

1
2
3
4
5
6
7
8
9
10
11
12
13
14
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21
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COMMONWEALTH OF PENNSYLVANIA
DELAWARE RIVER BASIN COMMISSION
* * * * *
IN RE: DRAFT HYDRAULIC FRACTURING
REGULATIONS

PUBLIC HEARING 3
* * * * *

BEFORE: WILLIAM FORD,
Hearing Officer
HEARING: Thursday, January 25, 2017
1:00 p.m.
LOCATION: Double Tree Hotel
Philadelphia Airport
4509 Island Avenue
Philadelphia, PA 19153
SPEAKERS: Rep. Greg Vitali, Dr. Stuart
Chen-Hayes, Joy Bergey, Dr. Walter
Tsou, Peter Winslow, David Kinney,
Sylvia Metzler, Vanessa Baker,
Jonathan Lutz, Patricia Libbey, Norman
Torkelson, Geoffrey Selling, William
Moore, Shannon Pendleton, Joan Farb,
Stephanie Herron, Kim Ong, Jean-Marie
Donohue, Jean MacFarlane, Corinne

1 Mayland, Coralie Fryde, Clio Gates,
2 Katie Smith, Maya Van Rossum, Alicia
3 Dorsey, Susan Carty, Eve Miari, Harvey
4 Chanin, Sister Kate O'Donnell, Paul
5 Roden, Gail Heath, Carol Armstrong,
6 Jan Filios, Theresa Heinsler, Wendy
7 Goetz, Michelle Roberts, Naomi, Laver,
8 Alyssa Bradley, Emily Worth, Steve
9 Bacher, James Rapp, Edward Leydon,
10 Bill Cozzens, Victoria Strange, Emelie
11 Davis, Daniel Markind, Adrienne
12 Margado, Henry Frank, Peter Hughes,
13 David Moscatello, Mike Doyle, Bruce
14 Birchard, Andrea Strout, Carol Ward,
15 Carl Balis, Claudia Crane, Sandra
16 Folzer, Sarah Caspar, Megan Desmedt,
17 Alex Dupo, Sharon Furlong, Wesley
18 Coolingham

19
20 Reporter: Kimberly Chatburn

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I N D E X

OPENING REMARKS

By William Ford 7 - 28

TESTIMONY

By Rep. Greg Vitali 28 - 32

By Dr. Stuart Chen-Hayes 32 - 37

By Joy Bergey 38 - 41

By Dr. Walter Tsou 42 - 46

By Peter Winslow 46 - 50

By David Kinney 51 - 55

By Sylvia Metzler 55 - 59

By Vanessa Baker 59 - 63

By Jonathan Lutz 63 - 67

By Patricia Libbey 67 - 69

By Norman Torkelson 70 - 74

By Geoffrey Selling 74 - 78

By William Moore 78 - 81

By Shannon Pendleton 81 - 84

By Joan Farb 84 - 88

By Stephanie Herron 88 - 92

By Kim Ong 93 - 97

By Jean-Marie Donohue 97 - 101

By Jean MacFarlane 102 - 105

By Corinne Mayland 105 - 110

I N D E X (cont'd)

STATEMENT

| | | | |
|----|--------------------------|-------|-----|
| 1 | | | |
| 2 | | | |
| 3 | STATEMENT | | |
| 4 | By Coralie Pryde | 110 - | 114 |
| 5 | By Clio Gates | 114 - | 118 |
| 6 | By Katie Smith | 118 - | 122 |
| 7 | By Maya Van Rossum | 122 - | 126 |
| 8 | By Alicia Dorsey | 126 - | 130 |
| 9 | By Susan Carty | 130 - | 134 |
| 10 | By Eve Miari | 135 - | 140 |
| 11 | By Harvey Chanin | 141 - | 144 |
| 12 | By Sister Kate O'Donnell | 144 - | 148 |
| 13 | By Paul Roden | 148 - | 152 |
| 14 | By Gail Heath | 153 - | 155 |
| 15 | By Carol Armstrong | 156 - | 161 |
| 16 | By Jan Filios | 161 - | 163 |
| 17 | By Theresa Heinsler | 163 - | 166 |
| 18 | By Wendy Goetz | 166 - | 170 |
| 19 | By Michelle Roberts | 170 - | 174 |
| 20 | By Naomi Laver | 174 - | 176 |
| 21 | By Alyssa Bradley | 176 - | 178 |
| 22 | By Emily Worth | 179 - | 183 |
| 23 | By Steve Bacher | 183 - | 185 |
| 24 | By James Rapp | 185 - | 189 |
| 25 | By Edward Leydon | 180 - | 193 |

I N D E X (cont'd)

| | | | |
|----|--------------------------|-------|-----|
| 1 | | | |
| 2 | | | |
| 3 | STATEMENT | | |
| 4 | By Bill Cozzens | 193 - | 196 |
| 5 | By Victoria Strange | 196 - | 199 |
| 6 | By Emelie Davis | 200 - | 203 |
| 7 | By Daniel Markind | 203 - | 207 |
| 8 | By Adrienne Margado | 208 - | 212 |
| 9 | By Henry Frank | 212 - | 215 |
| 10 | By Peter Hughes | 215 - | 218 |
| 11 | By David Moscatello | 218 - | 222 |
| 12 | By Mike Doyle | 222 - | 225 |
| 13 | By Bruce Birchard | 225 - | 229 |
| 14 | By Andrea Strout | 229 - | 230 |
| 15 | By Carol Ward | 231 - | 234 |
| 16 | By Carl Balis | 234 - | 238 |
| 17 | By Claudia Crane | 238 - | 241 |
| 18 | By Sandra Folzer | 242 - | 245 |
| 19 | By Sarah Caspar | 245 - | 246 |
| 20 | By Megan Desmedt | 246 - | 251 |
| 21 | By Alex Cupo | 252 - | 255 |
| 22 | By Sharon Furlong | 255 - | 258 |
| 23 | By Wesley Coolingham | 258 - | 260 |
| 24 | DISCUSSION AMONG PARTIES | 260 - | 262 |
| 25 | CERTIFICATE | | 263 |

E X H I B I T S

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

| <u>Number</u> | <u>Description</u> | <u>Page</u> <u>Offered</u> |
|---------------|--------------------|-------------------------------|
|---------------|--------------------|-------------------------------|

NONE OFFERED

P R O C E E D I N G S

HEARING OFFICER:

All right. If you would take your seats, please. We're going to begin. Good afternoon, everybody. For those that came from anywhere outside of Philadelphia, way to go. You made it here. Absolutely unbelievable. I don't think it was an easy route in.

My name is William Ford, and on behalf of the Delaware River Basin Committee, welcome to today's public hearing. I will be serving as the Hearing Officer for this proceeding.

Just to be clear, I have no affiliation with the DRBC staff. I am not a member of an environmental group. I do not own any property in the area that is at issue here today.

1 I am a retired Lehigh
2 County Common Pleas Judge. And
3 right now, I am in private
4 practice, and I do mediations
5 and arbitrations. So I just
6 wanted you to know as far as
7 non-affiliations.

8 The DRBC has engaged me
9 to conduct these hearings on
10 its behalf to provide
11 opportunities for oral comment
12 on the Commission's draft
13 rules. It is my intention to
14 provide an orderly, safe, and
15 civil forum that allows for the
16 creation of a clear record for
17 these proceedings.

18 My comments, my
19 introductory comments, will
20 last only about five minutes.
21 But there is some important
22 information here that you will
23 be interested in. And at the
24 end of this, at th end of my
25 comments, my final comment is

1 going to be about an
2 opportunity that all of you
3 have today, that you might not
4 fully realize. And I'm going
5 to try to emphasize that as I
6 close here today.

7 I ask that all
8 cellphones be turned off. In
9 the hearings that we had just a
10 few days ago, I forgot to
11 announce that, and there were
12 some interruptions as a result
13 of that. So thank you.

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

21 Also, please keep all
22 aisles safe and the exits clear
23 throughout the hearing.

24 Before we start, on
25 behalf of the DRBC, I would

1 like to thank our hosts,
2 including the hotel, for this
3 space here today. I'd also
4 like to thank the Pennsylvania
5 State Police, the Philadelphia
6 Police Department and hotel
7 security for their presence
8 here today, and also for the
9 safety that you are providing
10 us. I would ask that if you
11 can, please rise and join me in
12 saying the pledge of
13 allegiance.

14 PLEDGE OF ALLEGIANCE RECITED

15 HEARING OFFICER:

16 Thank you, ladies and
17 gentlemen. Please forgive me
18 as I actually read part of this
19 because I want to make sure
20 I'm accurate in terms of the
21 regulations that are at issue
22 here today.

23 The draft rules that are
24 the subject of this hearing
25 were proposed by the Delaware

1 River Basin Commission to amend
2 the Commission's
3 administrative, manual and
4 special regulations regarding
5 hydraulic fracturing
6 activities, and to provide for
7 additional clarifying
8 amendments to the Commission's
9 rules of practice and
10 procedure.

11 A notice of proposed
12 rulemaking, along with the text
13 of the draft rules and
14 supporting documents, were
15 posted on the DRBC website on
16 November 30th, 2017 and have
17 been published in the Federal
18 Register and Basin State
19 Registers.

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

25 As I've tried to educate

1 myself about the issues that
2 are so important to you, I have
3 used the website. And I just
4 thought it was fantastic in
5 terms of really filling me in
6 on the various issues and
7 what's at stake here today.

8 As set forth in the
9 notice of proposed rulemaking,
10 by resolution per the minutes
11 on September 13th of last year,
12 the DRBC Commissioners directed
13 the executive director to
14 prepare and publish for public
15 comment, a revised set of draft
16 regulations to include first
17 prohibitions relating to the
18 production of natural gas
19 utilizing horizontal drilling,
20 and hydraulic fracturing within
21 the basin.

22 Second, provisions for
23 ensuring the safe and
24 protective storage, treatment,
25 disposal, and/or discharge of

1 wastewater within the basin
2 associated with horizontal
3 drilling and hydraulic
4 fracturing for the production
5 of natural gas where permitted.

6 And finally, regulation
7 of the interbasin transfer of
8 water and wastewater for
9 purposes of natural gas
10 development where permitted.

11 If adopted, the draft
12 rules would add to the
13 Commission's regulations a
14 section on hydraulic fracturing
15 in shale and other rock
16 formations. This section
17 would, first, prohibit high
18 volume hydraulic fracturing in
19 such formations within the
20 Delaware River Basin.

21 Second, it would require
22 review under the Delaware River
23 Basin Compact of any project
24 that involves the following.
25 First, the exportation from the

1 Basin of surface water,
2 groundwater, treated
3 wastewater, or mined drainage
4 water at any rate or volume for
5 use in hydraulic fracturing of
6 hydrocarbon-bearing rock
7 formations outside the basin.

8 Or second, the
9 importation into the basin and
10 treatment and discharge within
11 the basin of wastewater from
12 hydraulically fractured oil and
13 gas wells.

14 Also, this section would
15 establish standards for the
16 treatment and disposal of
17 wastewater from hydraulically
18 fractured oil and gas wells.

19 I'm almost at the end of
20 the verbatim reading.

21 The Commission also
22 proposes to amend its
23 administrative manual, rules of
24 practice and procedure, by the
25 addition of projects review

1 classifications and fees
2 related to the management of
3 produced water from hydraulic
4 fracturing of
5 hydrocarbon-bearing rock
6 formations.

7 Minor amendments to the
8 project review classifications
9 unrelated to hydraulic
10 fracturing were also proposed.

11 Ladies and gentlemen,
12 the copies of the proposed
13 rules can be found on the
14 website. This is one of six
15 public hearings on this matter.
16 We just had two of them, and I
17 see some familiar faces from
18 two days ago.

19 In addition to accepting
20 oral comments at these public
21 hearings, the Commission is
22 accepting written comments
23 through 5:00 p.m. on Friday,
24 March 30th, 2018.

25 Written comments will

1 receive the same consideration
2 as oral comments. Written
3 comments can be submitted
4 online using a link that can be
5 found on the DRBC website. If
6 you do not have access to a
7 computer or the internet, and
8 you would like to submit
9 written comments, you may
10 request an exception by writing
11 to the DRBC at the following.
12 And I will say this twice. It
13 was pointed out at the last
14 meeting that some people are
15 not handy with computers. So
16 the address will become very
17 important to you.

