide their
21 comments. It will be just a moment while I do
22 this. As I'm preparing for this, I will note
23 on the record that we have seven viewers on
24 the YouTube channel and 50, five zero,
25 attendees on the Zoom webinar.

1 All right. I will note that we have 40
2 registered speakers and six speakers on the
3 wait list. I will try and give groups of you
4 a heads-up so you know that your turn is
5 upcoming shortly. Our first two speakers will
6 be Pennsylvania State Senator Katie Muth
7 followed by Haddon Township, NJ Commissioner
8 of Revenue and Finance, Ryan Linhart. Let me
9 look to see if they are in attendance so I can
10 allow them to speak and offer comments. One
11 moment. All right. I do see Senator Muth.
12 Senator, I will allow you to talk. You may
13 need to unmute on your end as well to check
14 your audio.

15 MS. MUTH: Can you hear me?

16 MS. BOWMAN KAVANAGH: Yes.

17 Thank you. Please proceed.

18 MS. MUTH: Thank you very much.
19 Thank you to the Delaware River Basin
20 Commission for scheduling today's public
21 comment opportunity on this very critical
22 regulation. I want to thank Kristen, Steve
23 and the other staff at Delaware River Basin
24 Commission for allowing for another public
25 comment event, as well as interpreters for the

1 event. I'm State Senator Katie Muth and I
2 represent Senate District 44 of Pennsylvania,
3 which includes parts of Berks, Chester and
4 Montgomery counties. I'm a lifelong
5 Pennsylvanian and felt compelled to
6 participate today as both a concerned
7 resident, as well as a public servant serving
8 the Pennsylvania State Senate. Although I do
9 not represent an area, an area that has a
10 single gas well or frac pad, I've traveled the
11 state. I've grown up in Western Pennsylvania,
12 in Westmoreland County, and I've spoken to
13 families all across our Commonwealth who have
14 had their quality of life, their property,
15 their health and their water ravaged by the
16 gas extraction industry. From Washington
17 County to Susquehanna to Tioga to Bradford and
18 everywhere in between, unconventional gas
19 extraction has been polluting our air and our
20 water and has been for the last 14 years.
21 Unfortunately, state regulators such as the
22 DEP continues to approve new permits for
23 repeat of polluters and have never been held
24 accountable for all of the harm they've
25 caused. These corporate polluters have been

1 given hundreds of permits to operate in our
2 state, despite destroying our environment,
3 contaminating our drinking water, and ruining
4 the property and health of Pennsylvania
5 families. Now the Delaware River Basin
6 Commission is proposing regulations that would
7 allow the import of wastewater produced by
8 fracking and the export of water for fracking
9 operations outside of the basin. This is a
10 very concerning and dangerous regulation that
11 could have drastic and negative impacts on the
12 water quality and environment throughout our
13 Delaware River watershed. The import of frac
14 wastewater into the watershed, which is
15 allowed in the proposed regulation, will mean
16 a greater opportunity for pollution incidents.
17 The handling and transporting of this toxic
18 fluid once in our watershed will increase the
19 likelihood of even more damage, irreparable
20 damage. Everywhere this type of material is
21 moved, we have seen illegal dumping, spills
22 and accidents that harm human health and the
23 environment, and often the impacts are
24 irreversible. The Delaware River Basin is
25 located right next to the huge and rapidly

1 swelling tsunami of wastewater. The industry
2 is running out of places to dump it and the
3 proposed DRBC regulations by allowing import
4 have laid out the welcome mat. Combined with
5 accidental spill rates, traffic accidents,
6 exemptions that loosen regulations of oil and
7 gas trucks and pollution or potential illegal
8 dumping, it is inconceivable that we are
9 debating a regulation that could help us avoid
10 the significant problems with spills,
11 emissions, and leakage in our watershed. The
12 export of water for use in fracking outside
13 the watershed deprives springs, lakes,
14 tributaries in the mainstream of critical
15 flows, quantity and quality and can deplete
16 groundwater and aquifers, threaten it further
17 threatening our water supplies. So, with my
18 last five seconds, I'm going to urge the
19 Commission to make the right decision here as
20 we speak for the Pennsylvanians that don't
21 have drinking water. Thank you very much for
22 allowing me to participate.

23 MS. BOWMAN KAVANAGH: Thank you
24 for your comments, Senator Muth. Our next
25 speaker is Haddon Township, NJ Commissioner of

1 Revenue and Finance, Ryan Linhart. While I
2 look for him on the list, I am going to ask if
3 speakers would speak perhaps a little bit more
4 slowly than you normally would in order to
5 allow for our interpreters to clearly hear and
6 translate everything that you say. If you
7 noticed, I was speeding up and slowing down a
8 bit myself to try and remind myself to slow
9 down a bit for the interpreters. That would
10 be helpful. Thank you.

11 I do see that Commissioner Linhart is
12 here. Commissioner, I will allow you to talk.
13 You may have to unmute on your end and kindly
14 check your audio.

15 MR. LINHART: Hello. Can you
16 hear me?

17 MS. BOWMAN KAVANAGH: I can.
18 Thank you. Please proceed.

19 MR. LINHART: Thank you for
20 facilitating today's session. I echo every
21 sentiment that Senator Muth has just stated.
22 In fact, I do not know if there's anything I
23 can add to that, other than that from the New
24 Jersey side of the Delaware, as far as the
25 crow flies, we're about two miles away from

1 the Delaware River in Haddon Township. We do
2 rely on the Delaware River for a variety of
3 water purposes and we have thousands of
4 residents in this area. Probably close to
5 half a million in the Camden County area that
6 rely on the water systems in the Delaware
7 River, and my understanding is that fracking
8 waste is not out of the question at this
9 point. However, given that there are bans,
10 that it is imperative that the Commission
11 reconsider its stance on the importation of
12 fracking waste. There's just the damage that
13 would be done by this waste could not be
14 corrected for decades and generations to come.
15 So, you know, on behalf of the residents in
16 Haddon Township and some in Camden County, I
17 do urge the Commission to reconsider its
18 stance and have a stronger stance against the
19 importation of waste materials into the
20 Delaware River Basin. That's it. Thank you.

21 MS. BOWMAN KAVANAGH: Thank you
22 for your comments, Commissioner Linhart. I'm
23 going to announce the next five speakers so
24 that you can be ready. They are John Hahn,
25 Abigail Jones, David Pringle, Jeff Rapaport,

1 and Sakshi Rakshale, and I apologize if I
2 mispronounced any of those names. Again, just
3 a request to please speak slowly and clearly
4 to help our interpreters do their best job,
5 and, you know, I will not cut you off right at
6 three minutes, so don't feel like you have to
7 talk as fast as possible, but please be
8 respectful of the time limit, so John Hahn is
9 our next speaker. I will see if John has
10 joined us. I do see you here, John. I will
11 now allow you to talk and please check your
12 audio before you begin your comments. You
13 might have to unmute on your end. John, are
14 you there? It looks like your audio is open.
15 John, are you there? Can you say something?
16 Sounds like John may be having some issues
17 with his audio. John, I'm going to come back
18 to you so that you have a chance to figure out
19 on your end what the difficulty may be.
20 Please be sure -- in case this happens to be
21 the issue, please be sure that for the
22 language interpretation at the bottom of your
23 screen, it looks like a globe, that you select
24 that and you select either the English or
25 Spanish channel. So I will let you check on

1 your end and I will come back to you.

2 The next speaker is Abigail Jones. I
3 see that Abigail is present. Thank you for
4 raising your hand. I will now allow you to
5 talk if you'd like to check your sound.

6 MS. JONES: Can you hear me
7 okay?

8 MS. BOWMAN KAVANAGH: Yes.
9 Thank you.

10 MS. JONES: Great. Thank you.
11 We thank you for holding these public hearings
12 and for adding this additional opportunity to
13 hear from the public. The comments I make
14 today are in addition to the written comments
15 that will be submitted by PennFuture, so I
16 will try to be brief.

