COMMONWEALTH OF PENNSYLVANIA
DELAWARE RIVER BASIN COMMISSION

IN RE: DRBC DRAFT HYDRAULIC FRACTURING REGULATIONS

PUBLIC HEARING NUMBER 1

BEFORE: WILLIAM FORD, HEARING OFFICER

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

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

WITNESSES: None

Reporter: Candace R. Pratt

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NONE PRESENT
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PROCEDINGS

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HEARING OFFICER:

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

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

All right.
As of a few years ago, I
retired as a Pennsylvania trail judge.
I now --- I live here near
Philadelphia and I now mediate cases
and arbitrate cases. So my point is,
I have no affiliation, I think, with
anybody involved here today.
The DRBC has engaged me to conduct these hearings on its behalf to provide opportunities for oral comment on the Commission's draft rules. Today can be an outstanding opportunity for you to get your view before and be considered by the DRBC. I will make that point at the end of my, approximately, five minutes of comments before we actually hear from you. I want to make sure you understand the opportunity that we have today.

First, a few reminders about safety. In the unlikely event that we would need to evacuate this space, please make a note of the emergency exits and plan in advance which exits you would use. Please keep all aisles and exits clear throughout the hearing. And if you need to use the facilities while we're in session here, you're welcome to do that. The facilities are back in that area.
You'd have to go through the radar scanner to come back in. I just wanted to tell you that.

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

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

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(WHEREUPON, PLEDGE OF ALLEGIENCE WAS CITED.)

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Thank you. On one aspect of these five minutes of comments, please forgive me as I actually read. I want to make sure I am accurate as far as the regulations
that are involved here today.

The draft rules that are the subject of this hearing were proposed by the Delaware Basin Commission to amend the Commission's Administrative Manual and Special Regulations regarding hydraulic fracturing activities and to provide for additional clarifying amendments to the Commission's Rules of Practice, and Procedure.

A notice of proposed rulemaking, along with a text of the draft rules and supporting documents, were posted on the DRBC website on November 30th of last year and have been published in the Federal Register and Basin State Registers. Information about the draft rules and the public process has, and will remain available, on the Commission's website throughout the process.

And if I could find those, anybody could find them because I'm a dinosaur when it comes to things
like the computer, but I was able to find them. And as probably most of you know, the website is very informative.

As set forth in the notice of proposed rulemaking by resolution for the minutes on September 13, 2017, the DRBC Commissioners directed the Executive Director, to prepare and publish for public comment, a revised set of draft regulations to include --- and I'm quoting here --- A, Prohibitions relating to the production of natural gas utilizing horizontal drilling and hydraulic fracturing within the Basin, B, provisions for ensuring the safe and protected storage, treatment, disposal and/or discharge of wastewater within the Basin associated with horizontal drilling and hydraulic fracturing for the production of natural gas where permitted, and C, regulation of the inter-basin transfer of water and wastewater for purposes
of natural gas development where permitted.

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

This section would first prohibit high volume hydraulic fracturing in such formations within the Delaware River Basin. Second, require review under the Delaware River Basin Compact of any project that involves, A, the exportation from the basin of surface water, ground water, treated wastewater or mine drainage water at any rate or volume per use in hydraulic fracturing of hydrocarbon bearing rock formations outside the Basin, or the importation into the Basin, and treatment and discharge within the Basin of wastewater from hydraulically fractured oil and gas wells.

This section would also
establish standards for the treatment and disposal of wastewater from hydraulically fractured oil and gas wells.

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

Minor amendments to the project review classifications unrelated to hydraulic fracturing are also proposed and copies of the proposed rules can be found on the website.

Okay.

Ladies and gentleman, this is one of six public hearings on this matter. In addition to accepting oral comments at these public hearing, the Commission is accepting comments through 5:00 p.m. on Friday, March
30th, 2018. Written comments will receive the same consideration as formal comments.

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

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

Okay.

Ladies and gentlemen, today's proceedings are being videotaped, and also, they are being recorded manually by a registered
court reporter that was hired for today's proceeding. A transcript is being created by the court reporter that will become a part of the decision making record for the proposed rules.

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

And let me describe to you how the hearing will proceed. First, the Commission thanks all of you who have registered in advance either to attend or to attend and speak today. Your doing so has helped the staff to prepare for these
The order in which I call the speakers as time permits will be as follows: first those who registered in advance to speak today and who have not already spoken at another hearing, second, those who registered to speak when they arrived today and have not already spoken or registered in advance for another hearing, and third, anyone in the audience who wishes to speak whether or not they have signed up to do so, and that would be at the end of the registered speakers.

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

There are seats near the microphone reserved for the use of the on deck speakers, so simply walk up to the front row if your name is called.
We will start with a three-minute timed period per speaker. And this will apply to public officials as well. So it's three minutes per person, and actually you can get a lot said of substance within three minutes, you really can. So really try to direct your comments within the three minutes.

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

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

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

Well, the subject matter of this hearing is something that many people are passionate about, the purpose of the hearing is not for public demonstrations. The audience is asked to respect the person that's speaking, so please remain quiet while each commentator speaks so that the court reporter and the recording devices can produce an accurate record.

Interrupting another person's testimony with objections of any sort or demonstrations is prohibited. Speakers are asked to state their name and if you wish, your affiliation, like an organization that you belong to, whether you're a property owner, if you're a public official, perhaps your position. We'll leave that second part to you.
But please do state your name for us, ladies and gentlemen, and the court reporter will record that.

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

Please offer comments in a respectful manner. All right.

If as a part of your comment, you ask a question, do not expect a response during the hearing. I try to educate myself on things here, but as you just heard, I'm the wrong guy in terms of giving you information. So we're going to restrict with the comments, and in fact, that's the mandate from the
Commissioners to the staff, that the only purpose of this today is to hear from you, get your comments.

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

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

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

What's next, ladies and gentlemen, after today, after all public input is received, the DRBC staff and Commissioners will develop a comment and response document that addresses each of the concerns that are expressed here today. The Commissioners will consider changes to the proposed rules in response to the comments received and will hold a vote to either approve the rules as proposed, approve the rules with changes or reject the proposed rules.

The decision makers on this and all rulemakings by the Commission are the Commissioners themselves who may act through their appointment alternates. The Commissioners are the Governors of the four basin states; Delaware, New Jersey, New York, and Pennsylvania, and on behalf of the federal government, the Division Commander of the North Atlantic Division of the
U.S. Army Corp of Engineers.

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

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

This is really an opportunity to influence the process, and respectfully, if there are things other than what we talked about, probably there won't be any recording of them on the written record. How can you record comments addressed with your back to the court reporter?
So really, it's a matter of respect, it's a matter of courtesy, manners. But also, it's a matter of, to the extent you want to in good faith express your view, respectfully, follow the process and that's how we get your view heard. All right.

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

Okay?

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

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

This is Ms. Merolla.

That one there. Thank you.

MS. MEROLLA:

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

In 2017, our town Board passed a bridge resolution whereas the fundamental purpose of government is to protect the health, safety and welfare of its citizens. Whereas, the Town of Tusten lies within the Delaware River Basin and has an interest in the continued exceptional water quality and environment of this important natural resource. Whereas, the water in the scenic Delaware River is classified as special protection waters due to exceptionally high water quality and outstanding natural resources with special regulations that protect those resources and maintain the river's exceptional water
quality.

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

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

Whereas, in 2015, after
seven years of review, the State of New York prohibited hydrauling hydraulic fracturing concluding that it posed significant adverse impacts to land, air, natural resources and potential significant public health impacts that cannot be adequately mitigated.

Whereas, the town considers that the weight of the evidence demonstrates that hydraulic fracturing and shale gas development cannot be done without degrading the exceptional water quality of the Delaware River and the environment within the Delaware River Basin.

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

We, therefore, implore
you to protect our precious Delaware River. Thank you.

HEARING OFFICER:
Thank you very much.

The next person lined up will be Dan Rutledge, but the next speaker is Steve Adams.

MR. ADAMS:
Okay.

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

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

The taking of this right to capture and extract any mineral or natural resource is an act of Eminent Domain. Total ban on natural gas
extraction is a violation of the Constitution. If this violation is allowed, then there is no part of the Constitution that's enforceable.

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

As citizens of Pennsylvania, we are, of course, guaranteed certain rights under Article 1, Section 27 of the Pennsylvania Constitution. Governor Wolf, the Delaware River Keeper, and now the DRBC, are engaged in a campaign to term a common sense understanding of this section under Pennsylvania Constitution into an
excuse to take private property from any citizen or establishment without evidence, just cause or compensation. By ignoring Pennsylvania's success in regulating fracking everywhere else, this is what has --- this is what this entire struggle has become for those of us who live on the other side of the mountain from the SRPC.

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

There is no procedure that is without risk. To believe that eliminating this risk in the Basin will keep it safe is absurd. Our roads and railroads alone pose more risk than most people realize.
This book I hold is a guidebook intended for use by first responders for identifying transportation incidents involving dangerous goods and hazardous material. The risk is far greater of loss of life and contamination of property traveling on the roads every day. You just don’t know it because these risks are hidden in containers on trucks and trains.

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

We all want what's best for the environment. That's why there should be good regulations. We all need to be accountable regardless of what we do. That's what makes this country great ---.
HEARING OFFICER:
Thank you, sir. If Andrew Seder would please be on deck, and then Brian Smith, please.

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

I believe that your permanent ban is based on risk as it's read in these draft regulations. Let's talk a little bit about risk. Risk is something that's inherent in everything that we have done since time has began. Eating itself for men when they first showed up on earth was a risk. People risked their lives in ships to come to this country for a better way of life for opportunity for jobs. That's why people came here. We started a country based on a revolution. We fought for our freedom. That was pretty risky.
I would say risk is not a valid premise for what we're about to do. I would say risk is something that we should not base this on to shut it down as a permanent ban. I would say something's going on here much bigger.

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

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

But yet, we are looking to shut this down because of risk.
There are other countries in the world who are behind the effort to shut this down. Vladimir Putin himself is putting dollars into the United States to help shut down the natural gas industry because his economy depends on it. He doesn’t want somebody who’s going to be a competitor. They don’t want somebody else selling natural gas that we --- if we can shut it down.