18 Anything that you send
19 in should be sent to the
20 attention of Commission
21 Secretary. The address is
22 DRBC, P.O. Box 7360, West
23 Trenton, New Jersey, 08628.
24 That's attention Commission
25 Secretary, DRBC, P.O. Box 7360,

1 West Trenton, New Jersey,
2 08628.

3 This is significant.
4 Today's proceedings are being
5 videotaped. And also, they're
6 being recorded here by a
7 registered Court Reporter. A
8 transcript is being created. A
9 written transcript is being
10 created that will become part
11 to the decision-making record
12 for the proposed rules.

13 Let's see. This is
14 aside from the script that I
15 have here. If you come
16 forward, apparently some people
17 have exhibits, a chart or
18 something along those lines ---
19 you're welcome to show it to
20 me. But I'm not the one that's
21 going to make decisions here.
22 I would suggest that you turn
23 things toward the camera right
24 there. And what we show will
25 then be displayed on the video

1 that's being created here. So
2 that's where it should be.

3 Also, when you come
4 forward, I would also suggest
5 that you direct all your
6 comments this way so it is
7 recorded, rather than to the
8 audience, ladies and gentlemen.
9 Because there's a chance that
10 that will be missed. And also
11 by the Court Reporter, that may
12 be missed and you won't be able
13 to look at your comments.

14 The electronic
15 recordings are being made to
16 enable the DRBC Commissioners
17 to see and hear your comments
18 even though they cannot attend
19 all six hearings. And
20 secondly, to allow the DRBC
21 staff, in consultation with the
22 commissioners, to prepare a
23 detailed comment and response
24 document that addresses the
25 issues and concerns that you

1 raise.

2 Now, here's how the
3 hearing will proceed, ladies
4 and gentlemen. First, the
5 Commission thanks all of you
6 who have registered in advance
7 either to attend or to attend
8 and speak today. Your doing so
9 has helped the staff to prepare
10 for these proceedings.

11 At the last two hearings
12 that we had, both of which were
13 on Tuesday, we really had
14 excellent substantive comments
15 that were made. There really
16 was not grandstanding. People
17 were concerned about getting
18 their substantive comments out
19 to support their position. And
20 that's what's suggested here
21 today. That's what's going to
22 make a difference here, so I
23 will call that to your
24 attention.

25 Here is the order of

1 speakers that I will call as
2 time permits. First, those who
3 registered in advance to speak
4 today and who have not already
5 spoken at another hearing.
6 Second, those who registered to
7 speak when they arrived today,
8 and who have not already spoken
9 or registered in advance for
10 another hearing. And then
11 finally, if there is anybody
12 else in the audience who wishes
13 to speak, whether or not they
14 have signed up to do so.
15 Because of time constraints and
16 preparation for the second
17 hearing today, you'll only be
18 able to speak one time, ladies
19 and gentlemen, here today.

20 When I call names from
21 the registered list, from the
22 list of registered speakers, I
23 will try to call three names
24 every time so that those next
25 on the list are ready to go.

1 And if your name is called and
2 you're not the one right up,
3 you might want to move toward
4 the front to make it easier.
5 And I think I'm going to get
6 some additional names here that
7 have signed up today.

8 And I think it's
9 promising that we should be
10 able to get to everybody today.

11 All right.

12 An important point. We
13 will start with a three minute
14 time period limit for each
15 speaker. You actually can say
16 a lot in three minutes. If, in
17 what you have prepared, you can
18 tell that it's going to be more
19 than three minutes, condense
20 it. We will stick with the
21 three minute time period. I
22 will actually cut you off. I
23 will do it politely, but I will
24 cut you off in fairness to the
25 other people, ladies and

1 gentlemen. You're actually
2 cutting into their time. And
3 comments and yelling from the
4 audience just cuts into
5 people's time.

6 Candidly, it's a matter
7 of manners. So let's, you
8 know, show respect for
9 everybody that speaks here. So
10 I don't mean anything personal
11 when I cut you off at three
12 minutes, but that's exactly
13 what I'll do. All right.

14 If you exceed the
15 permitted time --- I'm sorry.
16 Let me go back for a moment. I
17 may revise the time limit as
18 the hearing goes on if it looks
19 like we're going to run out of
20 time. Okay? So we'll see how
21 that goes. But it looks like
22 everybody will get three
23 minutes.

24 If you exceed the
25 permitted time, you will hear a

1 buzzer, and I will ask you to
2 stop speaking. If you
3 continue, as I said, you will
4 be taking someone else's time.
5 You will have the opportunity
6 to follow-up in writing if you
7 wish, ladies and gentlemen.

8 While the subject matter
9 of this hearing is something
10 that many people are passionate
11 about, the purpose of the
12 hearing is not for public
13 demonstrations.

14 The audience is asked to
15 remain quiet while each
16 commentator speaks so that the
17 Court Reporter and recording
18 devices can produce an accurate
19 record. Interrupting another's
20 testimony is prohibited.
21 Naturally, it would be
22 disruptive, I think, for all of
23 us.

24 Speakers are asked when
25 they come forward to start by

1 stating your name. And if you
2 wish, if you're affiliated with
3 any organization, you are
4 welcome to state that, ladies
5 and gentlemen. That's not
6 required, though. But please
7 do tell us your name.

8 If as part of your
9 comments you are asked a
10 question, please do not expect
11 a response during the hearing.
12 First of all, I'm not in a
13 position to answer questions.
14 Two days ago was a wonderful
15 education for me. Fascinated
16 by the subjects. So while I
17 have an interest in this, I am
18 not equipped to answer your
19 questions, ladies and
20 gentlemen.

21 And also, the directive
22 for today's hearing was to hear
23 from you. There are other
24 processes to get information to
25 you. But today is to hear from

1 you. And that's full
2 restriction to that. Again, no
3 rudeness intended, but you
4 won't be getting information
5 from this side.

6 This hearing could go as
7 long as 4:30. After everyone
8 who speaks who wants to speak
9 does speak, perhaps it
10 terminates early. But I think
11 we'll be getting very close to
12 4:30. If we get to 4:30, we
13 will stop right then because we
14 have to get people out and then
15 people in for the second
16 hearing.

17 Okay. Ladies and
18 gentlemen, what's next? After
19 all the public input is
20 received, the DRBC staff and
21 the Commissioners will develop
22 a comment and response document
23 that addresses each of the
24 commenter's concerns. The
25 Commissioners will consider

1 changes to the proposed rules
2 in response to the comments
3 that are received and will hold
4 a vote to either approve the
5 rules as proposed, approve the
6 rules with changes, or reject
7 the proposed rules.

8 The decision makers on
9 this and all rulemaking by the
10 Commission, are the
11 Commissioners themselves, who
12 may act through their appointed
13 alternates.

14 The Commissioners are
15 the governors of the four basin
16 states, Delaware, New Jersey,
17 New York, and Pennsylvania, and
18 on behalf of the federal
19 government, the division
20 commander of the North Atlantic
21 Division of the U.S. Army Corps
22 of Engineers.

23 And I want to make as my
24 final comment this point. This
25 really is an opportunity. The

1 Commissioners --- as I
2 understand it, you have newly
3 elected commissioners. You
4 have newly elected governors in
5 some of these states. So while
6 you may think you know what
7 their view is on the important
8 subjects here today, I think
9 none of us really knows for
10 sure.

11 So I'm expecting that
12 this is going to be a fair
13 process, and that's why I
14 stress the idea of substantive
15 comments. They really could
16 make a difference, ladies and
17 gentlemen.

18 So this is an opportunity
19 to be heard on the written
20 record, the video record, and
21 your comments here to all of us
22 today.

23 All right. Ladies and
24 gentlemen, thank you for your
25 attention during that. And all

1 speakers are limited to three
2 minutes. And that includes
3 public officials and other
4 people who have listed certain
5 jobs that they have here. So
6 starting from person number
7 one, we're going make it three
8 minutes.

9 The first person that we
10 recognize is Representative
11 Greg Vitali. And then after
12 Representative Vitali, the next
13 two would be Dr. Stuart
14 Chen-Hayes and also Joy Bergey.

15 REPRESENTATIVE VITALI:

16 Thank you, Your Honor.

17 Are the acoustics right?

18 HEARING OFFICER:

19 Sounds goods.

20 REPRESENTATIVE VITALI:

21 Well, thank you, Your
22 Honor, for moderating today. I
23 would also like to thank the
24 Delaware River Basin Commission
25 for holding six hearings and

1 allowing the voice of the
2 public to be heard on this very
3 important issue.

4 I'm here to state
5 primarily for the record that I
6 support a complete and
7 permanent ban on hydraulic
8 fracturing in the Delaware
9 River Basin. And I would like
10 to say that I believe that my
11 position is consistent with the
12 overwhelming majority of
13 constituents in the district I
14 represent, to the extent they
15 have understood the issue.

16 For the record, again, I
17 represent the 166th District in
18 Pennsylvania, which includes
19 parts of Delaware and
20 Montgomery Counties.

21 At the outset of this
22 hearing and my testimony, I
23 think it's important to restate
24 the Environmental Rights
25 Amendment of Pennsylvania. The

1 people have a right to clean
2 air, pure water, and to the
3 preservation of the natural,
4 scenic, historic, and aesthetic
5 values of the environment.

6 Pennsylvania's public
7 natural resources are common
8 property of all the people,
9 including generations to come.
10 As trustees of the these
11 resources, the Commonwealth
12 shall conserve and maintain
13 them for the benefit of all
14 people.

15 And I think the most
16 important phrase here is
17 including generations yet to
18 come because I think we in the
19 legislature sometimes forget
20 that. When we're correcting
21 legislation, it's not only for
22 the benefit of us, but
23 generations to come.

24 And I am glad to see
25 that the Pennsylvania Supreme

1 Court is finally taking this
2 provision of the Pennsylvania
3 Constitution seriously.

4 To date, there have been
5 about 11,000 unconventional
6 wells drilled in Pennsylvania.
7 11,000. There should be places
8 in Pennsylvania where fracking
9 does not occur, and the
10 Delaware River Basin is one of
11 those places. That watershed
12 supplies drinking water to over
13 15 million people.

14 The Delaware River has
15 been designated a national wild
16 and scenic river by Congress,
17 and it's been awarded special
18 protection water status by the
19 Delaware River Basin
20 Commission. And that's because
21 of the many valuable
22 environmental and economic
23 qualities this river possesses.

24 Drilling is a very
25 highly industrial activity. It

1 can turn pristine forests into
2 industrial sites. I have
3 visited numerous drilling sites
4 over the years in the course of
5 my job. And I have seen the
6 truck traffic, the gravel
7 roads, the fences, the spills.
8 It really can degrade.

9 HEARING OFFICER:

10 We're going to stop you
11 at that point, Representative.
12 Thank you very much.

13 REPRESENTATIVE VITALI:

14 Thank you.

15 HEARING EXAMINER:

16 Thank you, sir. Dr.
17 Chen-Hayes. And after, next
18 will be Joy Bergey. And then
19 Walter Tsou. That's T-S-O-U.
20 If I mispronounce it, I'm
21 sorry. Okay. And it is Dr.
22 Stuart Chen-Hayes, correct?

23 DR. CHEN-HAYES:

24 It is.

25 HEARING EXAMINER:

1 Okay. If you will,
2 please.

3 DR. CHEN-HAYES:

4 Great. Good afternoon.
5 Thank you. I appreciate the
6 chance to speak to members of
7 the Commission and the general
8 public. And I'm going to be
9 anecdotal. I'm a professor of
10 education in the State
11 University of New York. I live
12 in Newtown Township. And I'm a
13 newly elected judge of
14 elections on the Green party.
15 I'm very excited. There are 11
16 colleagues who are now elected
17 representatives from the Green
18 party. We are a party that is
19 extremely focused on people,
20 planet, and very anti-profit.
21 And so we are for a complete
22 ban on any fracking-related
23 activities in the Delaware
24 River Basin.

25 Since I live in New York

1 or since I work in New York,
2 since I lived many years in New
3 Jersey. Now, I live --- I'm an
4 elected official in
5 Pennsylvania. I don't have any
6 connections to Delaware, at
7 this point, that I know of.

8 Very interested in
9 protecting the land, and the
10 water, and the people of this,
11 and future generations of the
12 those three states.