17 My name is Abby Jones and I am the vice
18 president of Legal and Policy at PennFuture.
19 I'm here to express PennFuture's concerns of
20 the DRBC's proposed regulations regarding the
21 transport, storage, treatment, and disposal of
22 fracking wastewater within the basin. The
23 significant evidence confirming the potential
24 devastating impacts of the produced wastewater
25 from fracking operations on water and human

1 health shows that stronger regulatory efforts
2 by the DRBC are needed to protect the
3 Delaware's unique resources, recreational,
4 agricultural and industrial economies and the
5 drinking water for over 15 million people. We
6 thank the DRBC for using its authority to
7 prohibit the discharge of fracking wastewater
8 in the basin. Perhaps the most important
9 support for this prohibition is that we, the
10 community, the regulators and the treatment
11 facilities have literally no idea what's in
12 the fracking wastewater and what we do know
13 about its makeup is that it is highly harmful
14 brew of toxic radioactive and forever
15 chemicals. If that's what we know about,
16 imagine what the companies are not telling us.
17 Prohibiting the discharge of fracking
18 wastewater is definitely a helpful step in
19 protecting the water resources of the Delaware
20 River Basin. However, the DRBC should go back
21 to the drawing board and close the loopholes
22 in its proposed regulations that will allow
23 these activities to harm our water resources,
24 including, but not limited to, revising the
25 regulations to also prohibit the storage and

1 injection of fracking wastewater within the
2 basin. For example, much like the fracking
3 operations themselves, which the DRBC has
4 banned, the storage and injection of fracking
5 wastewater are activities that are so
6 fundamentally wrought with problems and has
7 such a high risk of resulting in water
8 pollution, that they pose significant,
9 immediate and long-term risks to the basin's
10 water resources. Both longtime residents and
11 short-term visitors value the Upper Delaware
12 River watershed for its pristine headwaters,
13 exceptional trout fishing, and unadulterated
14 environmental resources. In the Delaware
15 River Basin alone, we have a thriving
16 recreational economy that represents hundreds
17 of jobs and over \$70 million annually.
18 Moreover, communities, businesses, and
19 industries up and down the Delaware watershed
20 rely on waters that are free from toxic,
21 radioactive, and other harmful chemicals that
22 are present in fracking wastewater. We
23 literally cannot afford to allow fracking to
24 jeopardize the recreational opportunities that
25 drive economy, economic activity, including

1 tourism, manufacturing and jobs.

2 In conclusion, we thank you again for
3 correctly using your authority to protect
4 public health and preserving the basin's water
5 resources by banning fracking within the basin
6 and we ask you to bring that same authority to
7 protecting our water resources from the toxic
8 brew of fracking wastewater from the various
9 ways that it can destroy the waters of the
10 Delaware. Thank you.

11 MS. BOWMAN KAVANAGH: Thank you
12 for your comments. Our next speaker is David
13 Pringle, I believe. Yes. Thank you for
14 raising your hands. I will allow you to --
15 moving around. Okay.

16 MR. PRINGLE: Hello. Can you
17 hear me?

18 MS. BOWMAN KAVANAGH: I can.
19 Thank you.

20 MR. PRINGLE: Thank you. My
21 name is David Pringle. I'm representing
22 Empower New Jersey, which is a coalition of
23 100 faith community labor and environmental
24 groups dedicated to defeating the climate
25 emergency and protecting our water. I'm going

1 to make three points here on importational
2 water, exportational water and climate.
3 Number one. Wastewater produced by fracking
4 must be completely banned and categorically
5 banned by the DRBC. The pressure is on.
6 Industry is desperately looking to export
7 wastewater to the Delaware Basin and import
8 water from the basin to frac outside the
9 basin. The continuing trend in the Marcellus
10 Shale that drill supersized wells with
11 horizontal well bores up to four miles long,
12 increase volumes of wastewater approximately
13 10 to 15% of the 10 to 20 million gallons of
14 water injected for fracking comes back to the
15 surface as flow back. That means, one to
16 one-and-a-half million gallons of wastewater
17 to two to 3,000,000 gallons of wastewater per
18 well increasing the volumes three to four
19 times what was done just a few years ago.
20 This adds a glut of wastewater that has to go
21 somewhere and the industry is targeting the
22 Delaware Basin because it's so close to and
23 it's frankly part of the Marcellus Shale Basin
24 in the Susquehanna watershed. The draft
25 regulations would allow wastewater produced by

1 fracking to be imported in the watershed and
2 that's acceptable -- unacceptable. While the
3 discharge of fracking wastewater is proposed
4 to be prohibited and that's essential, there
5 are many loopholes in your proposed rules that
6 would allow for things such as incineration,
7 thermal oxidation, air drying systems, other
8 ways of processing and storage facilities that
9 could discharge water. The wastewater could
10 also be repurposed in what is euphemistically
11 called beneficial reuse, so knock it off. Ban
12 it outright.

13 Second point. Water for use in
14 fracking can be exported under these draft
15 rules. The export of water for use in
16 fracking outside the watershed inflicts
17 irreparable harm in multiple ways. It
18 deprives the springs, tributaries, and main
19 stem of the river of critical flows and
20 quality. It induces fracking where it may not
21 occur due to water shortages and overdrawn
22 streams. It induces more fracking, which
23 damages public health in the environment,
24 increases the emissions, a powerful greenhouse
25 gas methane worsening the climate crisis.

1 Number three. Climate impacts of the
2 DRBC regs. We are in a climate emergency and
3 that impacts the Delaware Basin in addition to
4 importing and exporting our water. It's using
5 gas. A study just came out that were leaking
6 more gas out of our stoves than we're actually
7 burning climate emissions and you're fracking
8 enables that, empowers that and it destroys
9 our climate. Please stop it. Be a leader.
10 Close all the loopholes. No importation. No
11 exportation.

12 MS. BOWMAN KAVANAGH: Thank you
13 for your comments. I'm going to check back in
14 with John Hahn to see if his audio is now
15 working. John, I see you are here. I'm going
16 to allow you to talk again. You may need to
17 unmute on your end as well, and can you check
18 your sound? I see that you have unmuted and
19 I'm not hearing you. I'll give you another
20 moment and I will come back to you again if
21 the sounds is not working this time. Yes.
22 You should have permission to speak, John, and
23 I see that you are unmuted on your end, so I'm
24 not sure what the difficulty may be. I do
25 know, as I mentioned, at the beginning as a

1 best practice we recommend people use the most
2 up-to-date version of Zoom. I know that I
3 have had some strange Zoom glitches before
4 that seemed to resolve themselves once I
5 updated the version of Zoom I had. You might
6 try logging off, updating and coming back into
7 the webinar. I do have a note to come back to
8 you, so I won't forget you and I will move on
9 to the next speaker then.

10 The next speaker is Jeff Rapaport. I
11 see that Jeff is here. Jeff, I will allow you
12 to talk. Kindly check your audio.

13 MR. RAPAPORT: Can you hear me?

14 MS. BOWMAN KAVANAGH: I can.

15 Thank you. Please state your name and
16 affiliation, if any.

17 MR. RAPAPORT: I'm Jeff Rapaport
18 on the X committee -- Excomm Committee for the
19 Sierra Club, Northern New Jersey. I'm
20 speaking -- I'm speaking for myself today.

21 I'm concerned about the dumping of
22 fracked waste. I'm concerned about it because
23 I'm a grandparent and I'm concerned what an
24 impact this would have on them utilizing that
25 and the effect on our on our water supply.

1 When we're talking shipping with
2 transportation of trucks or pipelines,
3 whatever might be, I would include all forms
4 of transportation, these risks of accidents
5 are significant and the risk to our water
6 supply could be just very -- just very
7 significant. So I complete -- I completely
8 support the total ban on wastewater going into
9 the Delaware in any way, shape, size, form,
10 many of which I may not even know. By
11 allowing fracking waste, you're commissioning
12 the release of methane into the atmosphere.
13 It's not directly necessarily the result of
14 fracking waste, but the process that leads to
15 it and the transportation of gas through
16 pipelines, both upon mining and upon
17 transportation results in significant leakage
18 and methane is becoming a fairly significant
19 greenhouse gas. It has an enormous impact.
20 So I strongly encourage you to think of our
21 children and our grandchildren and consider
22 the significant costs of what potential waste
23 could mean. I know we never take that into
24 consideration when the consumer buys
25 something, but I think that's something that

1 the Commission should take in place. I'm
2 really glad you're looking at it and I really
3 hope and pray that you give it very
4 significant attention. Thank you.