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

Jobs, an opportunity is what brought people here. This is the reason why we are freedom of the world. We are the United States of America. We are strong. We fought a revolution once before. I hope we don’t ever have to do that again. And what was said in the past was this;
those who forget the past and do not remember the past are condemned to relive it. Thank you.

HEARING OFFICER:
The next person on deck will be Kevin Paul McGuiness. And if the next could come forward, and I believe that is Dan Rutledge.

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

Property values in Pennsylvania's most heavily drilled counties, Bradford and Washington, saw median house values increase from 60 to 70 percent from 2000 to 2013. The Wall Street Journal recently published an Intergraph from Moody's Investor
Service which shows that eight out of nine states that had the highest percentage growth in property value are major oil and gas producing states. Seven of those states are shale states using fracking.

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

If you are a landowner in the Susquehanna River Basin, you are experiencing prosperity. And in the Delaware River Basin, you are experiencing poverty. Who gave Tom Wolf and Andrew Cuomo the right to choose prosperity for some and poverty for others? What is the rational that
they used to go one way in one basin
and the opposite in another?

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

HEARING OFFICER:
Could I interrupt?
Would you actually show your diagram
to this side, too, please? I realize
that the camera is over there. Thank
you, sir. Thank you.

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

MR. SEDER:
It is.

HEARING OFFICER:
Okay.

Thank you, sir.
MR. SEDER:

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

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

Across a wide area of northern and southwestern Pennsylvania, natural gas drilling is providing jobs, boosting the prospects of small communities, lowering energy costs and giving our state an energy advantage in the competition for keeping and bringing in jobs.
State regulations have been stiffened, enforced and strengthened and impact fees are being collected and distributed to affected communities. There is certainly more to be done, but we have recognized and responded to concerns about environmental impact and community safety.

Despite this reality, the Delaware River Basin Commission is moving toward a permanent ban on natural gas drilling in Wayne and Pike Counties and the rest of the Delaware River Basin following a lengthy moratorium put in place in 2009. The Susquehanna River Basin Commission recently examined potential impacts to water quality for unconventional natural gas drilling and found no discernable impacts on the Susquehanna River Basin's water resources.

So the assertion that drilling was an intolerable threat to water supplies just over the hill, is
remarkably inconsistent and contradictory. There is also legitimate concern that this is the beginning of an assault on other economic enterprises. The impact here is not necessarily limited to hydraulic fracturing and could potentially be applied to agricultural enterprises and many other activities that have an impact on water supplies.

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

The people of Wayne and
Pike Counties have consistently demonstrated that they are good stewards of the land, the water and the environment. And they should be permitted to continue exercising their prerogatives and judgements. Thank you.

HEARING OFFICER:
The next person on deck would be Laurie Ramie, and I believe the next speaker would be Kevin Paul McGuiness.

MR. MCGUINESS:
Hi. My name is Kevin McGuiness. I'm Chairman of Dyberry Township Supervisors. I'm here to state the Supervisors' opposition to the fracking ban.

The ban that is in effect are taking the property rights and the assets without compensation. Not only is this action un-American, but it's also a violation of the United States Constitution. The DRBC is proposing to steal property rights
and gas assets from law abiding tax 
paying property owners of Wayne 
County.

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

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

He further stated that
the New Jersey DEP wants the DRBC to adopt regulations that actively protect water resources while enabling the natural gas industry to proceed responsibly in developing these energy resources.

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

Over 3,000 wells have been fracked in the SRBC over the last ten years, and the SRBC has stated, to date, there is no discernable impact on hydraulic fracking on the waters of the Susquehanna Basin. In closing, the ban on fracking will destroy the Wayne County Property values, depress Wayne County incomes, steal assets away from law abiding property owners, stall the job growth, greatly reduce local and state tax receipts, increase
the cost of natural gas, and violate
the Constitution of the United States.
This is a politically
motivated taking of property rights
and assets without compensation. The
proposed ban is an illegal act. If
you want our gas rights, pay for them
just as the gas companies did ten
years ago when they were leasing them.
Dyberry Township Supervisors want you
to know that we are strongly opposed
to the ban and we will fight it.
Thank you.

HEARING OFFICER:
The next person in the
on deck circle, so to speak, is Vera
Scroggins. And the next speaker is
going to be Ms. Nolan --- Cathy Nolan?

DR. NOLAN:
Dr. Nolan.

HEARING OFFICER:
Dr. Nolan?

DR. NOLAN:
I'm the Research
Director for Catskill Mountainkeeper,
one of the founders of concerned ---.

HEARING OFFICER:
Speak a little louder, please.

DR. NOLAN:
Sorry. My name is Dr. Cathy Nolan. I'm the research Director for Catskill Mountainkeeper, one of the founders of concerned health professionals of New York, and a legislator for the District 22 in Ulster County, New York, the District composed of the four western most towns of the county.

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

I deeply respect the obligations of the DRBC to protect water quality in the basin and thereby
protecting human health and well-being. I thoroughly endorse the Commission's decisions to ban fracking in the basin as incompatible with the Commission's mission, due to numerous interminable potential mechanisms for water contamination.

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

The primary action of fracking, high pressure explosions underground and slippery fluids is described by engineers working through the oil and gas company and by the text of the amendments as taking place
in shale formations that are, quote, separated from potential freshwater aquifers by thousands of feet of sandstones and shales, unquote.

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

The deliberations of the Commissioners and the drafted regulations should reflect these facts. Moreover, since injecting fracking wastewater underground poses even more risk, the proposed amendment should directly address induced seismicity and explicitly, ban any underground injection of fracking
wastewater in the Delaware River Basin.

Given the toxic composition of the fracking waste, including radioactive materials, the regulations should also ban the use of the fracking waste on roads and on fields, and should not address treatment of fracking waste on a case-by-case docket basis, but ban it pending further development of mechanisms to treat fracking waste. Waste that is supposedly stored in the basin is not really adequately contained.

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

HEARING OFFICER:
Fifteen (15) more seconds because I interrupted at the beginning.

DR. NOLAN:
Thank you very much. I
urge the Commission to take these
actions now and continue a bright
future for the waters of the basin and
the health and economy of its
citizens.

HEARING OFFICER:
Thank you.
The next person on deck
will be Lee Clark. And let me see,
Laurie Ramie should be our next
speaker.

MS. RAMIE:
Laurie Ramie, Upper Delaware Council. Unfortunately, due
to several weather cancellations, our
Board has not had an opportunity to
thoroughly vet our comments, so at
this time, we will be submitting those
in writing by the date. Thank you.

HEARING OFFICER:
Thank you, ma'am. Thank you. On deck will be Lee Clark and
then let's see - on deck --- I'm sorry. The next speaker should be
Vera Scroggins. Can I just see your
hand, please? Okay.

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

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

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

**MS. SCROGGINS:**

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

I want to say that our water has been impacted by --- dozens of water wells or aquifers were
impacted. So the SRBC may be studying
the watershed, but for some reason
it's not picking up our aquifers.
It's been verified by the DEP that we
have impacted storage water and that
people are suffering since 2008 with
water buffalos, special treatment
systems to be able to have some kind
of potable water.

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

We have 1,300 gas wells
so far at least, and we have over 50
compressor stations which are spewing
out air contamination by the tons as
well as all the truck traffic, the
noise and the lights. So I want to
say that we have deleterious effects
from this industry. It's not a clean
producing industry by any means.
And I'd like to say that, what about our property rights? What about our rights period, to clean air and clean water? We have a constitutional right in Pennsylvania. And also, as far as property value, some have mentioned up to 2013. If you take property value from 2013 to 2017, you will see a drop in the values. And lots of property for sale is not moving at all.

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

We also have less than ten percent of our jobs that are connected with this industry. This industry right now is in more than fifth --- lower than fifth on the list for the jobs availability for our
county. And they think that they're giving us so many jobs.

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

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

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

HEARING OFFICER: I will stop you.

MS. SCROGGINS: Thank you.

HEARING OFFICER:
On deck would be Pat Henderson, and then the next speaker would be Lee Clark. Lee Clark, please? All right.

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

MR. SHEPSTONE:

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

You are with this proposed ban stealing the natural resources and economic futures on this side of the Berlin Wall and constitutes the boundary two miles west of here that direction between the Delaware and Susquehanna River
Basin. Worst, you're doing it by fraud.

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

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

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

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

Meanwhile, the DRBC's offices are heated with SRBC gas. Yet, your notice of proposed regulations, this 22 pages, pretends this water quality data doesn’t exist. You simply want to apply a different standard. You've chosen to cite phony and speculative New York studies.
rather than hard data in your hands. You're engaged in a massive land grab with the intent of making a wilderness of our land for the enjoyment of elite special interest funding the Delaware River Keeper. You've even taken money from those special interest yourselves, shame on you. What you're doing is nothing less than high tech colonialism.

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

The decision's been made and it's a terrible decision and it'll be decided ultimately by the courts.

Thank you.
HEARING OFFICER:
Mary Beth Wood would be on deck, and then the next speaker would be Pat Henderson.
Am I correct? No?
Let's see here. What's your name, sir?

MR. TITTEL:
I'm Jeff Tittel.

HEARING OFFICER:
Okay.
Mr. Henderson's before you.

MR. TITTEL:
I'm sorry, no problem.

HEARING OFFICER:
I probably fouled up on you. All right.
And let's see here.
This is Mr. Tittel? You're on, you're on.

MR. HENDERSON:
Thank you, good afternoon. My name is Patrick Henderson, and I serve as the Director
of Regulatory Affairs for the
Marcellus Shale Collation.

Our members represent
thousands of Pennsylvania employers
and by extension, tens of thousands of
Pennsylvania landowners who are
committed to the safe development,
transportation and utilization of
domestic natural gas.

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

It is simply wrong, not
authorized, and this rulemaking ought
not to be adopted. The intention of
any public comment and hearing process
is presumably to solicit and
thoughtfully consider input from a
wide array of stakeholders on the
proposed policy and to withhold final
judgement until all of the facts are
in.