13 And so as an educator, I
14 was thinking what would be one
15 of the most powerful stories
16 that I could tell? Usually at
17 this time of day, I'm in a
18 pool. I'm a swimmer. I
19 certainly use water. I consume
20 water. I have my water bottle
21 with me. But I was thinking
22 about a story that I told my
23 now 14-year-old. And many
24 folks in the audience may be
25 aware of this story of water I

1 heard. I re-read it today as I
2 was coming for the Commission.
3 And it talks about how all of
4 us, at one point in time, will
5 drink an entire back yard
6 swimming pool full of water.
7 And for those of use who are
8 swimmers, it's probably two
9 swimming pools.

10 And I thought about as I
11 read in the book that it talks
12 about the importance of
13 protecting the waters from
14 pollution. And as I went
15 through, I realized they don't
16 say one word about fracking.
17 And so we really are damaging
18 the environment. And my
19 colleague who spoke just before
20 me gave very clear, very
21 specific examples.

22 But the idea is that
23 water is a finite resource. We
24 don't get any extra. We don't
25 have any less. And so the more

1 pollutants that we put in,
2 particularly into the Delaware
3 River, the more that we're
4 compromising all of our health.
5 Not only our health, our
6 children's health, but their
7 children's health as well.

8 So I think about in our
9 home, that we have multiple
10 water filtration systems. And
11 I have lived in two countries,
12 and worked in five states,
13 lived in seven. And I have
14 never seen my water filtration
15 systems gunk up faster than
16 where I live right now in
17 Bucks. And I know that we have
18 major water quality issues
19 already.

20 We are really having a
21 lot of drama in terms of the
22 pollutants that are already
23 present in the water. And so
24 there's no reason we want to be
25 adding any more. We're really

1 endangering our health. When
2 you look at the health of the
3 oceans right now, there's
4 report that was just made that
5 talked about how soon we will
6 have more plastics in the ocean
7 than we do fish.

8 And so since the
9 Delaware River Basin empties
10 into the Atlantic Ocean, it's
11 really critical that we're
12 protecting the ocean.

13 HEARING OFFICER:

14 Thank you very much.
15 The Doctor --- now just one
16 moment. The restrooms, the
17 ladies room is right outside
18 the door back there. The men's
19 room is through that door and
20 then down this way. For the
21 men to get back in there, they
22 have to go through the
23 detectors again. Okay? The
24 x-ray machine or whatever it
25 is.

1 Okay. All right. And
2 next is Joy Bergey. Ms.
3 Bergey, please. Anybody?
4 Thank you.

5 MS. BERGEY:

6 My name is Joy Bergey.
7 I live in Flourtown in
8 Montgomery County,
9 Pennsylvania. And I am a
10 lifelong resident of the river
11 basin. I am speaking on behalf
12 of partnership for policy
13 integrity, a nonprofit
14 organization that focuses on
15 energy and environmental
16 policy.

17 For the past three
18 years, we've been investing the
19 EPA's regulations of new
20 chemicals used in drilling and
21 fracking. This fall,
22 marketplace on NPR broadcast a
23 two-part story on our
24 investigation.

25 Based on our findings

1 and mounds of evidence about
2 additional risks, we support
3 the Commission's proposal to
4 prohibit hydraulic fracturing
5 in the basin.

6 We also urge the
7 Commission to prohibit
8 wastewater disposal, water
9 withdrawals, and other related
10 activities. Allowing our gas
11 and drilling activities in our
12 basin --- allowing oil and gas
13 related activities in the basin
14 would amount to a huge gamble
15 for our drinking water and
16 environment.

17 Our analysis of EPA's
18 regulation of new chemicals
19 proposed for drilling and
20 fracking found in 2003 and
21 2014, EPA reviewed 126 such
22 chemicals.

23 The agency found health
24 concerns about more than 85
25 percent of these substances

1 including lung effects,
2 neurotoxicity, kidney toxicity
3 and developmental toxicity.
4 And yet, EPA allowed most of
5 these chemicals to be
6 commercially manufactured,
7 usually without health testing
8 that could have more
9 definitively established risks.

10 More than half of the
11 chemicals flagged by EPA as
12 potentially harmful were used
13 or likely used in oil and gas
14 wells. Chemical manufacturers
15 often kept the identities of
16 these chemicals secret, as
17 permitted by federal law.

18 Here in Pennsylvania,
19 drilling chemicals often do the
20 same. Where in state law,
21 otherwise requires them the
22 disclose publicly the fracking
23 chemicals they use. As a
24 result, it is difficult or
25 impossible for the public to

1 determine where many fracking
2 chemicals have been used, even
3 if the EPA has said that these
4 chemicals can pose health
5 risks.

6 This secrecy and other
7 concerns range from
8 radioactivity in wastewater to
9 chronic leaks in underground
10 wells makes fracking and
11 associated activities a risky
12 roll of the dice for our
13 sensitive watershed. That's
14 not worth it. Thank you.

15 HEARING OFFICER:

16 Thank you, ma'am.

17 MS. BERGEY:

18 Do you want a copy?

19 HEARING OFFICER:

20 You can submit that, if
21 you'd like, through the written
22 process. All right. And let
23 me just go through the names,
24 sir before you start. Let's
25 see. That was Joy Bergey. And

1 then we're going to here from
2 Dr. Tsou next. And then after
3 that will be Peter Winslow and
4 David Kinney.

5 Okay, sir. When you are
6 ready, please.

7 DR. TSOU:

8 Thank you. My name is
9 Dr. Walter Tsou. I'm the
10 executive director of
11 Philadelphia PSR and a former
12 health commissioner of
13 Philadelphia. Because time is
14 short, I will simply allow
15 others to explain why we should
16 have a complete ban in the
17 Delaware River Watershed for
18 fracking.

19 My brief comments
20 concern around potential
21 spillage of produced flow-back
22 for what's in the Delaware
23 River. As a public health
24 physician, I draw your
25 attention to the known and

1 unknown harmful effects
2 introduced from fracking waste.
3 As noted by others, as much as
4 5 to 10 million gallons of
5 water are laced with 50 to 100
6 different chemicals, which are
7 used to create fracking fluid.
8 The flow back backwater not
9 only contains these chemicals,
10 but also brine and highly
11 radioactive materials like
12 Radium 226. The risk to the
13 produced water in the Delaware
14 River is simply unthinkable.

15 Yellow Researcher last
16 year published an article that
17 identified over 1,000 chemicals
18 used in fracking, of which 76
19 percent of the chemicals have
20 not been studied for toxicity.

21 Of the 240 substances
22 that were known to have
23 toxicity, at least 55 of them
24 were carcinogens. Twenty (20)
25 were known to increase the risk

1 of leukemia. Forty-three (43)
2 percent were known to have
3 reproductive toxicity. Forty
4 (40) percent developmental
5 toxicity. And 17 percent
6 affected both a developing
7 fetus or a woman's reproductive
8 health.

9 Many of these chemicals
10 act independently with
11 structures where even a
12 nanogram, that is to say one
13 part in one billion, could
14 block or stimulate the receptor
15 site, or affect field growth,
16 or our hormonal systems.

17 Because pregnancy is
18 limited to nine months, we can
19 measure exposure with
20 literature on fracturing and
21 compare it to growth outcomes.
22 Two reports that were done
23 recently last year showed that
24 the proximity of growth near
25 gas wells were associated with

1 neonatal health outcomes.

2 In Texas, they geocoded
3 159,000 birth records and found
4 a 14 percent increase in
5 pre-term birth and fetal
6 deaths.

7 In Pennsylvania, they
8 geocoded 1.1 million babies
9 born proximal to the active gas
10 wells based on the select date
11 of those wells. And if you
12 lived within one kilometer of
13 any of those active wells, you
14 had a 25 percent increased
15 chance of having low birth
16 weight babies.

17 Two other studies are
18 worth noting. At Hopkins
19 Newburg School of Public
20 Health, they analyzed 35,000
21 cases from the Geisinger Health
22 System and found a 40 percent
23 increase of premature birth.
24 And these large numbers all
25 suggest that these are highly

1 statistically significant
2 studies.

3 The fact that actually
4 the State of Pennsylvania or
5 the federal government has not
6 funded any health study in this
7 country is an abomination.

8 In short, there is
9 growing evidence that fracking
10 is bad for health. The civic
11 duty in --- will show that
12 there are 1,300 articles on the
13 adverse effects of health from
14 fracking. If you allow
15 fracking for anywhere in the
16 Delaware Watershed, you will
17 have committed a public health
18 disaster.

19 HEARING OFFICER:

20 Okay. The next speaker
21 will be Peter Winslow. And
22 then on deck, will be David
23 Kinney and Sylvia Metzler. And
24 this is Peter Winslow?

25 MR. WINSLOW:

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Yes.

HEARING OFFICER:

Please come up, sir.

MR. WINSLOW:

Thank you for this opportunity to comment on the proposed rules for regulating natural gas development activities under 18C of parts 401 and 440. I'd also like to thank Representative Vitali for bringing forward Article 1, Section 27 of the environmental rights provision of the Pennsylvania constitution.

My name is Peter Winslow. I'm speaking today on behalf of the Philadelphia Chapter of Pennsylvania Interfaith Power and Light. We are communities of faith responding to climate disruption as an urgent moral issue.

Climate disruption

1 results in increasing frequency
2 and intensity of storms and
3 droughts, as well as sea level
4 rise, all of which stress the
5 Delaware River Basin, along
6 with the ability of the DRBC to
7 manage water resources and to
8 protect the environment.

9 Reliance on fossil fuels
10 causes and exacerbates these
11 conditions. Climate disruption
12 I view as the context in which
13 all of the concerns that you're
14 going to be hearing about for
15 the health and safety of the
16 people, and the protection of
17 the environment, and the wild
18 scenic river. Benefits of the
19 watershed are being considered.

20 So we appreciate the
21 intent of the proposed rules to
22 protect the watershed by
23 prohibiting high volume
24 hydraulic fracking within the
25 basin. And by discouraging

1 both exportation of fresh water
2 and importation of wastewater
3 associated with fracking
4 operations outside the basin.

5 Nevertheless, we are
6 apprehensive about loopholes
7 built into these rules.

8 Discouragement is a term
9 less open to interpretation.
10 And the evaluation processes of
11 water code section 2.30.4
12 allows considerable discretion.
13 Let's just close the door to
14 exploitation of the Delaware
15 River Basin by the fossil fuel
16 industry. We ask that you
17 tighten the loopholes and
18 extend the scope of your rules.

19 One, prohibit any export
20 of water from the basin for use
21 in oil and gas extraction.

22 Two, prohibit any import
23 of fracking wastewater to the
24 basin for treatment.

25 Three, prohibit

1 injection of fracking
2 wastewater into or under the
3 basin.

4 Four, prohibit the
5 underground storage of natural
6 gas or natural gas liquids.

7 And Five, beyond the ban
8 on high volume hydraulic
9 fracking operations, please
10 prohibit all activities
11 associated with hydraulic
12 fracturing in the Delaware
13 River Basin.

14 Thank you for your
15 attention concerning this
16 matter.

17 HEARING OFFICER:

18 David Kinney will be
19 next. And then on deck would
20 be Sylvia Metzler and Vanessa
21 Baker. And this is Mr. Kinney?

22 MR. KINNEY:

23 Yes.

24 HEARING OFFICER:

25 Sure.

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MR. KINNEY:

Thank you. David Kinney. I am a Mid-Atlantic policy director for Trout Unlimited. We represent 23,000 sportsmen in the four Delaware River Basin states. More than half are here in Pennsylvania.

As an organization, Trout Unlimited advocates for responsible energy development. We work to encourage policies and practices that avoid, minimize and mitigate impacts on trout habitat, cold water resources.

And the Delaware River Basin is a priority for us. We spent a lot of time and resources on the projects that restore and reconnect trout streams, especially in the Upper Delaware.

So we're working with local towns. We're working

1 with local communities, with
2 local partners, local
3 contractors.

4 The benefits of this
5 work are not just better trout
6 habitat, but it's also a boost
7 for the outdoor recreational
8 economy, which is key to the
9 region up there, as well as
10 improve the flood resiliency
11 for local communities.

12 So all of that said,
13 Trout Unlimited supports these
14 regulations that DRBC has put
15 forth. We recognize the
16 authority's authority to
17 regulate natural gas
18 development, given the
19 potentially enormous water
20 impacts. We appreciate that
21 these methods are backed up by
22 sound science and years of
23 study.

24 As others have spoken
25 about, we do have concerns

1 about provisions that would
2 allow the export of source
3 water and the import of
4 wastewater, and I'm going to
5 highlight just a handful of
6 those.

7 The water export section
8 in particular doesn't spell out
9 in any detail how these
10 withdrawals will be regulated,
11 such as requirements for
12 pass-by flows.