5 MS. BOWMAN KAVANAGH: Thank you
6 for your comments. Our next speaker is Sakshi
7 Rakshale. I believe I saw you present and let
8 me just find you again. Thank you for raising
9 your hand. I will now allow you to talk.
10 Kindly state your name and affiliation for a
11 sound check.

12 MS. RAKSHALE: Can you hear me?

13 MS. BOWMAN KAVANAGH: Yes.
14 Thank you.

15 MS. RAKSHALE: Thank you for
16 holding the hearings. My name is Sakshi. I
17 work with Food and Water Watch and I'm
18 currently residing in Brooklyn, NY. As
19 someone that benefits from the delivery of
20 basin water supply and as someone that has
21 experienced extreme environmental pollution
22 first hand, I am terrified of the prospect of
23 being supplied contaminated water. Governor
24 Hochul passed legislation late last year and
25 it mandated that all public water suppliers

1 test for contaminants. When I lived next to a
2 waste incinerator in Delhi, they wouldn't tell
3 us what was in the soot that was billowing
4 into the air, but here in New York I would
5 know exactly what my water is contaminated
6 with and I don't know which is worse. DRBC
7 has done a great job at keeping the
8 environmental sanctity of the river basin. In
9 fact, for the last 10 years, they've been
10 denying permits for fracked wastewater imports
11 and disposal. They even have an advisory
12 committee for climate change, but if the
13 moratorium on stopping water withdrawals for
14 fracking is lifted and fracked water waste is
15 allowed into the basin, it would undercut all
16 the work the Commissioners put into
17 safeguarding the areas most valuable water
18 source. I mean, we know the variety of ways
19 in which fracking releases pollutants in the
20 environment and it's all interconnected. Even
21 if the plant releases polluted air, those
22 emissions fall back to the earth and they
23 completely contaminate the watershed and this
24 is even if on paper the emissions aren't
25 regarded as directly discharged. The Elcon

1 hazardous waste plant, you know, was stopped
2 in 2020 and they had a zero discharge model,
3 which proved to still be contaminating the
4 watershed and these pollutants are, like,
5 radioactive and carcinogenic. I mean, the
6 DRBC has oversight over the whole watershed
7 and the Elcon waste plant is only one example
8 of the kind of loopholes the fracking industry
9 will exploit if they're not stopped by
10 stronger regulation.

11 I urge you to categorically ban the
12 import of fracked water waste in your
13 rulemaking and I concede my time. Thank you.

14 MS. BOWMAN KAVANAGH: Thank you
15 for your comments. Okay. The next five
16 speakers on the list I will state the names
17 and then come back to the first. Timothy
18 Kent, Wes Gillingham, Edith Kantrowitz, Peter
19 Gogan and Sharonda Allen. So Timothy Kent I
20 believe -- that may work. Thank you. I will
21 allow you to talk. Go ahead and check your
22 sound.

23 MR. KENT; Can you hear me?

24 MS. BOWMAN KAVANAGH: Yes.

25 Thank you.

1 MR. KENT: Great. Thank you,
2 Miss Bowman Kavanagh, and thank you to the
3 Commissioners, including my own Governor,
4 Kathy Hochul, for holding this comment period
5 today. My name is Tim Kent and I'm a New York
6 State resident and volunteer with Food and
7 Water Watch in their New York office. I'll
8 begin by saying 17 million people depend on
9 the Delaware River Basin for clean drinking
10 water. There are far more efficient, cleaner
11 and cheaper sources of energy than fracked
12 methane gas. The industry tells us the
13 chemicals in this water is, quote unquote,
14 special and unharmed. If it is truly
15 unharmed, they should be fine with it being
16 regulated, but yet they continue to push to
17 keep it unregulated and hidden from the
18 public. Hence, the fracked methane gas
19 industry is misleading its consumers and the
20 public because in their minds, as always,
21 their profits are more important than peoples'
22 health. Once this toxic stew of wastewater is
23 allowed into the Delaware River Basin, there
24 will be no going back. Seventeen million
25 people, including myself and family, will have

1 their drinking water devastated. There are so
2 many alternatives to fracked methane gas, but
3 there is no alternative to water. Please deny
4 -- to the Delaware River Basin Commission,
5 please deny any permit allowing the storage,
6 importation or exportation of fracking
7 wastewater in the Delaware River Basin. Thank
8 you and I'll cede the rest of my time. Thank
9 you.

10 MS. BOWMAN KAVANAGH: Thank you
11 for your comments. The next speaker on our
12 list is Wes Gillingham who is here. Sorry.
13 Sometimes the -- if you're familiar with Zoom,
14 sometimes the list of names jumps around a
15 bit. Wes, I have allowed you to talk. Kindly
16 check your sound.

17 MR. GILLINGHAM: Can you hear
18 me?

19 MS. BOWMAN KAVANAGH: I can.
20 Thank you.

21 MR. GILLINGHAM: Okay. I'm Wes
22 Gillingham, associate director of Catskill
23 Mountainkeeper. I applaud the Commission for
24 the work that's been done over the last number
25 of years and especially for this one sentence,

1 which is the determination -- the Commission
2 has determined that the discharge of
3 wastewater from high volume hydraulic
4 fracturing and high volume hydraulic
5 fracturing related activities poses
6 significant, immediate and long-term risks.
7 We have spent the last decade going back and
8 forth around fracking regulations proposed by
9 the Delaware River Basin Commission. During
10 this past decade, we have all listened to the
11 many versions of attempts to provide
12 regulations that protect this nationally
13 important watershed. At one point New York
14 State petitioned the Commission to wait until
15 they finished their comprehensive evaluation
16 of the impacts. During this same decade
17 between continued fracking and PA and other
18 states, hundreds of studies have shown the
19 health impacts. These have all been submitted
20 to the Commission. Loopholes in federal and
21 state laws have shown us that the industry can
22 exploit this and put PF -- PFAS chemicals in
23 the frac water. Excessive amounts of
24 radioactivity have showed up as residue in the
25 water and is still present in Pennsylvania

1 streams. Loopholes in your own Commission's
2 moratorium resulted in two horizontal, quote
3 unquote, test wells in the upper basin.
4 Concerned citizens from around the country and
5 within the basin, have shown over and over
6 again all this documentation. Surely by now
7 the Commissioners have plenty of documentation
8 as to why it is so vitally important to get
9 the language and the details of a ban and very
10 specific definitions in the water code to
11 succeed at this. We have a set of changes to
12 the regulations and the water code, which
13 meant which only bans high volume hydraulic
14 fracturing. It's shown over and over again
15 when industry comes in and fracks a region,
16 they do the horizontal wells and they go back
17 and in fill with vertical wells. Those same
18 chemicals and this same problems exist in
19 horizontal wells. That should be taken out of
20 that language. It should not just be high
21 volume hydraulic fracturing. All the details
22 in -- and I'm running out of time here and I'm
23 trying to speak slow for the interpreter, but
24 it's really important that we interpret not
25 just between languages, but in English and in

1 the water code, not just the proposed
2 regulations, to have a categorical ban on
3 wastewater coming into the basin. There's a
4 decade of documentation that shows you need to
5 do the right thing here. Thank you very much.

6 MS. BOWMAN KAVANAGH: Thank you
7 for your comments. Our next two speakers are
8 Edith Kantrowitz and Peter Gogan. I don't see
9 either of them on the list and if I'm just
10 missing you, kindly raise your hand to help me
11 identify you on the list of attendees.

12 Our next speaker after that is Sharonda
13 Allen who I do see is present. Sharonda, I am
14 allowing you to talk now. Kindly check your
15 sound. You may need to unmute on your end as
16 well. I have provided you permission. Open
17 mic on my end, but your mic or phone is still
18 showing as muted. You should have an option
19 there. I'll ask you to unmute. Give you
20 another second or two to see if you can get
21 your microphone open by unmuting on your end.
22 If not, I will make a note to come back to
23 you. Okay. I will come back to you,
24 Sharonda.

