

BEFORE THE
DELAWARE RIVER BASIN COMMISSION

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IN RE: DRAFT NATURAL GAS REGULATIONS

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BEFORE: ROBERT TUDOR, Hearing Examiner

HEARING: Tuesday, February 22, 2011
1:30 p.m.

LOCATION: Liberty High School
115 Buckley Street
Liberty, NY 12754

WITNESSES: James Eisel, Robert Homovich, Peter
Comstock, Leonard Utter, Noel Van Swol, Chris White,
Andrew Boyar, Thomas Bose, Donald Smith, Ed Sykes, Jim
Greier, Susan Dorsey, Inge Grafe-Klieklak, Douglas
Lee, Edward Allees, Bryant La Tourette, Bernard
Handler, Allan Rubin, Ramsay Adams, George Manno,
Albert Larson, Barbara Monroe, Kristina Turechek,
Eleanor Moriarty, Dennis Nearing, Wilfred Hughson,

Reporter: Kenneth D. O'Hearn

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1 Marilyn Howard, James Seif, Randy Williams, Larysa
2 Dyrszka, Jane Roth, Heidi Gogins, Ross Hart, Roger
3 Downs, Jill Wiener, Meredith Moorhead, Buck Moorhead,
4 Katy Dunlap, Kalika Stern, Maria Grimaldi, Glen
5 Goldstein, John Gorzynski, Faith Zerbe, Paul Rush,
6 Susan Leifer, Ann Guenther, Rosalyn Cherry, Jessica
7 Anna, Edward Berry, Jeffrey Kittay, Rebecca Kittay,
8 John Conrad, Stephan Lundgren, Alexander Lines, Thomas
9 Kober, Sandra Kissam, Sheena Heinitz, Barbara
10 Farabaugh, Joseph Beirne, Scott Johnson, Debra Conway,
11 Keitha Capouya, Harold Russell, Ann Finneran, David
12 Rusin, Peter Andersen, Dorothy Hartz, Kathleen Bowers,
13 Karen London, Lonny Schaefer, Liz Sigler, Jason
14 Miranda, Charles Johnston, Jan London

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(Whereupon, at 1:30 p.m., the Delaware River Basin
Commission opened the public hearing at the Liberty
High School, 125 Buckley Street, Liberty, New York,
with opening remarks by Hearing Examiner Robert Tudor,
followed up by a PowerPoint presentation by Chad
Pindar. Immediately thereafter, the following
commenced:)

HEARING EXAMINER:

Okay. Obviously, that was a very high
level review. The actual rule proposal is about 70
pages in length. We have received about 1,500
comments to date. About 1,200 of them through this
Pepsi electronic system and another 300 or 400 as
individual letters. With that, I think I'd like to
start the public comment period and allocate most of
the time to hear from you. I would ask you, you know,
that typical thing about the cell phones. I heard a
couple go off there just during Chad's presentation.
If you could turn them on to vibrate or shut them off
altogether that would be helpful. I also ask each
person when they come up to state their full name,
spell their last name and their affiliation. That's

1 very helpful to this gentleman right here in terms of
2 capturing who you are, where you come from as well as
3 your comments.

4 What we announced in terms of the rules
5 of the procedure was that elected officials would have
6 an opportunity to pre-register and have the first
7 opportunity to speak. We have ten elected officials
8 that have elected to do that and so I will call them
9 in the order that they registered, and then we will
10 open it up for comment period based on when you
11 actually registered here starting at 12:30 today. I
12 think everybody knows, based on the instructions
13 that's been given by our support staff here, that on
14 the back of your registration card, there's a number.
15 And so I am --- when I get to, say, speaker number
16 eight I'm going to go, okay, now would 9 through 20
17 sort of occupy these seats over here on the right so
18 that we can keep the flow moving and that everybody
19 who wanted to make oral testimony today actually gets
20 an opportunity to do so. So with that introduction, I
21 will start by working off my list of elected
22 officials, and the first request for speaker was James
23 Eisel. He's the chairman of the Board of Supervisors
24 of Delaware County, but I would ask you, James, to
25 repeat that. Give your name and who you represent

1 right up here. Thank you.

2 MR. EISEL:

3 Good afternoon. My name is Jim Eisel,
4 E-I-S-E-L. I'm chairman of Delaware County New York
5 Board of Supervisors and the supervisor of the town of
6 Harpersfield, which has a significant percentage of
7 land in the Delaware Basin. Approximately 75 percent
8 of our county is in the Delaware Basin and half is in
9 the New York City watershed. We are already
10 overregulated. Who would have guessed?

11 I have many concerns about the district
12 regulations. One of the largest is Article Six --- or
13 Article Seven, which we just heard about, Section 7.5,
14 well paired for natural gas activity. This entire
15 section needs to be removed. It is essentially a
16 duplication of the New York State authorities to
17 protect work qualities. It is therefore not needed.
18 If this section of the regulations is allowed to
19 continue as it is it will severely later impair the
20 Delaware Basin in Delaware County.

21 Of course, anything in New York City's
22 watershed for all practical purposes is prohibited, so
23 the county has already lost that opportunity. The
24 proposed 500 foot setback is almost 5 times greater
25 than that required by the City of New York. It has no

1 signs of being an arbitrary decision.

2 Where is the signs? A 500 foot setback
3 in our opinion would be nearly impossible to site as
4 you will need at least 21 acres --- 21 acre area that
5 does not touch a water body, however the definition is
6 interpreted. In Delaware County we are overrun by
7 duplicate, triplicate and quadruplicate requirements
8 for various activities. One of our towns in New York
9 where a community waste facility was installed being
10 permitted in New York State, in New York City, Army
11 Corps of Engineers and the New York Entity. How many
12 approvals are needed and why are all these fees
13 needed? My time's almost up?

14 HEARING EXAMINER:

15 That means you have ten seconds. You're
16 the first person to try this out.

17 MR. EISEL:

18 Okay. So just let me add about --- DRBC
19 should not set the --- should view the SRB as
20 Susquehanna's problem and let the states address the
21 water quality issue. We have visited well sites in
22 communities in Bradford County, PA. Overall it's
23 working just fine, protecting water quality and
24 quantity and allowing the much needed economic growth.
25 Bradford County, PA has the lowest unemployment rate

1 in the state and is filling the state pockets with
2 much needed revenue. Thank you.

3 HEARING EXAMINER:

4 Thanks, Jim. Colchester. And please
5 introduce yourself again and then we'll press the
6 button after you're done.

7 MR. HOMOVIK:

8 I'm not going to ---.

9 HEARING EXAMINER:

10 All right. Well, we will have your
11 written comments there as well.

12 MR. HOMOVIK:

13 All right. My name is Robert Homovich,
14 H-O-M-O-V-I-C-H, a supervisor in the town Colchester
15 in Delaware County, budget director. Yeah, you're the
16 people I want to talk to.

17 HEARING EXAMINER:

18 Okay. Very good.

19 MR. HOMOVIK:

20 And I'm going to have a hard time getting
21 through this.

22 HEARING EXAMINER:

23 Okay. And we haven't pressed the button
24 yet.

25 MR. HOMOVIK:

1 All ready? All right.

2 HEARING EXAMINER:

3 Yes, sir. Go.

4 MR. HOMOVIK:

5 The Town of Colchester is near New York
6 City Pepacton Reservoir, which is the largest
7 reservoir in the New York City water supply system,
8 140 billion gallons. For DRBC to have credibility as
9 to a fair amount of its relevant stakeholders, in the
10 Delaware River Basin, you can treat --- you cannot
11 treat one stakeholder above the others. If they can
12 hold the salt mining for Philadelphia by using
13 Delaware River to hold back the ocean ---. When you
14 signed MOA, when New York City gave in, that gave them
15 an unfair advantage over the rest of the stakeholders.
16 The DRBC should be an oversight commission over
17 natural gas development, not a player. New York City,
18 New York State BC, as the authority in record, they
19 have the expertise to regulate natural gas drilling.
20 New York State BC has administered natural gas
21 development for over 60 years with an excellent
22 history of protecting the environment and the
23 convenience of the citizens of New York State. DRBC
24 indicated the permitting process already in our state
25 is by DBC. Well, as you know this was making the

1 economics of natural gas development in the Delaware
2 River Basin financially prohibitive. This was
3 provided to the residents of the basin ---. But if
4 the DRBC is going to be a player ---. Then what we
5 will --- we'll assume the oversight responsibility of
6 what they are doing ---.

7 I want to go to the end. Last year I
8 advised Mr. Robert Lee (phonetic), that one third of
9 our population are on duplicated public assistance, or
10 are in a non-sustaining situation. The natural gas
11 resource is providing economic development to our
12 economy so we may survive.

13 HEARING EXAMINER:

14 Mr. Homovich, I'm going to have to cut
15 you off right there.

16 MR. HOMOVIK:

17 That's all right. I'm sorry.

18 HEARING EXAMINER:

19 Thank you. Could Peter Comstock of
20 Lumberland approach? Thank you.

21 MR. COMSTOCK:

22 My name is Peter Comstock,
23 C-O-M-S-T-O-C-K, chairman of the Lumberland Advisory
24 Committee on energy and the environment and designated
25 town spokesman for these hearings. The 50 mile --- or

1 50 square miles of our town lie within the Upper
2 Delaware Scenic and Recreational River and within the
3 DRBC's special protection waters area. We desperately
4 want a shot in the arm to our local economy just like
5 the next town, but we have had difficulty imagining
6 how gas extraction could coexist benignly with our
7 river paradise.

8 We went to Bradford County to see for
9 ourselves and while the motels are full, the roads
10 have been turned to mush. We learned about tankers
11 leaving drill sites without manifests declaring the
12 nature, the tonnage or the destination of the
13 contaminated water they were carrying. And we have a
14 --- and we saw a conservation district manager throw
15 up his hands lamenting that his job had been reduced
16 to one of making lemonade out of lemons. The
17 Lumberland Town Board's comprised of Republicans and
18 Democrats. And in a unanimous vote they have spoken
19 with one voice demanding a moratorium on gas drilling
20 activity until the EPA study is completed and
21 analyzed. The Board believes that your natural gas
22 development plans are no substitute for a basin wide
23 study of the cumulative impacts of large scale gas
24 extraction in advance of industry activity.

25 The town of Lumberland asks that you hold

1 your draft regulations in abeyance until the
2 conclusion of all studies. The town fully embraces
3 the wisdom in the words of our next New York
4 Department of Environmental Conservation Commissioner,
5 Joseph Martens who said, shouldn't we be doing
6 everything possible to reduce energy consumption and
7 do everything possible to increase the use of
8 renewable resources before we make a major decision to
9 exploit the Marcellus shale and possibly damage,
10 perhaps irreparably the land, air, water resources
11 that sustain life itself? Quite frankly, Mr. Hearing
12 Officer, the town of Lumberland believes that fast
13 track approval of gas drilling activity is no way to
14 treat our special protection waters. Thank you.

15 HEARING EXAMINER:

16 Thank you. Leonard Utter, if I'm saying
17 that correctly. He is the supervisor of the town of
18 Middletown.

19 MR. UTTER:

20 Good afternoon. My name is Leonard
21 Utter, U-T-T-E-R. I'm the supervisor from the town of
22 Middletown, Delaware County, New York where I've lived
23 my entire life. I'm here today to encourage the
24 Delaware River Basin's commission to abandon the
25 setback regulations described in the draft Natural Gas

1 Development Regulations. As a resident of the New
2 York City watershed, I am abundantly familiar with the
3 setback requirements of the New York City Department
4 of Environmental Protection, septic and stormwater
5 regulations. New York City provides water to over
6 eight and a half million residents every day using the
7 water sources of the Delaware River. Utilizing the
8 vast resources at their disposal, they have deemed a
9 safety buffer for drinking water to be 100 feet from a
10 watercourse and 300 feet from a reservoir. It seems
11 strange to me that the DRBC feels that a 500 feet
12 setback is necessary given that this is designated
13 based on hysteria that something might happen.

14 Delaware County straddles two watersheds,
15 the Susquehanna River Basin as well as the Delaware
16 River Basin. It seems ridiculous to me that a gas
17 exploration company may have to permit --- may have a
18 permit to drill in one area in the county complying
19 with New York City State --- or New York State laws
20 that would require a hundred foot setback from a water
21 course and then move near four miles away, perhaps in
22 the same township. They find that they're out of
23 compliance. It appears to this public elected
24 official that a watercourse of --- a better course of
25 action would be to accept the whole state's

1 regulations. In closing, one of the most frustrating
2 issues I have dealt with in the New York City
3 watershed is the definition of a watercourse. DEP has
4 dedicated a fair amount of staff time in this issue.
5 And even so, we take umbrage from time to time as to
6 what they call a watercourse. The definition in this
7 draft regulations that the DRCB has offered is so
8 broad that it has given so much discretion or
9 authority to the executive director. I feel based on
10 my experience that we'll be in constant litigation.
11 Thank you.

12 HEARING EXAMINER:

13 Thank you, Mr. Utter. Noel Van Swol.

14 MR. SWOL:

15 I'm Noel Van Swol from Long Island, New
16 York. My name is spelled N-O-E-L, space, V-A-N,
17 space, capital S-W-O-L. I'm an elected member of the
18 Sullivan West School Board. I'm a retired school
19 administrator. I'm here today speaking as an
20 individual, not for the Sullivan West Board. For many
21 years I have watched with a heavy heart as class after
22 class of our best and brightest students have
23 graduated from schools across the region never to
24 return because there are no jobs here. The irony is
25 that we are sitting on a vast treasure of easily

1 exploitable natural gas reserves. Natural gas
2 drilling has the potential for creating thousands of
3 good paying jobs here that will end our unemployment
4 problems and jump start the economy of our region. In
5 fact, industry sources say that they are eager to hire
6 and train high school graduates with no experience for
7 starting salaries ranging from \$40,000 to \$60,000 a
8 year. We don't have the luxury of waiting any longer
9 for the approval of these regulations.

10 Additionally, I'm the co-founder and
11 president of the Sullivan Delaware Property Owners
12 Association. Our coalition notes that these draft
13 regulations are a good start, but are entirely too
14 restrictive. There are two examples of conditions
15 that need to be modified. First, the Section 7.5
16 regulations override New York State's standards and
17 give absolute authority to the DRBC executive
18 director, their staff, who have no practical
19 experience in regulating oil and gas drilling and
20 production, which the DEC does. Secondly, for all
21 intents and purposes, the 500 foot wetland setback and
22 the proposed forest and slope prohibitions are so
23 restrictive as to prevent any drilling anywhere. We
24 need to modify the deficiencies in this plan and start
25 moving forward as quickly as possible. We need gas

1 drilling now.

2 HEARING EXAMINER:

3 Thank you.

4 MR. SWOL:

5 I think I'm the first person to finish
6 right on time.

7 HEARING EXAMINER:

8 Thank you. Next will be Chris White
9 representing Congressman Hinchey, if he's here. There
10 he is.

11 MR. WHITE:

12 Good afternoon. My name is Chris White.
13 I'm the district representative for Congressman
14 Maurice Hinchey, and I'll leave you a copy of these
15 comments. Dear Commission members, I appreciate the
16 opportunity to submit these brief comments in response
17 to the Commission's draft natural gas regulations for
18 the Delaware River Basin. The potential development
19 of many thousands of new natural gas drilling sites
20 will have a profound impact throughout the Delaware
21 River basin, and it is critical that the Commission
22 carefully consider all public comment in response to
23 the draft regulation.

24 Unfortunately, I do not believe that the
25 draft regulations adequately address the risks posed

1 by natural gas drilling, and I would urge the
2 Commission to suspend the current rulemaking process
3 due to a lack of scientific data as well as recent
4 revelations concerning previously unreported hydraulic
5 fracturing practices. I have serious concerns about
6 the impact that natural gas development projects will
7 have on the water resources of the basin. Over 15
8 million people, including New York City and
9 Philadelphia residents, depend on the water resources
10 of the Delaware River basin.

11 The basin is home to several designated
12 units of the national park system and includes the
13 special protection waters of the Upper Delaware. As
14 such, the Commission needs to take every precaution
15 necessary to make sure that the vitally important
16 water and other natural resources are not harmed in
17 any way. That's why I continue to believe that a
18 cumulative impact study on water resources is required
19 to provide the proper scientific data and framework
20 needed to develop comprehensive and effective
21 regulations. Unfortunately, no such study was
22 conducted prior to the issuance of the draft
23 regulations. In addition, the House Energy and
24 Congress Committee recently released the result of its
25 investigation into the composition of hydraulic

1 fracturing fluids, finding that oil and gas service
2 companies injected more than 32 million gallons of
3 diesel fuel in wells in 9 states despite an industry
4 pledge not to do so. And I'll leave the rest of the
5 comments in writing. Thank you.