13 The basic parties spent
14 an awful lot of time
15 negotiating about flows on the
16 Delaware. These regulations
17 don't deal at all with how
18 withdrawals of potentially
19 millions of gallons of water
20 for hydraulic fracturing would
21 affect overall management of
22 the river's resources. And for
23 an organization like Trout
24 Unlimited, we're very concerned
25 about that wild trout fishery.

1 Second, while we
2 appreciate the stringent
3 proposals dealing with
4 wastewater import and
5 treatment, we're concerned
6 about the list of pollutants of
7 concern. It only includes a
8 fraction of the chemicals the
9 EPA has documented in the
10 fracking fluids and produced
11 water. So we would recommend
12 that the Commission set water
13 quality standards.

14 Finally, we have
15 concerns about how DRBC would
16 enforce and monitor the import
17 and export of water. There's
18 nothing --- this is something
19 that's not detailed at all in
20 these regulations, and that's
21 an oversight that should be
22 dealt with.

23 Just in conclusion, a
24 few years back, T.U.
25 highlighted the Upper Delaware

1 as one of the ten special
2 places in the central
3 Appalachians that deserve
4 protection, including the
5 Satchel River Watershed and
6 George Washington and Jefferson
7 National Forests. A number of
8 those places have since been
9 protected from the impacts of
10 hydraulic fracturing. And we
11 think that with some
12 improvements, that these
13 regulations that the DRBC has
14 set forth will go a long to
15 accomplishing that in the
16 Delaware River Basin. Thank
17 you.

18 HEARING OFFICER:

19 Thank you, sir. The
20 next three speakers will be
21 Sylvia Metzler, Vanessa Baker
22 and Jonathan Lutz. This is Ms.
23 Metzler. Am I right?

24 MS. METZLER:

25 Yes. My name is Sylvia

1 Metzler. I'm from
2 Philadelphia, Pennsylvania, and
3 I'm wearing my stethoscope
4 today because when I leave
5 here, I'm going to work. I'm
6 an nurse practitioner. I'm
7 retired, but still work in
8 health.

9 As a nurse and a nurse
10 practitioner, I'm extremely
11 concerned about the health of
12 people. And as a nurse, it
13 wasn't just as a human being.
14 I'm very concerned about water.

15 I just read about
16 Capetown, South Africa. Their
17 reservoir is almost empty.
18 Water is a problem all over the
19 world right now, potable water.
20 Anything that we do that is
21 going to interfere with human
22 beings to have enough water is
23 so worrisome. And certainly
24 fracking and fracking related
25 activities in the Delaware

1 River Basin is endangering our
2 water.

3 I am connected with food
4 and water watch. And one of
5 our positions is we want a ban
6 on all fracking in the Delaware
7 River Basin. And actually, I
8 would like to see a ban on
9 fracking everywhere. But
10 that's who we are speaking to
11 today. And of all fracking
12 related activities. That means
13 no withdrawing water from the
14 Delaware. That means not
15 putting treated water back in
16 or injecting wells.

17 You know, I think most
18 of us remember that when
19 President Bush and
20 Vice-President Cheney were in
21 office, they got together with
22 the heads of the gas and oil
23 companies. And they were able
24 to make some very deep, and
25 important, and dangerous in my

1 opinion, changes that
2 regulations that we had that
3 protected us are no longer in
4 place.

5 One of those things is
6 the proprietary chemicals, that
7 these companies can put all
8 kinds of chemicals in fracking
9 water, and we aren't allowed to
10 know what they are. It's bad
11 enough the ones we know about
12 that are endocrine disrupters
13 that are interfering with
14 people's health.

15 I've traveled through
16 Pennsylvania in Susquehanna
17 County several times. Three
18 times. And talked with people
19 there whose lives have been
20 impacted by fracturing. Their
21 drinking water, that they can't
22 use their wells anymore. But
23 their health. People who have
24 been sick. Animals dying.
25 Even people have died from the

1 effects of fracking.

2 And worse yet, in
3 Pennsylvania, when they would
4 report to the Department of
5 Health, their worries, their
6 concerns, they really weren't
7 taken seriously.

8 So we need to protect
9 our health. We need to protect
10 our water supply, our air, the
11 soil. We have to ban fracking
12 and all fracking related
13 activities in the Delaware
14 River Basin. Thank you.

15 HEARING OFFICER:

16 Next three speakers will
17 be Vanessa Baker, Jonathan
18 Lutz, and Patricia Libbey.
19 Okay. And this is Vanessa
20 Baker. Okay.

21 MS. BAKER:

22 Hi. My name is Vanessa
23 Baker. I'm here as a private
24 and concerned citizen. And 17
25 million people depend on this

1 drinking water. So we can't
2 afford to risk rendering it
3 undrinkable? You're
4 destructive and out of touch if
5 you allow them to destroy not
6 only our own drinking water,
7 but that of generations and
8 generations to come.

9 The half life of radium
10 is 1,600 years. And it's been
11 shown to be 226 to 200 times
12 greater downstream from a
13 fracking watershed in a study
14 from Duke University.

15 Radium is, of course, a
16 radioactive chemical. And can
17 cause anemia, cancer, and that.
18 So the consequences of this
19 catastrophic decision will be
20 deadly, deadly and
21 long-lasting.

22 With a half-life of
23 1,600 years, that means that by
24 3618, only half of the radium
25 will have decayed into the gas

1 radon, which also causes
2 cancer.

3 Although radon has a
4 short half-life of about four
5 days, the radium will still be
6 ruining our drinking water.
7 Radium is just one dangerous
8 chemical found to be laced in
9 the fracking process. The EPA
10 had health concerns about 88
11 fracking chemicals. And it's
12 likely that the fracking
13 companies will also be using
14 secret proprietary chemicals.

15 This means that fracking
16 --- that facilities will be
17 treating unknown chemicals,
18 which will therefore be
19 unlikely to be removed.

20 This has all happened in
21 the Monongahela where
22 groundwater concentrations
23 increased significantly in 2010
24 to 2011. These salts, when
25 mixed with chlorine, which is

1 what drinking water is treated
2 with, of course, create
3 trichloroethylene and
4 haloacetic acid, which are
5 strong carcinogens even in low
6 amounts.

7 A government study
8 showed that just showering in
9 water contaminated with
10 trichloroethylene caused blood
11 concentration with
12 trichloroethylene to rise five
13 to tenfold.

14 Short-term effects
15 include central nervous system
16 effects, cardiac arrhythmia,
17 abnormalities of the liver and
18 kidneys.

19 Long-term effects
20 include adverse effects on all
21 the organs previously listed,
22 as well as respiratory disease,
23 cancer, birth defects,
24 miscarriages, and delayed
25 neo-development. We cannot

1 ruin our precious water supply
2 with these deadly chemicals.
3 Thank you.

4 HEARING OFFICER:

5 Okay. Jonathan Lutz
6 will be next. And then
7 Patricia Libbey and Norman
8 Torkelson. Okay. Mr. Lutz.
9 Is that correct?

10 MR. LUTZ:

11 Good afternoon. My name
12 is Jonathan Lutz. I am the
13 associate director of the
14 Associated Petroleum Industries
15 of Pennsylvania, division of
16 the American Petroleum
17 Institute. I want to thank you
18 for considering my thoughts
19 here today.

20 I want to begin by
21 clearly stating that our number
22 one priority at API is to
23 provide energy in a safe,
24 scientifically sound manner,
25 while also having the least

1 possible impact on the
2 environment. And our members
3 take this responsibility very
4 seriously. To this end, our
5 industry supports effective
6 regulation that fosters safety
7 and protects the land, air, and
8 water.

9 Regulation and oversight
10 are important to the U.S.
11 natural gas industry and our
12 industry is well regulated by
13 both federal and state
14 governments.

15 As you know, the DRBC
16 centers its watershed
17 management efforts on sound
18 science. Accordingly, it is
19 imperative that any final
20 decision on the proposed
21 regulations be based on science
22 as well.

23 While opponents of
24 energy production argue that
25 well stimulation will ruin our

1 water resources, science
2 clearly indicates otherwise.
3 Unfortunately, the Commission
4 relies primarily on two
5 particular studies in moving
6 these regulations forward,
7 including the EPA's hydraulic
8 fracturing and water resources
9 study.

10 However, even this
11 exhaustive six year, \$30
12 billion study does not result
13 in any significant correlation
14 between hydraulically fractured
15 and impaired water resources.
16 In fact, this study indicates
17 that hydraulic fracturing
18 activities have not led to
19 widespread economic impacts.

20 A wide variety of recent
21 reputable studies by both
22 government agencies and
23 academic institutions also
24 support the conclusion that
25 hydraulic fracturing is not a

1 threat to drinking water.
2 Perhaps most importantly, the
3 Susquehanna River Basin
4 Commission's extensive
5 real-time water quality
6 monitoring network consistently
7 shows that natural gas
8 operations in the Commonwealth
9 are not contributing to
10 negative impacts on water
11 quality in the basin.

12 However, a recent PWC
13 study shows that oil and
14 natural gas production in
15 Pennsylvania supports more than
16 320,000 jobs in the
17 Commonwealth, including direct
18 industry jobs, as well as jobs
19 in wholesale, retail,
20 construction, manufacturing,
21 and other sectors. The same
22 study shows that these jobs saw
23 roughly \$23 billion in wages
24 paid to individual
25 Pennsylvanians in 2015.

1 These jobs are the
2 cornerstone of a nearly 45
3 billion economic impact to the
4 Commonwealth.

5 This API is a
6 standard-setting organization.
7 We have developed a series of
8 hydraulic fracturing
9 recommended practices that are
10 continually revised and
11 updated. These recommended
12 practices can be found on our
13 website. And I encourage you
14 to explore them. Thank you.

15 HEARING OFFICER:

16 Okay. The next three
17 speakers will be Patricia
18 Libbey will be next, Norman
19 Torkelson, and then Geoffrey
20 Selling. And is this Ms.
21 Libbey? Okay. Whenever you're
22 ready.

23 MS. LIBBEY:

24 This is Pat Libbey.
25 Mine is a prayer to God because

1 I feel he is the best one to
2 help us in the whole situation.
3 Dear God, please help the DRBC
4 gather in their decision making
5 to tighten the regulations, to
6 not open the Delaware River for
7 water exportation, and to ban
8 waste importation from our
9 watershed. Only you know the
10 pressure they may be under.
11 Help them do the just thing for
12 the world you gave us to tend
13 and to defend.

14 We have heard about the
15 probable outcomes of taking so
16 much water from our lovely
17 river. The harm to animal life
18 and our recreation. The water
19 levels that would allow ocean
20 tides to come even further
21 upstream than what is expected
22 from global warming.

23 We have seen examples of
24 great harm in other parts of
25 the country from fracking

1 wastewater's multitudinous
2 harmful chemicals; cancer,
3 neurological problems, horrible
4 rashes. And we don't want
5 these for ourselves, our
6 present children or future
7 generations.

8 Please help the DRBC to
9 make decisions on these issues
10 that would protect us, not
11 cause harm, that would keep
12 beauty and health in our River
13 Valley and not cause disease
14 and death. Refresh the
15 Commission in their long
16 listening and help them make
17 things right for the benefit of
18 all.

19 God, please bless all
20 who are with us here today.
21 Give us courage, strength,
22 understanding, and love. In
23 Jesus' name, we ask this.
24 Amen.

25 HEARING OFFICER:

1 Thank you, ma'am. The
2 next speakers will be Norman
3 Torkelson, Geoffrey Selling,
4 and then William Moore.

5 MR. TORKEELSON:

6 I'm Norman Torkelson,
7 and on behalf of the Lower
8 Delaware Wild and Scenic River
9 Management Council, we offer
10 the following comments.

11 The Wild and Scenic
12 Rivers Act was passed by
13 Congress in 1968 with the goal
14 of protecting the free flowing
15 condition of designated rivers
16 that are to be managed in a way
17 that protects and enhances the
18 values that prompted their
19 initial designation.

20 In 2000, we were
21 designated a wild and scenic
22 river segment. From just below
23 the water gap to just above the
24 tide water, our segment
25 represents numerous and diverse

1 partners, including the states
2 of Pennsylvania and New Jersey,
3 Bucks and Northampton Counties
4 in Pennsylvania, Mercer,
5 Huntingdon and Warren Counties
6 in New Jersey. And this very
7 own Delaware River Basin
8 Commission.