25 The next five speakers on the list are

1 Jan Kulp, Elizabeth Dale Harris, Jennifer
2 Payton, Linda Davis, and Cherise Barrage. So
3 going back to Jan Colt, I'm not seeing Jan on
4 the list, but if you are here, kindly raise
5 your hand. After that is Elizabeth Dale
6 Harris. I am also not seeing you on the list.
7 Kindly raise your hand if I'm just missing
8 you. Next we have Jennifer Payton. Also not
9 seeing Jennifer on the list. All Right, then
10 if you're here and I'm missing you, raise your
11 hand. Moving onto Linda Davis. I don't see
12 Linda Davis as well, but I do see Elizabeth
13 Dale Harris. Thank you. Where'd you go?
14 Okay. Elizabeth Dale Harris, I will allow you
15 to talk now and you may need to unmute on your
16 end as well.

17 MS. DALE HARRIS: I'm sorry, but
18 I had said that I didn't want to provide
19 testimony. I just wanted to listen.

20 MS. BOWMAN KAVANAGH: Oh, okay.
21 That's quite all right. I will turn your
22 microphone off. Thank you for attending
23 today.

24 MS. DALE HARRIS: Okay.

25 MS. BOWMAN KAVANAGH: Next up I

1 believe we had Linda Davis who I thought I
2 saw. Maybe not, and next up will be Cherise
3 Barrage. Okay, who I'm also not seeing, so in
4 this group of five I am just going to go back
5 over since there were quite a few that didn't
6 appear to be on the list. Jan Kulp, Jennifer
7 Payton, Linda Davis, Cherise Barrage. If
8 you're up -- thank you. Okay. Linda raised
9 her hand, so you will go up next. I've
10 allowed you to talk. Kindly check your sound.

11 MS. DAVIS: Okay. I'm here. Do
12 you hear me then?

13 MS. BOWMAN KAVANAGH: Yes.
14 Thank you. Please proceed.

15 MS. DAVIS: Okay. I'm pressing
16 mute.

17 MS. BOWMAN KAVANAGH: No. Just
18 go ahead. Your sound is working, so go ahead
19 and state your name and affiliation and then
20 provide your comments. Thank you.

21 MS. DAVIS: I'm Linda Davis.
22 I'm a resident of Northampton County and a
23 member of the Bethlehem Boat Club and we
24 travel the Delaware River and the Lehigh
25 Rivers faithfully. Thank you very much and

1 thank you to the DRBC for being here and
2 allowing me the opportunity to speak today. I
3 appreciate it.

4 Wastewater cannot and cannot
5 categorically ever be returned to the water
6 cycle in any form. Perhaps we can turn it
7 into a solid, but we cannot return it as a
8 liquid to the wastewater cycle, and now I
9 would like to direct my comments directly to
10 the decision makers if they are listening or
11 if they will be reading this transcript.

12 I am terribly tired and horrified by my
13 decision makers who are taking my planet, my
14 air, my water, and my soil hostage. I am
15 powerless to stop you just about. I know that
16 only you can stop yourself from ruining the
17 planet. It will be uncomfortable for you to
18 do the right thing. You will have to suffer,
19 perhaps politically, perhaps professionally,
20 perhaps monetarily, perhaps in this day and
21 age, even your family's safety may be in
22 danger, but you need to do the right thing.
23 Enough data has been shown. Enough instances
24 have occurred that we understand fracking is
25 bad in all ways, and no one with a sense of

1 intelligence or a shred of integrity can ever
2 understand that fracking is good. It just is
3 not, so you decision makers, I want you to
4 think at night when you wake up about your
5 children, your grandchildren, their children,
6 and what you are leaving them after you are
7 dead and your time of comfort on this planet
8 has expired because it's not good what we are
9 looking at and we know this now. We've known
10 it for 30 years. I am over 60 years old.
11 I've been watching this planet go. You have
12 to, please decision makers, do the right thing
13 no matter how much discomfort it takes and you
14 experience in the future. Thank you. I
15 concede my time.

16 MS. BOWMAN KAVANAGH: Thank you
17 for your comments. The next group of five
18 speakers are Monica Stamm, Roger Olson,
19 Constance Garcia Barrio, Travis London, and
20 Joanna Ward. For anyone who was registered
21 and not present when I called your name, I
22 will come back at the end, but I want to see
23 if we can get everyone through in the allotted
24 time. So Monica Stamm. Let's see. I'm not
25 seeing you on the list, so please raise your

1 hand. I'm just missing you. Next up, Roger
2 Olson. Thank you. I see that you're here. I
3 will find you again. Okay. Roger, I've
4 allowed you to talk. Kindly check your
5 microphone. It looks like you need to unmute
6 on your end as well. I've unmuted you on my
7 end. It looks like your microphone is open,
8 but I'm not hearing you, Roger. Can you say
9 something? All right. I will come back to
10 you within this group of five. As a reminder,
11 just on the off chance that you have an older
12 version of Zoom and you're not sure, you may
13 want to try updating that and I'll come back
14 to you. Also, be sure that you purposefully
15 selected either the English or Spanish
16 channel. That is the globe icon at the bottom
17 of your screen. If you click on that it says
18 interpretation. You can select English or
19 Spanish. I will come back to you, Roger.

20 Next up, Constance Garcia Barrio. I am
21 not seeing you on the list. Kindly raise your
22 hand if you are here. Travis London. Also
23 not seeing Travis. Kindly raise your hand if
24 you are here, and then Joanna Ward. Thank you
25 for raising your hand, Joanna. Where'd she

1 go? All right, Joanna, I've allowed you to
2 talk. Please unmute on your end if needed and
3 check your microphone.

4 MS. WARD: Can you hear me?

5 MS. BOWMAN KAVANAGH: I can.

6 Thank you. Please state your name and
7 affiliation, if any, before you begin your
8 comments.

9 MS. WARD: I'm Joanna Ward. I'm
10 a Healthcare Professional For Women and
11 Children Service Lines in Hospitals.
12 Commissioners, as I understand it, your
13 purpose is to conserve and protect the quality
14 of our drinking water in four states for over
15 17 million people who are depending on you to
16 keep it clean for our health, regardless of
17 the outdated loopholes that have not kept up
18 with our climate crisis and other research
19 findings. Our drinking water has not been
20 kept clean or safe as a result. We are paying
21 rising costs to drink and bathe in water
22 contaminated with PFAS forever carcinogens
23 that cannot be removed by our treatment
24 plants. The scientists say no amount of PFAS
25 chemicals are safe to ingest, yet these toxins

1 are still used in fracking for methane, a
2 powerful greenhouse gas. PFAS chemicals now
3 in our drinking water cause nonHodgkin,
4 Hodgkin's lymphoma and a variety of other
5 cancers, decreased vaccine responses and
6 immunity and thyroid disorders. Besides
7 citizens, many species of wildlife depend on
8 our Delaware River to survive. Air quality
9 studies also show those of us living -- living
10 in Philadelphia have shortened lifespans as a
11 result of our polluted air from the shale boom
12 in Pennsylvania. NRDC's studies show that
13 contaminated fracked wastewater is threatening
14 peoples' health in our environment and none of
15 the methods used to treat or dispose of that
16 wastewater are safe. Besides the PFAS
17 chemicals, the wastewater contains oil,
18 grease, metals and radioactive materials.
19 Also, cancer causing. Their report, said,
20 quote, treatment at municipal sewage plants
21 should be banned, end quote. It should have
22 been banned before we got those forever
23 carcinogens in our river and now we have to
24 pay to ingest what cannot be removed.
25 Fracking consumes massive amounts of water,

1 nearly 10 million gallons to frac a single
2 well. This is water that will never be
3 potable. It will be cost lost forever and we
4 cannot make more water. As Ben Franklin once
5 said, quote, when the well is dry, we know the
6 value of water, end quote. It is as if he
7 predicted last year's drought warnings.
8 Therefore, in order for you to conserve our
9 water, you must not give it away to be
10 poisoned with even more toxins. This is our
11 water and we deserve all that we need to
12 safely drink and swim in, which we still can't
13 do. Secondly, to protect our water quality,
14 you must never allow more toxic fracked
15 wastewater to be dumped into our river. You
16 are here to keep it safe for us. Not to
17 increase our healthcare costs by not
18 protecting the quality of our water. Thank
19 you in advance for conserving our most
20 valuable resource and with it our health and
21 enjoyment now and for future generations.

22 MS. BOWMAN KAVANAGH: Thank you
23 for your comments. I'm going to go back up to
24 Sharonda Allen. We had a microphone
25 difficulty a bit earlier. Let's see if that's

1 been resolved. Sharonda, I'm going to allow
2 you to talk. You may need to unmute on your
3 end and kindly do a sound check.