6 HEARING EXAMINER:

7 Thank you. Andrew Boyar, supervisor of
8 Highland.

9 MR. BOYAR:

10 Andrew Boyar, B-O-Y-A-R, supervisor of
11 the town of Highland, Sullivan County, New York. The
12 DRBC is charged with safeguarding America's most
13 valuable water supply. It is not a Chamber of
14 Commerce. I believe that the proposed regs are
15 environmentally flawed. American families have a
16 fundamental right to clean air and clean water. This
17 fundamental right supersedes corporate interests. It
18 has become clear that the industry will not regulate
19 itself. To the contrary, it has a proven track record
20 to fight every regulation, however sound, and to deny
21 every claim of environmental injury, however proven.
22 Our regulators, including the EPA, DEP, DBC are vetted
23 by a deadly combination of financial stress and
24 lobbying. The controlling industry will impose every
25 regulation and seek to avoid every safety feature.

1 Every single opinion and bottom line is at stake and
2 this is the industry with which the DRBC opts to allow
3 self-monitoring. This is not responsible.

4 My second point is related to the
5 federally designated Upper Delaware Wild and Scenic
6 River. The failure of those Commissions to
7 incorporate the directive of the river management land
8 for the river corridor is in direct conflict with the
9 stated intentions of Congress. This is inexcusable.
10 My final point deals with the handling of processed
11 water. Absent the restoration of Clean Air and Clean
12 Water protections, processed water must be designated
13 and treated as hazardous waste. Tracking water must
14 be marked with tracer identifiers and track everything
15 shipped away. Otherwise, any single gallon
16 transported for treatment will mysteriously become a
17 half a gallon at the treatment facility. The other
18 half gallon is destined for midnight disposal in our
19 streams, fields, rivers, roadways and aquifers and
20 this, too, is unacceptable. And I note that there are
21 no qualified treatment facilities within the basin. I
22 thank you for listening.

23 HEARING EXAMINER:

24 Thank you. Are you with Highland as
25 well?

1 MR. BOSE:

2 Thank you. I'm Thomas Bose, B-O-S-E.
3 I'm current supervisor of the town of Callicoon,
4 Sullivan County, New York. Dear members of the
5 Commission, I would like to thank the DRBC for
6 allowing me to speak here today. I considered a three
7 month comment period you have allowed regarding a new
8 Article Seven regulations more of a necessity rather
9 than a privilege. I'm serving in my 12th year as a
10 board member in the town of Callicoon, my second year
11 as supervisor. I'm also a lifelong dairy farmer. I
12 currently farm the same land my father did and his
13 father did before him. In addition to that land, I
14 have added several hundred more acres of which I rent,
15 lease or have use of, predominantly used for hay
16 production and grazing of dairy cattle. I know very
17 well the value of caring for your land and the
18 consequences of not being good stewards.

19 I firmly believe that if my farming
20 colleagues and I had a mission statement it would be
21 similar to that of the DRBC, save for a few minor word
22 changes. It would probably read, the agriculture,
23 employment, industry and economic development of the
24 entire region and the health, safety and general
25 welfare of the population are and will continue to be

1 vitally affected by the use, conservation, management
2 and control of the land and related resources of the
3 Delaware River Basin. Simply put, we in the farming
4 community depend on our land. We do not want nor will
5 we allow the destruction of our vital land. Our
6 nation cannot afford this, nor can it afford the loss
7 of any more farms in production agriculture.

8 Sadly though, we are losing our farms
9 every day. This country's population of over 300
10 million people grows every second of every day while
11 the number of our nation's food producers declines.
12 Currently we make up less than 1.8 percent of the
13 total population. Respectfully, I implore the DRBC to
14 carefully reconsider each and every one of these
15 regulations, most notably the proposed setbacks and
16 the definition of the water body. I respectfully ask
17 that DRBC does regulate the water withdrawal in a
18 manner so as not to eliminate any possibility of
19 safely extracting this abundant natural resource.

20 In closing, I firmly believe we are still
21 the most technologically advanced nation on this
22 planet. This coupled with industry best practices,
23 acute oversight, proper management will allow the safe
24 harvest of this much needed clean energy source.
25 Please remember, regulate, but do not eliminate this

1 opportunity. Thank you for your consideration.

2 HEARING EXAMINER:

3 Thank you. Donald Smith, supervisor of
4 the town of Franklin.

5 MR. SMITH:

6 I'm Donald Smith, town supervisor for the
7 town of Franklin. Smith is S-M-I-T-H. Good
8 afternoon. I've lived and farmed my entire life on
9 the land that I am now living on. Because of the
10 location, geography of Delaware County, it was only
11 natural that agriculture, forestry and stone cutting
12 would become, and has been, the backbone of Delaware
13 County's economy. The suggested DRBC regulations have
14 the potential to threaten and eliminate these
15 industries.

16 There are several definitions that are
17 bothersome to me. One such definition is any activity
18 that disturbs the earth's surface. Now, it seems to
19 me that DRBC, in an attempt to stiffen regulations in
20 what is already an overly regulated area, thus
21 threatens the agriculture, forestry and stone cutting
22 industry. After visiting our gas drilling site I
23 believe there is enough awareness of what needs to be
24 done to protect our water and land. The regulations
25 are in place now to do exactly that. The proposed

1 DRBC regulation's so broad by definition, could
2 further designate this area's natural industries and
3 also prevent the --- what could be a boom to the
4 area's economy. Thank you.

5 HEARING EXAMINER:

6 I've got one more name in terms of the
7 public representative and then I'd like card numbers
8 on the back of your registration card 8 through 20, if
9 they may be seated over here in these spots so that we
10 can have an orderly procedure. Ed Sykes, could you
11 come over and introduce yourself?

12 MR. PINDAR:

13 Hey, you forgot another board ---.

14 HEARING EXAMINER:

15 Oh, did I?

16 MR. PINDAR:

17 Yeah, it was number four.

18 UNIDENTIFIED SPEAKER:

19 Jim Greier.

20 HEARING EXAMINER:

21 Oh, I'm sorry, Jim. I did.

22 MR. PINDAR:

23 Okay. He'll be next.

24 HEARING EXAMINER:

25 Let me do Ed Sykes and then we'll come

1 back, Jim.

2 MR. GREIER:

3 Okay.

4 HEARING EXAMINER:

5 All right? I'm sorry. I was wondering
6 how I got out of sync.

7 MR. GREIER:

8 That's all right.

9 OFF RECORD DISCUSSION

10 HEARING EXAMINER:

11 Okay. Ed?

12 MR. SYKES:

13 Hi. My name is Ed Sykes, S-Y-K-E-S. I
14 don't represent any government agency. My comments
15 are strictly my own. I'm a landowner. I live on the
16 river. Problem?

17 HEARING EXAMINER:

18 Just step up.

19 MR. SYKES:

20 Okay. I think my comments are based on
21 the economics of the area. We need gas drilling. We
22 live in an area that's in economic decline. I believe
23 that the time for onerous regulations should stop. I
24 think that we should embrace gas drilling and make it
25 part of our local economy. It's an opportunity here

1 that we are losing if we continue this --- in this
2 course of action. That's all I have to say.

3 HEARING EXAMINER:

4 Okay. Thank you. And I somehow missed
5 Jim Greier, supervisor of the township of Freemont.
6 My apologies.

7 MR. GREIER:

8 Thank you. First of all, I'd like to
9 thank ---.

10 MR. PINDAR:

11 Could you just spell your last name?

12 MR. GREIER:

13 Oh, yeah. Jim Greier, G-R-E-I-E-R,
14 supervisor town of Freemont, Sullivan County.

15 MR. PINDAR:

16 Thank you.

17 MR. GREIER:

18 Okay. First of all, I'd like to thank you
19 for giving me the opportunity to voice my concerns
20 here today. As a 12 year elected supervisor in the
21 town of Freemont my first priority is to create jobs
22 and employment to boost our sagging economy. The
23 recession that we're in here in Sullivan County has
24 not bottomed out yet. Our economy is deteriorating so
25 rapidly that we're unable to honor the contracts, the

1 labor contracts, that we negotiated only two years ago
2 without laying off a large number of the county
3 employees. We have the opportunity here now today to
4 turn this around by allowing the gas industry to drill
5 and extract our precious natural gas like they're
6 already doing in the Susquehanna River Basin, but your
7 rules and regulations are too strict to let it happen
8 here in the Delaware River Basin.

9 I consider myself an environmentalist.
10 On my farm I have the only wind turbine generator in
11 the town of Freemont and one of the few in Sullivan
12 County. We are presently working with the four towns,
13 the town of Freemont, Rockland, Callicoon and Liberty
14 to develop a wind farm. Sustainable energy is in our
15 future, but I'm also a realist. I project that the
16 time frame for that to take place, for sustainable
17 energy, is at least 25 to 30 years down the road. We
18 need an energy source to bridge that amount of time.
19 And natural gas is the cleanest burning fossil and
20 it's right here waiting to be taken. While at the
21 same time creating those jobs that we desperately
22 need. Natural gas has been produced here in New York
23 State and sent to the metropolitan areas via pipeline
24 through Sullivan County for the past 150 years. And I
25 want to thank --- a big thank you to the DEC in New

1 York State for successfully controlling and regulating
2 the natural gas industry here. And thank you again,
3 DEC, for proving to everyone that it can be done
4 safely and responsibly.

5 HEARING EXAMINER:

6 Okay. Ken, I think we're going to go to
7 registration card number eight.

8 MS. DORSEY:

9 Hello. My name is Susan Dorsey,
10 D-O-R-S-E-Y. I'm a resident of Chenango County. I am
11 vice president of the Joint Homeowners Coalition of
12 New York, which represents landowners holding close to
13 a million acres of land, much of it in the Delaware
14 River Basin. My husband 30 --- worked 30 years along
15 the Delaware River on the railroads. Tracks run right
16 along the river. His headquarters was in Callicoon.
17 Over those 30 years the railroad industry had an
18 impact on the environment of the river. He was
19 telling me stories last night of when they replaced
20 railroad ties soaked in creosote. They would dig a
21 big hole and bulldoze them underground right on the
22 bank of the river. Now, that doesn't happen any
23 longer I understand, but those ties and that creosote
24 is still there.

25 I have a friend who owns a lot of acreage

1 along the river banks including an island in the
2 river. After the flood of '06 toxic waste barrels
3 were washed up on his island and the state regulatory
4 agents --- agencies from both sides of the river had
5 to come in and clean out those barrels. But what
6 about the toxic barrels that washed downstream? Why
7 aren't there any dead people in New York City? Why is
8 no one sick? The water is still unfiltered in New
9 York, but it is filtered by nature. Today's river
10 water is not the same water as was in it yesterday.
11 It's flowing, it's alive and it cleans itself.

12 I didn't want to come here today. I
13 started to be a little more angry than I should be
14 over having to come out for three years of these type
15 of hearings. The many obstructionists are afraid that
16 gas development might hurt someone. Delay and
17 overregulation are hurting people right now every
18 passing day. If you don't allow the people who live
19 in the basin to develop their mineral rights in a
20 timely manner, then buy the minerals. Your Section
21 7.5 is totally out of line and needs to be redone.
22 Justice delayed is justice denied. We need oversight,
23 not delay. Thank you.

24 HEARING EXAMINER:

25 Number nine. I hate to call you number

1 nine, but --- introduce yourself.

2 MS. GRAFE-KIEKLAK:

3 My name's Inge Grafe-Kieklak, I-N-G-E,
4 G-R-A-F-E, hyphen, K-I-E-K-L-A-K.

5 MR. PINDAR:

6 Can you spell that one more time? Thank
7 you.

8 MS. GRAFE-KIEKLAK:

9 I-N-G-E, G-R-A-F-E, K-I-E-K-L-A-K.
10 You're welcome. I'm Inge Grafe-Kieklak.

11 MR. PINDAR:

12 Thank you so much.

13 MS. GRAFE-KIEKLAK:

14 You're welcome.

15 MR. PINDAR:

16 I didn't push the button yet.

17 MS. GRAFE-KIEKLAK:

18 I'm a landowner and a seller in the
19 Delaware Counties. DRBC, please listen to us upstate
20 New Yorkers who have waited three years for these
21 regulations. And now what have we done? More
22 landowner rights would be taken from us and given to
23 an agency that does not have any experience with gas
24 drilling. We need jobs. We want to work and make a
25 decent living. We need economic stimulus solutions,

1 not more regulations. Our taxes are high and we lose
2 more and more people. The state is broke. How do you
3 remedy this? Extra studies and delays do not feed the
4 citizens. Farmers are struggling to make a living.
5 There is supply and empty storefronts almost
6 everywhere you drive in upstate New York. Do you
7 want us poor, naked, barefoot in the playground for
8 the upper classes mowing their lawns and washing their
9 windows? We will all benefit from gas drilling, not
10 just a few. Please temper your regulations with a
11 concern for our ailing economy. Do not treat us as
12 the hinderland for New York City and Philadelphia.
13 Thank you very much.

14 HEARING EXAMINER:

15 Registrant number ten.

16 MR. LEE:

17 I'm Douglas Lee from Sullivan County.
18 That's L-E-E. Douglas Lee. DRBC under its current
19 leadership has failed its mission by the compact it's
20 supposed to ban environmental protection with economic
21 development for the area. It has not been effective
22 in stopping pollution downstream by the big cities.
23 It has not been effective in stopping wasteful water
24 usage by the big cities, yet it has completely stifled
25 economic development in the area, but effectively

1 stopping all gas drilling within the basin, which is a
2 clean source of energy, the only economic hope
3 available today for these people. And with the
4 proposed regulations, Section 7.5 will effectively
5 give the executive director the opportunity and right
6 to stop all future gas development in the area.

7 DRBC does not belong to the foreign oil
8 interests. All they want to do is support the entire
9 domestic energy production groups. DRBC does not
10 belong to the recent owners in Long Beach. They are
11 not concerned about the future. They are not with the
12 people in the area. DRBC does not belong to the
13 moviemakers in Hollywood who are more interested in
14 winning Oscars than telling the truth. DRBC belongs
15 to the ordinary people, the dairy farmer in Callicoon
16 who cannot pay for in the city, the able bodied man
17 who is still waiting to find a job. Give DRBC back to
18 the people now.

19 MR. ALLEES:

20 I am Edward Allees. I am a ---.

21 MR. PINDAR:

22 Could you spell your last name?

23 MR. ALLEES:

24 A-L-L-E-E-S. Drilling for gas in the
25 Marcellus shale can and will be done safely as has

1 been shown in many states for many years. It will be
2 done safely in New York State because New York, being
3 New York, will have the toughest regulations in the
4 nation. That being so, we should not throw up
5 unreasonable obstacles to that drilling. The hilly
6 nature of our area precludes much of the land from
7 drilling. That's an obstacle requiring setbacks from
8 homes, schools, churches, zoos, strip joints and
9 whatever else comes to mind. It is obvious that the
10 regulations were contrived or were conceived more as
11 prohibiting drilling rather than regulating it. Thank
12 you.

13 HEARING EXAMINER:

14 Commenter number 12 I think.

15 MR. LA TOURETTE:

16 My name is Bryant La Tourette. That's
17 L-A, space, T-O-U-R-E-T-T-E. I live in Chenango
18 County. How fitting for having a meeting of such
19 importance here in a town named Liberty. The DRBC was
20 formed as an entity to work with the states that
21 border the Delaware River. This was to unite the
22 states to operate in a uniform and fair process for
23 the waterways. The recent interest in harvesting
24 natural gas from landowners has caused some concern.
25 For politically motivated reasons, the DRBC would now

1 like to expand its authority to privately owned lands.
2 It will try and achieve this by writing in changes and
3 adopting new regulations. A few such regulations and
4 appearance will stop natural gas industry from ever
5 developing on privately owned property in this region.
6 We do not need another new layer of bureaucracy that
7 has no experience in regulating gas.

8 How does one take the rights of
9 landowners away in a DRBC area of coverage? The
10 arbitrary 500 foot setback combined with a 20 percent
11 slope rule and forest clearing restrictions. Now,
12 take out natural gas out of the equation, apply this
13 to property in this location and here's what you'll
14 have, no new roads or fixing of dangerous washed out
15 roads, no farming, no mining of stone, sand or any
16 minerals, no timber management, no development, no
17 mansions on the hill, no jobs.

18 Purely a plan built with tunnel vision
19 and total disregard. It not only blocks natural gas,
20 it blocks out progress. Your rights to harvest any
21 and all of your natural minerals will be denied. It's
22 only one deal I've ever read worse than this and that
23 took place just two hour's drive southeast of here in
24 1626 between the Manhattoes tribe and the Dutch West
25 Indians Company. This is a taking of landowners'

1 rights.

2 HEARING EXAMINER:

3 Commenter number 13.

4 MR. HANDLER:

5 Bernard Handler with DCS. I live in a
6 contaminated State of Pennsylvania in the town of
7 Damascus. First I'd like to congratulate DRBC for all
8 of their hard efforts. They've made a lot of steps in
9 the right direction including setbacks as a start. I
10 think they should be a little bit further, however,
11 they are moving in the right direction and they're
12 trying to do a lot of good things.