9 The National Park
10 Service, the Delaware River
11 Green Way Partnership, the
12 Delaware and Lehigh Courier
13 Commission, and well over two
14 dozen river communities and
15 organizations who formerly
16 endorsed us who have a
17 memorandum of understanding.

18 Partners agreed to
19 participate in the cooperative
20 implementation of our
21 management planning to protect
22 and enhance those levels that
23 led to our designation. We
24 applaud the DRBC for banning
25 hydraulic fracking in the

1 Delaware River Watershed.
2 However, we insist that
3 allowing any fracking-related
4 activities are inconsistent
5 with the goals and the
6 objectives of our management
7 plan.

8 Disposal of fracking
9 waste within our watershed has
10 the potential to effect the
11 water quality of millions of
12 people who should have a
13 reasonable expectation, and the
14 right to clean water, a clean
15 environment for now and future
16 generations.

17 We also are concerned
18 that exported basin waters
19 could support unwanted,
20 unneeded, and unsafe projects
21 that would only further degrade
22 our beautiful Delaware River.

23 Green amendments are
24 gaining more and more momentum
25 across our nation. Since the

1 early '70s, Pennsylvania has
2 had a constitutional green
3 amendment.

4 Recent litigation won a
5 watershed legal victory that
6 not only protected PA
7 communities from ruthless
8 frackers, but affirmed the
9 constitutional right of people
10 in the state to a clean and
11 healthy environment.

12 New Jersey also has
13 introduced legislation for the
14 same.

15 The tide is turning.
16 Instead of changing rules to
17 allow for additional
18 environmental degradation, we
19 expect the DRBC to be looking
20 to continue its work to protect
21 our watershed for the benefit
22 of all.

23 Therefore, we are
24 supporting expanding the DRBC
25 fracking plan to include a

1 total and complete ban on
2 hydraulic fraction and related
3 activities for extracting
4 natural gas in the Delaware
5 River Basin. Thank you.

6 HEARING OFFICER:

7 Thank you, sir. The
8 next speakers would be Geoffrey
9 Selling, then William Moore,
10 and then Shannon Pendleton.
11 And is this Mr. Selling?

12 MR. SELLING:

13 Yes.

14 HEARING OFFICER:

15 Okay. When you're
16 ready, sir, please.

17 MR. SELLING:

18 Thank you for the
19 opportunity to speak forcefully
20 against hydraulic fracturing in
21 the Delaware River Basin. My
22 name is Geoffrey Selling. I'm
23 a retired science teacher, a
24 volunteer with several of the
25 watershed organizations that

1 are part of the Delaware River
2 Watershed initiative, upstream
3 cluster, a stream keeper with
4 one of those organizations, and
5 a Pennsylvania master watershed
6 steward through the Penn State
7 extension service.

8 I'm here as a private
9 citizen, not representing any
10 of those organizations.
11 However, through this work, I
12 have learned a great deal about
13 the Delaware River Basin.

14 In all seasons, I spend
15 at least one day, and sometimes
16 more each week in the Delaware
17 River Watershed making
18 observations, taking
19 measurements, and working to
20 improve the riparian health of
21 many of the Delaware River's
22 feeder streams.

23 Thus, I know firsthand,
24 as well as from reading and
25 research, how impaired many of

1 the Delaware River Basin's
2 waterways are.

3 I strongly oppose the
4 hydraulic fracking process and
5 any expansion of it, as it
6 damages both our land, as well
7 as the waterways available.
8 There have been numerous
9 incidents and environmental
10 damage from fracking, and
11 further impairment of the water
12 quality in our already
13 compromised basin.

14 Indeed, the William Penn
15 Foundation has allotted \$44
16 million in its Delaware River
17 Watershed initiative to improve
18 the water quality in the
19 Delaware River Basin.

20 Formal research from the
21 Chair of Chemistry at Rice
22 University has shown that
23 fracking wastewater contains
24 barium, chromium, copper,
25 mercury, arsenic, antimony, as

1 well as cancer-causing
2 compounds such as toluene and
3 ethylbenzen.

4 A single fracked well
5 can use over 2 million gallons
6 of water annually, much of
7 which becomes toxically-laced
8 wastewater. A study out of
9 Duke University from last year
10 showed that in Pennsylvania
11 alone, there were 1,293 spills
12 of fracking wastewater in a ten
13 year period, about 130 spills
14 each year.

15 This is ultimately the
16 water that we and our children
17 drink, in which we wash our
18 babies, and in which we cook.
19 We all live downstream from
20 other places. And what happens
21 on the land upstream and in the
22 water spreads throughout each
23 watershed, compounding the
24 damage as the water flows
25 downhill.

1 Therefore, I oppose
2 fracturing in general and the
3 use of our Delaware River water
4 for fracking outside the Basin.
5 There are many ways to produce
6 additional energy. Further
7 damage to our waterways and the
8 water in them should not be
9 considered a viable option.
10 Thank you.

11 HEARING OFFICER:

12 Okay. The next three
13 speakers would be William
14 Moore, who will be next. And
15 then Shannon Pendleton. And
16 then Joan Farb. Okay. And
17 this is Mr. Moore?

18 MR. MOORE:

19 Yes.

20 HEARING OFFICER:

21 Good. Okay.

22 MR. MOORE:

23 Thank you for this
24 opportunity to address the
25 Commission. And I am someone

1 who grew up in the oil
2 industry. And back in 1930,
3 when the spindle top well blew
4 up in Texas, my father was a
5 kid.

6 And later on, he became
7 a petroleum geologist. And
8 when that thing blew up, you
9 could tell where all the stuff
10 that came from beneath the
11 ground went, because you could
12 see it. If you got water and
13 put it on top of it, you could
14 see it.

15 What comes out fracking
16 comes into the pipelines, into
17 the trucks, into the
18 refineries. But other things
19 that come out of fracking,
20 which many, many people here
21 have already been discussing,
22 will end up in the water. And
23 so far as I know, the state of
24 Pennsylvania where I live
25 doesn't have any system. And

1 doesn't want to spend any money
2 on active and accurate testing
3 of the waters in this state.

4 I do know that in Texas
5 and Oklahoma, and all along the
6 basin wherever fracking occurs,
7 you have a higher, a much
8 higher much higher incidence of
9 earthquakes occurring. And
10 when that strata is broken and
11 breaks occur, the breaks in the
12 strata continue further. So
13 even if it's not in the
14 Delaware River Basin, that
15 stuff can get into our water.

16 We don't need to have
17 any water from the Delaware
18 River Basin taken out and used
19 for fracking. And we certainly
20 don't want to have any
21 wastewater from a fracking
22 process introduced into the
23 Delaware River Basin. And I
24 call upon the governors of
25 Delaware, New Jersey,

1 Pennsylvania, and New York to
2 direct their representatives on
3 the basin to ban fracking, ban
4 the use of water from the Basin
5 in fracturing, and ban the
6 introduction to the Basin of
7 water that is a byproduct of
8 fracking. Thank you very much.

9 HEARING OFFICER:

10 Thank you. Shannon
11 Pendleton will be next. And
12 then Joan Farb. And then
13 Stephanie Herron.

14 MS. PENDLETON:

15 Thank you. My name is
16 Shannon Pendleton. And I want
17 to thank the DRBC, Your Honor,
18 for the ability to make a
19 public comment.

20 My public comment is as
21 a private citizen and a mother.
22 I would like you to call for a
23 complete and total ban on
24 fracking and all
25 fracking-related activities,

1 especially any water or
2 wastewater distribution back
3 into the Basin.

4 My experience in
5 learning about hydraulic
6 fracturing comes from living
7 downstream from where
8 wastewater was dumped above my
9 water supply.

10 And we're now in
11 Pennsylvania, which is not
12 anywhere near a fracking site,
13 but the water had been trucked
14 and dumped upstream of my water
15 supply. And I read that in the
16 Associated Press one day, and
17 started to do my homework. And
18 became very afraid to drink my
19 water because I understand from
20 the industry I work in that our
21 wastewater treatment facility
22 plants have absolutely no way
23 of dealing with the chemicals
24 that come out of that
25 wastewater. And even if they

1 knew what was in it, which they
2 do not, they wouldn't be able
3 to treat it.

4 So any of you can
5 understand what it's like to be
6 in your home and be afraid of
7 your own water. It's very,
8 very scary.

9 I work with as an
10 architect, and I do
11 zero-imaging design,
12 regenerative design. I
13 understand the construction
14 industry. I understand how
15 water infrastructure works.
16 And what the best and brightest
17 in the private industry, the
18 nonprofit sector, and our
19 governmental agencies are
20 doing.

21 I do a lot with advocacy
22 work in this area. I do it for
23 profit myself, and I understand
24 what a lot of the non-profits
25 do because I volunteer with

1 many of them in Philadelphia.

2 And this energy source
3 that we're going through all of
4 this for is completely
5 unnecessary. We have a lot of
6 other opportunities for energy.
7 And we have a lot of other
8 opportunities for a healthy way
9 to live and use our water.

10 So I'm not going to use
11 all of my time, so that others
12 can speak. I appreciate the
13 time you've given us. And I
14 urge you to make the right
15 choice and give a regenerative
16 energy plan a chance. Thank
17 you.

18 HEARING OFFICER:

19 The next three speakers
20 would be Joan Farb, then
21 Stephanie Herron, and then
22 Nancy Harkins. Your name is
23 Joan Farb?

24 MS. FARB:

25 Yes.

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HEARING OFFICER:

Ms. Farb, please.

MS. FARB:

I'm Joan Farb. I want to thank the Commission for having these hearings in order that residents like myself can speak about the proposed regulations for 2018.

It is imperative that there is a complete and permanent ban on natural gas drilling, and fracking, and all related activities, which include wastewater processing and discharges from fracking and water withdrawals from drilling and fracking.

Why a ban? Because there are many, many significant scientific studies showing detrimental impacts to public health and to the environment from these processes.

1 For example, the
2 Concerned Health Professionals
3 from New York and the
4 Physicians for Social
5 Responsibility assessed 685
6 peer-reviewed papers on gas
7 drilling and fracking. They
8 found that the majority of
9 these studies shows substantial
10 correlation between fracking
11 and illnesses such as cancer
12 and also pollution in air and
13 water.

14 Also, fracking has used
15 5 million to 10 million gallons
16 of water per well, and
17 presently, there is a trend to
18 an increase to 10 to 20
19 million.

20 This tremendous
21 withdrawal of water would go
22 against the DRBC water code
23 policy of protection and
24 preservation that states the
25 waters of the Delaware River

1 Basin are limited in quality.
2 And the basin is frequently
3 subject to drought warnings and
4 drought declarations due to
5 limited water storage supply
6 and stream flow during periods.

7 Therefore, the policy of
8 the Commission is to discourage
9 the exportation of water from
10 the Delaware River.

11 In addition, a DRBC
12 special protection water
13 regulation covering the entire
14 Delaware River is not allowing
15 any reduction in the quality of
16 the water in any manner.

17 These regulations remind
18 me of Benjamin Franklin who is
19 considered our first
20 conservationist. And he helped
21 created the Philadelphia Water
22 Commission. Franklin once said
23 when the well is dry, we know
24 the worth of water.

25 Thus DRBC, don't let the

1 well go dry for 17 million
2 people in the Delaware River
3 Basin. Ban fracking completely
4 and all related activities.
5 Thank you.

6 HEARING OFFICER:
7 Stephanie Herron will be
8 next. And then Nancy Harkins.
9 And then Attorney Kim Ong. And
10 let's see. Ms. Herron, when
11 you are ready.

12 MS. HERRON:
13 Okay. My name is
14 Stephanie Herron. I'm with the
15 Delaware Chapter of the Sierra
16 Club. I am here with some of
17 our volunteers to testify on
18 behalf of our over 8,000
19 members in the state of
20 Delaware.

21 First off, I want to
22 thank you and thank the DRBC
23 for allowing us this
24 opportunity to comment. I also
25 would like to thank the DRBC

1 for listening to our voices.
2 We've been, you know, at these
3 DRBC hearings for the past
4 seven or eight years, or in
5 some cases more, calling on the
6 DRBC to make smart, sound
7 science-based decisions that
8 protect our health and our
9 future.

10 I want to thank to DRBC
11 for hearing our voices and for
12 hearing the overwhelming body
13 of scientific evidence, and
14 calling for a ban on drilling
15 in our watersheds.

16 I'm a little confused,
17 however, how at the same time
18 the DRBC would be moving to
19 potentially allow wastewater
20 disposal from fracking in our
21 watershed.