4 MS. ALLEN: Yes. Hello. My
5 name is Sharonda Allen. Can you hear me?

6 MS. BOWMAN KAVANAGH: Yes.
7 Great. Thank you.

8 MS. ALLEN: Hi. Yeah, I'm
9 sorry. I was definitely having some
10 connectivity issues.

11 MS. BOWMAN KAVANAGH: No
12 worries.

13 MS. ALLEN: Okay, so first and
14 foremost I'm representing Operation Grow, Inc.
15 It's for human, economic, social and
16 environmental sustainability. I'm also the
17 co-chair for the greater New Jersey Gateway
18 Chapter of Crime Climate Reality. Sorry. I'm
19 also a member of other various organizations
20 that deal with climate, mitigation and climate
21 change and ensuring that our land, water, and
22 air and food are not polluted. I would like
23 to say to the legislators, you know, I would
24 hope that you would care enough that, you
25 know, although your neighborhood may be

1 protected, that suppose those things -- those
2 toxins landed on your front porch and you had
3 to deal with the ailments and once you become
4 sick, you would be tossed aside from all those
5 people who are financing you and all those
6 people that you are doing their bidding for,
7 imagine if you would not have that favor
8 anymore. You would be along with the rest of
9 us being poisoned and polluted and our genes
10 being damaged and altered and generationally,
11 you know, creating birth defects and brain
12 damage. I hope that everyone who is in charge
13 of changing these regulations, would pay
14 attention to the fact that they are on the
15 same planet that the rest of us were fighting
16 for the right type of environment and
17 antipollution and that it will affect you,
18 too, and it's not some time in the future
19 whether you care about your kids or your
20 grandkids. It's right now, so please for the
21 sake of everyone, every living thing on this
22 planet, all the generations, the seventh
23 generation down from us, please stop allowing
24 fracking, which is extremely harmful and
25 dangerous. Some folks in other states out

1 west, they've had fracking. That water is
2 flammable. Maybe some of those legislators
3 need to see the water on fire. So please, act
4 like your pants are on fire and make sure that
5 you legislate for regulations so that our
6 water can be clean, our air can be clean, and
7 our land can be clean. Please do not be
8 excited about the money and the lucrative
9 benefits of regulating the pollution that is
10 occurring in our environment. As the last
11 presenter said, we're not going to get any
12 more water because that water cycle is going
13 to rain down the same pollutants over and over
14 again, so please, for the sake of everyone, be
15 a human like the rest of us.

16 MS. BOWMAN KAVANAGH: Thank you
17 for your comments. All right. I'm going to
18 announce the next set of five speakers. Raina
19 Rippel, Ashley Hass, Amy Goldsmith, Jacqueline
20 Sailer, and David Gross. I do see Raina in
21 attendance. I will now allow you to talk.
22 Check your microphone, please. You may need
23 to unmute on your end.

24 MS. RIPPEL: Yes. Thank you.
25 Can you hear me?

1 MS. BOWMAN KAVANAGH: I can.
2 Thank you. Please state your name and
3 affiliation before providing your comments.

4 MS. RIPPEL: Hello. My name is
5 Raina and I'm going to be speaking on behalf
6 of myself, but I also am a senior fellow at
7 the Halt the Harm Network. I thank you for
8 the opportunity to testify today and since
9 many others have already provided in depth
10 comments on specific concerns associated with
11 this rule, I want to focus my comments today
12 on my lived experience.

13 As I said, my name is Raina Rippel and
14 I live in Washington County, Pennsylvania, one
15 of the most heavily drilled counties in the
16 state. Over 10 years ago, when fracking came
17 to town, I pivoted from working on justice for
18 coalfield residents to exploring and
19 addressing the health impacts from shale gas
20 development. As the founding director of the
21 Environmental Health Project in Southwest
22 Pennsylvania, I spent nine years leading a
23 team of researchers and public health
24 professionals to respond to community needs
25 associated with the rapid influx of shale gas

1 development in our area. I have worked with
2 people across the country and around the world
3 on the topic of shale gas and public health.
4 I want you to understand one simple thing
5 about this industry. Garbage in, garbage out.
6 Allowing this industry to have access to the
7 Delaware River watershed will inevitably
8 pollute this area you are responsible for
9 protecting. Any access will open the door to
10 toxic pollution. If you allow this garbage
11 in, you will be responsible for trying to get
12 the garbage out. With a whole host of harmful
13 pollution, including radioactive waste,
14 countless chemicals and an immense quantity of
15 tainted water to be hauled and disposed of,
16 this industry is already turning areas of
17 Pennsylvania into Superfund sites should we
18 care to discover the extent of the pollution.
19 I have seen first-hand the air and water
20 pollution. I have sat with families as they
21 feared for their lives and the lives of unborn
22 children. I have spoken to large gatherings
23 of angry and fearful residents as cancer took
24 the lives of young people in our area. I have
25 watched communities be fractured by the

1 industry and residents literally hiding from
2 industry strong-arm tactics preventing them
3 from knowing the truth about their health and
4 the toxic pollution invading their community.
5 I have been a trusted expert for over 10 years
6 now and I can tell you quite simply one thing.
7 Garbage in. Garbage out. Do not let this
8 industry crack open the door. You will live
9 to regret that decision without a doubt. The
10 monster is still in the barn. Do not open the
11 door.

12 I would like to add one last quote
13 taken from a story of environmental justice
14 from Newark, NJ and the passage of the most
15 progressive environmental justice law in the
16 country cumulative impacts Bill S232. The
17 protection of the environment and public
18 health is essential to our prosperity. It
19 does not impede it. Thank you.

20 MS. BOWMAN KAVANAGH: Thank you
21 for your comments. Our next registered
22 speaker Ashley Ehasz. I do not see on the
23 list, but kindly raise your hand if you are
24 here, and then we have Amy Goldsmith. I do
25 see you, Amy. Thank you for raising your hand

1 and I've allowed you permission to talk, so
2 you should be able to unmute on your end.

3 MS. GOLDSMITH: I did on unmute.

4 Are you able to hear me?

5 MS. BOWMAN KAVANAGH: I can.

6 Thank you.

7 MS. GOLDSMITH: Super. My name
8 is Amy Goldsmith. I'm the New Jersey State
9 director for Clean Water Action. We have
10 100,000 members in the state and we have
11 Members in Pennsylvania as well. The Delaware
12 River Basin Commission's proposed frac
13 wastewater rules will not protect the basin
14 from harm. We should be having a complete and
15 thorough ban with regards to import,
16 processing, discharge, reuse, and disposal of
17 wastewater in the region. Because the
18 wastewater produced by fracking is not
19 recognized under the Resource Conservation and
20 Recovery Act as hazardous and considered a
21 special waste, it has far fewer protections
22 for the handling, transport, disposal of this
23 material, and the liability of the oil and gas
24 industry becomes more limited. The EPA
25 recognized studies to show the likelihood of

1 spills, as well as contamination of land and
2 water will increase as the volume of
3 wastewater and number of trips increase. Even
4 without a spill, we have grave concerns that
5 the stormwater runoff will carry pollution
6 from sites without review or oversight.
7 Additionally, the water -- the use of basin
8 water for fracking is depletive if all of the
9 water is lost, polluted, never to be used
10 again and is consumed by the frac wells. We
11 are very concerned about the importation and
12 storage of wastewater produced by fracking,
13 which in my reading does not get prohibited by
14 the DRBC draft regulations. As a result,
15 storage is likely to occur in the basin
16 without proper oversight and regulation by the
17 Commission. Wastewater produced by fracking
18 that is regulated under general permits can be
19 held in temporary storage units that have the
20 potential to have corrosive and concentrated
21 materials with no limits in the size and
22 capacity of these units. Prohibiting the
23 import of fracking wastewater categorically is
24 one of the most efficient, economical, and
25 beneficial ways to protect the Delaware River

1 Basin from known and unknown pollution harms
2 from fracking waste. DRBC's primary
3 responsibility is to protect the basin from
4 harm, maintain the integrity and the pristine
5 quality water and natural resources of the
6 region. Not provide the means to perpetuate
7 an oil and gas industry. By banning all
8 aspects of fracking wastewater operations,
9 you're also sending a clear message that
10 another greener and cleaner way of fueling our
11 future must be found, one that mitigates
12 climate change. Not adds to our future peril.
13 One that reduces greenhouse gases and highly
14 potent and polluting methane. Not adds more
15 climate warming agents to the earth's
16 atmosphere. Under much pressure to do
17 otherwise, DRBC has prevented fracking and
18 fracking wastewater in the basin to this point
19 in time. It is time to make the ban
20 permanent. Thank you.