13 Okay. Now, the scientific study we've
14 heard about, an accumulative impact statement has not
15 been done, a study has not been done based on the
16 reason that the DRBC hasn't received money to do this.
17 This should not be a determination and not having the
18 funds. They should be seeking the funds to do that.
19 Also I think that the regulations are very premature
20 especially since New York State hasn't yet come out
21 with their regulations. And there may be very many
22 elements in that which need to be recognized before
23 they can issue or put out --- put forward their
24 regulations.

25 And I also believe that there's one basin

1 and you're using separate determinations for both
2 sides of the river. And it's a little absurd where I
3 think since you're doing --- working for special
4 protection waters you should be trying to take the
5 best regulations possible whether it be for drill pads
6 operations or whatever. They should all be included
7 in your determination no matter where in the country
8 it is. You should be applying the best management
9 practices possible in the basin. Okay? I think that
10 the drill cutting, the toxic fluids, the solid
11 residuals that's left over from the water treatment,
12 all of that should be called hazardous waste. And
13 right now the gas industry is exempt from many
14 regulations. It would be hazardous waste if it was
15 another industry. I think DRBC has the authority to
16 work with the regulations that they've been tempted
17 from and try to make them more effective because it's
18 important. This is just plain ordinary resources put
19 out a while back saying to their stockholders that
20 they're subject to many risks including well blowouts,
21 crater rings, explosions, uncontrollable flow of gas,
22 well fluids, fires, formations from abnormal
23 pressures, pipeline replace, explosions, et cetera.
24 Thank you.

25

HEARING EXAMINER:

1 Thank you. Commenter 14.

2 MR. RUBIN:

3 Fourteen (14). Allan Rubin, A-L-L-A-N,
4 R-U-B-I-N, Cohecton, New York. I'm with Damascus
5 Citizens. Hello, hello? Is this the Delaware River
6 bear cops? Yes, this is the DRBC. There's a bear in
7 my house. Is that a problem, sir? I said, there is a
8 bear in my house. Of course, that is a problem. What
9 would you like us to do about it? I would like you to
10 get the bear out of my house. Isn't that your
11 mandate? Is the bear permitted to be in your house?
12 Since when are bears permitted in houses? Since the
13 2005 Dick Cheney Bear Policy Act also known as the
14 Halliburton loophole. How can you permit a scary bear
15 in the house? Don't you value bears? I appreciate
16 bears as much as the next person, but not in my house.
17 Well, there it is, sir, not in my backyard. The bear
18 is not in my backyard, it's in my kitchen. What
19 activity is the bear engaged in? I suppose it's
20 looking for food. You eat food; don't you, sir? The
21 bear is finding food for you. No, the bear is only
22 finding food for itself and it's making a mess in my
23 house. There are no proven instances of bears harming
24 humans. That's crazy. There are lots of cases of
25 bears hurting people, biting children. Those stories

1 are ---. I read that in the newspaper. The bears
2 tell us those stories are propaganda. This is insane.
3 What are you doing --- going to do about the bear in
4 my house? We're proposing regulations to protect you
5 from the bear. How will you get the bear to follow
6 your regulations? How will you enforce them? Sir, if
7 the bear harms you we will sanction the bear severely
8 and rescind its permit. Bears don't follow rules and
9 regulations. They are wild animals. They do what
10 they want. Our regulations are very strict. The
11 bear's coming up the stairs. It's going to eat me and
12 my family. Sir, that would be against regulations.
13 If that happens we will admonish the bear and it will
14 not happen again. Aaaah. Sir, are you withdrawing
15 your complaint? He hung up. Thank you. And also I
16 created a puppet which you can see on YouTube. Search
17 it on YouTube.

18 HEARING EXAMINER:

19 Commentator 15.

20 MR. ADAMS:

21 Hello. My name is Ramsay Adams. That's
22 A-D-A-M-S. I represent Catskill Mountainkeeper. I
23 first of all want to thank the DRBC for their work on
24 this issue. I think that it's a difficult job for you
25 all and I appreciate the professionalism that you've

1 undertaken. However, I think that what we've learned
2 at all these hearings and all these meetings we've all
3 been at is that you don't have the resources to do
4 this.

5 There are a lot of things coming ---
6 happening now including the EPA study. New York State
7 is in the process of looking at its rules and regs and
8 it really doesn't make sense for the DRBC to be out in
9 front of the federal government and the State of New
10 York when that's clearly happening right now. And
11 DRBC has admitted that they don't have the resources
12 to do a cumulative impact analysis of gas drilling,
13 and if you don't have the resources to do a cumulative
14 impact study then you really probably don't have the
15 resources to regulate or even write the regs. And the
16 rulemaking package --- the draft ruling package that
17 we've seen is inadequate. It's not a good document.
18 Where we're submitting comments you would have gotten,
19 I think you said 1,300. The reason there's so many
20 comments is that the scope and the difficulty of this
21 issue hasn't been adequately addressed by the
22 Commission.

23 Quite frankly the rulemaking process
24 needs to be abandoned at this point and new drafts
25 need to be issued after the Environmental Protection

1 Agency release their study and we see what New York
2 State does. So, again, your predecessors of the
3 Delaware River Basin Commission had the foresight
4 to set up obstruction to protect this wonderful
5 resource. And unfortunately I think that you all are
6 not really holding true to the spirit of that
7 protection when you have an opportunity to weigh ---
8 get good signs that you don't have any resources to
9 get yourself. Thank you very much.

10 MR. MANNO:

11 My name's Manno, M-A-N-N-O. Farm owner,
12 Freemont, New York. The Marcellus shale is the Saudi
13 Arabia of natural gas. With natural gas development
14 we can be energy independent for ten years. The EPA,
15 the DEC, the DEP, DRBC, there's too much land
16 regulations and too much duplication. The 500 foot
17 setback on the water body would prevent the larger
18 percentage of the landowners of the economic benefit
19 of their natural gas and well resources. This is a
20 taking without any compensation to the affected
21 landowners. At the very least the landowners that are
22 denied their resources should be paid for them through
23 water or through the acreage that they have. This is
24 only fair. This is now a national security and
25 economic issue that the Middle East turnaround gas and

1 diesel prices are going to rise. There is no end in
2 sight and this will cripple our economy. I support
3 natural gas development and I believe all New York
4 landowners want to see it being done right. Thank
5 you.

6 HEARING EXAMINER:

7 Thank you. I think we're on number 17.

8 MR. PINDAR:

9 Seventeen (17), yes.

10 MR. LARSON:

11 My name is Albert Larson, L-A-R-S-O-N.
12 I'm a retired superintendent of schools and one of the
13 four negotiating organizers of the Rural Bethel
14 Landowners Coalition in Sullivan County, New York.
15 Gas companies, due to intense pressure from the states
16 of New York and Pennsylvania, as well as environmental
17 groups, have in recent years have been forced to
18 develop safe methods of horizontal hydraulic
19 fracturing. Common sense and science tells us and the
20 Delaware River Basin Commission that it is --- if it
21 is safe to drill in one location, it is safe to drill
22 in most. The concept of a 500 foot setback is
23 overkill. Using closed, looped drilling, not one drop
24 of fluid that enters and exits the well ever touches
25 the ground. What is the need for excessive setbacks?

1 The Delaware River Basin Commission must develop
2 workable guidelines that will permit safe drilling to
3 move forward now. Unrealistic setbacks, not utilizing
4 forested plateaus that can be reseeded and replanted
5 does not make sense. Drillings rigs are very
6 temporary. Cell towers, radio towers and yes,
7 windmills are permanent. These are not regulations.
8 They are strangulations.

9 If enacted as written, they will prevent
10 drilling on almost 99 percent of the lands they
11 pertain to. The Delaware River Basin Commission will
12 have prevented itself from fulfilling one of its own
13 major responsibilities, the economic growth of the
14 nation. In return in an attempt to take over states'
15 rights as well as personal property rights. Common
16 sense and facts tell us our state and nation are in
17 crises and we are debating. Or are we falling as our
18 country burns? Please put together a plan that will
19 truly allow drilling. Please allow our economy to
20 grow and get people back to work. Thank you.

21 HEARING EXAMINER:

22 Thank you.

23 MS. MONROE:

24 Barbara Monroe, M-O-N-R-O-E. I live on a
25 five-acre farm in Delaware County. I also raised

1 communities on the Delaware River here in Sullivan
2 County. I will say without hesitation this area is a
3 scenic, national treasure. The beauty of this place
4 is so stunning I find it difficult to participate in a
5 competition here because I was distracted by the
6 almost magical surroundings. To not fight tooth and
7 nail for such a place would be unthinkable. The
8 Delaware River Valley is now being threatened by a
9 devastating new mining practice called
10 hydrofracturing. If it was my goal to destroy this
11 place never in a million years could I come up with as
12 brilliant a way to make this place uninhabitable as
13 hydrofracturing for shale gas. To me it's just common
14 sense, plain common sense.

15 If you drill a hole in the ground, fill
16 it with millions of gallons of poison it's going to
17 make the groundwater go bad. How smart do you have to
18 be to figure that out? Of course, the shale gas
19 industry has their paid consultants and expert
20 witnesses who will try to make you believe there is
21 nothing to worry about. These same people will tell
22 you the moon is made out of cheese if someone paid
23 them to say it. That does not mean that the moon is
24 made out of cheese. Common sense tells you the moon
25 is not made out of cheese. Common sense also tells

1 you that dumping hundreds of millions of gallons of
2 toxic poisons into the ground will cause
3 contamination.

4 I know we long for a simpler time when we
5 didn't have to worry about things like sunburn causing
6 skin cancer, a time when we put butter on our pancakes
7 with an ice cream scoop. Cars didn't even have
8 seatbelts and auto mechanics didn't wear rubber gloves
9 to work on your car, but now we know better. It's a
10 burden, but we know better and we know better than to
11 hydrofracture for shale gas.

12 HEARING EXAMINER:

13 Before the next commenter goes could I
14 just have now commenters 21 through 30 kind of occupy
15 these seats here in order? You're commenter 19 I
16 believe.

17 MS. TURECHEK:

18 Yes.

19 HEARING EXAMINER:

20 Okay.

21 MS. TURECHEK:

22 My name's Kristina Turecek,
23 T-U-R-E-C-H-E-K. I'm from Otsego County. That's New
24 York, the headwaters of the Delaware River. I came
25 here to remind you about what I thought was your

1 original purpose, to preserve and protect the entire
2 Delaware River Basin. But I see online your
3 Commissions also manage the river, manage the river
4 system, develop the plan to regulate, to allocate, to
5 use it. Your comprehensive plan provides for the
6 planning, development, conservation, utilization,
7 management and control of the water resources of the
8 basin to meet present and future needs. This
9 predominant aspect of control and management seems
10 arrogant to me.

11 Please remember first and foremost, your
12 task is conservation. You will serve no public
13 interests from making new --- or to make peace with
14 any corporations or private parties whose sole
15 interest is to make money from drilling the gas that
16 is resting beneath us for millions of years or to pull
17 it with regulations that will take no living organism
18 if toxins pollute our aquifers and watersheds. We've
19 seen this happen across the nation. If you do not
20 know for sure that gas drilling is safe, do not allow
21 it.

22 Remember to do no harm. Remember where
23 the water comes from. Remember that it flows through
24 all of us as it flows down to the sea. I remember all
25 my life I had known family and friends who lived along

1 the Delaware River. I was born in Trenton. So were
2 my parents. My grandparents lived along the Delaware
3 and my great grandmother and my great, great
4 grandfather did, too. I remember these people along
5 the Delaware from Philadelphia, to Trenton,
6 Bordertown, Mardual (phonetic), Yardley, from
7 Washington Crossing, from New Hope to Lambertville,
8 Southern Bridge, Stockholm, Lumberville. And then
9 Lumberville was two miles down from my home,
10 Carversville, Right Creek, Landfair. A couples of
11 miles was very close. This very part. Point Pleasant
12 (phonetic), Jamestown, Upper Black Bird (phonetic),
13 Eaglesville, and Phillipsburg, and Woodford, PA and my
14 great, great grandmother lived next to the Indians.
15 Hancock, Walton --- my great, great, great,
16 grandfather. Members of generations have passed who
17 kept this great river and used it well for us. I
18 thank them. Please remember your responsibility to
19 preserve the Delaware for generations to come. I
20 charge you with that mission and I thank you.

21 HEARING EXAMINER:

22 Thank you.

23 MS. MORIARTY:

24 My name is Eleanor. The last name is
25 Moriarty, M-O-R-I-A-R-T-Y. I'm a resident of

1 Davenport in Delaware County. I am currently the
2 program chair and board member of the Delaware-Otsego
3 Audubon Society, and I'm here today to read our formal
4 comments by our organization on the pending draft
5 Natural Gas Development Regulations written by our
6 conservation chair, Andy Mason. A large part of our
7 chapter lies within the Delaware River watershed and
8 the environmental quality of the areas in the
9 watershed area are of great importance to our
10 organization and our members.

11 Our present concern, potential ground and
12 surface water contamination from the many toxic
13 chemicals used in hydrofracturing the shale. We state
14 the practice of injecting large quantities of toxic
15 substances into the earth to physically fracture it
16 and permanently damage the algae and the core
17 substances is an assault on the very resources of
18 sustained life. This damage will remain for a
19 millennia and will therefore threaten unforeseen
20 future generations as well as present day humans and
21 wildlife. Even with the most stringent controls and
22 oversight, this activity is a non-acceptable damage to
23 our planet and no environmental benefits. As such, we
24 oppose hydrofractic gas exploration and conduction in
25 our region and elsewhere. The draft regulations put

1 forth by the Commission attempt to put in place the
2 stringent controls and oversights. However, it is
3 clearly impossible for the Commission or any other
4 agency to administer, control, regulate or otherwise
5 assure the safety of the activity that largely takes
6 place thousands of feet below the surface of the
7 earth, and the ramifications of which may not be
8 apparent or experienced for hundreds or thousands of
9 years. If this body is to responsibly protect the
10 water resources of the Delaware River Basin and to
11 avoid pollution entering into the water resources of
12 the Delaware River Basin ---. As the director of the
13 basin commission, it should deny any and all use of
14 the Delaware River Basin ground surface water or
15 disposal of any wastewaters or importation of water
16 for the purposes of hydrofracturing wells or related
17 activity. We call the Commission to withdraw the
18 draft regulation ---.

19 HEARING EXAMINER:

20 Thank you. Number 21.

21 MR. NEARING:

22 Good afternoon. I'm Dennis Nearing,
23 N-E-A-R-I-N-G. I lived in Sullivan County my entire
24 life. My grandchildren are the sixth generation here.
25 My brother and I own a business and operate in

1 Cochection, New York, a family business since 1956.

2 Gas drilling, I believe, would be a great
3 boost to our local economy. It will help keep the
4 land, forest, farms and beautiful countryside that has
5 drawn so many to the area. The current economy has
6 been such a negative impact on our county that the
7 countryside will turn to abundant weeds, brush, shacks
8 and falling down barns. Farmers in Susquehanna
9 County, Pennsylvania seem --- excuse me. Farmers in
10 Susquehanna County, Pennsylvania have seen and reaped
11 the benefits of gas drilling. They have money to
12 spend. They are spending it. Local businesses are
13 seeing economic effect on the bottom line. The
14 farmers are using the money not to only make
15 purchases, but money being used to pay their bills.
16 They actually have money to pay their feed bills,
17 something they haven't had and been struggling with
18 for years. Damascus Township did a survey of 22
19 anti-gas people and they owned 117 acres between them
20 all compared to the thousands of acres owned by local
21 landowners that wholly, heartily support gas drilling
22 in the area. Is it right such a small minority
23 condone what happens in the area? A well drill in
24 Dimmick (phonetic) or up in Dimmick area made the
25 comment that there's been methane gas in the wells for

1 a long, long time and it's nothing new. The people
2 are complaining of just trying to reap a little bit of
3 harvest that they don't get from their lease. Thank
4 you.

5 HEARING EXAMINER:

6 Thank you, Mr. Nearing. Commenter number
7 22.

8 MR. HUGHSON:

9 I'm Wilfred Hughson, a dairy farmer in
10 the town of Bethel, H-U-G-H-S-O-N, and president of
11 Sullivan County Farm Bureau. I oppose the DRBC's
12 draft regulations in their current form for the
13 following reason and request that they be advised or
14 address these issues.

15 Exercise setbacks and oil reclusive
16 definitions of what constitute a water body or prevent
17 drilling on virtually all land and in the basin.
18 State rights as well as property owners' rights are
19 not being adequately protected, raising serious
20 Constitutional issues. There is much duplication of
21 what is already well regulated by the states. The
22 regulations are discriminating against landowners in
23 the Upper Delaware River Basin as they will not be
24 able to benefit economically as their neighbors in the
25 rest of the state can.

1 Concerns of those downstream appear to
2 supersede those of the taxpayers and residents of the
3 headwaters. Locals are viewed only as a source
4 watershed. After all, they are just a few of them
5 because this area's sparsely populated. Although I
6 respect opinions of others, I do not respect those who
7 forcefully tell me what my rights and opinions are.
8 They all remind me of a manure salesman with a mouth
9 full of samples. If they want control over our water
10 and land why are they not paying our taxes? These
11 government run affiliates are all by measure ---
12 measures trespassing on my rights, my land and my
13 choices. Thank you.