22 You know, I live in
23 Delaware, and we are at the
24 bottom of the Delaware River
25 Basin. And it doesn't matter

1 to us, at the end of the day,
2 if our water is contaminated by
3 drilling upstream of us, or by
4 wastewater disposal upstream of
5 us as one of the previous
6 speakers said. At the end of
7 the day, if it's not safe to
8 drink, it doesn't really matter
9 how it was contaminated.

10 So I would call on the
11 DRBC to completely close the
12 door on that potential for
13 contamination of our drinking
14 water, and our swimming water,
15 and our recreation water, which
16 is the driver of our economy
17 and fully close the door on any
18 opportunity for fracking
19 wastewater to get into our
20 water supply.

21 Furthermore, wastewater
22 withdrawals would also have a
23 potentially very serious impact
24 on Delaware and those of us in
25 the lower basin. Obviously, we

1 have seen drought conditions in
2 recent memory. And we know
3 that these are going to
4 continue to be more
5 unpredictable, and more common
6 as climate change continues.

7 Furthermore, I'm very
8 concerned, and the Sierra Club
9 is very concerned out of our
10 commitment to the principles of
11 environmental justice and the
12 principles for democratic
13 organizing.

14 If it's not safe to do
15 here, it's not safe in our
16 community, then it's not safe
17 to do anywhere. And so for us
18 to say that water could be
19 taken from our water supply in
20 the Delaware River Basin, which
21 is not only concerning from a
22 water quantity perspective,
23 it's deeply concerning from an
24 environmental justice
25 perspective. If it's not safe

1 enough to do here, it's
2 completely in violation of the
3 principles of environmental
4 justice for us to send water
5 other places for fracking.

6 And so I would call on
7 Governor Carney and the
8 governors of all the agencies,
9 and the federal government
10 representatives on the DRBC to
11 support a full and
12 comprehensive ban on all
13 fracking-related activities in
14 the Delaware River Basin.

15 To do anything less is
16 simply unacceptable and putting
17 us at unnecessary risk. Thank
18 you.

19 HEARING OFFICER:

20 Thank you. Next will be
21 Nancy Harkins, and then Kim
22 Ong. And then Jean-Marie
23 Donohue. Nancy Harkins? Nancy
24 Harkins not here.

25 All right. Attorney Kim

1 Ong? Ms. Ong, when you're
2 ready. All right. Thank you.

3 MS. ONG:

4 Good afternoon, Judge.
5 My name is Kimberly Ong. I'm
6 an attorney at the Natural
7 Resource Defense Council. I'm
8 here on behalf of myself and
9 the over 70,000 NRDC members
10 who live in Pennsylvania,
11 Delaware, New York and New
12 Jersey.

13 Thank you for giving us
14 a chance to speak today about
15 this incredibly important part
16 of the landscape. And
17 Commission Staff, thank you for
18 helping draft a fracking ban on
19 the river basin.

20 I'd like to make three
21 points. First, NRDC strongly
22 supports a ban of the Delaware
23 River Basin. Fracking can and
24 has contaminated air and
25 drinking water, ruined

1 landscapes, caused earthquakes,
2 harms human health, and
3 contributed to climate change.

4 Over 600,000 jobs or
5 more than \$12 billion in annual
6 wages rely on a clean and
7 protective river basin for
8 survival. Factoring in
9 ecosystem services, over \$16
10 billion are in peril if the
11 River Basin is opened for
12 fracking.

13 The potential value of
14 the natural gas industry, a
15 mere 3.3 billion dollars per
16 year, pales in comparison at
17 nearly a fifth of the economic
18 value of a frack-free basin.

19 Second of all, we
20 strongly support a ban. The
21 effectiveness of a ban is
22 undermined if the wastewater,
23 one of the most toxic aspects
24 of the fracking process, can
25 still be transported, treated,

1 and disposed of in the river
2 basin. The fracking process
3 yields wastewater containing
4 over 1,000 contaminants that
5 can cause significant harm to
6 human health and the
7 environment.

8 Here's a partial list of
9 the chemicals that are found in
10 fracking wastewater. While
11 some of these chemicals are
12 benign, such as water and
13 citric acid, many of these
14 chemicals are toxic to humans
15 and animals and are radioactive
16 and corrosive. They can also
17 imperil ecosystems by depleting
18 oxygen or causing algorithms.

19 And there is no safe way
20 to handle, treat, and dispose
21 of fracking wastewater. As
22 we've seen just next door in
23 Susquehanna County, even when
24 there are strict regulations in
25 place, where there's

1 wastewater, there are spills.
2 And these spills pollute our
3 water, destroy our habitats,
4 and make people sick.

5 Third, these regulations
6 should not allow for the
7 withdrawal of fracturing
8 elsewhere. Unlike other water
9 uses, almost none of fracking
10 water can be returned to the
11 basin after use, depriving
12 every basin of the use of that
13 water for more beneficial
14 purposes like drinking,
15 farming, and fishing.

16 Thank you again for
17 taking the time to hear us out
18 today. The decision as to
19 whether or not to permit
20 fracking and fracking
21 wastewater in the river basin
22 is likely one of the most
23 important decisions the
24 Commission will make in the
25 upcoming years.

1 We ask that you do the
2 right thing and approve the
3 rule with changes. Make the
4 ban a full ban that bans
5 fracking, fracking wastewater,
6 and the withdrawal of water for
7 fracking purposes. Thank you.

8 HEARING OFFICER:

9 The next three speakers
10 --- I'm sorry. Is Nancy
11 Harkins here? No. Next three
12 speakers will be Jean-Marie
13 Donohue. And then Lena Smith.
14 And then Jean MacFarlane. Ms.
15 Donohue?

16 MS. DONOHUE:

17 My name is Jean-Marie
18 Donohue. I am with Water
19 Spirit. Water Spirit is the
20 spirituality empowerment
21 program that educates and
22 advocates on water issues. We
23 are sponsored by the Sisters of
24 St. Joseph for Peace, which is
25 a growing Catholic order of

1 nuns, but we are inclusive of
2 people of all faiths.

3 Water is life. We fully
4 support a ban on fracking on
5 the Delaware River Basin
6 watershed and a ban on the
7 storage, processing, and
8 discharge of fracking
9 wastewater, a full ban on the
10 export of water out of the
11 watershed for fracking
12 purposes.

13 Clean, safe water is a
14 human right and a right for the
15 15 to 17 million people who get
16 their drinking, and bathing
17 water, and swimming water from
18 the Delaware River Basin.

19 As you know, the
20 Delaware River Basin watershed
21 has a special protection water
22 status, a designation that
23 prohibits the degradation of
24 the water. Fracking, and
25 fracking waste, and the export

1 of the water for fracking is
2 synonymous and equals the
3 degradation of the water.

4 Therefore, all of these
5 practices should be banned. We
6 personally feel at this point,
7 for the past seven to eight
8 years, that you could actually
9 fill this room with the paper
10 of the scientific studies of
11 the disastrous health effects
12 of fracking on human health.

13 We particularly and the
14 Sisters of St. Joseph's of
15 Peace would like to give voice
16 to the children and infants
17 that live in this area, that
18 live in the Delaware water
19 basin and draw their bath water
20 from there, their drinking
21 water. And they brush their
22 teeth with this water.

23 We would like to cite
24 one particular 2015 study from
25 the Radiation and Public Health

1 Project that was funded by the
2 Pittsburgh Foundation. It was
3 the health hazards to fetuses,
4 infants, young children in
5 heavily fracked areas of
6 Pennsylvania in eight counties.
7 They found that the rise in
8 infant mortality rates in
9 heavily fracked counties was
10 13.9 percent greater than the
11 rest of Pennsylvania. The rise
12 in cancer incidents from ages
13 zero to four in heavily fracked
14 counties was 35.1 percent
15 greater.

16 We find it to be a moral
17 and ethical outrage that you
18 would think that it was safe to
19 bring fracking waste into the
20 Delaware River Basin Commission
21 that serves 15 to 17 million
22 people, and these children
23 whose small bodies cannot
24 handle these chemicals.

25 Thank you for your time.

1 And we call for a full ban.

2 HEARING OFFICER:

3 We will pick up in the
4 order that I mentioned. But
5 we're going to take a little
6 break. All right. Okay.

7 Thank you.

8 ---

9 (WHEREUPON, A SHORT BREAK WAS TAKEN)

10 ---

11 HEARING OFFICER:

12 All right, ladies and
13 gentlemen. We will resume. We
14 will pick up. Please take your
15 seats. Okay. We're ready for
16 the next three speakers. And
17 they will be Lena Smith, Jean
18 MacFarlane, and then Walter
19 Jeranek. Ms. Smith, please?
20 Lena Smith? Okay. I'll call
21 her name again. How about Jean
22 MacFarlane? Oh, Lena Smith
23 will not be here? Or will she
24 be here?

25 AUDIENCE MEMBER:

1 She can't come.

2 HEARING OFFICER:

3 She can't? Okay. Thank
4 you. And this is Jean
5 MacFarlane.

6 MS. MACFARLANE:

7 I'm Jean MacFarlane. I
8 live in Havertown,
9 Pennsylvania. It's downstream.
10 I spent many summer weekend
11 escaping the record summer heat
12 that we've had in Philadelphia
13 recently, swimming, kayaking,
14 and tubing in the clean, cool,
15 pristine water of the Upper
16 Delaware River.

17 The proposal to permit
18 fracking discharge or storage
19 in the watershed would
20 basically turn this vital river
21 into a toxic waist dump.

22 The discharge will
23 contain known carcinogens and
24 naturally occurring radioactive
25 materials that cannot be

1 treated. The Allegheny River
2 is plagued by downstream
3 pollution from fracking
4 discharge.

5 A study released three
6 weeks ago by Duke University
7 found levels of radium in the
8 Allegheny River sediment is
9 about 650 degree --- excuse me,
10 650 times higher below water
11 treatment plants than it is at
12 sampling sites upstream.

13 In addition, according
14 to the Pennsylvania DEP, 80
15 percent of water withdrawn from
16 the water will be used in
17 fracking --- to be used in
18 fracking will be trapped
19 underground. It will not
20 return to the hydroelectric
21 cycle. That is the natural
22 movement of moisture from
23 evaporation, condensation,
24 precipitation, and collection
25 in aquifers and rivers.

1 In addition to providing
2 people, animals, and plants
3 with water, it also moves
4 nutrients, pathogens, and
5 sediment in and out of aquatic
6 ecosystems.

7 The safety assurances of
8 the oil and gas industry are
9 really a joke. Last summer we
10 saw aquifers punctured and well
11 contaminated in West Pikeland,
12 PA. In November, residential
13 yards were flooded with
14 drilling mud caused by
15 frack-out.

16 The influence of the oil
17 and gas industry is powerful.
18 And the DRBC ban must --- have
19 been one fragile barrier that
20 has been protecting us. The
21 DRBC must continue to protect
22 the watershed by clearly
23 stating in the regulations that
24 no water withdrawal for
25 fracking, and no disposal of

1 wastewater be permitted in the
2 basin.

3 HEARING OFFICER:

4 Thank you, ma'am. Next
5 would be Walter Jeranek. And
6 then Corinne Mayland. And then
7 Jennifer Coffey. Okay. Walter
8 Jeranek, J-E-R-A-N-E-K? Not
9 here.

10 Next will be Corinne
11 Mayland. And then after her
12 would be Jennifer Coffey and
13 Coralie Pryde. All right. Is
14 this Corinne Mayland?

15 MS. MAYLAND:

16 I'm Corinne Mayland.

17 HEARING OFFICER:

18 Corinne. Excuse me.

19 Okay.

20 MS. MAYLAND:

21 So my name is Corinne
22 Mayland. I live in Lansdale,
23 Pennsylvania; a municipality
24 within the Delaware River
25 Basin. I strongly support the

1 proposal to ban fracking in the
2 watershed. I ask the
3 Commission to go further and
4 ban water withdrawals for
5 fracking or fracking-related
6 purposes.

7 As for the disposal and
8 discharge of wastewater
9 associated with fracking
10 production, I ask for either an
11 outright ban or at least a
12 moratorium.

13 In regards to the
14 fracking produced water by a
15 CWT, I applaud the Commission's
16 efforts to increase the quality
17 standards for monitoring this
18 type of water. But I believe
19 it doesn't go far enough. The
20 Commission can't be confident
21 in their monitoring proposal to
22 deliver safe water quality, if
23 they don't really know what it
24 needs to be monitored for.