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

The Commission's
enactment for the past eight years,
which it seeks to permanently adopt
through this rulemaking, has inflicted
significant harm upon the Commonwealth
and its citizens.

Hundreds of millions of
dollars of lease and royalty payments
to the Pennsylvania landowners have
been lost. Potentially, billions of
dollars of private capital investment
has been diverted out of the
Commonwealth. The economic and job
damage inflicted by the Commission is
difficult to fully quantify or
comprehend.

So what would you find
if you examined the facts of natural
gas development in Pennsylvania in
2018? You would find a highly
compliant industry of over 95 percent.
You would find an industry that has
been in a partner in working to enact,
adopt and implement the most stringent
operating requirements of the nation.
You would find an industry that
voluntary stopped taking wastewater to
discharge treatment systems and has
focused on treating and recycling water. And you would find an industry that has contributed hundreds of millions of dollars to study, monitor, enhance and safeguard the water resources of Pennsylvania.

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

Ironically, one of the core principles of the compact contained in that 1961 act, states that its purpose is to apply the principle of equal and uniform treatment of all water users without regard for established political values. The Commission's proposed actions are anything but equal or uniform and its outcome could not be
allowed to prevail. Thank you.

HEARING OFFICER:

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

MR. TITTEL:

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

We also are --- and I live in Lambertville. I actually get water out of the river. I'm of those people. But also in my community and communities up and down the river, these people's pipeline companies want to take our land for Eminent Domain,
for private gain, not for public purpose. So it is about property rights, it is about the Constitution. And the U.S. Supreme Court has ruled time after time that governmental entities have the right to put bans in place and moratoriums in place and the Lake Tahoe decision on and on.

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

We're here today to say that the Delaware River Basin Commission is doing the right thing in protecting the water supply for the 17 million people and protecting the property rights for everyone in this valley. What they are doing is right,
but it's not enough. They need to also make sure that we do not allow the waste dumping in the river or anywhere in the Valley.

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

Another point I want to say, because I heard someone mention the New Jersey DEP. We have a new Governor, we have a new DEP Commissioner. Governor Murphy is committed to a full ban on the Delaware River for fracking and that ban includes, do not take any waste --- do not take wastewater into the valley and do not take our drinking water out. There is a new day in New Jersey. We don’t have Governor Christie any more. That
fossil fool is gone.

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

New Jersey has tried to
limit and ban fracking waste because
stuff is coming back with
radiologials from Pennsylvania. The
point is, that we need to look to the
future. We need to move towards clean
energy and renewable energy that will
actually provide more jobs. By the
way, you know, there's actually three
times more jobs in the solar field
than the fracking industry today. We
need to move forward. We need to make
sure that we protect this river and
this valley for future generations.

And so what I want to
say in closing, is that the DRBC stands for do the right thing basin provision, ban fracking in the Delaware. Thank you very much.

HEARING OFFICER:
Thank you. Gregory Lotoro is on deck. And let's see, Mary Beth Wood is the next speaker. And sir, could you say your name for me, though?

MR. FRIEDMAN:
My name is Robert Friedman.

HEARING OFFICER:
Yeah, you're after. So this would be Mary Beth Wood, and then on deck, is Robert Friedman and Gregory Lotoro. Okay.

THIS IS MARY BETH WOOD.

MS. WOOD:
My name is Mary Beth Wood. I'm the Executive Director of Wayne Economic Development Corporation. I'm going to confine my comments of economic development and
economic opportunity.

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

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

And the Commonwealth has partnered within Pennsylvania to very intentionally build an economic development strategy based on the
natural gas industry. Governor Wolf said that, and I quote, Pennsylvania has a once in a generation opportunity to develop and implement a strategy that will cultivate the manufacturing renaissance and transform our economy across the Commonwealth. Everywhere but here where we desperately need economic stimulants.

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

Wayne County lacks the economic engines that provides resources and increases our
competitiveness such as higher education institutions, large corporations, strong industrial base and natural gas revenue.

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

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

Yes, Pennsylvania is
We respectfully request that the DRBC bring its opposing treatment of the same natural resource in harmony with the SRBC. Thank you.

HEARING OFFICER:

Thank you, ma'am.

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

MR. FRIEDMAN:

Thank you very much.

HEARING OFFICER:

Yes, sir.

MR. FRIEDMAN:

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

I'm here on behalf of NRDC's over 400,000 members living in DRBC member states and 2.4 million
members nationwide. I'm here to speak in support of a full ban on fracking in the watershed, one that is inclusive of all aspects of the fracking process, not just drilling, but also the withdrawal of water for fracking elsewhere and wastewater treatment storage and disposal.

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

This statement could not be more accurate. We've seen here in Pennsylvania and across the country, that gas drilling and wastewater treatment and storage industrializes
our communities. Hundreds of peer reviewed studies state that people living in proximity to drilling and wastewater injection wells are on record, experiencing respiratory issues, pregnancy complications, PTSD, endocrine abnormalities, among other symptoms.

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

Opening the river basin to any aspect of fracking would imperil the air, water, land and health of our communities for generations to come. Instead of relying on the dirty, dangerous fossil fuels of the past, we must transition and diversify local economies towards
an industry that do not destroy our
drinking water, pollute our land, and
make our loved ones sick.

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

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

HEARING OFFICER:
On deck would be James Barth and then the next speaker should be Gregory Lotoro. Gregory?

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

I'm here today to ask the DRBC to continue to protect the basin for the future generations. The DRBC was created in '61 for the purpose of bringing the Delaware River under collective and balanced control to ensure fair usage by the four states that share the basin. To this end, it is involved in water quality protection which is different than the SRBC, water supply allocation and water conservation.
Today, we're discussing the proposed regulations for hydraulic fracturing and associated operations within the DRB. First, I'd like to state that fracking cannot be done safely, which is supported by purely sought studies within --- around the country. I agree with the DRBC and their decision to exclude this practice within the basin.

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

Third, the DRBC must not allow processed water to be allowed to be discharged into the Delaware River or any of its tributaries or waterways that flow into the river. The wastewater that --- contains toxins that will ultimately contaminate the
Let's look at the practice of hydraulic fracturing as it relates to water. Millions of gallons of water mix with multiple unknown chemicals and sand are injected into the bore hole to fracture gas formations in order to reduce methane and other gasses. Right from the beginning there are hazardous risks.

Many of the chemicals that are added to the water are toxic. When these compounds are injected into the shale, they mix with other indigenous chemicals that are also toxic. In addition to the mixing of chemicals, the shale formations at the depth, they are being injected, are naturally heated to as much as 100 to 300 degrees Fahrenheit. This cooks them.

As the fracturing progresses, some of the fluid flows back to the surface and is recaptured. This highly toxic cocktail is what
we're talking about sending to a water treatment facility and then discharging it into our river. There's no treatment process that can guarantee that all of the toxic components of this waste can be removed.

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

I'm done.

HEARING OFFICER:
Thanks, Mr. Lotoro.

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

MS. DYRSZKA:
My name is Larysa Dyrszka. I'm a Pediatrician, Board
Certified. And ---.

HEARING OFFICER:
Speak louder if you can.

MS. DYRSZKA:
Sure. And with my

science and medical colleagues, I
cofounded Concerned Health
Professionals in York. Our task is
the investigation and compilation of
the risks of high volume hydraulic
fracturing on health. We together
with the New York Chapter of the Nobel
Prize Winning Physicians for Social
Responsibility, have written a letter
to the Commissioners and to the
Executive Director.

We write to share with
you a new compilation and analysis of
scientific health and investigative
findings about unconventional oil and
gas development or fracking. We
represent health professionals and
scientists who have followed closely
the science and emerging data on the
issue for many years.
A rapidly growing body of evidence including numerous studies published just in the past years shows that the disposal of fracking waste, as well as drilling of fracking, threaten drinking water and put public health at risk. These studies are a key component of the forthcoming fifth edition of the Compendium of Scientific Medical and Media Findings Demonstrating Risks and Harms of Fracking. It's the latest in a series of reports that have compiled, tracked and summarized the evidence pertaining to the harms to health and the environment.

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

Cases of drinking water contaminated by fracking activities are now proven. Studies have
confirmed specific incidences of water contamination by various pathways including spills, discharge of fracking waste into rivers and streams, and underground migration of chemicals, including gas into drinking water wells. Water contamination can also stem from well integrity failures caused by aging cement and the pressures of fracking itself.

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

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

There are a couple more
paragraphs, but I'll just end by saying that our compendium, from which the attached document is drawn, compiles the significant and rapidly accumulating body of evidence about fracking activities including wastewater spills and disposal practices and that they pose serious risks of water contamination and harm to public health.

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

HEARING OFFICER:
Thank you. Appreciate it.

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

MR. BARTH:
James Barth, Berlin Township, Pennsylvania. I support the DRBC proposal to ban hydraulic fracturing and I urge the Commissioners to ban the treatment and
disposal of fracturing flowback waste in the basin.

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

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

While 41,000 may not be an exact property ownership number in Wayne County, it is a good approximation. The Citizen's Voice
data base had showed that less than 3,500 property owners in all of Wayne County had leased and they controlled 52 percent of the land and surface. Over 37,000 property owners did not lease versus 3,500 who had leased. A tiny minority of property owners of large tracks of land would be the ones to benefit from shale gas extraction while the vast majority of residents would suffer the negative impacts. As a further example of the imbalance of property ownership and tax assessment as it applied to gas leasing, I looked at four hunting club properties in Wayne County.

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

The environmental impact
assessment conducted in New York State was followed by a declaration from the State Health Commissioner Dr. Howard Zucker, that the assessment had found significant public health risks associated with high volume hydraulic fracturing.

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

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

HEARING OFFICER:

Thank you, sir. Sue Mickley would be the next person on deck and then this should be Ms.
DiCampello. Am I correct about that? No? Just stick with us for a moment, is DiCampello here? Yes, okay good. Thank you. That probably was Carol Lawson, you'll be next. And once again, this is Ann DiCampello.

MS. DICAMPELLO:
Yes, correct.