14 HEARING EXAMINER:

15 Commenter 23.

16 MS. HOWARD:

17 Hello. My name is Marilyn Howard,
18 H-O-W-A-R-D. And I'm a field adviser for New York
19 Farm Bureau in the Hudson Valley Region. And we are
20 the largest advocacy organization for agriculture.
21 And I'm here to provide testimony today on our
22 organization's position on the Commission's proposed
23 regulations for natural gas development in the
24 Delaware Basin, river basin. We will also be
25 submitting written testimony at a later date.

1 Farmers and other landowners have seen
2 the natural gas industry dramatically increase its
3 presence in New York during the last decade as the
4 industry has invested heavily in leasing activities,
5 gas exploration and production. For many farmers in
6 New York State the financial gain from drilling in the
7 Marcellus shale can literally pull back many
8 agricultural operations from the brink of bankruptcy
9 and help kick start the economic recovery so
10 desperately needed in upstate New York. However, New
11 York Farm Bureau strongly believes that we must ensure
12 that our natural resources are not depleted or
13 compromised and impacts on our communities are not
14 onerous. We have many policies on this very broad
15 issue. We strongly believe that the Delaware River
16 Basin Commission should incorporate the following
17 requirements into the final regulation in order to
18 protect agriculture.

19 Any final regulations should prohibit
20 water from aquifers from being used for hydrofracturing
21 natural gas wells. The water should be strictly
22 monitored to provide protections for the surrounding
23 communities. An independent baseline water testing
24 protocol paid by the drilling company should be
25 utilized before and after drilling to safeguard

1 landowners. While gas exploration and production is
2 incredibly important to the success of upstate New
3 York, we are really concerned for water resources for
4 farm production also. Thank you.

5 HEARING EXAMINER:

6 Thank you. Commenter number 24.

7 MR. SEIF:

8 I'm Jim Seif, S-E-I-F, of the Marcellus
9 Shale Coalition. I sent my comments to Josh Fox, so
10 I'll just stick with the facts. The Marcellus Shale
11 Coalition shares the DRBC's mission for the proper
12 planning, conservation and development of our precious
13 water resources and all resources. We want to help
14 the Commission get the regulatory process right and we
15 hope within the lifetime of everybody in this room.
16 Nonetheless, we see some significant problems with the
17 regs as they now stand. For example, the requirement
18 for the natural gas development plan is probably
19 unworkable mandating the gas industry to curtail
20 infrastructure plans years prior to a development.
21 Few industries can provide such plans that far in
22 advance.

23 The call for a streamline Commission
24 review of future development is an advertised benefit,
25 but is a practical effect and may require full

1 Commission review for every well pad. A number of
2 proposed regulations, especially those on site and
3 binding over reach what their initial purpose is and
4 may reduce natural gas production. Empowering the
5 executive director to prescribe standards on a case by
6 case basis, especially presiding over a Commission
7 without expertise in this area, invites confusion and
8 challenge. The proposed standards relating to siting
9 design and operation of natural gas well pads are a
10 significant departure from the Commission's
11 traditional role regarding review of water resource
12 projects and they are likely to be legally challenged
13 as beyond the scope of the Commission's capacity. We
14 are concerned, finally, that natural gas activities
15 have been singled out by the Commission and may be
16 required to adhere to standards not imposed on others
17 imposing much greater impacts in this basin. We
18 realize that the stakes are very high for the
19 environment and for the economy at this time as well
20 as our local and national economies and environment.
21 On behalf of a 170 member coalition with hundreds of
22 associate members and hundreds of thousands of
23 employees, I urge your utmost care in reviewing the
24 many comments you will receive including some very
25 detailed ones from the Commission --- from the

1 coalition on March 16th. Thank you.

2 HEARING EXAMINER:

3 Thank you. Commenter number 25, please.

4 MR. WILLIAMS:

5 Good afternoon. My name's Randy
6 Williams, W-I-L-L-I-A-M-S. I'm the town of Windsor's
7 supervisor. Landowners are the backbone of any town
8 in rural America. Their property taxes pave the
9 roads, keep the parks and the schools open and pay for
10 every service and function of town government. In
11 this tight economy we ask a lot of landowners when
12 they reach for their checkbooks to pay their taxes.
13 Property taxes are a contract, a bargain between the
14 landowners and their communities. The proposed
15 regulations of the Delaware River Basin Commission
16 would break that bargain, break that pact. As these
17 regulations are written, landowners in rural
18 communities wouldn't be able to drill on their land
19 because in the country a body of water, be it a stream
20 or a farmer's pond, is always close. A 500 foot
21 setback from any body of water makes gas drilling
22 impossible depriving towns and villages of an engine
23 of economic growth and denying property owners the
24 right to develop their land.

25 This is not what residents pay taxes for,

1 not what property owners in my community want, not
2 what citizens of our country expect from their
3 government. And I fear that these regulations would
4 set a new standard, a troubling standard, for
5 intruding on the rights of landowners. A new standard
6 for taking powers and responsibilities out of the
7 hands of local communities and placing those powers,
8 those responsibilities in the hands of unelected
9 officials. As an elected official, I answer to the
10 voters where contentious issues should be cited at the
11 ballot box. I care for the land, I care for the people
12 in my town. Don't let 500 feet be the difference
13 between hope and despair, the difference between
14 owning part of America's dream and foreclosure. Gas
15 drilling in the Marcellus shale can be done safely,
16 but it should not be done at the risk of these
17 regulations. Stand as they are. Change these
18 regulations.

19 HEARING EXAMINER:

20 Thank you. I think we're up to number 26
21 now.

22 MS. DYRSZKA:

23 Larysa Dyrszka, D-Y-R-S-Z-K-A. Thank you
24 for the effort in producing these regulations, but as
25 written they overlooked some important points and one

1 of them is public health. The states and the compact
2 and the federal government have as their primary duty
3 the security of the overall health, safety and welfare
4 of their citizens. Reading the draft of the
5 regulations, I'll venture to guess that public health
6 input was not solicited because there's no provision
7 for public health safeguards.

8 It's also known that none of the states
9 in the compact nor the federal government have
10 individually assessed the total health risks of gas
11 drilling from the public health perspective. And
12 there are many health risks, not just to water. Air
13 quality impacts are considered a major risk according
14 to a published study done by the Colorado School of
15 Public Health in Aurora, Colorado. The lead author of
16 that study and a host of other medical doctors and
17 public health scientists spoke at a forum on public
18 health issues related to gas drilling in November at
19 the University of Pittsburgh where overwhelmingly
20 repeatedly they said that public health should be
21 considered prior to the issuance of permits. Air
22 quality and other health stressors are not even
23 considered in the draft of the DRBC regulations.

24 I would propose that you seek and engage
25 specialists in public health to oversee the potential

1 of public health impacts prior to finalizing these
2 regulations. In addition, I would suggest that as
3 part of the permitting process, a health impact
4 assessment be required for every municipality funded
5 by permitting fees, but done by an independent public
6 health entity. There is enough evidence and testimony
7 that there are significant adverse health affects
8 associated with gas drilling.

9 Doctors and scientists have said that it
10 is imperative that all health affects be studied prior
11 to permitting. Therefore, please note that ignoring
12 health affects will be akin to a blatant disregard
13 for foreseeable for foreseeable consequences to
14 individuals. Thank you.

15 HEARING EXAMINER:

16 Thank you. Commenter number 27.

17 MS. ROTH:

18 My name is Jane Roth, R-O-T-H. I have a
19 home in Cohecton, New York and I'm a member of
20 Catskill Citizens for Safe Energy. Thank you for this
21 opportunity to speak today. The stated purpose of the
22 DRBC in promulgating Article 7 is to protect the water
23 resources of the Delaware River Basin. In 7.1E the
24 Commission concludes that management of natural gas
25 development projects should promote use and

1 development of the basin's water resources in a
2 sustainable manner, and should be conducted pursuant
3 to the rules and regulations that avoid pollution of
4 or injury to the water resources of the basin.

5 Neither the purpose nor the admirably
6 stated goal can be achieved without a cumulative
7 impact assessment. The DRBC anticipates 15,000 to
8 18,000 natural wells, natural gas wells, requiring
9 2,000 to 2,500 well pads, each well pad requiring 5
10 acres plus structures required to support the wells.
11 The estimate of water needed to track one well is five
12 million gallons. The DRBC also estimates that 80
13 percent of the fracking fluid will remain in the
14 ground. That is approximately 60 billion gallons of
15 fluid laced with fracking chemicals remaining in the
16 ground.

17 In addition, it's estimated that the
18 number of diesel truck trips per well is 800 to 1,300,
19 approximately 12 million truck trips to service 15,000
20 wells. It is at an absolutely minimum 10,000 acres of
21 land disturbed and that is not counting roads, or
22 pipelines or support structures. These numbers are in
23 order of magnitude that cannot be ignored. The
24 consequences of these numbers, the risk to the
25 environment of the basin created by these numbers

1 cannot be ignored. Accumulative impact assessment is
2 absolutely necessary as a foundation for any
3 regulation of shale gas extraction in the Delaware
4 River Basin. Thank you.

5 HEARING EXAMINER:

6 Thank you. All right. At this juncture
7 we'll go to number 28, but I would like to call on
8 whatever it is, 31 through 40 to occupy these seats
9 over here so we can keep up.

10 MS. GOGINS:

11 Hello. Thank you very much for having
12 these hearings. My name is Heidi, H-E-I-D-I, Gogins,
13 G-O-G-I-N-S. I am a farm owner in Bovina and Delaware
14 County. Yea, Bovina. I see we have a fellow person
15 here from Bovina. In the two minutes I'm allotted I
16 couldn't possibly convey my love for our land and the
17 rural community that I live in. And despite the
18 perilous state of farming and the lousy economy, there
19 are things we have that are priceless and I use that
20 word advisedly because money is what this issues comes
21 down to. I know that's not the DRBC's purview, but I
22 have to say that. No amount of money will ever be
23 able to give us back our water, our land and our air
24 if we sell it to corporations who don't live here, who
25 will not be here after they turn this into an

1 industrial wasteland.

2 Regulations instituted without adequate
3 staff to do the regulations is pretty much
4 meaningless. What I'm asking the DRBC for, because
5 I'm trying to stick to the point here, is I want you
6 to live up to your mandate to protect the Delaware
7 River Basin. It's not an issue of balance. If we
8 want to help farmers let's fix the agricultural
9 system. Let's not ruin their land. Farmers are being
10 used as pawns by people who don't live here. I want
11 you to suspend the regulation process until a
12 cumulative impact study is done. And if you don't
13 have the money to do it, then you don't have the right
14 to let these regulations go forward because it's too
15 much of a gamble with our lives and the lives of
16 people that aren't even born yet. If the EPA thinks
17 it's important enough to do another study since the
18 one in 2004 was flawed, then I think it's important
19 enough for us to wait and do this when we really know
20 what it means.

21 HEARING EXAMINER:

22 All right. Thank you. Commenter 29.

23 MR. HART:

24 My name is Ross Hart, H-A-R-T, citizen of
25 Wyoming County, Pennsylvania and I'm a driller for a

1 natural gas line. I'd like to address Section 7.5,
2 well setbacks. I understand they're concerned, flow
3 reaching from a well pad to surface waters, but the
4 500 feet setback is --- as many have said here, would
5 prohibit any drilling in the basin. As it stands in
6 Pennsylvania, I know our regulations require all
7 stormwater that falls on a pad to be treated as
8 residual waste and it's carted off. My question is
9 how many acres of paving do we have in the basin?
10 Parking lots, ditches filled with road salt, brine and
11 grease, gas and so forth on a road that washes off
12 into the river and the stream. I suggest to the
13 Commission Section 7.5 and let the states regulate it
14 as Pennsylvania is doing well already. Thank you.

15 HEARING EXAMINER:

16 Commenter number 30.

17 MR. DOWNS:

18 My name is Roger Downs. I'm the
19 conservation program manager with the Sierra Club
20 Atlantic Chapter. In general the Atlantic Chapter
21 continues to object to the premature nature of this
22 rulemaking process. With New York State mired in the
23 enormity of its own review of high volume, horizontal
24 hydraulic fracturing and the EPA beginning its own
25 investigation, it's irresponsible for the DRBC to be

1 pressing forward with its regulations for drilling
2 without having the benefit of the best available
3 information. We find it ironic that the apparent
4 reason for advancing this agenda is to accommodate the
5 only statement's equation unwilling to take a
6 precautionary look at the serious environmental
7 consequences of drilling, rewarding both ineptitude
8 and lack of foresight.

9 We ask, as many others have, that you
10 suspend this process until at least New York's GIS and
11 EPA study are concluded. The Atlantic Chapter
12 seriously doubts that any amount of regulation can
13 safely accommodate natural gas development in the
14 basin, both at the same time protect the drinking
15 water for 15 million people. But with that said, I'll
16 throw out a few comments on the draft regs. The term
17 hazardous substance is used several times in the
18 draft, but it's not included under definitions. We
19 would not only like to see the term defined but have
20 the applicable transport, treatment and disposal laws
21 and regulations applied to drilling fluids, cuttings
22 and produce waste that meet this definition. This
23 distinction should also be a requirement for the
24 proposed wastewater treatment and disposal plants. We
25 also believe that the DRBC has the authority to ban

1 entire classes of chemicals from use and we encourage
2 that in their regs.

3 Cumulative impact analysis should be the
4 driving methodology, informing how the DRBC
5 establishes and implements its regulations. And we,
6 again, regret that the Commission has adopted to
7 establish rules before understanding this context. I
8 do not want to belittle the proposed natural gas
9 development plans. I think that they can be an
10 important aspect of planning for cumulative impact,
11 but in consideration of withdrawals, discharges and
12 agents of fragmentation, the Commission must employ
13 complex, full build out modeling of potential gas
14 development. Thank you.

15 HEARING EXAMINER:

16 Thank you. Commenter 31.

17 MS. WIENER:

18 Hi. My name is Jill Wiener, W-I-E-N-E-R.
19 I'm a Sullivan County business owner, property owner,
20 and member of Catskill Citizens for Safe Energy. And
21 just as a matter of housekeeping, my town supervisor,
22 Tom Bose, from the town of Callicoon came and spoke
23 today and I just want to make sure that it's clear.
24 He was speaking as an individual person. He was not
25 representing the town of Callicoon even though he came

1 and sat in the elected officials area and had an
2 elected official spot. He's not speaking for the town
3 and I confirmed that with him.

4 I'd like to ask and request that the DRBC
5 hold the rulemaking process until a cumulative impact
6 study and independent scientific data is available.
7 By promulgating these natural gas regulations the DRBC
8 is opening a door --- the door to an unknown and
9 unlimited and I believe, underestimated number of
10 wells, thousands of acres of land disturbance,
11 probable surface and groundwater contamination and
12 degradation, and other unknown and unstudied
13 cumulative impacts to the river and to the basin.
14 With fracturing there's no doubt that the river will
15 experience measurable change.

16 Furthermore, allowing shale gas
17 extraction in the river basin will put our collective
18 public health in grave danger. And it's not just the
19 river basin, but for the 15 million people who rely on
20 a fresh, clean, pote of water of this basin and the
21 river for their health. By its own admission, the
22 only way to stop a bad actor, to close the door to
23 drilling in the river basin is through the federal
24 Courts. Issuing gas regulations with no viable
25 enforcement, no cumulative impact study and with the

1 objection of countless citizens, scientific experts,
2 citizens groups, medical professionals and
3 organizations, state, local and federal officials, and
4 federal agencies is nothing more than irresponsible
5 and reckless. Thank you.

6 HEARING EXAMINER:

7 Thank you.

8 MS. MOORHEAD:

9 I'm Meredith Moorhead and I thank you for
10 the opportunity to speak.

11 HEARING EXAMINER:

12 Can you spell your last name?

13 MS. MOORHEAD:

14 M-O-O-R-H-E-A-D. The sense of the
15 Delaware River Basin Commission is to draft natural
16 gas regulations prematurely cannot be overstated. The
17 cumulative impact analysis of natural gas in the
18 basin's resources has been ignored and been given a
19 parallel of a continuing demise with regard to toxic
20 contamination and proven over and over again in other
21 parts of the country. Hydraulic fracturing,
22 horizontal drilling be studied by the EPA and being
23 highly suspect of causing toxic impacts in all facets
24 of its development has been shown to leave lasting
25 health results to humans, animals and vegetation in

1 its wake.

2 A path of destruction is left everywhere.
3 This highly flood devastating process of development
4 has taking place. There's been no scientific study to
5 confirm the safety and we're simply left to trust the
6 action of the profit driven gas industry to ensure us
7 its safety. It's clear that this trust is misplaced.
8 The fast track of the DRBC to issue premature
9 regulations concerning this development is misplaced
10 and frivolous in view of the contentious and
11 potentially hazards of the water faces --- that the
12 water faces in light of the lack of substantial
13 oversight by the Commission.