21 MS. BOWMAN KAVANAGH: Thank you
22 for your comments. Next on our list is
23 Jacqueline Sailer. I will now allow you to
24 talk.

25 MS. SAILER: Hi. Can you hear

1 me?

2 MS. BOWMAN KAVANAGH: I can.
3 Thank you. Go ahead and state your name and
4 affiliation, if any, and then provide your
5 comments.

6 MS. SAILER: Hi. My name is
7 Jacqueline Sailer and I'm here on my own
8 behalf. Thank you for the opportunity to
9 comment. I strongly urge the DRBC to ban the
10 import of fracking water in the Delaware River
11 watershed and also urge the DRBC to ban taking
12 water from the watershed for use in fracking
13 activities elsewhere. I spend a lot of time
14 right on the banks of the Delaware River in
15 Wayne County, Pennsylvania. It's where I got
16 married and I grew up in New Castle County,
17 Delaware and in Chester County, Pennsylvania
18 along the banks of the Brandywine Creek, which
19 ultimately discharges into the Delaware River
20 estuary. My extended family is still located
21 there and we love the Brandywine Valley. Also
22 live and work in New York City and I'm one of
23 approximately 17 million people who rely on
24 the Delaware Basin for my drinking water. The
25 Delaware River watershed is very, very

1 important to me and to my family. Importing
2 the fracking wastewater should be banned. It
3 involves transportation and storage, among
4 other things, and transportation and storage
5 involve high risks of the fracking wastewater
6 getting into the Delaware River watershed.
7 Accidents are a natural part of
8 transportation, whether by train or truck or
9 pipe. Moreover, we know trucks offload the
10 waste before they get to their destination
11 frequently and storage facilities are not
12 built to properly store the liquid. Liquid is
13 not considered hazardous by the government, so
14 it's not treated in the same highly regulated
15 manner as hazardous waste. Many storage
16 facilities are open air, are unsupervised,
17 permit spillage or placed near populated
18 areas, consists of unlined or poorly lined
19 storage containers sometimes dug out of dirt,
20 which involve leaching into groundwater and
21 streams and elsewhere in the Delaware River
22 watershed. Thus, for all intents and
23 purposes, we're not only talking about
24 importing, transportation and storage, but
25 also discharge of wastewater in the Delaware

1 River watershed and my concerns about
2 importing a well founded the hazardous waste
3 properties of wastewater produced by fracking
4 aren't recognized by the government, which
5 allows it to be handled, transported and
6 disposed through less restrictive processing
7 systems than would be for hazardous waste. I
8 agree with the Philadelphia Inquirer's
9 editorial board that until the companies that
10 are fracking or engaging in fracking
11 activities can prove that the wastewater is
12 safe for the public and for the environment,
13 they shouldn't be allowed to import it or
14 discharge it in any manner, and I enjoy the
15 clean drinking water in New York City. If we
16 lose it, where will we turn to replace it?
17 And that's me and 17 million other people. I
18 also oppose giving away the water to further
19 fracking interests in other places. Once the
20 Delaware's clean water is injected into the
21 fracking wells, it turns into a toxic and
22 harmful waste liquid that is radioactive,
23 causes cancer and has heavy metal. Losing
24 that water would permanently change the
25 ecological makeup of the watershed. May I

1 have a couple more seconds?

2 MS. BOWMAN KAVANAGH: Finish
3 your thought.

4 MS. SAILER: Thank you and
5 ultimately jeopardize everything that we know
6 about the Delaware River watershed today.
7 Already the water levels of the Upper Delaware
8 are carefully monitored because they're
9 subject to the needs of millions of people who
10 depend on it for drinking water. The lack of
11 water would destroy the ecology of the river
12 and of course in the past times that the
13 Delaware River is so famous for. Fishing,
14 boating, floating and countless others. I've
15 run out of time, but thank you very much for
16 the opportunity to speak.

17 MS. BOWMAN KAVANAGH: Thank you
18 for your comments. Our last speaker in this
19 group of five David Gross I don't see on the
20 list. So I will announce the names of the
21 next five on the list. Kathleen Gill, Hilary
22 Baum, Caroline O'Brien, Raphael Wakefield, and
23 Jason Howell. I will also note for the record
24 that while attendance fluctuates over the
25 course of the hearing, YouTube attendance has

1 -- the maximum is still that we've had is
2 seven viewing on YouTube live stream and the
3 total number of attendees on the Zoom webinar
4 has peaked at 52 thus far. I will also just
5 note that if I've tried to call you before to
6 speak and you had difficulties, please make
7 sure that you have selected the English or
8 Spanish channel for language interpretation in
9 case that is the source of any of the issues.

10 The last thing I will add at this point
11 is that before we proceed with additional
12 speakers is that we have approximately 13
13 registered speakers and six registered on the
14 wait list for a total of 19. Based on the
15 time left and my trusty calculator, it looks
16 like we will be able to accommodate those who
17 are on the wait list. I will do a time check
18 in about another half hour, 45 minutes and try
19 and provide an update at that time on whether
20 time will allow us to accommodate any speakers
21 who had not registered in advance. All right?
22 So next up. Kathleen Gill, I'm not seeing you
23 on the list, but please raise your hand if you
24 are here, and Hilary Baum. Hilary, I see that
25 you're here. I've allowed you to talk and you

1 may need to unmute on your end.

2 MS. BAUM: Hi. I am unmuted.

3 Can you hear me.

4 MS. BOWMAN KAVANAGH: I can. I
5 can hear you well. Thank you.

6 MS. BAUM: Okay. Great. Thank
7 you for this opportunity to testify. My name
8 is Hilary Baum. I am a resident of
9 Philadelphia and a leader of the Philadelphia
10 Neighborhood Networks Environmental Action
11 Committee and Northwest Philadelphia's Weavers
12 Way Food Co-op. I also serve on the
13 Philadelphia City Council Civilian
14 Environmental Advisory Committee and I am here
15 speaking for myself.

16 I moved to Pennsylvania three years ago
17 from New York where I was active in the state
18 movement to ban fracking. As someone with
19 experience in various aspects of the food,
20 farming and restaurant business, I have an
21 understanding of frackings potentially
22 negative economic impacts within our own
23 region's food system. I am a founder of Chefs
24 for the Marcellus, a campaign of more than 500
25 New York chefs, restaurant tours, purveyors,

1 producers and others, and food related
2 businesses who organized to ban fracking in
3 support of our regional food and farm economy
4 and those who depend upon it. We're here
5 today to comment on the proposed regulations
6 that address import of fracking wastewater
7 from outside the watershed and the export of
8 our water for fracking operations elsewhere.
9 These regulations are inadequate and subject
10 this watershed to many of the dangers of the
11 fracking industry, which the ban on extraction
12 alone cannot prevent. As proposed, even the
13 actual discharge of fracking wastewater to
14 land or water is prohibited. The regulations
15 are still inadequate because they would allow
16 its transport through the watershed, its
17 storage processing, and its reuse. The
18 resulting pollution from the toxins of the
19 fracking wastewater is inevitable as
20 processing and venting produce dangerous air
21 emissions that harm water, vegetation, soil
22 animals and humans. Plus, its transport
23 through the watershed in addition to its
24 processing and storage will certainly produce
25 spills, leaks and storm runoff -- water

1 runoff, all of which have the potential
2 contaminate farming, fishing and food
3 production. The import of fracking
4 wastewater must be banned. The export of
5 water for using fracking from the watershed
6 must also be banned. This will take water
7 from waterways such as streams, groundwater
8 and aquifers, and the main part of the
9 Delaware River, harming flows, quality and
10 quantity. The threat to the water supply for
11 millions of drinkers, as well as the farmers
12 and food producers that depend on it while not
13 as obvious as the harm that the import of frac
14 wastewater would recreate causes a cascade of
15 negative impacts that include the hampering
16 the repelling of the salt front, an important
17 goal of the DRBC. According to a 2016 paper
18 from the University of Delaware Water
19 Resources Center, agriculture in the Delaware
20 River Basin contribute \$3.4 billion to the
21 regional economy. The products of farming and
22 food production in the Delaware River
23 watershed play an important role in the
24 wholesale and retail food and restaurant trade
25 in our region, especially in Philadelphia and

1 New York City. I can't believe my time is up.

2 In conclusion, it's clear that by
3 welcoming both the import of fracking
4 wastewater and the export of fresh water from
5 our watershed, the DRBC is not only
6 threatening the region's food and farm
7 economy, it is, in fact, furthering and
8 supporting the fracking industry by meeting
9 its needs so that it can continue to expand
10 outside of the watershed. How can it be
11 acceptable elsewhere when you have determined
12 that it is not acceptable here? I urge you
13 ban both the import of fracking wastewater and
14 the export of our precious water from the
15 Delaware River watershed. Thank you.