25 For years, other

1 agencies have fought to have
2 companies disclose their
3 composition of fracking fluid
4 additives. The EPA wanted to
5 do prospective studies and
6 produce the water composition.
7 But the oil and gas industry so
8 whittled away the study's scope
9 that it will not be acceptable.

10 The DRBC proposes to use
11 the results of the EPA list as
12 the basis of approvals of
13 concern. That's not enough.
14 We all know that chemicals
15 remain undisclosed because they
16 were deemed confidential
17 business information.

18 The EPA confirmed this,
19 stating that non-disclosure
20 occurred along the majority of
21 the wells reporting to frack
22 ---.

23 Lichen leaking out of
24 just a handful of chemicals is
25 no big deal, but many chemicals

1 are hazardous at levels in the
2 parts per million. So looking
3 to the EPA published list is
4 indeed necessary, but it is not
5 sufficient.

6 Therefore, I don't
7 believe it meets the DRBC
8 Commission of basing its
9 decision on sound science. I
10 ask that the Commission either
11 ban the discharge of
12 fracking-produced water by CWT,
13 or impose a moratorium on it
14 pending further scientific
15 data. That data should be
16 multiple independent studies
17 regarding the composition of
18 produced water.

19 So management of the
20 water resources in the Delaware
21 River Basin promulgates having
22 a long view. This Commission
23 responsibly took the time to
24 get the data that now supports
25 the draft ban of fracking the

1 watershed. I believe it's also
2 enough to support banning water
3 withdrawals for fracking or
4 fracking-related purposes. As
5 for the disposal and discharge
6 of wastewater, either ban it or
7 impose a moratorium so the
8 Commission can again take the
9 time to get the data.

10 So in regards to the
11 supposed data that Mr. Lutz was
12 citing, the Susquehanna River
13 Basin's remote water quality,
14 that's just one system. That
15 report is a preliminary trend
16 analysis. It tests surface
17 water only, not groundwater
18 wells. Only 39 of the 59
19 monitoring stations have
20 actively fractured wells.
21 Since small samples, even
22 smaller --- only six leading
23 indicators are tested at every
24 station. And their conclusion
25 that they have not detected

1 impacts on the quality of the
2 basic water. That's not
3 synonymous with no impacts ---.

4 HEARING OFFICER:

5 Thank you. Jennifer
6 Coffey would be next. And then
7 Coralie Pryde. And then Clio
8 Gates. I'm sorry. I think I
9 mis-said your name. It's
10 Jennifer Coffey, C-O-F-F-E-Y.
11 Is she present? All right.
12 Then Coralie Pryde would be
13 next. All right. And then
14 after Ms. Pryde would be Clio
15 Gates and Katie Smith.

16 Okay. When you're
17 ready, ma'am. Thank you.

18 MS. PRYDE:

19 I'm Coralie Pryde. And
20 I'm speaking for the League of
21 Women Voters of Delaware. We
22 believe that it is absolutely
23 necessary that the DRBC
24 vigorously protect the waters
25 of the Delaware River.

1 The watershed supplies
2 drinking water for some 16
3 million people. It supports a
4 myriad species that create a
5 healthy balance of aquatic life
6 in the Delaware Bay and along
7 the Atlantic coast.

8 And it directly supports
9 almost \$5 billion in annual
10 wages from the region it goes
11 through. In Delaware alone,
12 nearly 16,000 jobs bringing in
13 about \$340 million annually are
14 directly dependent on having a
15 clean, healthy Delaware River.

16 The Delaware League is
17 concerned that the DRBC's draft
18 fracking regulations will
19 protect neither the quantity
20 nor the quality of water in the
21 Delaware. Leaks from fracking
22 present numerous dangers to our
23 precious water and our
24 environment.

25 More than 1,000

1 chemicals have been used in
2 fracking in various
3 combinations. Only a few,
4 about 20 percent, have been
5 tested. Many of them are
6 generally poisonous
7 neurotoxins, carcinogens. The
8 others haven't been studied.
9 The identity of many fracking
10 components aren't exposed.

11 And fracking wastewater
12 also contains hundreds of
13 hazardous materials that are
14 reached deep from within the
15 earth.

16 The League is
17 particularly concerned of
18 radioactive elements including
19 radium, thorium and uranium are
20 prevalent in Marcellus shale
21 waste.

22 Because these
23 radioactive elements have a
24 very diverse range of physical
25 and chemical properties, it is

1 very difficult to separate
2 these from other waste.

3 There are currently no
4 methods that are economically
5 feasible to purify the two to
6 three million gallons of waste
7 produced in fracking just one
8 large horizontally built well.

9 Disposal of solids in
10 municipal landfills will
11 inevitably result in
12 contaminating the river.
13 Radium is taken up by
14 micro-organisms, then they are
15 ingested by animals further up
16 the food chain.

17 For Delaware, this will
18 endanger the health of species
19 as diverse as oysters, and
20 swordfish and great blue
21 herons. If the water is
22 contaminated, the effects on
23 Delaware's economy and the
24 quality of our life will be
25 devastating. Once it is

1 contaminated it will not be
2 clean again.

3 HEARING OFFICER:

4 Thank you, ma'am. Clio
5 Gates will be next. And then
6 Katie Smith. And then Maya Van
7 Rossum. And is this Ms. Gates?

8 MS. GATES:

9 Yes.

10 HEARING OFFICER:

11 Go ahead.

12 MS. GATES:

13 Good afternoon. My name
14 is Clio Gates. And I'm an
15 intern at the National
16 Resources Defense Council. I
17 would like to thank the
18 Commission for giving us the
19 opportunity to share our
20 thoughts with you concerning
21 the proposed ban of fracking in
22 the Delaware River Basin.

23 Over the past several
24 weeks, I've looked closely at
25 the effects of fracking on the

1 health and environment of the
2 Susquehanna River Basin, an
3 area directly adjacent to the
4 Delaware River Basin.

5 Since 2003, the
6 Susquehanna River Basin has
7 been open to fracking. We only
8 need to look there to see how
9 fracking and its wastewater may
10 effect the Delaware River
11 Basin.

12 Through my research, I
13 concluded that fracking simply
14 cannot happen without
15 accidents. Wastewater spills
16 into water bodies. Gas wells
17 blow out. Both fracking fluid
18 and methane contaminate
19 drinking water.

20 And these accidents,
21 despite seemingly strict
22 regulations on fracking and its
23 wastewater, happen routinely on
24 an almost weekly basis. It's
25 no wonder four miles of the

1 Susquehanna River were
2 downgraded by Pennsylvania's
3 Department of Environmental
4 Protection because they failed
5 to meet water quality
6 standards.

7 I'll share with you just
8 a few of the many incidents I
9 came across in my research. In
10 Dimock, 8,000 gallons of
11 fracking fluid spilled into
12 wetlands from faulty supply
13 pipes.

14 The spill polluted
15 streams and resulted in a
16 massive fish die-off.
17 Residents' drinking water
18 turned brown and flammable.
19 After showering, Dimock
20 residents experiencing
21 dizziness and headaches and
22 suffered from skin sores.

23 In Bradford County, a
24 well spilled thousands of
25 gallons of fracking fluid into

1 a tributary of the Susquehanna
2 River. The spill took 12 hours
3 to contain and seven families
4 who live in the area had to
5 evacuate their homes.

6 Finally, in Wyoming
7 County, a well spilled hundreds
8 of thousands of gallons of
9 fracking wastewater into the
10 nearby area. The mixture of
11 sand, water, hydrochloric acid,
12 and thousands of other toxic
13 chemicals spewed out of the
14 well at a rate of 25,000 to
15 over 30,000 gallons per hour.
16 The spill took 18 hours to
17 contain. Multiple families had
18 to evacuate and the road to the
19 site was blocked off.

20 These are just a small
21 sample of the accidents that
22 happened next door in
23 Susquehanna. But they
24 demonstrate the toxicity of
25 fracking, whether that be the

1 drilling of wells or the
2 handling of and transportation
3 of wastewater.

4 We cannot afford to make
5 the same mistake in the
6 Delaware River Basin. And I
7 implore the Commission to enact
8 a full ban on fracking,
9 inclusive of fracking
10 wastewater and water transfers
11 in the Delaware River Basin.
12 Thank you.

13 HEARING OFFICER:

14 Thank you. Katie Smith
15 will be next. And then Maya
16 Van Rossum. And then Alicia
17 Dorsey. And Ms. Smith, if you
18 would?

19 MS. SMITH:

20 Good afternoon. My name
21 is Katie Smith. And I'm here
22 on behalf of the Pineland
23 Preservation Alliance, a
24 nonprofit organization
25 dedicated to the protection of

1 the New Jersey Pinelands. Part
2 of which fall within the
3 Delaware River watershed. I am
4 here to support a complete ban
5 on fracking, specifically to
6 urge the Commission to ban
7 export of water and the receipt
8 of fracking wastewater in
9 amendments.

10 These activities are
11 currently banned under the
12 moratorium and they should
13 remain prohibited. The DRBC
14 already discourages both the
15 exportation of water and the
16 importation of wastewater into
17 the basin.

18 It is time for these
19 sentiments to become policy.
20 The Basin experience is not
21 infrequent drought and water
22 scarcity partially due to over
23 allocation of water by state
24 governments.

25 In New Jersey, 12 of 20

1 watershed management areas will
2 experience water stress if
3 current allocations are fully
4 utilized.

5 Each fracked well
6 requires approximately 4.5
7 million gallons of water, and
8 some require up to 20 million
9 gallons of water, water which
10 is permanently removed from the
11 hydrologic cycle.

12 It's inappropriate for
13 New Jersey and the rest of the
14 Basin to allow diversions for
15 fracking.

16 The New Jersey Pinelands
17 is positioned in the Kirkwood
18 Cohansey aquifer, an unconfined
19 17-trillion gallon aquifer.
20 Withdrawals from unconfined or
21 surface aquifers not only
22 impact future availability for
23 human consumption, but create
24 immediate impacts on wetlands
25 and riparian ecosystems.

1 Fortunately, there are
2 rules in place to protect the
3 Pinelands from water export,
4 but other areas do not have
5 these protections.

6 DRBC currently requires
7 assessment of diversions based
8 on drought flow, which is
9 insufficient to properly
10 protect wetlands, riparian
11 systems, or the biotic
12 communities that rely on them.

13 For these reasons, a
14 complete ban on export of water
15 is required. Further, the
16 Commission admits that the
17 basin waters have limited
18 assimilated capacity and
19 limited capacity to accept
20 conservative substances without
21 significant impact.

22 Conservative pollutants
23 such as salt and metals are
24 frequently found in wastewater.
25 A significant risk when dealing

1 with produced water waste is
2 the proprietary nature of the
3 fracking fluid, which makes it
4 incredibly difficult for the
5 DRBC to properly regulate these
6 effluents.

7 Additionally, the
8 requirement that companies ---
9 background levels prevents
10 areas of contamination from
11 recovering.

12 For these reasons and
13 the many more that have been
14 mentioned today, I ask you to
15 put forth a ban on fracking,
16 the export of fracking ---
17 export of water for fracking to
18 be dismissed. Thank you.

19 HEARING OFFICER:

20 Maya Van Rossum would be
21 next. And then Alicia Dorsey.
22 And then Steve Bacher. Ms. Van
23 Rossum, when you're ready,
24 please.

25 MS. VAN ROSSUM:

1 Good afternoon. My name
2 is Maya Van Rossum. I'm a
3 Delaware River Keeper, and we
4 are seeking on behalf of the
5 Delaware River Keeper Network.

6 Nobody is safe if we
7 allow drilling and fracking for
8 gas from shale in our
9 watershed. If the fracking
10 industry were allowed to
11 advance in our watershed, we
12 will be signing up for
13 devastating and irreversible
14 harm to our water, air, health,
15 economy, and communities.

16 Up to 23 acres of land
17 would be damaged for every well
18 pad, including forests,
19 wetlands, and needed water
20 recharge areas. We would
21 sacrifice billions of gallons
22 of water to this industry. We
23 would be increasing methane in
24 the atmosphere, magnifying the
25 pace and impact of climate

1 instability resulting in more
2 floods and droughts to our
3 watershed.

4 Where fracking happens,
5 water wars are real. We do not
6 want them here.

7 We do not want our
8 farmers, our eco-tourism
9 business owners, our voters,
10 our fishers, and everyone who
11 depends upon water, which is
12 frankly all of us, to have to
13 be battling with the frackers
14 for water.