14 Rules and regulations cannot be drawn
15 sufficiently in all facets and the development have
16 not been brought to light. Wastewater storage
17 facilities are fully inadequate in their placement in
18 their ability to reach and evaporate contaminated air
19 and groundwater, suffer toxic infringement for
20 unlimited years to come has loophole after loophole to
21 allow to suffer all ill effects that migrate to
22 indeterminate distances and degrees.

23 All that exacerbated by the threat of
24 flood and erosion is all but ignored. Since the
25 industry is now 85 percent of the chemical produced

1 waste waters and the track of wells, these wells
2 should be classified as injection wells under the CEPA
3 rules and each well therefore requires a DIS study.
4 Specific ingredients, toxic chemical compounds and the
5 results of produced combinations are not known in
6 detail. Withholding this critical information by the
7 industry is reason enough to wait for action to
8 further this development process is permitted.

9 HEARING EXAMINER:

10 Thank you.

11 MS. MOORHEAD:

12 Thank you.

13 MR. MOORHEAD:

14 Thank you. My name is Buck Moorhead.
15 I'm a resident of New York City and a schizophrenic
16 resident of the Upper Delaware Sullivan County, 26
17 years as a property owner and taxpayer in Sullivan
18 County. I'm also with NYH20 in the City. I
19 appreciate everyone's opinion about this issue on both
20 sides of it today and I've been listening to it for a
21 couple of years. I don't think anybody in this room
22 wants or expects the water in the region to be ruined
23 or us to have difficulties. I do feel though that
24 given the absence of the cumulative impact study,
25 which you've heard, that it's very hard for anyone

1 here in the room or DRBC to guarantee us that there
2 won't be an outcome that yields that in 5, or 10 or 20
3 years after 10,000 or 20,000 wells.

4 It appears that the DRBC with the
5 regulations will be simply monitoring this activity
6 and if they see something negative, they'll make an
7 adjustment in the regulations to that. This does not
8 acknowledge that the hydrology of the Delaware River
9 Basin is actually a complex system. There's a science
10 of complexity. In complex systems one of the
11 properties is that it is non-linear in response to its
12 inputs to the system. You can have a very small input
13 into a complex system and you can have a very large
14 outcome from that input.

15 That makes any of the actions that are
16 taken with respect to gas extraction particularly
17 onerous. These regulations do not address the four
18 millions of gallons of fragment water that do not make
19 it back to the surface. For me as a layman, that
20 still seems like that water's in the Delaware River
21 Basin and why no one ever talks about that water, I
22 don't understand. After 10,000 or 20,000 wells, that
23 will be billions of gallons of toxic water lurking in
24 our geology. Until these regulations address that
25 water and cumulative impacts, they are not acceptable

1 or complete. Thank you.

2 HEARING EXAMINER:

3 Commenter 31.

4 MS. DUNLAP:

5 Thank you. My name is Katy Dunlap.

6 That's D-U-N-L-A-P. And I'm an Eastern Water Project
7 Director for Trout Unlimited. And I want to thank you
8 for offering this opportunity to comment today and for
9 all of your efforts to date. Trout Unlimited supports
10 responsible energy development and we are not opposed
11 to gas drilling in the Marcellus shale. However, to
12 you and our members and other sportsmen and women are
13 very concerned about the potential affects the
14 Marcellus shale gas drilling, uncold water fisheries,
15 specifically the cumulative impact.

16 The DRBC has acknowledged that there is a
17 potential for water withdrawals, wastewater disposal
18 and other activities associated with Marcellus shale
19 gas drilling to have a cumulative impact on water
20 quality of special protection waters within the basin,
21 and yet DRBC released these regulations without the
22 benefit of a study, assessing the cumulative impacts
23 of drilling thousands of wells within the basin. Any
24 rulemaking process must consider the impact of
25 comprehensive build out of all wells, water

1 withdrawals and wastewater discharges. Only then will
2 DRBC be in a position to develop regulations that
3 adequately protect the Delaware River, and its
4 community, and fish and wildlife.

5 We have specific concerns about the
6 proposed regulations. The stream we are protecting
7 lack detail. The draft regulations require a gas
8 company that wants to withdraw water from the basin to
9 demonstrate that a hundred percent of the water
10 removed will not adversely affect stream flow in the
11 vicinity of the withdrawal points. This is good in
12 theory, but does not protect downstream communities
13 nor the fish and wildlife. What is the vicinity? The
14 applicant should be required to show that the gas
15 development will not adversely affect stream flows,
16 period, including upstream, downstream and at the
17 point of withdrawal.

18 The enforcement and inspection
19 requirements in the proposed rules are weak and lack
20 detail. Who will inspect the drilling sites? How
21 will the regulations be enforced? The draft
22 regulations leave it to the drilling sponsor to self
23 report violations of the regulations including excess
24 withdrawals and pollution incidents. That does not
25 provide an adequate check and balance system to ensure

1 protection of these resources. Without solid
2 enforcement and inspection requirements, the
3 regulations, as is, provide little assurance of
4 protection of our natural resources. Thank you.

5 HEARING EXAMINER:

6 Thank you.

7 MS. STERN:

8 My name is Kalika Stern. K-A-L-I-K-A.
9 And I live in South Fallsbury. When our water's
10 destroyed, our environment is spoiled there's no
11 turning back. Relying on New York and Pennsylvania
12 programs to protect and give oversight when there are
13 budget cuts and not enough staff is unrealistic. I
14 believe that fracking is a major mistake. The
15 public's opportunity to have input in the rulemaking
16 is inadequate and I would like to have more time.

17 The draft rules do not address the
18 cumulative impacts of water withdrawal and well
19 development. There is no method to control the
20 environmental toll that the natural gas drilling and
21 water depletion will take on the land. The draft
22 rules do not place any restrictions on the chemicals
23 that the drillers can use. How can the DRBC move
24 ahead with control of this toxic wastewater described
25 by the U.S. Department of Energy as ten times more

1 toxic than offshore oil well wastewater? The draft
2 rules rely on weak state regulations in many areas
3 such as stormwater management. Development is largely
4 extended. Drilling and casing construction and
5 safety. This put people and their health at risk,
6 increases the likelihood of pollution incidents, will
7 foul air, kill aquatic species and degrade the
8 exceptional water quality of the river and its
9 tributaries. Don't do it.

10 HEARING EXAMINER:

11 Commenter number 36.

12 MS. GRIMALDI:

13 I'm Maria Grimaldi and I'm a 30 year
14 resident of the town of Callicoon.

15 HEARING EXAMINER:

16 Maria, could you spell your last name?

17 MS. GRIMALDI:

18 G-R-I-M-A-L-D-I. I'm an organic farmer
19 and a property owner, and I have also --- I have a
20 college degree in environmental science. I was also a
21 real estate broker licensed by the State of New York
22 for more than 20 years. I would like to thank the
23 Commission for giving me the opportunity to comment on
24 the proposed DRBC regulations. Your mission is to
25 protect our river basin, which includes the water,

1 forests, soil, wildlife, livestock and the human
2 population. Our economy, in fact, depends on that,
3 which is our real wealth of natural resources. These
4 resources far outnumber the one resource of natural
5 gas.

6 Exploration of natural gas enabled by
7 inadequate regulations can and will jeopardize not
8 only our pristine environment, but impact on property
9 values, tourism and farming. Several years ago I had
10 the unforgettable experience of driving through a
11 natural gas operation while touring the State of New
12 Mexico. My daughter and I had just come out of the
13 Carson National Forest in northern New Mexico when
14 suddenly the paved road turned into a crater of
15 potholes. Our progress through the Navajo Indian
16 village was impeded by huge trucks moving in and out
17 of the site. Dust and fumes filled the air. The
18 Navajos, whose homes were directly in the site, were
19 covered with dust as were the children playing
20 outside. There were high pitched sounds and other
21 loud noises. Machinery and lights flooded the area.
22 We couldn't get out of there fast enough. I
23 verbalized my thoughts, which were who would to live
24 there? My daughter's response was, well, it's an
25 Indian reservation and they have no say in what

1 happens. I urge the DRBC and the governors of
2 Pennsylvania and New Jersey and Delaware to move more
3 cautiously and join New York in looking carefully at
4 what we allow to happen in our watersheds. Please
5 allow the federal government to close the loopholes
6 that allow the industry to operate in a manner that is
7 harmful and detrimental before and after the proposed
8 regulations. Thank you.

9 HEARING EXAMINER:

10 Thank you.

11 MR. GOLDSTEIN:

12 My name's Glen Goldstein, G-L-E-N,
13 G-O-L-D-S-T-E-I-N. I've lived here in Sullivan County
14 where tourism is our number one source of revenue. If
15 drilling comes to town, we just killed our number one
16 source of revenue and our jobs. We care about
17 hunting, we care about hiking, we care about fishing.
18 Tourists will not come to see drill rigs. Make no
19 mistake, there are no local jobs coming from drilling.
20 The work crews are from out of state. When they get
21 here you will never be able to find a crystal net to
22 take care of us. There's no money into our towns from
23 this because you can't tax the gas locally.

24 I want to talk about noise. They say
25 that when they drill they go 24 hours a day for 21

1 days. Those rigs run at 84 decibels. If you're
2 wondering what that means, go home and sit next to
3 your blender and turn it on. That's 84 decibels and
4 that's how loud it's going to be if your neighbors are
5 leased up for drilling. You will hear that 24 hours
6 for 21 days times 20,000 rigs. Lastly I want to talk
7 about the approval by rule procedure, which allows the
8 executive director to fast track approval of wells up
9 to 80,000 gallons of fracking fluid. One 80,000
10 gallon spill would destroy our town and our lives.
11 Make no mistake, I am not thinking gas wells are evil,
12 or bad or out to get us, but I do think that everybody
13 makes mistakes and one mistake would destroy our town.

14 Finally, the financial assurance of
15 \$125,000 per well. This is what the gas industry
16 calls pay cash. One spill would cost millions of
17 dollars to clean up. \$125,000 is not going to stop
18 them from building anything. Thank you for your time.

19 HEARING EXAMINER:

20 All right. We are at 37 going to 38.
21 And it's at this point that I'd like to have 41 to 50
22 kind of occupy the seats over here so that we can have
23 an orderly procedure. And Paul, I'll get to you.
24 You're around four, one or two more.

25 MR. GORZYNSKI:

1 Good afternoon. My name is John
2 Gorzynski, G-O-R-Z-Y-N-S-K-I. I speak to you mostly
3 as a farmer, a father, a husband, a member of Sullivan
4 County for --- since 1982. I forgot the math. I've
5 been farming here, working the soil and the main
6 reason I came here was because of the water.
7 Everybody that knows me locally knows that's bit me a
8 few times because I've gone underwater, but water is a
9 necessity of my life and livelihood as well as yours
10 and every living organism.

11 It's your mandate to take care of and
12 keep it clean. It's a big job. I think you've been
13 doing it pretty good. Present water supply, however,
14 is insufficient during drought years. There are water
15 restrictions in different areas of the DRBC during
16 those droughts. Last year was a drought year, but it
17 was also a flood year. We don't know what's up and
18 what's down any more. Directly contaminating water, a
19 limited resource is suicidal. Geologists have
20 concluded that natural fissures from the Marcellus
21 extend to the surface. These facts lead to the
22 conclusions of translocation. The only safe drilling
23 would avoid any and all toxic carcinogens.

24 500 feet setbacks are insufficient.
25 Consider the volumes of materials that can be spilled

1 and how far they will flow into the waterways. I'm
2 concerned about the 500 foot setback from where the
3 horizontal well bit ends directly under areas. Is
4 that what the setback is or is it really just from the
5 well itself? \$125,000 per well? I think you're a
6 couple of decimal points off. It doesn't come close
7 to the expense of cleaning up. Cumulative impacts
8 need to be assessed and we need to wait for the EPA
9 findings. Thank you.

10 HEARING EXAMINER:

11 Thank you. Commenter number 39.

12 MS. ZERBE:

13 Faith Zerbe, Z-E-R, B as in boy, E as in
14 Edward. I live in Drexel Hill, Pennsylvania and I'm a
15 biologist with Delaware Riverkeeper Network. DRBC's
16 mandate is to do no harm and over the last 30 plus
17 years you've done a great job at doing that. Now,
18 we're talking about drilling in special protection
19 waters. These are special protection waters, folks.
20 These are the cream of the crop and if there are
21 setbacks of 500 feet, we believe that's actually
22 inadequate. There need to be more setbacks, and as
23 the gentleman before us talked about, you need to
24 think about the borehole and the horizontal length
25 throughout the area. It can't just be the pad site

1 because of the fractures and the concerns of the
2 mandate coming up in different locations. So setbacks
3 are key and we need to see a little bit more of that.

4 We need to also have air pollution
5 monitored and really just DRBC addressing air
6 pollution. We know just recently there was an EPA
7 study indicating that shale gas drilling is 9,000
8 times greater than we previously estimated, 9,000
9 times greater. So communities are going to be getting
10 sick from the air pollution. DRBC is relying on these
11 state rules. This is one of the scariest parts of the
12 regulations. For example, with stormwater management,
13 in Pennsylvania where, I live the drillers are exempt
14 from a lot of the stormwater regulations. They can
15 get waivers to go within buffers and it's absolutely
16 unacceptable. The draft rules do not place any
17 restrictions on the toxic and cancer causing fracking
18 agents.

19 Furthermore, DRBC is not requiring
20 signature facers to be used in the frac fluid to be
21 able to pinpoint the source of contamination when it
22 happens. The rules would allow for fast track
23 approvals and streamline decision by the executive
24 director and I think that's unfortunate, too. So
25 science have shown clearly in the literature that we

1 --- what we do on the land virtually affects the
2 water. DRBC has all the authority to mandate
3 important land practices to do no harm. The drillers
4 clearly don't like this, but special protection waters
5 and other laws make this so. Thank you.

6 HEARING EXAMINER:

7 Thank you. I'm just going to wait for
8 number 40. Paul Rush is here on behalf of New York
9 City. He's representing Mayor Bloomberg and Cas
10 Holloway and had pre-registered, but wasn't here at
11 the beginning. Okay.

12 MR. RUSH:

13 Good afternoon. I am Paul Rush, Deputy
14 Commissioner for the Bureau of Water Supply in New
15 York City, Department of Environmental Protection. We
16 commend the DRBC for taking on the daunting task of
17 updating rules and procedures to address natural gas
18 activities within the Delaware River Basin. Clearly
19 this type of industrial activity has potential to have
20 significant impact from the Delaware River and its
21 tributaries and a strong regulatory framework is
22 required. DRBC brings a much needed perspective and
23 consistency to this multi-jurisdictional issue.

24 In particular, DRBC is in a unique
25 position to address cumulative impacts and multiple

1 water withdrawals and wastewater disposal sites. In
2 the interest of time I will confine my testimony to
3 this issue. DEP will submit comprehensive comments by
4 the March 16th deadline. Any decision about drilling
5 for natural gas in the Marcellus shale must be based
6 on detailed scientific and technical review. DEP's
7 own study determined that based on the best available
8 science and current state of technology, hydrofracturing
9 cannot safely be conducted in the New York City
10 watershed. Decisions about drilling within the shared
11 Delaware River Basin should be made on the same strong
12 analytical foundation.

13 We continue to urge DRBC to conduct a
14 rigorous analysis of potential cumulative impacts
15 natural gas development could have on water quantity
16 and quality in the Delaware River Basin. Given what
17 is at stake and estimates of natural gas wells in the
18 Delaware River Basin numbering tens of thousands, it
19 would be prudent to complete such a comprehensive
20 analysis prior to the promulgation of final
21 regulations so that it can inform the rules and
22 restrictions on natural gas exploration in the basin.
23 A cumulative impact assessment to the Delaware River
24 Basin must also include depleted use for the basin as
25 recommended in the good faith agreement. Depleted

1 water use is a direct bearing on the basin's future
2 development, its water quality, its water quantity,
3 ecological health, salinity intrusion and drought
4 management. This information's also critical for
5 managing the effects of climate change, must consider
6 secondary impacts, other states as well. I urge the
7 DRBC to conduct a cumulative impact assessment before
8 issuing this natural gas regulations. Thank you for
9 the opportunity to comment. As always, New York City
10 looks forward to working with our partners in
11 management of this common precious resource. Thank
12 you.

13 HEARING EXAMINER:

14 All right. Number 40.

15 MS. LEIFER:

16 Thank you for allowing me to speak, and I
17 know you know that you're sworn to preserve and
18 protect basically unfiltered water for 15 million
19 people. And I want to talk to you about accidents and
20 the contaminant results should the water get polluted
21 from the multi-toxic chemicals used in hydrofracking
22 both vertical and horizontal. Both use a stew of
23 toxic chemicals, sand and water and these waters are
24 usually referred to as slick mud. Both will be
25 digging into the Marcellus shale, which contains

1 arsenic, lead and naturally occurring radioactivity.