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

A ban is needed throughout the watershed for a lot of different reasons, and one of them is its consumptive water use. A single well frack can draw millions of
gallons of water for its operation without ever replenishing it from its sources or giving any regards to the damage it causes to the waterways, the land around the path to the water, or the community and wild life around this path.

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

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

In closing, I would just like to say it is so to science that
shows a water cycle could not be destroyed or altered without expecting adverse effects to its entire ecosystem.

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

HEARING OFFICER:
Jeanne Cimorelli would be the next person on deck. And the next speaker is, let me see, Carol Lawson?

MS. LAWSON:
Yes.

HEARING OFFICER:
If you would, ma'am?

MS. LAWSON:
My name is Carol Lawson, and I live in Burlington Township in Pennsylvania. In my profession, a speech language pathologist, a child development specialist, I provide early intervention services for
children from birth until the age of three.

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

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

I have held a four-month-old infant born with Leukemia enduring toxic chemotherapy in my arms to teach her how to swallow. Humans do not survive without the ability to
swallow. Every uterus, fetus, unborn child, developing child, exists downstream from staggering numbers of health regulated chemicals. We cannot cure cancers or birth defects, but we can, as a responsible and informed community, do all within our power to prevent further degradation of our shared environment and the cancers and birth defects that follow such degradation.

I support a ban on fracking from the Delaware River Basin, and I urge the Commission to ban the importation of frack waste into the basin for the purpose of treatment and disposal. I thank the Commission for the valiant efforts they have made over nearly ten years to resolve this contentious issue. And what has been achieved so far is deeply appreciated. But we can and we must do more as a community. Thank you.

HEARING OFFICER:
Richard Martin, you'll be third in line, sir. All right?
And then the next person would be, let's see --- it should be Sue Mickley.

MS. MICKLEY:
Thank you. I'm Sue Mickley. I have a Master's in public health from Yale University. I have over 30 years' experience in evaluating public health data to determine trends in the community.

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

This study looked at the major mortality rate classifications such as chronic respiratory disease, including asthma, cancer, diseases of the heart, stroke, cerebral disease,
influenza, pneumonia and other
diseases including infant mortality

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

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

Most importantly,
recently there's been a lot of focus
on infants and infant health and in
the infant mortality rates they state
the same declined. And this is very important because when you look at a decline, that means more infants are surviving. They aren’t being listed as a fatality in the first year of life.

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

They say they didn’t have enough data, they say that they didn’t have any rationale for why it was happening. When you look at the actual raw data, they only had 30 additional low birth weight babies over 7,000 health sites in nine years. And yet, they draw the conclusion that those low birth weight babies are related to fracking. If
they expanded their area of concern to what other two studies they cite in their own research, out of two --- or one month from well fracking, their conclusion would have been the opposite.

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

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

HEARING OFFICER:
All right.
The next person on deck would be Joe Levine and the next speaker would be Jeanne Cimorelli.

MS. CIMORELLI:
Hi. I'm Jeanne
Cimorelli. I had --- actually, when I registered, I'm deferring my public comments, so I should have been crossed off the list.

HEARING OFFICER:
Okay.
Thank you, ma'am.
The next person on deck would be Jane Cyphers and the next speaker would be Mr. Martin, Richard Martin. Would you say your name for me, though, sir?

MR. LEVINE:
John Levine.

HEARING OFFICER:
Yeah, Mr. Martin before you, sir.
Okay?

MR. MARTIN:
I'm Richard Martin, Coordinator for the Pennsylvania Forest Collation. Our primary mission is good stewardship of our public lands. Stewardship doesn't end at the boundaries of our state forests or the
state game lands.

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

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

One part of the proposed Section 440, mentions frack water flowback released if it is treated at a wastewater facility. That is a big word, treating. Treatment would not
remove the radioactive elements or make it anything you and I would knowingly drink. OJ's lawyer Johnny Cochran would describe that as the solution to pollution is dilution.

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

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

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

Safe, safe is the absence of risk. You can't un-ring a bell just like you can't recall a bullet once you pull the trigger.
Because 6 percent of gas wells still leaked upon completion and almost 50 percent will leak over the life of the well, we rely on science. And science uses a precautionary principle, which is, if you do not know all of the ultimate effects of a process, do not do it. If the natural gas industry provides a good track record in the future, my opinion could change. But for now, the goal is do no harm.

HEARING OFFICER:
Robert Madison would be on deck and then this is Joe Levine. Yes, sir, if you would, please.

MR. LEVINE:
My name is Joe Levine from Milanville, Pennsylvania. I commend the DRBC and the Governors of the four states who come together to support a fracking ban in the DRB. This river is way too valuable and irreplaceable to expose to the accumulative detrimental impacts of
fracking.

The Commission has determined that high volume hydraulic fracturing poses a significant immediate and long-term risks to development, conservation, utilization, management and preservation of the water resources of the Delaware River Basin and of the special protection waters of the basin.

Considered by the Commission to have exceptionally high scenic, recreational, ecological and water supply values. Controlling pollution by prohibiting such activity in the basin is required to effectuate the comprehensive plan, avoid injury to the waters of the basin as contemplated by the comprehensive plan and protect the public health and preserve the waters of the basin for uses in accordance with the comprehensive plan.

I know this is not a
hasty decision. It's taken ten years. Thank god the door was never opened because it has since been proven by comprehensive state and independent studies including New York City and New York State, that fracking and its cumulative impacts are hazardous to our health and must be banned.

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

Treatment of fracked wastewater should also be banned. Last week's New York Times article Dollar Investment to Protect Drinking Water, notes that New York City will spend some 200 million annual leave on maintenance and upgrading of domestic wastewater treatment plants in their watershed.
Stating that ensuring the adequate collection of treatment of wastewater is crucial, because it will be released back into the environment and eventually reaches the reservoirs. Fracking wastewater is untreatable and hazardous and toxic. Its movement, storage and disposal are notorious for leaking and spilling. These wastes should not be allowed into the Delaware River nor should injection wells which leak and migrate into aquifers and cannot be cleaned.

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

This depletes the water and because it has been determined that fracking is hazardous to our
health and the environment, it should not be used to assist elsewhere. Fracking cannot be done safely. Thank you.

HEARING OFFICER:

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

MS. CYPHERS:

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

I've been teaching young children for 29 years. The value of good health as a perquisite for learning cannot be underestimated. Children who struggle from ailments from specific developmental, neurologic, cognitive, and physical problems are at a disadvantage. Peer reviewed research shows the children who live near
fracking sites suffer health and learning impacts from air and water contamination as well as from stress. Concerned Health Professionals of New York State that living near drilling and fracking operations significantly increases asthma attacks.

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

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

Exposure to ozone
particulate matter, silica dust, benzene and formaldehyde, all of which are associated with drilling and fracking operations, are linked to adverse respiratory health effects, particularly in infants and children.

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

Moving on, a 2015 study found a 40 percent increase in the risk of preterm births among infants born to mothers who live near active drilling and fracking sites in Pennsylvania. A Yale University Research team reported that carcinogens involved in fracking operations have a potential to contaminate both air and water in nearby communities in ways that may
increase the risk of childhood leukemia.

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

HEARING OFFICER:
Ann Finneran on deck, and then the next speaker should be Robert Madison?

MR. MADISON:
Yes.

HEARING OFFICER:
Okay.
If you would, sir, please.

MR. MADISON:
Thank you. I'm Sid Madison from New Jersey. I'm a Climate Activist and a member of the
Citizen’s Climate Lobby. Thank you for extending the comment period by one month and adding two opportunities for verbal testimony.

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

I’m going to draw some parallels between climate and environmental problems to impress upon you a need to take strong action to protect the Delaware River Watershed.

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

On the environmental side, remediation is the equivalent of
what adaptation is to climate change. And here, we have a similar story. An increasing number of Super Fund sites. What that means, is that we are dealing with symptoms, resulting problems, et cetera, instead of eliminating the cause.

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

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

HEARING OFFICER:

On deck would be Sharon Furlong, and the next speaker should be Betty Sutliff.
MS. SUTLIFF:

Betty Sutliff, UDRBC.

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

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

Our lives and work are less valuable in certain regions? Or is there something else at play here, like politics? On June 8th, 2015, along with six others, I met with Governor Wolf regarding natural gas development. And what was very
telling in that meeting was not just what we talked about, but what he never talked about, water quality. His conversation was all about severance tax and how if we helped him achieve that, he would help us get our gas out of the ground. My husband and I attended the Harper Fair last fall and spoke to many venders. Some told us that they don’t even bother going to the Wind Gap Fair (phonetic) because there’s no money there.

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

Don’t say water quality because you sit on the SRBC and know the Commission’s monitoring programs have not detected discernable impacts on quality of the basin’s water.
resources as a result of natural gas development. Welcome to my side of the mountain.

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

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

Oh, but if he can get
his severance tax out of us so he can send money to Philadelphia, how things would change. The ban on the DRB has nothing to do with the quality or the quantity of the water, but the quantity of the vote. For the record, I would like to submit a color collage of what dying farms on my side of the mountain look like, run down the farms and they look rustic or even scenic to those who visit. But for those who live and work here, it's evidence of poverty. Even Hillary Clinton acknowledged that the phony environmental groups --- oh, that pipeline, that fracking, that whatever will be a problem for you. But a lot of that money supporting them comes from Russia.

HEARING OFFICER:
Sharon Furlong would be on deck, and the next speaker should be Ann Finneran.

MS. FINNERAN:
My name's Ann Finneran and I'm speaking as a private citizen today, but will provide details under my position as Chair of the Water Issues Committee for the Atlantic Chapter of the Sierra Club.

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

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

There is more than enough already produced to see us through any transition to renewables. The bridge is only a bridge to hell. It's such a waste of time for most American citizens. The external costs, both economic and
environmental, are extraordinary. So look very hard for lies and exaggerations the industry will present.

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

Drilling needs have increased from 3 million to 10-20 million per unconventional event. They will use as much possible --- water as possible over the basic needs of 17 million Americans and will try stunts as shown in Sierra Club, et al., versus SWEPI, LLC and Village of
Painted Post, and Sierra Club versus NYBC and Ravenswood Power Plant in New York City.