16 MS. BOWMAN KAVANAGH: Thank you
17 for your comments. I am not seeing the next
18 three speakers on our list of attendees, but
19 let me announce your names in case I'm just
20 missing you so that you may raise your hand.
21 Caroline O'Brien, Raphael Wakefield, and Jason
22 Howell. Okay. Not seeing anyone having
23 raised their hand, I'll announce the list of
24 the next five speakers. Katherine McCaffrey,
25 Pat Percy, Michelle Fleurantin, Catherine

1 Rowaiter, and Austin Kelly. So Katherine
2 McCaffrey, I believe I saw you in attendance.
3 I will allow you to talk.

4 MS. McCAFFREY: Can you hear me
5 now?

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

8 MS. McCAFFREY: Thank you. So
9 I'm here to speak on my own behalf. My name
10 is Katherine McCaffrey. I'm a professor of
11 anthropology at Montclair State University and
12 a resident of Maplewood, NJ. My own research
13 has examined the long-term health and
14 environmental damage of military activities on
15 Vieques Island, Puerto Rico. I've researched
16 and written extensively on the secondary and
17 long-term effects of not only bombing
18 exercises, but routine military operations
19 that have contaminated water, soil and air and
20 sickened the civilian population. I'm
21 speaking here today because of my concern for
22 environmental damage closer to home,
23 specifically the threat fracking represents to
24 our water supply. I am opposed to the
25 proposed regulations that would allow the

1 fracking industry access to the Delaware River
2 watershed to extract water and dispose of
3 toxic wastewater. I speak with a deep
4 understanding of the long-term costs of
5 decisions made for the short-term benefit of
6 powerful actors and the way those costs are
7 absorbed by the bodies of our most vulnerable
8 citizens. New Jersey gets more than 1/3 of
9 its drinking water from the Delaware River.
10 Wastewater import threatens this vital life
11 sustaining resource and must be categorically
12 banned. Transportation of wastewater into the
13 watershed for processing, storage, reuse or
14 other purposes threatens the release of
15 dangerous fracking wastewater pollution.
16 Everywhere this type of material is moved
17 about, there is illegal dumping spills and
18 accidents that harm human health and the
19 environment. Fracking damages public health,
20 the environment and increases the emissions of
21 methane, a potent greenhouse gas. The import
22 of fracking wastewater into the Delaware River
23 watershed props up a drilling industry and its
24 unmitigatable greenhouse gas emissions at a
25 moment of planetary crisis. There is a very

1 small window of opportunity for us to reduce
2 our carbon emissions. As a society we should
3 be devoting all efforts and resources towards
4 carbon neutral energy, not subsidizing the
5 fossil fuel industry and jeopardizing our
6 water supply. So in sum, I would like to
7 thank you for the opportunity to speak and for
8 the efforts you made to provide Spanish
9 language interpretation for this hearing.
10 Might I suggest that as you refine this
11 process, it would make sense to offer
12 instructions on how to access Spanish
13 translation in Spanish rather than English.
14 Thank you very much.

15 MS. BOWMAN KAVANAGH: Thank you
16 for your comments. Our next registered
17 speaker is Pat Percy, who I do not see on the
18 list. So if I'm just missing you, please
19 raise your hand, and then we have Michelle
20 Fleurantin. I apologize if I didn't pronounce
21 that correctly. I will now allow you to
22 speak, Michelle.

23 MS. FLEURANTIN: Thank you. My
24 name is Michelle Fleurantin and I am a law
25 student clinician with the Natural Resources

1 Defense Council based in our New York office.
2 I thank you for the opportunity to comment and
3 the NRDC will be supplementing with written
4 comments as well.

5 Earlier this year the Commission acted
6 decisively to ban high volume hydraulic
7 fracturing within the Delaware River Basin,
8 which goes part way towards protecting the
9 community and the environment from the hazards
10 associated with fracking. Now it is up to
11 these proposed regulations to eliminate the
12 remaining loopholes through which hazardous
13 frac wastewater would still endanger basin
14 residents and resources. As you've heard from
15 several commenters today, frac wastewater is
16 leading with hazardous and radioactive
17 contaminants and the release of frac
18 wastewater to the environment can have
19 dangerous impacts to both human health and the
20 environment. To start with, NRDC supports the
21 intention to categorically ban discharges of
22 frac wastewater in the basin reflected in the
23 proposed amendments to section 2.3 of the DRBC
24 water code and the proposed section 440.4(b)
25 of the special regulations. In keeping with

1 this intent to protect the basins' residents
2 and resources, DRBC needs to update the
3 proposed amendments to ensure that there are
4 no loopholes, which would allow fracked
5 wastewater to endanger the basin. DRBC needs
6 to define two terms to clarify the scope of
7 the ban on discharge of HVHF wastewater to
8 waters in the basin. Firstly, the term
9 discharge should be defined broadly and
10 similar scopes the way the term release is
11 defined in federal statutes such as CERCLA.
12 Secondly, the term waters in the basin should
13 be broadly defined to include both surface and
14 groundwater bodies, part or all of which are
15 located in the basin. The proposed amendments
16 to the water code rightly placed restrictions
17 on the importation and exportation of water to
18 and from the basin. However, the import of
19 frac wastewater into the basin and the export
20 of basin water resources for fracking
21 operations must be categorically and
22 explicitly prohibited. As we all know, at
23 this point, contributing water resources for
24 fracking and providing opportunities for the
25 reuse of imported frac wastewater both

1 perpetuate fracking operations outside the
2 basin, which then exacerbates climate change
3 through the release of the greenhouse gas
4 methane during fracking operations and the
5 carbon dioxide emissions that result from the
6 use of fracked gas and we haven't even touched
7 the water contamination and hazardous
8 substances that would then plague other
9 communities. The impacts of climate change
10 are already harming the Delaware River Basin
11 community and its water resources. The DRBC
12 has reported on it and we've seen it recently
13 this past summer being the hottest on record
14 and with the devastation from Hurricane Ida.
15 The DRBC must take climate impacts into
16 account by categorically banning the import of
17 frac wastewater and banning the export of the
18 basin water. Thank you.

19 MS. BOWMAN KAVANAGH: Thank you
20 for your comments. I do not see the next two
21 speakers present. They are Catherine Rowaiter
22 or Rollator and Austin Kelly. If you are
23 here, kindly raise your hands. I'll give you
24 a moment. Okay. I will proceed with the next
25 group of speakers. There's eight left on the

1 regular and the wait list registration of
2 those who had registered in advance. I'll say
3 all eight names now. Once we get through
4 these remaining eight speakers, I will go
5 through the list of those who I had called
6 earlier and were not present and then after
7 that I believe we will have time to take some
8 unregistered speakers, but please don't raise
9 your hand just yet. I will let you know when
10 to raise your hand if you have not registered
11 in advance and wish to provide comments today.

12 The next eight speakers are Mary
13 Saudergas, Deborah Murphy, Kirk Frost, Steve
14 Westhoff, Ann Kelly, Gail Brunner, Carol
15 Bowers, and Paula Rogovin. So Mary Saudergas,
16 I know you are here. Thanks for raising your
17 hand and I have now allowed you to talk.