2 First there are the accidents that can
3 happen where the chemicals are mixed. Then there are
4 the truck accidents and spills bound to happen with
5 this much truck traffic, then the failure of the well
6 casings and spills on the well site. Then the
7 possibility due to the nature of the shale that under
8 this much explosive pressure and this extreme water
9 force, the cavities there won't bear --- will somehow
10 fissure or an old well and act as a chimney and bring
11 the fluid. Then there is the problem of the supply
12 line and we've had two major fires from bursting
13 supply lines.

14 This is the water we all drink from.
15 When there's disruption and destruction of the
16 integrity of the forest, which now can no longer
17 efficiently and securely act as the lungs and kidneys
18 of our water system. Then there is a problem of where
19 and how some of the water is retrieved and what
20 happens to it. Who has the chain of custody of the
21 chemicals from mixing station to use to removal and
22 dispose it? Please do not let fracking happen.

23 L-E-I-F-E-R. I'm very sorry. L-E-I-F-E-R. Susan.

24 MS. GUENTHER:

25 I'm Ann Guenther, G-U-E-N-T-H-E-R, and I

1 appreciate this chance to speak. I'm naturally 20
2 years. I have two children who are farmers. I have
3 been studying the affects of watershed and ecosystems
4 much of my adult life. And the last few years I have
5 been particularly concerned with the effects of
6 climate change. This pertains especially to your
7 discussion of use of fracking fluids with contaminants
8 therein and also the quantities that will be used.

9 We're being told by climate scientists
10 that we're going to expect extremes of weather that
11 include flooding and drought. On the issue of
12 drought, if we have drought within our ecosystem
13 occurring naturally, adding to that withdrawal of
14 water by industry we can exacerbate the situation. I
15 think the farmers especially in this concern. We've
16 already experienced droughts that have a huge impact
17 on one of the most important resources --- most
18 important industries in our state, which is
19 agriculture. This will put a further strain, I think,
20 on our agricultural community.

21 Drinking water supplies, of course,
22 people have spoken to that and it's scary. Also on
23 the ecosystem damage, when you continue to remove
24 water from an ecosystem you can potentially damage the
25 natural systems, especially wetland areas that are so

1 precious where we have amphibians and other animals
2 depending on it. Quality of water when there are
3 floods, I would hope that the Commission would take
4 into account these extreme events of both drought and
5 flooding, flooding that could encompass contaminants
6 that are being stored in various places and then be
7 released not only on to farm fields, but back into the
8 ecosystems themselves. So I wish all of you great
9 luck in trying to consider all of these aspects.

10 Thank you.

11 HEARING EXAMINER:

12 Thank you.

13 MS. CHERRY:

14 Hello.

15 HEARING EXAMINER:

16 Hello.

17 MS. CHERRY:

18 I'd like to tell you that I do not envy
19 your position because you got two sides tugging at you
20 each with their own truths, and I really think it's
21 a ---.

22 HEARING EXAMINER:

23 We need your name.

24 MS. CHERRY:

25 Oh, right. Rosalyn, R-O-S-A-L-Y-N.

1 Cherry like cherry tree.

2 HEARING EXAMINER:

3 Okay.

4 MS. CHERRY:

5 I'm with the Climate Action Coalition of
6 New Paltz. A noted scientist from Cornell University
7 said, you don't know anything exactly, so you can't
8 exactly predict. Accidents will happen. It could be
9 a single incident such as a truck releasing a
10 concentration of toxic chemicals through a leak or an
11 accident. It could be numerous small accidents that
12 have a similar cumulative effect. It could be any of
13 these.

14 And Robert Day, who is an engineer at
15 Berkeley, he has studied over 600 system failures from
16 Katrina to the Gulf oil spill. And because he was an
17 oil rig --- he worked on an oil rig, his specialty is
18 drilling disasters. In last year's summer issue of
19 Science News, he gave the equation for disasters, A
20 plus B equals C. A is the laws of nature, which will
21 prevail as they have for millions of years. Droughts,
22 flooding, high winds, extreme temperatures. People is
23 the B part --- arrogance, greed, ignorance, laziness.
24 And the C part is the disaster that comes sooner or
25 later. I just want to give you one example of

1 something he worked on at the intralesional deep water
2 development. He was 10,000 feet deep. After two
3 years of intense study of the risks involved they said
4 reserved remains under development today because the
5 technology is not there to prevent failures or to
6 mitigate them. So I urge you not to be blind to all
7 the things that have happened all over the country,
8 not to be blind and to wait until we know exactly what
9 we're doing.

10 HEARING EXAMINER:

11 Thank you.

12 MS. ANNA:

13 Hi. Good afternoon. My name's Jessica
14 Anna. My last name's A-N-N-A. I live in upstate New
15 York in the Catskills. It's beautiful there and we
16 have the reservoir for New York City. And I'm
17 speaking as a concerned citizen, not just for myself
18 and my child here, but for everybody and for the
19 people who are for this gas drilling because they
20 think that it's going to help their local economy.
21 I'm concerned about their health. You know, I'm
22 concerned about the millions of gallons of chemicals
23 being pumped into the ground and that are going to
24 poison not only the streams and the fish and the
25 animals that live by them, but that's our drinking

1 water. We can't live without water. That's our most
2 important resource. Our air and our water.

3 Water's to be able to, you know, feed
4 your farm animals and to water your crops and for
5 drinking. I don't want to have to buy my water at
6 Walmart like other people in Pennsylvania have to do
7 because of the gas drills that were done there and
8 their wells are polluted now. I want to be able to
9 drink my own well water. I want my land and my water
10 to be clean and safe and beautiful, and I think that
11 it's our job to protect it. I think it's your job to
12 protect the Delaware River Basin and I think that the
13 setbacks aren't far enough.

14 I think 500 feet is not far enough. I
15 think that we need to wait and hear what the DEP's
16 reports are and make a very, very, very educated
17 decision before going forward with anything like this.
18 Thank you.

19 HEARING EXAMINER:

20 Thank you.

21 MR. BERRY:

22 Hi. Ed Berry, B-E, double R, Y. Happen
23 to be a fisherman who happens to be a member of the
24 Sierra Club. I want to thank the members of the
25 Commission this afternoon for sitting and listening to

1 all of us and still reserving their own judgments on
2 these things. I like that. I want to talk about the
3 forest a little bit today. Actually, my belief is
4 that money does grow on trees. When we preserve the
5 forest we're preserving water quality, which preserves
6 our bank accounts. Helping the forest prevent the
7 need for filtration plants that can run from millions
8 to billions of dollars. A survey done in 2002
9 conducted by a water supplier actually found that for
10 every 10 increase the forests cover in the watershed,
11 the treatment of chemical cost decreased by 20 percent
12 thereby saving the taxpayers money.

13 Helping forests prevent the need for
14 water filtration plants. I don't come from around
15 here, I come from down near the city line. I live
16 near the new filtration plant. I've seen the trucks,
17 I've seen the damage, I've seen the broken streets,
18 the new construction that had to be done just to get
19 the trucks into the site where they're building the
20 water filtration plant. I've seen the cost overruns,
21 which started at millions of dollars and now it's
22 billions of dollars and it's still not quite finished.
23 We don't need the need to do this again, which will
24 cost estimate maybe \$700 billion for a second one.
25 Okay.

1 Quick figures that I have. The four
2 million acres that are overseen by the EBC right now,
3 the money that comes in from recreational in 2001 ---
4 in the last year we had accurate figures, \$3 billion,
5 \$923 million, \$958 billion from fishing alone in one
6 year in New York State, not in the four states.
7 Basically I think we have to save our forests. We
8 have to have sustainable forests, not fragmented. As
9 a society we can survive without natural gas. We
10 can't survive without clean water. Thank you.

11 HEARING EXAMINER:

12 Thank you. Commenter number 45. All
13 right. This happens sometimes. People move on or
14 maybe they got a chance earlier. I think there's a
15 gentleman who stood up, so we'll go to commenter
16 number 46.

17 MR. KITTAY:

18 Hi. Good afternoon. Thank you. I had
19 some things to say, but I just particularly noticed
20 that part of the presentation and some language on
21 your presentation, so I'll just go ahead and get to
22 what I had to say and given how ---.

23 HEARING EXAMINER:

24 Could I get your name?

25 MR. KITTAY:

1 Sure. My name's Jeffrey with a J.
2 Kittay, K-I double T-A-Y. I'm a resident of Sullivan
3 County. I noticed in the presentation that among the
4 functions of the DRBC are to provide certainty to the
5 industry. That was the phrase. Provide certain to
6 the industry, yet when they want to come and visit the
7 area. And I think that's admirable that industry
8 likes to predict what it's up against and so that's
9 great, but if you're in the certainty business then
10 you certainly want to provide certainty about what's
11 going to happen to our natural resources and what's
12 going to happen to our citizens and our health.

13 If you deal in certainty and you've got
14 to say going ahead with gas drilling is nowhere near
15 certainty in terms of where it's going and what you
16 can guarantee. And until you can achieve a
17 substantial amount of certainty about what's going to
18 happen to water, what's going to happen to air, what's
19 going to happen to health, what's going to happen to
20 nature then the only thing to be certain about is that
21 you can't do anything now. You don't know enough.
22 You don't know enough because you don't have the
23 resources. You don't know enough because really
24 disinterested science hasn't gone most deep into this
25 issue. And this very simple answer, you simply wait.

1 You wait until you get it right and if you can't
2 provide that certainty with people you're certainly
3 not allowed to let these kinds of drilling go forward.
4 So thank you very much.

5 HEARING EXAMINER:

6 Thank you.

7 MS. KITTAY:

8 My name is Rebecca Kittay, K-I-T-T-A-Y,
9 and I'm here as a resident of Sullivan County and also
10 as the mother of a severely disabled daughter who
11 lives at the Center for Discovery, which is home to
12 300 extremely vulnerable people and also is the
13 largest employer in Sullivan County, an employer that
14 takes care of people.

15 Those who can benefit from drilling can
16 care less. My daughter cannot. I speak for her as
17 well as myself. Nothing is more important to us than
18 the health and welfare of our children, and when
19 people are as vulnerable as my daughter those concerns
20 are amplified. Yet here we are speaking of these
21 regulations, DRBC's regs, which do not cover the
22 impact of gas drilling, nor chemicals of hydraulic
23 fracking fluid, nor do they consider the cumulative
24 affect of drilling, nor do they give us any
25 reassurance that the toxic wastewater will be and can

1 be detoxified. And most significant of all, they do
2 not wait for the results of these things of scientific
3 investigations that health impacts and the cumulative
4 affects of gas drilling that are ongoing.

5 Gas drilling has an environmental impact,
6 as all of fracturing does and if there's anything we
7 know about environmental impacts, it's that they are
8 all interactive and have cumulative impacts. We
9 cannot allow permits granted until all the science on
10 cumulative impacts are in. Some people here have
11 spoken of overregulation, but we're speaking of an
12 industry that has toxic content. I don't see why it
13 is being called overregulated.

14 HEARING EXAMINER:

15 Okay. Again, we're going to be hitting
16 commenter number 48, so I would ask commenters 50 to
17 60 to queue up over here, please.

18 MR. CONRAD:

19 John Conrad, C-O-N-R-A-D. I'm a
20 hydrogeologist and environmentalist in Poughkeepsie,
21 New York. It's my opinion that DRBC's proposed
22 regulations could be substantially improved by
23 eliminating redundancies with state and federal
24 regulations. There are a lot of examples where
25 proposed DRBC regulations overlap with existing

1 regulations, which would lead to duplication of effort
2 and unnecessary expense and delays while achieving no
3 new water resource protections. I'll list a few
4 examples here and then provide a more detailed list of
5 redundancies in my written comments. In Section 7.5,
6 for example, the setback distances is for well pads
7 from water bodies, wetlands and water supply
8 reservoirs appear to be redundant with some state
9 regulations. Also in Section 7.5 well pad
10 requirements are not only redundant, but, as someone
11 said earlier, may be unworkable. And in Section 7.6
12 applications for underground injection wells appear to
13 be redundant with applicable federal regulations.

14 What I would suggest is that where these
15 regulations overlap that DRBC should either adopt the
16 existing state or federal regulation that applies or
17 preferably simply defer to those state or federal
18 requirements and not make new rules. Again, I'm not
19 suggesting that DRBC relax or eliminate regulations in
20 a way that would weaken water resource protection, but
21 I'm sure that DRBC would agree that duplicate
22 regulations serve no purpose in withstanding the
23 limited resources of the agency. Thank you.

24 HEARING EXAMINER:

25 Thank you. Commenter number 49. Going

1 once. Okay. I'll go to commenter number 50.

2 UNIDENTIFIED SPEAKER:

3 Fifty (50) left with 49.

4 HEARING EXAMINER:

5 I'll say that one more time. Commenter
6 number 49 or 50? All right. We'll go to 51.

7 MR. LUNDGREN:

8 I want to thank you first for your ---
9 taking this difficult task, for making it possible for
10 us to deliver these comments. My name is Stephen
11 Lundgren, L-U-N-D-G-R-E-N, resident of Hortonville,
12 Sullivan County. Well, first of all, I'm not
13 affiliated either with any organizations, although you
14 might call me a friend of one type of natural gas and
15 that's air and I'm also a friend of clean water.

16 To argue that the way to help the farmers
17 in this region by converting an agricultural use to an
18 industrial use is, to my mind, the same as arguing
19 that our belabored tourist industry could be helped by
20 legalizing prostitution, cocaine, growing marijuana
21 and leaving the enforcement of this to the pimps and
22 the growers instead of to the police and to other
23 authorities. I feel for the farmers, but, you know,
24 don't give us bull manure arguments.

25 The other thing that I feel very strongly

1 about is your regulations, although they talked about
2 enforcement. In this day and age and with this
3 economy there's no guarantee that by allowing the
4 drillers to be the enforcers, not the monitors, you
5 know, we need to have adequate staffs of people to
6 enforce these regulations. One other thing that is my
7 concern, living on a fixed income. We have a plight
8 similar to the farmers and the tourism industry, and
9 my concern is about baseline testing and about
10 monitoring, you know, during the drilling and
11 throughout the entire process. I think it's got to be
12 a reminder that the drillers pay the real cost, you
13 know, of this and that they pay for original baseline
14 monitoring of my water supply, that they pay for
15 regular monitoring during the life of their drilling
16 and for post drilling monitoring. We should not have
17 to pay the costs for this kind of thing. Thank you
18 very much.

19 HEARING EXAMINER:

20 Okay. Thank you. Number 52.

21 MR. LINES:

22 Alexander Lines, L-I-N-E-S. Mt. Tremper,
23 New York. I think that there needs to be a full
24 environmental impact statement completed for this area
25 before any drilling would be allowed to take place.

1 Funding from the federal government, or whatever, I
2 think should be done because the stakes are too high
3 for people in the watershed and it's too valuable and
4 precious a resource to allow drilling without doing a
5 full environmental impact study. Basically I think
6 this whole issue is a gamble in that we're looking for
7 short term economic gain and we could be gambling away
8 our health and wellbeing for future generations. So I
9 think we need to figure out an economy that doesn't
10 destroy the environment, whether it be agriculture,
11 forestry, green building or renewable energy. There
12 are ways of creating an economy that don't destroy the
13 water and don't destroy the land.

14 In Pennsylvania there's already been over
15 1,000 regulatory violations that can --- that are
16 known to harm the environment, so to say this is safe
17 is obviously not true. There's a lot of truck
18 traffic. A truck rolled over and spilled the contents
19 of his frac fluid. Another one rolled over. It
20 didn't spill its frac fluid, but if it had it would
21 have leaked into a reservoir in South Renovo,
22 Pennsylvania. There's radioactivity and radon in New
23 York. This could be released through the drilling
24 process and a study should be made to determine if it
25 can be safely treated and/or dumped. Thank you.

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HEARING EXAMINER:

Thank you.

MR. KOBER:

Hi. Thomas Kober, K-O-B-E-R, from Chenango County. In 1962 when John F. Kennedy was speaking about getting to the moon, they did not say it was not --- sorry. They did not say it could not get done. In 2008 the politicians in Albany said it was going to take six months to get started. Now, it is 2011 and we have not got started. The State of New York has a \$10 billion debt and it is keep cutting jobs. We are living in a time of a great depression. We are not building any Erie Canals or Hoover Dams. We need to put people to work today. The State of New York needs jobs today, not in a year or two.

There is no other place in the world I would like to live than the United States. This is an awesome country. I can buy and sell stock in the middle of nowhere. We have the best of the best in this country. We're letting it go to waste on the unemployment line. It is crazy. We need to get started, we need to move today. It feels like we're treading water. We need to be running. This is America. We need to get people to work. It doesn't matter if they're from out of state. They need to

1 work, they need to feed their families, I need it to
2 pay my bills. I need to pay. You forget about the
3 people that we can hire, the contractors to paint the
4 house, to put additions on. We're going to have this
5 --- it's such a bust that we're standing on. We're
6 letting it go to waste. We need to pay --- I'm out of
7 time. God bless and let's be strong. This is an
8 awesome country. I love the freedom that we have in
9 this country that our forefathers have worked so hard
10 for. Amen. Thank you.