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

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

They will keep calling natural gas clean energy. However, methane has increased 30 percent in the last ten years and is 105 time more potent than carbon dioxide as a greenhouse gas. And the production conveyance are both dirty and
dangerous. I have multiple articles showing --- coming out now about the increase in radioactivity in landfills and stream beds as a result of even conventional drilling.

We need to keep it underground. Thank you.

HEARING OFFICER:
The next person should be Sharon Furlong and then on deck would be Fred Peckham and also Barbara Arindell. Okay.

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

MS. FURLONG:

Sharon Furlong, Bucks County Sierra Club, Bucks Environmental Action.

In 1961, before there was an EPA, the DRBC came to be. Its ambitious goal was to bring a foul and dying Delaware River back to life and it proceeded to do just that. A partial list of accomplishments include pioneering comprehensive water
quality standard done nowhere else, and a year later, regulations for implementation, again, done nowhere else in the United States. They instituted an administrative procedure to settle water disputes, published the first recreational map and launched another recreational pastime and industry. It constructed reservoirs such as Beltsville, which stabilized streams and enhanced quality. It adopted rules, programs and regulation that pioneered water conservation before anyone else did. It mapped flood plains amongst the first in the nation. It worked towards the designation of parts of the river to the National Wild and Scenic Rivers Federal Program, which it helped to draft and later designated almost the entire and then the entire 197 miles of the river as special waters protection program, significant resource waters.
It sought --- it adopted regulations concerning discharge of pollutants from wastewater treatment plants. It implemented regulations to protect limited groundwater resources in portions of Pennsylvania, especially in emergencies.

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

It wrote the rules to establish pollutant minimization standard and planned requirements concerning discharges of PCBs into the basin. And therefore, but I don’t have the time to fully outline and applaud the very long and amazing history of the Commission and its work to free and preserve a river, its tributaries, its surrounding lands,
its incredible and vibrant habitats on both lands and in water. So suffice as to say that without this Commission, this river would remain the polluted dumping ground of garbage and dangerous toxins. I invite anyone to go onto the website of the DRBC and look at the history for themselves.

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

How do you explain this?

HEARING OFFICER:

Next person on deck
would be David Jones, and the next
speaker --- let's see, should be Fred
Peckham. Ms. Furlong? You are Ms.
Furlong.

Right? Okay.

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

MR. PECKHAM:

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

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

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

As well documented by the Susquehanna River Basin Commission, of which several of the same members are represented in the Delaware Basin Commission, that the Susquehanna, using remote ordered quality monitoring networks, has not detected discernable impacts on the quality of the basin's water resources.

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

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

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

The DRBC likes to say they protect the water for 15 million people, but 9 million of those people
get their water from the New York City reservoirs. An area unaffected by the DRBC rulemaking.

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

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

How can one even contemplate writing outlandish rules and regulations when landowners are shut out of the rulemaking process? The landowners of the Upper Basin have been and will always be, true stewards
of their lands. Those sitting ---.

HEARING OFFICER:

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

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

DAVID JONES:

David Jones.

HEARING OFFICER:

David Jones? You'll be after her. And then also we have Doug O'Malley on deck. All right. Is this Barbara Arindell?

MS. ARINDELL:

Yes.

HEARING OFFICER:

Please?

MS. ARINDELL:

Yes. My name is Barbara Arindell. I'm the Director of Damascus Citizens for Sustainability
and my family owns property in Pennsylvania.

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

Their solution was exemptions. First, by making the waste special by an advancing amendment to the Rigboy (phonetic) law of 1980, so the waste from oil and gas
exploration and production are not
trapped or manifested and needn't be
disposed of as the toxic materials
they actually are.

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

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

Property records do not
include the right to pollute and
contaminate. And regulatory
constraints on property usage is not a taking, but rather the obligation of government. If the DRBC was to allow imported waste, the DRBC should also eliminate the exemptions boosting that waste usage in the Delaware Basin and restore the liability to the companies disposing of that damaging waste.

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

HEARING OFFICER:
Greg Swartz will be on deck and then the next speaker would be David Jones.

MR. JONES:
My name is David Jones, born and raised in the Delaware River Basin. Landowner. I don't think
anyone in this room cares more about the river than me. I get me livelihood from it. I love the Delaware River.

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

One of the biggest users of this river water is the power industry, power generation. Whether it's coal fired, natural gas, oil or nuclear. The water to cool those plants, a lot of that water is exported out of the basin through evaporation, but that's okay. This is our private property. You do not have the
authority to pick and choose what industry gets water and what doesn’t. We do have the right to this water up here.

And the other thing, this drilling is not going to be widespread. You know that. You know it’s only in certain areas. The whole area does not contain commercial natural gas.

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

HEARING OFFICER:
No, sir.

MR. JONES:
Well, I was interrupted, sir.

HEARING OFFICER:
I’ll stop you at three minutes.
MR. JONES:
Okay.

Listen, ---.

HEARING OFFICER:
I'll give you 15 seconds because of that interruption.

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

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

This is a blessing.

This industry needs to be preserved.
It needs to be regulated, which it is.
Let the DEP do the job, not the DRBC,
the DEP. And you know that the regulations work in the SRB because three of the members sit there and you know you already made up your mind. This is a formality, you know.

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

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

    HEARING OFFICER:
    Let me see. That was David Jones. Doug O'Malley, Doug O'Malley? Okay.

    And then on deck should
be Greg Swartz and Steven Swartz.

Okay.

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

MR. O'MALLEY:

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

Seventeen (17) million people depend upon the drinking water from this watershed. And the DRBC was created more than 50 years ago in 1961 to deal exactly with these issues, to ensure equal protection for our watershed, not to promote economic development. DRBC's mission is to ensure that we have clean drinking water not just for this year and this decade, but for generations, not to
serve as some de facto economic
development agency.

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

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

And seven years later,
New York State has moved to ban
fracking because of the absolute
public health risk that the fracking
represents. It also should be noted
that Pennsylvania is a cautionary tale for this watershed because between 2008 and 2016, Pennsylvania fracking companies together committed more than 4,351 violations.

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

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

We need to hold them accountable, and if Pennsylvania DEP is not going to act, this is why we need the DRBC to act. We should note,
too, that the research has gotten not only stronger, but its showed drinking water contamination in Bradford County according to a peer reviewed research study from National Academy of Sciences issued three years ago.

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

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

HEARING OFFICER:
Buck Moorehead would be the next person on deck. And then is this Greg Swartz?

MR. G. SWARTZ:
It is.

HEARING OFFICER:
Okay.
If you would, sir.

MR. G. SWARTZ:
Good afternoon. My name is Greg Swartz. I'm a resident and property owner in Damascus, Wayne County, Pennsylvania. I'm also a vegetable farmer and an employer. As a farmer, my business is based upon access to, and sustainable management of, the natural resources of soil and water.

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

The DRBC has a similar
job. It is tasked with ensuring the quality and quantity of water resources in the basin today and into the future. The strength of the DRBC and what sets it apart from any other watershed, is that the entire watershed is managed holistically. This approach will only become more important as population continues to grow and weather patterns change.

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

This fact is underscored by the lack of requirements for fracking to comply with the most basic federal environmental laws. Laws are put into place to protect the common
good from individual decisions. It is for this reason that I fully support the ban of hydraulic fracturing in the Delaware River Basin. For those that claim that the ban prevents them from exercising their rights of private property, you should try to understand the property rights are not absolute. When an activity undertaken on private property impacts other property, there are limitations to these rights and it is called acting for the common good. I do not support the exportation of water fluidity nor the importation of produced water.

Concerning exportation, I believe the current regulations would be an established basis for denying any application to remove significant amounts of water from the basin regardless of its end use. Concerning the importation of wastewater, I would hope current
regulations would limit this activity. However, regulations should be strengthened to clearly ban importation of produced water even if it is, quote, unquote, treated, as it poses a threat to the quality of our water resources. The same logic used to ban fracking should be extended to banning the importation of produced water.

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

HEARING OFFICER:
The on deck people would be Alice Zinnes, and then, is this Mr. Steven Swartz?

MR. S. SWARTZ:
Yes.

HEARING OFFICER:
Mr. Swartz, please.

**MR. S. SWARTZ:**

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

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

At 5-20 million dollars --- 5-20 million gallons per well would add up to billions of gallons of water depleted from the system. This is precedence then. Other than water
withdraws permitted by DRBC for food and beverage processing, when the water leaves the system, there have been no other permitted exports for industrial use to my knowledge. All of water withdraws for current industrial uses are for processes and activities within the basin. And the disposal of the waters not used is within the basin.

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

There is no way to account for the loss of water and no requirements for New York City to make up the flows in increased releases.
There has been a speculative proposal on the table to build multiple pipelines along an old railroad right-of-way in northern Wayne County. One of the --- and DRBC staff knows about this.

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

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

The proposed application fees is capped at a withdraw of 75 to
80 gallons per month. But there seems to be no limit on the amount of water to be withdrawn. And the applicant doesn’t have to be a drilling company, a new company could be set up whose sole purpose is to withdraw, transport and sell the water to out of basin industrial uses with no accountability.

HEARING OFFICER:
Thank you, Mr. Swartz. Gail Brunner would be the next person on deck. And then is this Mr. Moorehead?

MR. MOOREHEAD:
Yes, it is.

HEARING OFFICER:
If you would, sir, please.

MR. MOOREHEAD:
Hi. My name is Buck Moorehead speaking for NYH20 in New York City and Damascus Citizens for Sustainability in the Upper Delaware. Who knew there was a
science of complexity? The study of complex systems. We are talking about a complex system, the Delaware River Watershed. The science of complexity tells us that complex systems such as the Delaware River and its sub systems, can appear to absorb the negative impacts of activity such as fracking without initially exhibiting evidence or signs of distress.

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

The DRBC cannot risk that type of catastrophic failure with the Delaware River Watershed. As a complex system, it is charged with being responsibly regulated. As was established in years of testimony that the geology of the Watershed is
already figured and fractured, it is a misrepresentation to say that fracking or fracking waste, can be controlled in our geology.