18 MS. SAUDERGAS: Hi. Can you
19 hear me.

20 MS. BOWMAN KAVANAGH: I can.
21 Thank you.

22 MS. SAUDERGAS: Yeah. Okay.
23 Great. My name is Mary Saudergas and I am a
24 resident of New Jersey. A concerned citizen
25 about the drinking water that New Jersey

1 receives from the Delaware River Basin, as
2 well as what New York receives and the health
3 and safety of everyone who lives in the area.
4 I wanted to briefly speak to the effects that
5 stormwater runoff and fracking wastewater can
6 have together in concert on the health and
7 safety of the region's water and soil. It was
8 just mentioned earlier referred to the
9 volatile weather patterns that we are
10 increasingly having. This is a fact and they
11 will come with unforeseen consequences. The
12 stormwater runoff from rain and snowstorms,
13 can transfer the pollution from fracking
14 wastewater from otherwise closed loop systems
15 and I say that with quotations around closed
16 loop system, such as transportation, reuse or
17 storage and that fracked wastewater can then
18 become a source of contamination and the
19 contamination due to the fracking has far
20 reaching consequences. Geographically, it can
21 spread. It can be carried to places that we
22 don't even know yet and then timeline into the
23 future. This pollution carrying runoff does
24 not require DRBC review or oversight that is
25 under the jurisdiction of states and

1 localities, but the source of the
2 contamination that is fracking wastewater is
3 within the purview of the DRBC.

4 Commissioners, you banned fracking
5 within the watershed. You must now ban the
6 pollution produced by fracking by prohibiting
7 its toxic and radioactive wastewater from
8 entering the watershed. Thank you.

9 MS. BOWMAN KAVANAGH: Thank you
10 for your comments. The next speaker is
11 Deborah Murphy who I'm not seeing on the list,
12 so please raise your hand if you're here.
13 Also, Kirk Frost. Similarly, I am not seeing
14 you as being present, but please raise your
15 hand if you're here. Steve Westhoff, Ann
16 Kelly I'm also not seeing either of you, so if
17 any of the above four are present, kindly
18 raise your hand. Gail Brunner is next and
19 Gail is present. Gail, I have allowed you to
20 talk. Would you check your microphone,
21 please?

22 MS. BRUNNER: Hi. Can you hear
23 me?

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

1 MS. BRUNNER: Thank you for
2 hosting this meeting. Hi. My name is Gail
3 Brunner and I'm a resident here in the
4 Delaware River Basin. I'm a member of Food
5 and Water Watch, founder of REF, Reinforcing
6 Education on Fracking, and involved with the
7 Delaware Riverkeeper Network and Damascus
8 Citizens for Sustainability. Myself, our
9 friends, our relatives, and my neighbors all
10 play here in the Delaware River Basin. We
11 swim, we kayak, we fish here on the Delaware
12 River and we have participated in the National
13 Park Service Take a Hike and Let's Move
14 Campaign to get outdoors by completing the
15 required six hikes in the Upper Delaware
16 Scenic and Recreational River Area. I am
17 extremely proud to live here in this
18 magnificent Delaware River Basin. I also
19 retired as a licensed public health official
20 on the front lines as a code enforcement
21 officer. I was under oath to protect our
22 public's health and keep our environment and
23 community safe. Working for over 30 years, I
24 took this responsibility seriously. Your DRBC
25 website under the title of our shared waters

1 and program goals states, goal number one, to
2 educate the public and decision makers about
3 the current state of the basin and the
4 opportunities available to play a role in its
5 continued sustainability. I hope you consider
6 this goal by taking your written and verbal
7 comments seriously and vote for a full frac
8 ban now. Goal number two, I quote, connect
9 people to the local waterways, connect with
10 one another and connect with the bigger
11 picture. We're all a part of the Delaware
12 River Basin through education, outreach and
13 experiential learning. The millions of people
14 who depend on the waters of the Delaware River
15 Basin will have a better understanding of its
16 importance and how they, too, can play a part
17 in protecting its borders, our shared waters
18 for current and future generations, end quote.

19 So I'm calling on you to commit to your
20 website and make the correct decision to
21 protecting its waters, our shared waters for
22 current and future generations and vote for a
23 full frac ban now. I am shocked and appalled
24 that the fossil fuel industry is not regulated
25 as they should be and they are exempt at

1 disclosing the components of the hazardous
2 wastewater they produce and are looking for a
3 way to dispose of it. This is huge. I am
4 also shocked and appalled at the Delaware
5 River Basin Commission has the authority to
6 vote on allowing the possible contamination
7 and/or withdrawal of our potable water supply
8 and the public's water supply of approximately
9 17 million people. We are now relying on you,
10 the Delaware River Basin Commission's vote to
11 keep this contaminated, not regulated water
12 out of our potable water supply, along with
13 the possible withdrawal of water for fracking
14 use outside the basin. I am asking for you to
15 please protect us and this basin and close the
16 loopholes that support fracking. I am,
17 therefore, respectfully requesting that you,
18 the Delaware River Basin Commission, be
19 responsible and vote for a full frac ban now
20 in the Delaware River Basin. Thank you for
21 your consideration. Respectfully yours, Gail
22 Brunner.

23 MS. BOWMAN KAVANAGH: Thank you
24 for your comments. The last two speakers who
25 were on our wait list I am not seeing as being

1 in attendance. They are Carol Bowers and
2 Paula Rogovin. I'm going to pause for a
3 moment in case you are here and I'm just not
4 seeing your name. I am now going to read the
5 list of names of those who had registered in
6 advance and who had called previously, but
7 were not in attendance to give you one
8 additional opportunity to raise your hand if
9 you are present. I have checked the attendee
10 list again and I still don't see your names,
11 but I don't want to miss anyone.

12 The hearing was scheduled to occur from
13 1:30 PM until 4:30 PM today. At this point,
14 based on what I can see in terms of
15 attendance, it looks like we will be able to
16 accommodate any unregistered speakers who wish
17 to provide comments today and who have not
18 already provided comments at one of the prior
19 four hearings, but before you raise your hands
20 to request to speak, let me just go through
21 the list of registered speakers who have not
22 yet spoken today. John Hahn, Edith
23 Kantrowitz, Peter Gogan, Jan Cult, Jennifer
24 Payton, Cherise Barrage, Monica Stamm, Roger
25 Olson, Constance Garcia Barrio, Travis London,

1 Ashley Ehasz, David Gross, Kathleen Gill,
2 Caroline O'Brien, Rafael Wakefield, Jason
3 Howell, Pat Percy, Catherine Rowaiter, Austin
4 Kelly, Deborah Murphy, Kirk Frost, Steve
5 Westhoff, Ann Kelly, Carol Bowers, and Paula
6 Rogovin. If any of you are here, kindly raise
7 your hand. All right. I'm not seeing anyone
8 raising their hand as having been present now
9 as a registered speaker. If you have not
10 registered in advance to speak, but wish to
11 provide comments, we do have time remaining
12 during this public hearing. At this time,
13 please raise your hand using the raise hand
14 feature. It should be at the bottom middle of
15 your screen or if you have called in, it is
16 STAR 9 and I will pause to see if anyone
17 raises their hands and for those who do, you
18 will be invited to provide three minutes of
19 comment in the order that you raise your
20 hands.

21 I do wanna note that you are allowed to
22 comment once at the public hearings, so if you
23 have already provided oral comments at this or
24 a prior hearing and you wish to have
25 additional comments, kindly submit those in

1 writing according to the instructions on the
2 DRBC website and those comments are due by
3 5:00 PM Eastern Time on February 28th, 2022,
4 and I will pause for another moment as I'm not
5 seeing anyone yet who has raised their hands
6 to provide comments, but I want to give you
7 every opportunity since we have plenty of time
8 left during this hearing to do so. Okay. I'm
9 still not seeing anyone who has raised their
10 hands. I will stop screen sharing. That
11 concludes this public hearing. Thank you to
12 everyone for attending and on behalf of the
13 Delaware River Basin Commission, I also want
14 to thank those of you who offered comments.
15 As a reminder, you may also submit written
16 comments by 5:00 PM Eastern Time on February
17 28th, 2022. For more information, please
18 visit the DRBC website. Happy belated Lunar
19 New Year and have a good afternoon.

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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

CSR No. 30XI00198500

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