11 HEARING EXAMINER:

12 Commenter number 54.

13 MS. KISSAM:

14 My name is Sandra Kissam. That's spelled
15 K-I-S-S-A-M. Got it? Good. And I'm president of an
16 organization called SPARC, which was --- I would say
17 the leader in the fight to save the few state forest
18 of Pennsylvania. Good afternoon. We are saying that
19 the Delaware River Basin Commission is proposing
20 regulations for fracking in the Delaware River Basin.
21 How can the Pennsylvania Commission, charged with that
22 of the river and its watershed, some 13,539 square
23 miles, supplying drinking water for 17 million people
24 assume that fracking is acceptable at all in the
25 watershed. Further, how can they presume before the

1 EPA study has been completed that they can consider
2 allowing such an industrial activity or indeed
3 formulating regulations for same?

4 If the DRBC does not suspend this
5 process, they will appear to have a bias favor in the
6 gas and oil industry. I would hope that the
7 Commission does not have this bias given their
8 enormous responsibility to consider what is best for
9 the Delaware River and the millions of citizens who
10 rely on it. Thank you.

11 HEARING EXAMINER:

12 Commenter number 55. One more time,
13 commenter number 55. Commenter number 56?

14 MS. HEINITZ:

15 Hello. My name is Sheena, S-H-E-E-N-A,
16 Heinitz, H-E-I-N-I-T-Z and I live in Ulster County.
17 I'm speaking for the future generations because I am
18 part of them, and I hear that many people here are
19 worried about money and supporting their families.
20 And I understand that, but I also don't understand why
21 we're not looking back at the past generations and how
22 much this land has in it that we can grow food, we can
23 plant trees, we can conserve our land. That is money.
24 I agree with the man earlier who said that money grows
25 on trees. I believe it does. Fruit grows on trees.

1 We can feed ourselves with fruit. We can can fruit,
2 we can feed our children with fruit, we can sell fruit
3 to other people. There are so many options for us as
4 human beings.

5 And not only that. If you say you don't
6 want to grow these things, there are other options.
7 Methane digesters that take manure from our animals.
8 Say you have a dairy. You can take that manure and
9 take a methane digester and get natural gas, which can
10 run vehicles that you want to do, which I hear. And
11 you can do that in a sustainable way that does not put
12 our land and our water and our air in peril. We don't
13 know what these chemicals can do to our land, to our
14 water, to our children, to our air, to our --- other
15 living beings and organisms that habitate this planet
16 besides ourselves. History has shown numerous times
17 over and over again that when human beings use these
18 detrimental things that we don't have control over ---
19 we are not perfect. Machines are not perfect and
20 these things do fail and they cause detriment to our
21 planet, to other living beings, our children, all
22 living beings. For the future of our planet, please
23 think of other options. There are many, many other
24 options. Thank you.

25 HEARING EXAMINER:

1 Commenter number 57.

2 MS. FARABAUGH:

3 Hello. My name's Barbara Farabaugh. F
4 as in Frank, A-R-A-B-A-U-G-H. I'm from Cornwall, New
5 York. It's not, you know, Sullivan County, but I used
6 to come here a lot camping. And I know I would never
7 come here if you turn it into an industrial site. I
8 think of New Orleans. They were probably very excited
9 when the gas companies decided --- the oil companies
10 decided to move in and everybody was going to get
11 jobs. A disaster will happen sooner or later.
12 Terrible things will happen because they always do
13 because you've got the same situation. You've got
14 people who do not know how to regulate, do not know
15 how to examine the problems.

16 And the other thing is --- well, it's
17 been said. The other people have said it better and I
18 agree. I think if you allow this to happen, if you
19 allow the earth to be poisoned, you'll be throwing the
20 baby out with the bath water and you will destroy what
21 you have. And you won't get anything --- any way
22 equivalent. Your land is incredibly beautiful and
23 that is your future. Thank you.

24 HEARING EXAMINER:

25 Commenter 58.

1 MR. BEIRNE:

2 My name's Joe Beirne, B-E-I-R-N-E. I've
3 been a 67 year resident of Sullivan County and was a 4
4 year resident of the Village of Libbon (phonetic).
5 How quickly we forget. MBTE approved in 1979 by the
6 United States Environmental Protection Agency polluted
7 Liberty, New York's drinking water supply along with
8 other communities in the region. The New York State
9 Department of Environmental Conservation supplied the
10 money to replace the water system at the taxpayer's
11 expense. In dollars what has replacement of the
12 drinking water systems, public and private, monitoring
13 stations, legal fees and other related expenses cost
14 the American taxpayer? How much of the money spent
15 have these governments and their agencies recovered
16 from those responsible for pollution caused by putting
17 MBTE in our environment?

18 I ask these questions because these same
19 industries want to drill for natural gas in our region
20 on a large scale using the fracking method. In some
21 areas where this method of drilling has been allowed
22 there is pollution, groundwater and diesel fuel being
23 used. I don't want any of my government agencies or
24 their agencies spending billions of taxpayer dollars
25 to clean up the industries --- gas industry's mess.

1 All the industries involved in drilling
2 and recovery process of natural gas should be
3 financially tied to any and all pollution just as BP
4 was in the Gulf of Mexico. If the pollution is in the
5 water or on the ground or in the soil or in the air
6 they put it there, not me. I don't want any of my
7 taxpayer dollars spent to clean up their mess. Are
8 you gentlemen paid by --- as representatives, do you
9 get paid by our government?

10 HEARING EXAMINER:

11 Yes.

12 MR. BEIRNE:

13 We are spending taxpayer dollars on this
14 gas situation right now. Thank you.

15 HEARING EXAMINER:

16 Thank you.

17 MR. JOHNSON:

18 Hi. My name's Scott Johnson. I'm a
19 homeowner in South Fallsburg, New York and a member of
20 the Echolake Homeowners' Beach Association. I'd like
21 to speak particularly to the issue of the --- the
22 danger of contamination of water. The anecdotal
23 evidence seems to demonstrate that this is not a fail
24 safe process, and it struck me as almost beyond belief
25 that fracking could have been exempted from the

1 Underground Injection regulations in the Environmental
2 Protection Agency's Clean Air and Water Act. And
3 their standout as a Frac Act going through Congress
4 now to reinstate the restrictions on that. I mean,
5 how could this not be considered underground
6 injection? I mean, that's exactly what it is.

7 I'd like to quote Mr. James Northrop
8 who's been in the energy business for 30 years, and he
9 characterizes horizontal hydrofracking as similar to
10 the explosion of a massive pipe bomb underground. He
11 says that the horizontal hydrofracking of shale gas is
12 a potential delivering mechanism for toxic chemicals
13 and natural gas into aquifers. This is because a
14 horizontal well travels some length through a rock
15 formation, which means it can create more fractures
16 than a vertical well. Because it creates more
17 fractures, there is a higher chance that the manmade
18 fractures will intersect with naturally occurring
19 faults and fractures that already exist under the
20 ground.

21 In fact, the New York City Department of
22 Environmental Conservation said that the migration of
23 fracking chemicals into overlying groundwater,
24 watershed streams, reservoirs and directly into
25 tunnels is a reasonably foreseeable risk. So I agree

1 with many of the speakers that are saying that there
2 really needs to be a very careful consideration of
3 this particular aspect because even though the
4 fracking takes place many thousands of feet
5 underground, these natural occurring fractures in the
6 shale allow it to move into the aquifers.

7 HEARING EXAMINER:

8 Thank you.

9 MR. JOHNSON:

10 Thank you.

11 MR. PINDAR:

12 Ready for the next ten?

13 HEARING EXAMINER:

14 We're approaching commenter 59 and at
15 this point we'll call the next set of 10. So that
16 would be 61 through 70.

17 MR. PINDAR:

18 Fifty-nine (59) just walked in.

19 HEARING EXAMINER:

20 Commenter 60.

21 MS. CONWAY:

22 Good afternoon, gentlemen. My name is
23 Debra, D-E-B-R-A, Conway, C-O-N-W-A-Y. I live
24 currently in Barryville, New York. I am speaking for
25 myself, but I'm a member and co-founder of Highland

1 Concerned Citizens and a recent alternate delegate to
2 the Upper Delaware Council. It's not lost on me that
3 I come home to my hometown of Liberty where I was born
4 and raised, where members of my family very possibly
5 were part of the cancer cluster that was created by
6 the MDBE pollution. It's also not lost on me that I'm
7 speaking on the birthday of George Washington who said
8 in 1798 it is much easier at all times to prevent an
9 evil than to rectify mistakes.

10 I see in reviewing the regs on page three
11 that you are addressing the fact that the regs are to
12 prevent, reduce and mitigate the depletion and
13 degradation of surface and groundwater resources. I'm
14 going to say it is not enough to mitigate or reduce.
15 I do not want to swim or have my grandchildren
16 continue to swim in the Delaware River in mitigated or
17 reduced fracking fluids. And again, the question of
18 how much of poison is a safe amount and what are the
19 cumulative affects of swimming in that water and
20 eating the fish that swim in that water?

21 And so, again, I want to underline ---
22 underscore the necessity of a cumulative impact study.
23 Again, I'm thinking that it's not in your purview to
24 correct or stimulate the economic growth in the
25 Delaware River Valley. In fact, on page 134 of the

1 River Management Plan it says industrialization is
2 incompatible use of the Delaware River Basin and where
3 there are representations of certain property owners
4 exerting their rights. I would like to let them know
5 I also have my rights to clean air and clean water.

6 HEARING EXAMINER:

7 Commenter 61.

8 MS. CAPOUYA:

9 My name is Keitha Capouya. That's
10 K-E-I-T-H-A and the last name is Capouya,
11 C-A-P as in Peter O-U-Y-A. I'm a supervisor of the
12 town of Meredith in Delaware county. I won't keep you
13 long. I have one thing to say about the economics of
14 gas drilling, which is about two and a half months ago
15 in the Fort West Star Telegram was a notice that said
16 gas companies from Texas felt that there was a lot of
17 gas. I'm sure you've heard this. That there's a
18 glutton of gas in this country. They're now building
19 a gas facility on the Gulf and the gas will be shipped
20 overseas to Europe and Asia, and that is happening
21 also on the east coast.

22 But my concern is this. As a town
23 supervisor I have a real responsibility for 1,500
24 neighboring souls in my town and for the other people
25 in my county and I feel, in the whole county, and I

1 feel in the whole country who have concerns about
2 this. I would join with those who ask that you wait,
3 if it can be done, for a cumulative impact studies ---
4 for the EPA's study. I would like to see another
5 study, which is a study of the real economics of this
6 kind of industrial activity. It's been done all over
7 the country and there are ways of getting figures,
8 exactly what is the percentage of local people
9 employed? What are their jobs? Are they satisfying
10 jobs? I think we have to learn more, but ---. I
11 don't know facts within your --- within your
12 authority, but I think the other things are worth
13 waiting for a cumulative study and finding out a
14 little more. I thank you so much.

15 HEARING EXAMINER:

16 Thank you. Commenter number 62,
17 commenter number 62. All right. Let's go for 63.

18 MR. RUSSELL:

19 Yes. Hi. I'm Harold Russell. I live in
20 Bethel. I've got a dairy farm and I'm a member of the
21 --- oh, Russell, R-U-S-S-E-L-L. I'm sorry. I'm a
22 member of the Farm Bureau, director. I'm director of
23 soil and water and I'm the director on the FSA office
24 here in Liberty. I've farmed for over 43 years and
25 I'm used to being heavily regulated, but I think your

1 regulations are a little too excessive.

2 We've lost all of our young people here.
3 I mean, you people pick up the obituaries. Read the
4 obituaries. See who the people are survived by. The
5 young people have moved out. I would like to give our
6 young people here in Sullivan County a chance to be
7 able to stay. This is an economic boom and we will
8 miss it if we don't properly regulate it and take care
9 of it, but we can't overregulate it. I mean, it's an
10 opportunity for not only us, the farmers, the
11 landowners, but it's an opportunity for our young
12 people to get decent paying jobs to stay here within
13 Sullivan County.

14 And I've heard a lot of testimony from
15 folks. You people don't even live on top of the red
16 shale, some of younz, but you're worried about the
17 water. Worry about the food that you're eating. Read
18 the labels of the food that you're consuming. Get off
19 the shale kick people and get on a health kick. Quit
20 eating preservatives that's in your food and your
21 drinks that you're drinking.

22 I live in the town of Bethel. We've lost
23 so many young people in our town that our elementary
24 school has closed. Closed. And what does that tell
25 you? Your young people aren't staying here. Your

1 young people are leaving. Pretty soon it will become
2 Sullivan County, the senior citizen center. It's a
3 shame, but I have --- one last note before the buzzer
4 goes off. You know, I've always lived my life by
5 doing --- by teaching young people do the right thing
6 because it's the right thing to do. That's what I'm
7 asking you, the Commission, the DEC, the EPA. Do the
8 right thing because it's the right thing to do.

9 MS. FINNERAN:

10 Hi. My name is Ann Finneran. That's
11 F as in Frank, I-N-N-E-R-A-N. No E at the end. Thank
12 you. I'd like to address actually something that must
13 be a concern of yours. I believe your concern is more
14 ecology than economy, but you're getting a lot of
15 comments, a lot of pressure about the economy of gas
16 drilling. And I would like to counter with the
17 economy of gas drilling as a problem and with the
18 alternatives that the economy for us.

19 This gentleman that was just here just
20 said, and another gentleman before said, the kids
21 aren't returning. He wants the kids to return. Well,
22 let me read something that I have here that will
23 indicate to me that the kids --- you can bring gas
24 drilling to this area, bring all these pads, thousands
25 of pads to this area. They ain't never coming back.

1 Let me read you something from a friend
2 of mine, a former high school friend. I'm from
3 Marcellus shale. I'm not from Sullivan County. I'm
4 from Painted Post, which is a southern tier. It's
5 south of the Finger Lakes. The one thing I do not
6 want to see is the Finger Lakes voted as the most
7 beautiful wine country in the world being sent down
8 the tubes by gas drilling. But anyway let me read
9 what I have here from Bonnie in Bradford County, PA
10 where gas drilling is going on already.

11 We're dealing with all that crap here in
12 PA, too. It's mind boggling and annoying and
13 irritating. Talk about the gas companies tearing up
14 the land with God knows what else. I'm glad to see
15 New York is doing a better job of investigating these
16 things before they sign contracts. Let me tell you
17 that it sickens me to see them charge through all the
18 mountains and fields and other places of greenery. I
19 don't know of anyone who has ever said they checked
20 out exactly what would be taking place and God knows
21 the economy was just at the right low so people would
22 jump at some cash. And I can't say I blame them
23 there, although had we had land and had we been
24 approached to sell land for gas and mineral mining, I
25 sure as hell would have done my homework on it first.

1 The earth comes first. Otherwise, where will we live?
2 Can't farm on a lot of land around here that hasn't
3 been disturbed because who wants taters that blow up?
4 Thank you.

5 HEARING EXAMINER:

6 Commenter number 65.

7 MR. RUSIN:

8 Hello. I'm from Rochester, New York. I
9 came down to get away from the snow. My name is David
10 Rusin, R-U-S-I-N. I'm the CEO of a company called
11 Lake Country FracWater Specialists. We actually treat
12 frac water. We call ourselves the green alternative.
13 A little bit about our company. We provide mobile,
14 cost effective treatment of barium, strontium and
15 other trace metals in flow back water from
16 hydrofracking in gas shale, plus the treatment of
17 related drilling wastewaters allowing approximate use
18 of this water and the subsequent reduction in demand
19 of the regional watershed.

20 In short, we bring the treatment of the
21 water to the site. The barium and estroleum are the
22 two culprits that come out of the ground, highly toxic
23 and we have the ability to convert that down to two
24 parts per million, which is the equivalent of EPA
25 standards of your drinking water. And we do that on

1 site. Given the amount of time what we stand for
2 based on all that we know about the frac water
3 business. Frac water is hazardous waste and should be
4 regulated as such. Frac water should not be
5 transported over roads and highways. Frac water
6 should not be treated at brick and water public
7 treatment plants. It only gets diluted there. Frac
8 water should only be treated on site for reuse and
9 contained.

10 Upon site shutdown final frac water
11 should be transported, this is what we do, as a
12 non-toxic, clear water for byproduct production. And
13 that byproduct production is road salt. On site
14 process frac water should be subject to a per gallon
15 or per barrel environmental impact fee defined by
16 environmental management of frac water activities
17 split between state and local governmental agencies.
18 Frac water processing should be metered and reported.
19 State based weight and measures can oversight the
20 measurement of the frac water coming in, being treated
21 and going out. Only on site treatment of frac water,
22 be it mobile or semi-mobile infrastructure to treat
23 pit, production and flow-back water. And lastly on
24 the water reduction impacts of frac water, if you look
25 at a typical golf course, they use water reduction in

1 one day, 24 hours than one frac water site uses in its
2 entire lifetime. With that they drive the
3 pesticides ---

4 HEARING EXAMINER:

5 Thank you.

6 MR. RUSIN:

7 on the surface and ---.