To say that fracking fluids and chemicals will not migrate or leach, eventually, into aquifers. No fracking in the watershed, no fracking waste, no water shipped out. Respect the science of complexity and the millions of people in the watershed. Do not enable what would be the real taking here, the taking from those millions, the taking of public health, the taking of clean drinking water, the taking of clean air, the taking of existing sustainable local economies who rely upon clean air, clean water, and good soil.

Thank you.

HEARING OFFICER:
Emily Rinaldi would be the next person on deck, and then Alice Zinnes is next, please.
MS. ZINNES:
Good afternoon. I'm Alice Zinnes and a property owner --- can you hear me?

HEARING OFFICER:
Yeah, that's better.

MS. ZINNES:
And a property owner in Wayne County. I am strongly in favor of the prohibition of fracking in the Delaware River Basin and strongly opposed to the import of wastes from fracking in other areas, and also reject the export of Delaware Basin water for fracking elsewhere.

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

When you say fill in this web form and upload only searchable PDFs, there are so many
people for whom this is just as clear
as if it were said in ancient Greek.
Not only do you have to have a
computer and sufficient broadband, you
have to know the arcaying (phonetic)
ins and outs of doing these tasks.

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

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

I also ask that you add
more public hearings. Not holding
hearings in New York, New Jersey, and
Delaware disenfranchise residents from
those states. Omitting New York is
especially egregious, as many areas of
New York are exactly the areas where
water might be removed, frack waste
stored or even fracking itself be
done. Thank you.

HEARING OFFICER:

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

MS. BRUNNER:

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

I'm here today asking
you to please reconsider these unacceptable regulations that will allow produced water from fracking operations be permitted and allow the export of water for fracking from the Basin if certain permit conditions are met. We don't want to be the Watershed that fuels fracking activates elsewhere.

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

We conducted restaurant, hospital and day care inspections along with enforcement. We monitored communicable diseases, illness, along
with answering community complaints about contaminated drinking water and air pollution. As a public servant in the health departments, we were requested to commit and abide by a mission vision statement. In some of our communities, we were under oath to adhere to our statement to protect the public's health. Our statement was to provide professional and efficient public health and environmental services to the residents of the communities we served. It stated, will protect and promote the public's health by using health promotion, education, disease prevention, and environmental enforcement activities. We respected our mission vision statement and honor it every day in our decision making. We all took our statement seriously. It was a commitment and we were and still are, very proud of our mission to protect the public's health. The
vision statement of the DRBC states, quoting, the Commission will be the leader in protecting -- I repeat, protecting, enhancing, and developing the water resources for the Delaware River Basin for present and future generations.

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

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

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

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

HEARING OFFICER:
Joann Puskarcik would be on deck, and then is this Emily Rinaldi? Okay.

MS. RINALDI:
My name is Emily Rinaldi and I'm a northeastern Pennsylvania outreach coordinator for Penn Future. Penn Future is a Pennsylvania statewide organization dedicated to protecting our environmental and our environment, in supporting a clean energy economy in Pennsylvania.

We thank you for holding these public hearings. The comments I make today are in addition to the written comments that will be
submitted by Penn Future. My colleagues in Philadelphia will comment later this week on Penn Future's concerns that the DRBC has proposed.

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

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

In Pennsylvania alone in the past decade, the DEP has received
over 4,000 water complaints related to oil and gas operations and nearly 10,000 public complaints of environmental problems from shale drilling. The DEP reports over 300 private water wells in Pennsylvania have been contaminated by oil and gas operations in Pennsylvania.

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

HEARING OFFICER:
Roy Morsch would be the next person on deck, and then the next speaker would be Pat Kennedy. Is this Ms. Kennedy? Oh, I'm sorry. Let me make sure I have this right. Pat Kennedy is next, and then after Ms. Kennedy is Joann Puskarcik. Would you say your name
for me, please?

MS. PUSKARCIK:

Joann Puskarcik and you

said it earlier. Okay.

We'll trade.

HEARING OFFICER:

Okay.

Ms. Kennedy.

Right?

DR. KENNEDY:

It's Dr. Kennedy.

HEARING OFFICER:

When you're ready, please.

DR. KENNEDY:

Thank you, Mr. Ford.

I'm speaking here today in support of the ban on oil fracking in the basin as an appropriate, and as we see today, clearly difficult risk benefit analysis that the DRBC has to engage in.

I'm a property owner from Stroudsburg, Pennsylvania. I live on the banks of Michael Creek,
which leads into the Broadhead, which leads into the Delaware. I'm an active water sports person. I'm a retired college professor. And I'm an attorney from New York State. I spent ten years representing the City of Ithaca in a lot of issues similar to those we're hearing about today.

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

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

HEARING OFFICER:

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

DR. KENNEDY:
Okay.
I get some more time.
Right?

HEARING OFFICER:
It is.

DR. KENNEDY:
Okay.

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

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

The other experience, my
dissertation involves a public water system where E coli from farm animals got into the public water system and killed seven people, sent thousands to the hospital, in a system where people thought what they were doing was right and safe.

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

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

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

HEARING OFFICER:

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

MS. PUSKARCIK:
Puskarcik, yes.

HEARING OFFICER:

Did I get it right the first time? Okay.

MS. PUSKARCIK:
Yes, just do it phonetically. Puskarcik (corrects pronunciation.)

My husband and I have lived here for over 30 years and own over --- well, almost 300 acres in Buckingham Township which is on
wonderful Hempstead Lake that feeds the Delaware River.

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

A decade ago when the landsmen approached us, we listened to the sales pitch because then we didn't know about much of the pros and cons of the process and the offer of 3,000 dollars per acre was pretty enticing. However, we had to do our homework. We researched the data available at the time and decided that no amount of money was worth the risk of polluting our air and water. And
the last ten years have given us even more well-documented information to confirm that we made the right decision.

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

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

Meaning, that it will never again be available for consumption, never. Considering that only one percent of the earth's water
is drinkable, how we manage water will define our future and the future of this planet. Since 99 percent of that water is ground water, how we look at our aquifers is the most critical component involved.

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

Oklahoma had 887 in one year of a magnitude of three point and over. So DRBC, thank you for banning fracking in the Basin, but please, also ban any water withdrawals or wastewater injection into the basin. Thank you.
Peter Wynn would be on deck and then Roy Morsch would be our next speaker.

MR. MORSCH:

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

We support a total ban of gas and oil development in the Watershed, but the ban should go further and also include the ban on water withdrawal and wastewater injection for fracking. The entire process of fracking is dangerous to our environment and only benefits a handful of landowners a short profit. And a risk of polluting not only their own groundwater, but
that of their neighbors. And it benefits an industry that lies about negative impacts. These multi-national corporations don’t care about the people in the United States or the environment, only the profits of the CEOs and Stockholders no matter what happens to the quality of life in the fracking zones.

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

There is time to support true alternative forms of energy not going backward in time to Danish fossil fuels. The fossil fuel energy is doing everything possible politically and financially to stop the growth of renewable resources,
when technology is here, but not supported by our current government.

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

HEARING OFFICER:
Thank you.

MR. MORSCH:
Greed is a terrible disease.

HEARING OFFICER:
Jim Rapp would be our next person to join the pool, and then the next speaker would be Tracey Carluccio.

MS. CARLUCCIO:
Thank you. I'm Tracey Carluccio, Deputy Director of Delaware
River Keeper Network, and we're here today to express our unwavering dedication to achieving a comprehensive ban on hydraulic fracturing throughout the Delaware River Watershed.

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

Those proposals lie in the face of DRBC's responsibility to protect the water resources of the Basin for those of us here today and future generations. It makes no sense to prohibit fracking, but dump pollution from fracking into our water ways and allow our river's finite water to be depleted for fracking elsewhere.
And it's unethical to use the Delaware River Watershed to fuel fracking where our neighbors live. In your summary information published with proposed rulemaking, you sated you propose to prohibit fracking to protect the quality and quantity of the Basin's water resources.

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

This has been proven over and over in recent years by EPA scheduled fracking study, by New York Department of Health seminal report that lead to the ban of fracking, and by the recent body of evidence produced by Maryland that has resulted in a complete ban there.
Probably most compelling, is the scathing information they produced right here in Pennsylvania where fracking is ruining the health of residents as well as the environment. We know from these reports, that if you live within a mile or two of a fracked well, you're going to be disproportionately exposed to dangerous air and water pollution and a greater risk of cancer.

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

This is where government is supposed to step in to set standards for the greater public good and the good of those who live and work and rely on this watershed for
drinking water and a healthy place to be. This is not the Wild West or a free for all where anything goes, consequences be damned. This is one of the most careful and monitored watersheds in the world where people have worked for generations for a river that is free flowing, exceptionally clean and capable of providing drinking water for up to 17 million people every single day.

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

HEARING OFFICER:

Thank you.
MS. CARLUCCIO:

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

HEARING OFFICER:

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

MR. WYNN:

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

In December 2010, the DRBC published proposed regulations and held public hearings which elicited more than 60,000 public
After reviewing these, the Commission posted its revised drafted regulations. This was in November of 2011. But proponents of gas drilling raised such a ruckus, the Commissioners backed away from their regulations and did not revisit them again in a public form.

Now, this last September, the DRBC announced it intended to make permanent the de facto moratorium put in place more than seven years earlier. And in November, the Commission posted proposed rules that would formally ban horizontal drilling and hydraulic fracturing or fracking in the Basin.

Now, over the years, the explanation given for the Commission's inaction was that the Commissioners were uncertain about the safety of drilling wells into the various shale layers that lay beneath our region and stimulating those wells produce more
gas by breaking up the shale surrounding the well bore with fluid under high pressure in a process called hydraulic fracturing.

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

Moreover, the surface activities of the well drillers have vastly improved over the last six or seven years. Wastewater for fracking
is now recycled. It's no longer held in open pits or carted off to be pumped into injection wells. Pipelines now carry water from one well to another replacing the trucks that were once used for that task. The Delaware --- the Susquehanna River and its tributaries show no sign of pollution from fracking chemicals. Just how much evidence that drilling fracking is safe must the Delaware River Basin Commissioners have?

If the Commission proceeds to adopt a permanent ban on horizontal drilling and hydraulic fracturing in the basin, I, for one, will be forced to conclude that the Governors of the Commission member states, their representatives and the professional staff of the Commission are willing to serve their own political and financial advantage by aggregating the property rights of the landowners of Pike and Wayne Counties.
Thank you.

HEARING OFFICER:

Thomas Church is on
deck, and the next speaker would
be --- let's see if I have this right.
Jim Rapp? Jim Rapp?
Not here? Okay.
Janice Rapp, is she
here? Not here? All right.
Thomas Church? Okay.
Mr. Church is next and
then on deck would be Ken Maher and
Susan Sullivan. Okay.
Mr. Church, please when
you're ready.

MR. CHURCH:
Thank you.

HEARING OFFICER:
Thank you, sir.

MR. CHURCH:
I want to thank you for
the chance to comment. I would submit
--- my name is Tom Church and I live
along the Delaware above Easton,
Pennsylvania. And I would submit that
corporations and landowners like me are being paid for extracting and selling to the common wealth of the many. This is a taking.

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

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

When I first moved there, I could comfortable drink the water from the creek, I lost that. The road building, the site building,
the tank battery degraded the landscape and caused erosion. During fracturing, charts on wells a half a mile away showed that contrary to industry statements, there is migration between formations underground.

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

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

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

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

HEARING OFFICER:

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

And then from there, what we're going to do is pick up with the people who signed up today. All right? So that was Mr. Church. We'll next hear from Mr. Maher. That's Ken Maher, and then on deck would be Susan Sullivan and Debbie Gillette. And then we'll take our little break. And by the way, right after the break, the people on deck will be Madeline Moorehead, Rich O'Dell, and Carol Ohlandt. All right. And then we hear now from Ken Maher.

**MR. MAHER:**
My name is Ken Maher, a concerned angler. While hydraulic fracturing is in its relative infancy, the overwhelming body of evidence suggests we've already gone too far. And so we must take head and call off this advance that benefits of energy companies and residents at the
enormous expense of the folks of not only Pennsylvania, but the other boundary states as well.

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

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

The chances are already high that a truck loaded with wastewater would be involved in an accident and spill its deadly contents into a creek. This could potentially destroy not only that creek, but the river that feeds, which could very well be the Delaware.
Whether by truck, train, or pipeline, accidents can and do happen. We are literally looking at one accident and the Delaware could be ruined forever from the source of the accident all the way down to the Delaware Bay. Wastewater has such a plethora of high toxic substances and radiation within it, that there should be a complete ban on it being any closer to the Delaware than it already is.

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

Short term studies point
definitively to the degradation of fish and wildlife populations near fracking sites. Water quality is suffering already near fracking sites and this will only get worse over time as cement casings fail and even things like minor seismic events will cause fissures in the earth and fracking —— to allow fracking water to mix with water that is ultimately destined to be utilized for the Delaware and its residents.

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

Allowing oil and gas companies to call the shots and have free reign will only intensify the density of fracking operations across the country and serve to slow the
advancement of healthy green alternatives that are not only needed, they are warranted.

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

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

As far as I'm concerned,
the only person who's allowed to drill
in the northeast is my dentist.

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

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

MS. SULLIVAN:
I'm Susan Sullivan. I'm
a resident of the Town of Tusten, New
York located in Sullivan County along
the banks of the Delaware. Our town
is a Delaware River town. I applaud
the DRBC's ban on fracking in the
basin. It was already considered to
be a heavy industrial use by the upper
Delaware Council in 2011.

Our letter to you folks
said this is a heavy industrial use
and this is not appropriate for the
River Carter. And it's not appropriate for the river, for the special protection waters either. In my opinion, I'm speaking for myself here.

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

In other words, you don't have people on the ground to regulate these two things. So who's going to follow the trucks taking water out of the basin? Who's going to regulate the pipelines? Who's going to regulate and examine the dangers of spills, et cetera, by either storing or transporting produced water?
It's simply --- I know DRBC cannot do that. We don't have the funds and neither, frankly, do the areas that we're talking about. So I oppose those two things and I'd also like to speak to the economic impacts of the de facto ban and also New York State's ban.

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

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

HEARING OFFICER:
Thank you, ma'am.
Ms. Gillette, please?

MS. GILLETTE:
Welcome to the North Pocono Mountains. My name is Debbie Gillette and I am the Executive Director of the Chamber of the North of Poconos. We are the chamber of commerce that represents businesses and organizations within Wayne and Pike Counties.

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

The proposed regulations to permanently ban hydraulic fracturing within the Delaware River
Basin are based on the suggestion of risk and the qualities of the watershed. Drilling was allowed and has continued in the much larger 27,486 square mile watershed of our neighbors in the Susquehanna River Basin.

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

The fact that the SRBC has maintained an increase quality of
water during natural gas exploration, fracturing and production is an example of responsible economic development.

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

The income disparity is due to lack of diversity in our industry profile. We are very top heavy in low-wage industries and lack the traditional economic engines such as higher education and large corporations to turn this around. We need the jobs that will be created not just within the gas and oil industry, but jobs that will be created and
maintained within hospitality trades, finance and retail.

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

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

HEARING OFFICER:
Thank you. We will resume in five to ten minutes, then you.
WHEREUPON, A SHORT BREAK WAS TAKEN.)

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

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

The best we can do is, if you are willing, you can come back this evening, and then --- the attendance this evening is going to be less than it was this afternoon. So
if we don’t reach you in the people that signed up today, you’re welcome to come back this evening and we really expect that we’ll be able to get to you. But we’re going to try to get everybody in here this afternoon. All right.

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

Ms. Jones.

MS. JONES:

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

In addition to all of the documented environmental and human health impacts from fracking we've heard about today, the community
impacts are astounding and must not be overlooked. We've heard about increased traffic and road damage, air and noise pollution, light pollution. All of these things happen 24/7, and all of these things run directly counter to our community values in northeast Pennsylvania.

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

Instead, we need to protect the environment that supports the outdoor economy that has drawn people to the area for over a century. The long-term residents and short-term visitors value the upper Delaware River Basin for its pristine headwaters, exceptional trout fishing,
and unaltered environmental resources. In the Delaware River Basin alone, we have a thriving recreational economy that represents hundreds of jobs and over $70 million annually. Fishing alone accounts for $1 to $3 million of the economic benefits in the region.

We literally cannot afford to allow fracking to jeopardize the clean water that drives economic activity, including tourism, manufacturing, agriculture and small businesses. The harms from fracking are simply too great to allow in the Delaware River Watershed. The DRBC has both the authority and the duty to protect the Delaware River from the harms of fracking.

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

HEARING OFFICER:
Thank you, ma'am. Ms.
Moorehead? And you have two minutes
as do the remainder.

MS. MOOREHEAD:
Madeline Moorehead. I'm
from DCS ---.

HEARING OFFICER:
Could you try to speak
louder, please?

MS. MOOREHEAD:
Sorry. To ban fracking
in the Delaware River, would have the
conclusion to ban fracked toxic waste
disposal and copious water withdrawal
provided for fracking, at other
locations. The direct conflict of the
DRBC stated mandate to protect all
river resources.

In addition, there is no
mention of pipeline expansion. It
appears as though it might let
potential leakage and toxic radiated
contamination to the equation. To
oppose a partial recognition of
responsibility on the present and
future health of the Delaware River
leads to a dysgenic foundation for groundwater, aquifer, and water supply to 17 million people who rely on this essential water source for their very survival.

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

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

Consequently, by not
thoroughly following through on every premise of the ban, the ban itself is a hollow vacating attempt to create an appearance of compliance regarding the protection of the water and lacks intelligent insight as to the direction that this regulation --- regulation ban should demonstrate. Clear meaning is lost without a full recognition of more than one single component of the fracking process itself. Simplistically speaking, if fracking is banned yet toxic wastewater, dumping, and storage coming from other fracked fields are permitted water withdrawal for fracking elsewhere and the pipelines near the Delaware River are yet still permitted, then fracking impacts results regardless of an open ban --.

HEARING OFFICER:
Quiet, please. You're stopped, please.

---
(WHEREUPON, A SHORT BREAK WAS TAKEN.) ---

HEARING OFFICER:
Rich O'Dell, please,
would be the next person, and on deck
would be Carol Ohlandt and Mary
Finneran. But this is Rich O'Dell.
Mr. O'Dell, please?

MR. O'DELL:
Yes. My name is Rich
O'Dell --- Richard O'Dell, I am ---.

HEARING OFFICER:
Excuse me a second.
Could the people on the aisles take
conversations outside, please? Okay.
Start again.

MR. O'DELL:
I'm here today to
support the DRBC in their ban on
fracking in any manner, shape or form.
I'm here to represent my
grandchildren. I believe that the
watershed that supplies the quality of
water that it does to millions of
people, should be preserved and not
I have this plethora of contamination and corruption placed upon it by anything that it's been known or speculated, to have caused damage to the aquifers in the vicinities.

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

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

We cannot contaminate the water system or place the specter of that contamination to ---. If I had the Governors of all these states
that are involved, I would offer them
that this is what we have now, and
this is --- well, it's not yet
discernable.

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

HEARING OFFICER:
Thank you, sir.
Carol Ohlandt, please,
and then on deck also, would be
Constantine Deraki.
Okay.
Ms. Ohlandt?

MS. OHLANDT:
Yes, thank you. I'm
Carol Ohlandt. I am a 50 year
landowner in Damascus Township and an
eight year permanent resident there.
I'm here today as myself, as a
citizen. I don't belong to any of
these organizations.

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

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

HEARING OFFICER:
Thank you, ma'am.

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

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

This month, the World Bank declared that in 2020 they will no longer support investments in the oil and gas industry. This is the death null for the fossil fuel industries. Due to this, I conjecture and I contend that it would be fiscal --- fiscally responsibility --- responsible thing to do for the DRBC to not --- to continue the ban on fracking and water withdrawal from the Delaware River Basin and especially consider the domino effect of this withdrawal from the world bank on financial support from all other Wall Street investors.
It would be fiscally irresponsible as well, to allow for Delaware communities to suffer boom and bust economies like in Towanda, Wyalusing, and dozens of others in PA Counties and the SRBC, if drilling is allowed.