8 HEARING EXAMINER:

9 Thank you.

10 MR. RUSIN:

11 Thank you.

12 HEARING EXAMINER:

13 Commenter number 66. One more time.

14 Commenter number 66. Commenter number 67?

15 MR. ANDERSEN:

16 My name is Pete Andersen,

17 A-N-D-E-R-S-E-N. And I am the tip of the circle. If

18 you look at the DC permits that are filed for

19 horizontal wells, I represent the four families that

20 are permitted --- or not permitted, applications are

21 sitting there for. So when you guys get ready to go I

22 will be the first to be there. Okay? What I want you

23 guys to do, okay, is one size does not fit all. Okay?

24 I sat on regulatory committees and things like that.

25 It is difficult to get everybody here under one roof.

1 Okay? What you must do is sit down with the gas guy.
2 This gentleman right here is the man to talk to. You
3 need him at your meetings, you need open doors, you
4 need ideas from people that are in these industries to
5 make a workable, safe process. Okay? And do it some
6 time in the next week, okay, if you understand that.

7 That's about all I have to say about
8 this. You guys know what you have to do, okay, and do
9 so in haste you might say. All right? You've already
10 got a good start on the thing. There's some of the
11 regulations you have to define, but I'm sure everybody
12 who heard this a million times today. But what I
13 haven't heard is get all the industries together that
14 are involved in this, okay, from the landowner to the
15 gentleman that's going to deal with this water to the
16 drilling company. Sit down with them, find out what
17 they need and make this thing work.

18 HEARING EXAMINER:

19 Okay.

20 MR. ANDERSEN:

21 Thank you.

22 HEARING EXAMINER:

23 Yep. Commenter number 68.

24 MS. HARTZ:

25 My name is Dorothy Hartz, H-A-R-T-Z. I

1 currently live in the town of Freemont, Sullivan
2 County. I grew up in the town of Delaware. My
3 father's family on both sides settled in these two
4 towns in the 1840s and '50s. I stress this point to
5 counter the perception I find frequently that
6 opposition to gas drilling comes from newcomers, or
7 second homeowners or those who otherwise might lack
8 allegiance to or understanding of a given region. I
9 understand this region. The history of this region
10 has always included difficulty in finding and
11 maintaining livelihoods. I left here myself for many
12 years in order to make a living, but I came back to
13 make a life. When my colleagues asked me why are you
14 going back there, I said for the sense of community
15 and it's got great clean air and water. That was a
16 while ago.

17 Okay. The place always has had difficult
18 with, as I said, with maintaining livelihoods. I know
19 that. But I believe to advocate that challenge for
20 the hope that big gas and oil will save us is
21 misguided. For this reason, I support the comments
22 made today, which call for caution and strict
23 regulation over a green light for short term gain and
24 long term damage control. You know, in spite of the
25 economic hardships for as long as my ancestors or

1 anyone else has been living or coming to this area,
2 it's always been considered to be a source for rest,
3 recreation, rehabilitation, religious and therapeutic
4 retreat and cultural inspiration. In my lifetime I
5 visited religious sites from an Anglican convent to a
6 Zen Buddhist monastery. In my father's lifetime the
7 TB sanitariums here were ordered by prescription from
8 New York City doctors. There are camps of every
9 description including those for special needs kids.
10 This is our real legacy.

11 I can't solve Sullivan County's economic
12 woes by suggesting we partner with these
13 organizations, some of which are not on the tax rolls,
14 but it might be on a start --- it might be a start. I
15 fear that we're on the verge of trading this legacy,
16 this spirited place, for a future with
17 industrialization, intrusive traffic, air and water
18 pollution, litigation, increased crime. There's not
19 enough sugar to make lemonade from this lemon.

20 HEARING EXAMINER:

21 Thank you. Commenter 69.

22 MS. BOWERS:

23 My name is Kathleen Bowers, B-O-W-E-R-S.
24 I'm a landowner and a small business owner, and I am
25 from Sullivan County. The Delaware River Basin

1 Commission needs to extend the comment period and hold
2 more hearings so more people can be heard. The River
3 Basin is too huge to have these hearings in only three
4 places. It's not adequate. When going to the
5 Delaware River Basin Commission's website the vision
6 statement says, the Commission will be a leader
7 protecting and enhancing and developing the water
8 resources of the basin for present and future
9 generations. That said, your leadership in the
10 protection of the river basin needs to include a river
11 life cycle impact study of natural gas and all of the
12 issues that surround it.

13 The EPA is conducting such a study now
14 and the Commission has stated that it doesn't have the
15 money for a study. Therefore, you should wait until
16 EPA concludes its study because you also state in your
17 mission statement that you will provide comprehensive
18 watershed management by basing decisions on sound
19 science. You must wait for the science. Commission
20 does not have the staff to regulate drilling. You are
21 not able to prevent the industry from dealing with
22 disposing toxic waste waters that is brought to the
23 basin from elsewhere. You cannot rely on the states
24 to monitor because, as we know, New York, DEC has only
25 16 inspectors statewide. PA has been unable to

1 prevent flow outs of their aquifer contamination in
2 other parts of the state. Whenever you started making
3 the draft you mentioned having a report of its own
4 violations, end quote, to monitor itself. An industry
5 that cuts corners and evades regulatory oversight
6 cannot monitor itself. May I remind the Commission of
7 the BP oil spill? The Commission cannot allow the
8 industry to come here and make the same mistakes
9 they're making in other places. If the Commission
10 cannot allow you drilling without appropriate
11 scientific analysis, you're going against your own
12 mission and values. Thank you.

13 HEARING EXAMINER:

14 Thank you. I think we're on number 70,
15 but it's my understanding there's only 74 commenters.
16 So would the rest of the folks kind of come up here?

17 MS. LONDON:

18 Seventy-five (75).

19 HEARING EXAMINER:

20 Seventy-five (75). Right.

21 MS. LONDON:

22 Hi.

23 HEARING EXAMINER:

24 Hi.

25 MS. LONDON:

1 My name is Karen London, L-O-N-D-O-N, and
2 I'm a full time resident of Sullivan County in New
3 York. I wanted to add to the previous commenter. I
4 was at one of the DRBC presentations last week when
5 Mr. Muzersky (phonetic) was asked about a cumulative
6 impact study and indicated that when monies became
7 available the DRBC would look at undertaking that.
8 Obviously, there haven't been monies available, but
9 there are some not very innovative ways to go around
10 that. Since the DRBC is allowed to impose permitting
11 fees on perspective drillers and also under the
12 proposed regulation 7.3(k)(16), you contemplate having
13 project sponsors joining together in association to
14 other entities to purchase excess assurance. Why not
15 require perspective project sponsors interested in
16 drilling within the basin or --- lease acreage within
17 the basin to contribute to a fund, whether it be \$2
18 million or \$5 million that you would just determine to
19 enable independent scientists to undertake such a
20 study?

21 Drilling companies are accustomed to
22 assuming the risks in areas of new exploration, i.e.,
23 putting up funds when they have no assurance of
24 productivity. And here the uncertainty would be
25 whether or not they drill, but surely contributing a

1 million dollars or less per company is a paltry sum of
2 money for interested companies who want to drill. I
3 would also say that I think that the proposed
4 regulations --- although they have a lot of good
5 provisions in them and very interesting provisions in
6 them, I think they rely too heavily on state
7 regulation. And I will say that the DRBC regulations,
8 proposed regulations, need to establish a minimum
9 level of production. Otherwise, they are only as good
10 as the weakest point in them. Whichever state has the
11 weakest regulation, most clearly in terms of
12 construction. You will only be a state as that
13 weakest link. There are enough lawyers for the
14 industry to be able to figure out what the applicable
15 regulation would be between competing regulations.
16 They can do it.

17 HEARING EXAMINER:

18 Okay.

19 MS. LONDON:

20 Thank you.

21 HEARING EXAMINER:

22 Thank you. Commenter number 71.

23 MR. SCHAEFER:

24 I'm a fourth generation farmer from
25 Delaware County. My name's Lonnie Schaefer. I've

1 been in my own business, not always ---.

2 HEARING EXAMINER:

3 Can you spell your last name?

4 MR. SCHAEFER:

5 Oh. S-C-H-A-E-F-E-R.

6 HEARING EXAMINER:

7 Okay.

8 MR. SCHAEFER:

9 Now?

10 HEARING EXAMINER:

11 Now go.

12 MR. SCHAEFER:

13 I've been farming since I was 14 years
14 old, have been in 4H and FFA. And as I grew into an
15 adult, I'm director and member of the New York State
16 Beef Producers Association and Junior Beef Producers
17 Association. I was the junior president of the New
18 York Simmental Association, as a junior. Now I'm on
19 the county board for Farm Bureau. This is an
20 opportunity for farmers to be able to keep our land
21 and keep it intact, to decrease fragmentation of the
22 land, which causes a whole lot more damage with water
23 that's going to run off into the river. It'll cut
24 down on power lines bringing power from Canada down
25 here bringing --- you know, feeding other communities

1 when we could be feeding our own.

2 This is --- gives farmers and landowners
3 a better opportunity to manage their resources,
4 including timber so that they can harvest them on
5 time, not when they need money and have to cause even
6 greater runoff damage because things were done
7 prematurely. It gives farmers and landowners
8 opportunities to use new technologies instead of old,
9 outdated technologies that are more energy efficient
10 and more environmentally friendly.

11 The small areas that are left over after
12 the pads and things are there will create small
13 riparian zones. They make homes for pollinators like
14 butterflies and honeybees and make places for the
15 birds and the critters to do what they have to do.
16 And they can also be used for micro-farming, for
17 grains and healthy quality foods. And most
18 importantly it gets us into an energy source that we
19 can be proud to use because it's from here, for
20 Americans, by Americans and we don't have to hear all
21 of the problems the rest of the world. We can take
22 care of ourselves. Thank you.

23 HEARING EXAMINER:

24 Thank you. Did I mess up my numbers
25 again? We just did 71. Now we're on 72?

1 MR. PINDAR:

2 Yeah.

3 HEARING EXAMINER:

4 Okay. Seventy-two (72).

5 MS. SIGLER:

6 Hi. My name's Liz Sigler, S-I-G-L-E-R.
7 I'm a young farmer from Delaware County and as a
8 farmer we already live under tons of regulations,
9 standards, fees. And it makes it nearly impossible
10 for farms to survive, let alone grow. And as large
11 landowners we are really struggling. The funds for
12 agricultural programs in 2008 was \$15 million. In
13 2011 it's been --- the projected budget has been
14 reduced to \$1.5 million. So there's really little
15 help out there for farmers, especially young farmers
16 like me.

17 And as owners of large tracks of
18 property, we really fight to keep our land clean and
19 prevent fragmentation, and we are one of the most
20 dedicated and essential groups to --- in New York to
21 keeping the land clean and healthy. And you're
22 absolutely crazy to think land --- farmers would do
23 anything to hurt their land. So natural gas is really
24 an opportunity to help farmers stay there because if
25 you lose farmers, you're losing all the green fields

1 in New York. And you're ridiculous if you're thinking
2 that the --- you're helping the environment by getting
3 rid of, you know, all the farmers who keep ---.
4 That's the face of New York is our fields.

5 And the way to protect our land and our
6 natural resources is not to drive away the people who
7 have been here for generations and are dedicated to
8 the quality of the land. And I think that natural gas
9 drilling is a good thing. The regulations shouldn't
10 be too harsh and ridiculous compared to the other
11 water users in this state. Thank you.

12 HEARING EXAMINER:

13 Thank you.

14 MR. MIRANDA:

15 My name's Jason Miranda, M-I-R-A-N-D-A.
16 I'm a forester for Cannonsville Lumber, Schaefer
17 Logging in Deposit, New York. Basically these
18 regulations that you guys with setbacks and stuff are
19 ten times more restrictive than what either state of
20 Pennsylvania or New York has in both. We regulate the
21 runoffs through a 50 foot buffer for years. Now, why
22 do we need 500 feet setbacks? You know, the
23 regulations are generic enough in the wording. They
24 can turn them around on me. I know you're aiming at
25 gas drilling, but they can turn around at the logging

1 industry, which is a primary industry in this area.
2 Also with the stone quarries, you know, there's many
3 quarries that are greater than three acres and greater
4 than five acres. You are imposing a three acre limit
5 on clearing.

6 You know, it's a big part of this area.
7 You know, I really don't know what else to say on
8 that, but, you know, gas drilling, like previous
9 people have said, will give the landowners another
10 income in order to properly manage the timberlands.
11 You know, we're growing timberlands. We're having
12 more and more forests, but are they a good, healthy
13 forest? You know, we have a lot of exotic species and
14 stuff that are posing threats to the forests. You
15 know, landowners have to be able to come up with a way
16 to offset the cost of this. You know, getting some
17 money through gas drilling might be a viable way to do
18 it. Thank you.

19 HEARING EXAMINER:

20 Thank you.

21 MR. JOHNSTON:

22 Good day. My name is Charles M.
23 Johnston, J-O-H-N-S-T-O-N. My family has lived in ---
24 been in natural resource businesses since before 1880
25 in Sullivan and Delaware Counties. My company

1 currently owns 675 acres of forested, private open
2 space in the town of Freemont. I've had extensive
3 experience in the area of water quality, being
4 involved with WAK, the New York City Watershed Force
5 --- Taskforce in concert with DEP and EPA and the New
6 York City Watershed.

7 The current DRBC proposed regulations
8 speak very little about water quality. There appear
9 to be more in the line of confiscatory land use
10 control not directed at water quality, but more a move
11 to exclude gas drilling as a permitted use by the
12 impossible setbacks in Section 7.5 and others. With
13 as much hysteria driven publicity about what might
14 happen, there appears to be no documented evidence
15 that current in ever improving BMPs and techniques
16 used in drilling and disposing of frac water in the
17 Susequehanna Basin have caused any groundwater or
18 stormwater problems that dictate the need for a new
19 super agency here in the Delaware Basin.

20 The proposed regulations give the
21 executive director vague guidelines and unlimited
22 powers that negate state sovereignty over land use
23 controls and effectively eliminate the permitting and
24 the operation of gas drilling. The DRBC should
25 support the states in regulating the industry rather

1 than taking over the process without any experience.
2 The regulations, besides attempting to overturn what
3 is an evolving process in well pad permitting as
4 techniques improve, will by the imposition of extreme
5 land use controls create an indirect condemnation of
6 both above and below ground private holdings with no
7 documented evidence to justify a necessity to or a
8 right to supersede the inherent rights of the states
9 to regulate. Thank you.

10 HEARING EXAMINER:

11 Commenter number 75.

12 MR. LONDON:

13 Jan London, L-O-N-D-O-N. Jan, J-A-N,
14 L-O-N-D-O-N. We're here again staring at the most
15 important decision for our area in our lifetimes. I'm
16 here to strongly oppose the DRBC approving the current
17 set of regulations regarding horizontal hydraulic
18 fracture drilling. Standing off huge tracks of land,
19 potential thousands of acres and bundling one
20 company's leases in an area with one application and
21 docket is lazy, irresponsible and will accelerate the
22 damage that will occur. To pull a document by
23 Anthony, a Cornell professor and scientist on rock
24 fracturing, hydraulic gas fracturing. This is not a
25 national energy policy. It's a Wall Street fueled

1 foreign funded, high profit, high risk business plan.

2 I have copies of recent articles on how
3 China's buying up large percentages of large gas
4 company's leases such as Chesapeake and the county.
5 We're selling our land rights off to China and other
6 foreign run corporations. When will we come clean and
7 admit that you're willing to accept a percentage of
8 damage for mostly out of state jobs, large profit
9 shared by few? What happens --- or what percentages
10 of well failure, blowouts, methane migration, faulty
11 casements, aquifer destruction, hazardous spills and
12 illegal discharges are you willing to accept?

13 How will this affect us in future
14 generations to follow? I ask you to please wait until
15 presently ongoing scientific study is completed on
16 this most critical issue. If I'm wrong, the industry
17 will have time to figure out how to do it correctly.
18 If you're wrong, our area will be damaged for
19 generations. Thank you.

20 HEARING EXAMINER:

21 Thank you. Any other registrants or
22 commenters? All right. We had indicated at the
23 outset that we'd have to adjourn at five o'clock so
24 that we could make time for the next hearing, but is
25 there anybody that feels like they'd like to speak and

1 didn't get a chance? Well, I thank you all for coming
2 and sitting through the two and a half hours. And I
3 really do appreciate your input in terms of the
4 process and the next step. Right now the comment
5 period goes through March 16th, but the Commissioners
6 are entertaining various recommendations to extend the
7 comment period and they'll make a decision on March
8 2nd. And we'll decide where to go from there. Thank
9 you for coming.

10 * * * * *

11 HEARING CONCLUDED AT 4:56 P.M.

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CERTIFICATE

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



Court Reporter