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

HEARING OFFICER:
Thank you, ma'am. On deck is James McDonald, and then the next person we hear from is Constantine Deraki --- is that your name, sir?

MR. GILLINGHAM:
No, Wes. Wes Gillingham.

HEARING OFFICER:
Okay.
Maybe not here. And then we'll turn to Mr. Gillingham. Mr. Gillingham, please, when you're ready.

MR. GILLINGHAM:
Hi, I'm Wes Gillingham, the Associate Director for Catskill Mountain Keeper. Thank you for this opportunity to testify at this hearing.

First, I want to congratulate and support the DRBC staff and the Commissioners who have voted to protect and preserve the basin.

In today's world, having a government agency make a decision based on science and facts, it's a
pleasure to watch. The majority of the voices who live here and work here speak against drilling in this basin. And we speak here hoping you will listen, instead of listening, to the corporate interests who want to line their pockets.

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

It reads, the major findings, air impacts that could affect respiratory health due to increased levels of particulate matter, diesel exhaust, and volatile organic chemicals, climate change impacts due to methane and other volatile organic chemicals released in
the atmosphere.  

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

HEARING OFFICER: 
The court reporter thanks you for stopping. Ten more seconds.

MR. GILLINGHAM: 
Someone else said that it was a mistake to ban fracking in this basin because it was being pushed by special interest groupies. Yes, this is a special interest to protect our water, yes, this is a special interest to protect the longest free-flowing river in the eastern half of the Unites States, yes, this is a special interest to protect climate stability, yes, this is a special interest for building a sustainable future for the Delaware River Basin.
Thank you very much.

**HEARING OFFICER:**

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

**MR. MCDONALD:**

Yes.

**HEARING OFFICER:**

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

Okay.
And then Mr. McDonald, when you are ready, please.

**MR. MCDONALD:**

Good afternoon. My name is Jim McDonald and I am a small business owner that has worked in the agricultural and cultural segments of the local economy for over 40 years. I am a resident of Preston Township.
Today, my comments are about our Governor Tom Wolf. Tom Wolf is a werewolf. He changes his mind and his vote depending upon where he is. Some people change their minds depending on the way the wind blows, but Tom Wolf changes his mind depending on which way the water flows.

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

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

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

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

Does all not include the residents of Wayne County just because we live in a different watershed? Or on the other side of the mountain? Governor Werewolf, like a chameleon —.

HEARING OFFICER:
I'm going to stop you.

MR. MCDONALD:
Okay.
Fair enough.

HEARING OFFICER:
Thanks for coming.
Junior Romero can join the on deck list, and the next speaker would be Ms. Grafe-Kieklack. And apologies for pronunciation.

MS. KIEKLACK:
That's okay. Nobody can get it.

HEARING OFFICER:
Okay.
When you're ready.

MS. KIEKLACK:
My name is Inge Grafe-Kieklack. I'm a landowner of New York State and a member of the UDRBC in New York. After listening through the last hours, let's get back to basics and reasoning. In 1961, you commissioned that DRBC was created to manage the water resources of the Delaware River Basin.
Its mission was to act as steward in protecting the surface
and groundwater quality of the Basin by regulating land for strong conservation and the protection of sensitive areas in the basin.

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

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

Since 2006, the SRBC has monitored ground and surface water in the catch basin area, in both head waters and down river. By 2013, they
had almost 60 sites uploaded data ---
data to satellites continues 27 365
days. The data was open source
available simultaneously through the
property.

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

HEARING OFFICER:
Thank you, ma'am.
The next person on deck
would be Mary Ann Llewellyn, and then
let's see --- is this Mr. Zennes?

MR. ROMERO:
Romero.

HEARING OFFICER:
Excuse me. Okay.
Joe Zennes would be
next. And then you’re after him, sir.
Joe is next, Joe Zennes?

And just before we start
with you, some of you may think at two
minutes you're being cut off. Believe
me, I think your message is getting
through, as far as where you stand on the issue.

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

Would you say your name for me, please?

MR. ZENNES:

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

I feel there are three issues besides the drilling that need to be considered when implementing a permanent ban on fracking in the basin. First, water transfer out of the basin. There has been considerable efforts through the 1954
Supreme Court that read to protect the valuable resources of the basin.

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

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

My third point for pipelines I'll put in writing at another time. But I would direct the Commission to consider these comments when imposing a permanent ban on fracking to protect the cleanest fresh water in the world. I would encourage the Commission for a complete ban on
fracking now. Thank you.

HEARING OFFICER:
Edward Lang would be on
deck, and then this is Junior Romero?

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

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

We look at the cities in
Philadelphia, Trenton, Camden, some of
the most diverse communities. And
also a large scheme of younger folks 18 to 35, millennials. They all get their water from the DRB. We need to look at the next generation. You know, we urge that the DRB to pass a permanent ban on fracking here in the Basin.

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

Dick Cheney passed a rule --- Dick Cheney and his former company Halliburton, helped pass this called, Halliburton loop hole, which bypasses the Clean Water Act. So today, we don’t even know half of the
chemicals that are in --- that are used in fracking chemicals. 

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

HEARING OFFICER:

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

MR. LANG:

Yes.

HEARING OFFICER:

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

MS. LLEWELLYN:

Good afternoon. My name is Mary Ann Llewellyn. I'm speaking
as a private citizen, as it relates to Wayne County. My husband and I were both born and raised in Wayne County and we are lifelong Wayne County residents.

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

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

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

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

Empty cans make the loudest noise. In closing, I would like to say my husband's ancestors were here long before the white man knew that this land existed. Wayne
County is just a substitute for the Native American. Thank you.

[HEARING OFFICER:]
Next on deck would be Mary Evans, and this is Edward Lang?

[MR. LANG:]
Ned Lang.

[HEARING OFFICER:]
I'm sorry, Ned Lang.

Okay.

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

[MR. LANG:]
Good afternoon. My name is Ned Lang, lifelong resident of Wayne County. I come before you today as President of the Upper Delaware River Basin Citizens Association which represents the landowners throughout the Delaware River Basin their rights, life style, and heritage.

Our organizations comprised of landowners who are responsible for the clean air, water, and overall quality of the environment
we all enjoy today. The fact that the same Commissioners on the SRBC who voted, yes, to natural gas exploration and yet on the DRBC vote, no, to natural gas exploration because they care so much about the water quality in the Delaware River, are about to be exposed for who and what they are.

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

It was operated until approximately 1989 and was in the closure process. New York State then found the pollutants contained in the landfill fold were so hazardous that they declared --- did a Superfund site in 2004. Apparently, no further work for closure and containment were undertaking, and the leachate.

Thousands of gallons per day was
allowed and is allowed, to flow in
from the basin landfill into a nearby
creek getting to the Delaware about 40
miles away.

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

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

So in New York State
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with a $96 billion budget in 2004 still, it did --- and is still not doing the right thing. And the DRBC with 30 million in the bag won't spend a dollar protecting the drinking water of the millions downstream. How many people south of Berryville have suffered health effects from exposure to the Superfund leachate over the past 14 years?

HEARING OFFICER:
Thank you, sir.
Is this Martin
Springhetti?

MR. SPRINGHETTI:
Springhetti (corrects pronunciation.)

HEARING OFFICER:
Spring? Okay.
Thank you. Let's see, on deck would be Mary Evans and Richard Hawran. Mr. Springhetti, if you would, please?

MR. SPRINGHETTI:
Okay.
My name is Martin Springhetti. I live in Wayne County, Pennsylvania. And I'm very concerned about unintended consequences. And 75 years ago the United States was developing a nuclear weapon and they did a lot of the work at Washington. That is only --- it was about a mile or two from the Columbia River. And there was a lot of toxic waste and some of it was put and buried in containers, some of it was just buried in open pits, some of it was stored in more safe place. But now, due to hydrology and ground migration, 75 years later some of that very toxic radioactive water is now leeching into the Columbia River. And that is causing a lot of worry and concern about health benefits to all the people who live on the Columbia River.

Now, at the time, 75 years ago, there was a --- scientists looked at the risks and they said,
okay, it's worth it because, you know, we might be saving the world.

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

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

Thank you.

HEARING OFFICER:

Thank you, sir.

We are about 10 minutes
or so, away from 4:30, so we can only
get two other speakers. We have to
have people out by 4:30. And let's
see here, this would be Mary Evans?
Okay.

Ms. Evans, please?

MS. EVANS:

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

Development of public
energy policies need to be based on
sound science in tactical risk
benefits and analysts, not politics,
and from activists who want to stop
the use of traditional energy
resources. Hydraulic fracturing has
taken place for decades in imperative
improvements and technology long before. Horizontal drilling has given unprecedented energy regulations in our nation. America is no longer heavily dependent on foreign energy sources thanks in large part of hydraulic fracturing.

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

I strongly urge the Commission to rethink and withdraw in a new energy, development rules, tight oversight, and strict regulation available for the government are appropriate. Overreaching and
unjustified restrictions are not.

Thank you for your considerations.

HEARING OFFICER:

Thank you, Ms. Evans.

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

MR. HAWRAN:

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

The Keystone Pipeline
--- and I had a spill of 220,000
gallons of crude oil in South Dakota,
but that's South Dakota. That's not
here. What's best, wind and solar, but how many people that have been protesting here have solar panels and windmills in their backyard? Good, I'm glad you do. But not everybody has that and I think fracking, if it's controlled, is okay for Wayne County and okay for the Delaware River Basin Commission to go ahead and allow it.

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

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

HEARING OFFICER:

Ladies and gentleman, I
know this doesn’t matter to you, but this has been a real education for me, wow. Thank you, first of all, for your courtesy. You were wonderful, you really were.

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

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

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HEARING CONCLUDED AT 4:27 P.M.
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CERTIFICATE

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

[Signature]

Candace R. Pratt

Court Reporter