15 But that is what will
16 happen if we allow fracking in
17 our watershed. And that is
18 also what will happen if we
19 allow these regulations to
20 advance as written. Because
21 while they advance the long
22 promise of banning fracking,
23 they include the opportunity to
24 bring frack wastewater into our
25 watershed for disposal, and to

1 suck water out of our basin in
2 order to support and do
3 fracking elsewhere.

4 More fracking anywhere
5 means more toxic wastewater and
6 fresh water needs, which means
7 increased pressure on and use
8 of our watershed to renew
9 fracking that is devastating
10 communities elsewhere.

11 Frankly, this is both an
12 untenable and an immoral stance
13 for the Delaware River
14 watershed to take.

15 Fracking anywhere also
16 means more pipelines, and
17 compressor stations, and gas
18 export facilities inflicting
19 more harm on our natural
20 resources and communities, both
21 within the watershed and
22 beyond. Too many have already
23 suffered at the hands of this
24 infrastructure.

25 And so the Delaware

1 River Keeper Network supports
2 that portion of the regulatory
3 proposal that bans fracking in
4 the Delaware River watershed.
5 But to be fully acceptable, the
6 Delaware River Basin
7 Commission's regulations must
8 say no entirely to every aspect
9 of the fracking industry,
10 including the wastewater and
11 the water withdrawals, so that
12 we cannot allow our watershed
13 to become a sacrifice zone, nor
14 allow our watershed to be used
15 to sacrifice others, including
16 future generations who will be
17 saved or sacrificed by the
18 decision that we are making
19 today. Thank you.

20 HEARING OFFICER:

21 Thank you. Alicia
22 Dorsey. And then Steve Bacher.
23 And then Susan Carty. Okay.
24 Ms. Dorsey?

25 MS. DORSEY:

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Yes.

HEARING OFFICER:

That's a very
well-behaved baby.

MS. DORSEY:

Thank you. So I'm
Alicia Dorsey. This is my
granddaughter, Katie Dorsey.
We are testifying today with
hopes that we can achieve a
complete and permanent ban on
natural gas drilling, and
fracking, and all related
activities including water
waste processing, and discharge
from the water withdrawals,
from drilling and fracking
operations through the Delaware
River watershed.

I, along with others,
have been advocating for
approximately --- the dig for
fossil energy is causing major
damage to our health when
allowing these fracking

1 companies to dump their waste
2 into the Delaware River Basin.
3 A ban on fracking in the
4 Delaware River Basin would
5 limit water pollution.

6 I'm begging you to
7 protect our natural environment
8 and source of life. We need
9 the Delaware River Basin to be
10 fossil waste-free. And we are
11 depending on you, our
12 Commission, our Delaware River
13 Basin Commission, to protect
14 our natural resources at the
15 Delaware River Basin.

16 My granddaughter and the
17 rest of my grandchildren, along
18 with the rest of us in
19 Pennsylvania, have a right to
20 clean air and clean water. We
21 have laws to govern the quality
22 of our air and our water. And
23 these laws, along with the
24 moratorium, need to be
25 enforced.

1 After exhaustive
2 studies, the state of New York
3 prohibited fracking based on
4 environmental and public health
5 analysts.

6 The New York Department
7 of Health conducted that ---
8 the overall weight of evidence
9 demonstrated that the
10 likelihood that adverse health
11 outcomes and environmental
12 impacts on fracking could not
13 be prevented, leading to the
14 governors decision to ban high
15 volume hydraulic fracking in
16 the state.

17 The State of Maryland
18 also currently banned fracking
19 after years of study based on
20 potential or at-risk public
21 health and environmental
22 impacts. And it's really for
23 my grandchildren that I'm here.
24 Because these effects will
25 affect us right now, but it's

1 more or less for the future of
2 my grandchildren and their
3 health and their safety.

4 HEARING OFFICER:

5 Thank you, ma'am. Steve
6 Bacher will be next. And then
7 Susan Carty. And then Karen
8 Melton. Mr. Bacher,
9 B-A-C-H-E-R. I might be
10 mispronouncing it. Not here.
11 I'll call that name again.
12 Susan Carty, please. Okay.
13 Ms. Carty, when you're ready.
14 All right.

15 MS. CARTY:

16 All right. Thank you.
17 I do have a letter that was
18 sent. I'm the President of the
19 Pennsylvania League of Women
20 Voters. And I do have a copy
21 of the letter from January 2017
22 that was submitted to the River
23 Basin Commission from four
24 state leagues. I'll pass that
25 on shortly.

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HEARING OFFICER:

Good.

MS. CARTY:

Okay. Again, I'm Susan Carty, President of the League of Women Voters of Pennsylvania. The Pennsylvania League has been deeply involved with issues related to shale gas activities and oversight for several years.

Over the last ten years, we undertook a series of in-depth studies on the issues covering environmental and economic impacts, regulations, permitting, and most recently, health impacts.

Our position supports, quote, the maximum protection of public health and environment, in all aspects of Marcellus shale natural gas production, site restoration, and delivery.

1 And therefore, we are
2 here today to appeal to you
3 with a deep interest in the
4 proposed rule that is under
5 consideration.

6 The League strongly
7 supports the Commission's
8 proposed prohibition of high
9 volume hydraulic fracking given
10 its determination that the risk
11 to the public health and water
12 quality are significant.

13 The decision also is
14 consistent with the findings
15 and policy of the New York
16 Department of Environmental
17 Conservation, which found that
18 there are no feasible or proven
19 alternatives that would
20 adequately avoid or minimize
21 adverse environmental impacts,
22 and which prohibits high volume
23 hydraulic fracking in the upper
24 portion of the basin.

25 We believe that

1 establishing a uniform basin
2 wide policy to maximize the
3 protection of water quality and
4 the public health is of
5 critical significance.

6 In light of the
7 Commission's cautious and
8 protective decisions on high
9 volume hydraulic fracturing,
10 we're concerned that the
11 proposed rule appears to offer
12 a degree of leeway in handling
13 of fracking related wastewater.
14 We appreciate the rule
15 proponents which close a
16 loophole in the federal
17 regulation. And we support the
18 Commission in placing stricter
19 conditions on wastewater
20 treatment at these facilities.

21 We hope to see clearer
22 detail on the permitting
23 conditions that the Commission
24 intends to impose for projects
25 involving treatment and

1 discharge of wastewater within
2 the basin.

3 We believe that the
4 maximum protection of public
5 health and the environment need
6 to be applied to handling of
7 produced waters, as well as to
8 high volume hydraulic
9 fracturing operations.

10 We thank the Commission
11 for the opportunity to comment
12 today on these rules. And we
13 hope that we will be able to
14 feel confident in your
15 decisions in the future.

16 HEARING OFFICER:

17 Thank you, ma'am.

18 MS. CARTY:

19 Thank you.

20 HEARING OFFICER:

21 Is Nancy Harkins here?
22 Lena Smith? Let's see. Walter
23 Jeranek? And Jennifer Coffey?
24 Okay. No response on those.
25 And the Steve Bacher is not

1 here. Okay. Let's see. That
2 was Susan Carty. And then
3 Karen Melton would be next.
4 Karen Melton? I'll try that
5 name later. Margery Schab?
6 Margery Schab? Okay. Margery
7 Schab. All right. Eve Miari,
8 MIARI? If you come forward,
9 ma'am. You will be next. All
10 right.

11 I want to make sure I
12 have this right. Karen Melton
13 is not present. Margery Schab
14 is not present. Okay. This is
15 Eve Miari. And Then after that
16 is Harvey Chanin. And then
17 Sister Kate O'Donnell.

18 All right. Ms. Miari,
19 please when you're ready.

20 MS. MIARI:

21 My name is Eve Miari,
22 and I'm an advocacy coordinator
23 with the Clean Air Council.
24 The council is deeply concerned
25 that DRBC's proposed

1 regulations leaves open the
2 possibility that industry could
3 withdraw water for fracking
4 operations and treat or dispose
5 of fracking wastewater within
6 the basin.

7 In order to protect the
8 Delaware River watershed and
9 the health and safety of all
10 who live in this region, the
11 regulations must be strict and
12 specific and must hold up
13 against the powerful, private
14 interest of the oil and gas
15 industry. The regulations must
16 clearly state a complete ban on
17 fracking, extraction, disposal,
18 and storage.

19 The Delaware River
20 watershed provides a
21 significant source of clean
22 drinking water for 15 to 17
23 million people. Extraction of
24 these waters for fracking
25 essentially amounts to a theft

1 of a natural resource shared by
2 millions.

3 The proposed regulation
4 should clearly state that no
5 water can be removed from the
6 Delaware River Basin to support
7 fracking operations. It should
8 be the policy of DRBC not to
9 issue such permits under any
10 circumstances.

11 According to the EPA,
12 there are more than 1,000 known
13 chemicals, a serious and
14 well-documented public health
15 impact, that are used in
16 fracking. And many more are
17 considered proprietary and have
18 not been disclosed.

19 DRBC or DEP cannot
20 effectively and continuously
21 test for thousands of known
22 substances, let alone unknown
23 chemicals, the content of which
24 may vary day-to-day and
25 well-to-well. The reality is

1 that there is no reasonable
2 testing program that would
3 ensure the public health and
4 safety of our citizens.

5 The council is concerned
6 that disposal of fracking
7 wastewater may lead to higher
8 than acceptable levels of
9 radioactive material in the
10 watershed.

11 A 2013 study from Duke
12 University indicated that
13 fracking wastewater disposal
14 can lead to an accumulation of
15 radium and stream sediment.
16 Samples from Western
17 Pennsylvania rivers and creeks
18 downstream of treatment plants
19 had levels of radioactive
20 material 200 times higher than
21 samples taken upstream.

22 The council is concerned
23 that DRBC's proposed
24 regulations did not include a
25 specific ban on the use of

1 injection wells for storing
2 contaminated fracking waste.
3 Fracking wastewater storage,
4 including the use of injection
5 wells, should not be permitted
6 in the Delaware River Basin
7 under any circumstances. And
8 this should be explicitly
9 stated in the regulation.

10 The risk of ground and
11 surface water contamination is
12 too high and the risk to public
13 health unacceptable. And there
14 is no real possibility of
15 effective remediation.

16 In summary, the waters
17 of the Delaware River Basin are
18 a precious protected resource
19 that millions of people depend
20 upon for drinking and other
21 uses.

22 In Pennsylvania,
23 citizens are guaranteed by
24 Article 1, Section 27, the
25 right to clean air and pure

1 water. The Delaware River
2 Basin Commission, as a trustee
3 of these resources, has an
4 obligation to uphold these
5 rights and protections.

6 As a lifelong resident
7 of the Delaware River Basin and
8 as a mother of two small
9 children whose health and
10 well-being depends upon clean,
11 safe, drinking water, I
12 strongly urge the DRBC to enact
13 a complete ban on all fracking
14 operations in the Delaware
15 River Basin, including
16 extraction, disposal, and
17 storage. Thank you.

18 HEARING OFFICER:

19 Thank you. Harvey
20 Chanin. He's here? All right.
21 And then Sister Kate O'Donnell
22 will be after him. And then
23 Paul Roden. Okay. Sir, if you
24 would please, when you're
25 ready.

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MR CHANIN:

Good afternoon. My name is Harvey Chanin. As a lifelong Philadelphian, I am asking you to protect our water supply. And for our transcriptionist in Philadelphia, water is spelled W-O-O-T-E-R. I'm sorry.

Considering that one percent of the earth's water is drinkable, how we manage water will define our future and the future of the planet. Since 99 percent of the water is groundwater, how we look after our aquifers is the most critical component.

Although not directly addressing the regulations, the rules may allow the injection of wastewater within the basin. The injection of wastewater does not treat waste or remove contaminants. It simply moves

1 the potential for the toxic
2 wastewater to cause
3 environmental and water
4 resource pollution and water
5 quality degradation from one
6 place in time to another.

7 Even if treated, dumping
8 fracked wastewater is dangerous
9 because it contains over 600
10 different toxic chemicals, many
11 of them carcinogenic.

12 Also, the danger of
13 radioactive wastewater is a
14 potential to contaminate
15 drinking water or enter the
16 food chain through fishing and
17 farming.

18 The New York Times
19 recently found never reported
20 studies by the EPA, and a
21 confidential study by the
22 drilling industry that all
23 concluded that radioactivity
24 and drilling waste cannot be
25 fully diluted from the rivers

1 and other waterways.

2 It makes no sense to ban
3 fracking, but allow the toxic
4 waste to be dumped in the
5 watershed. We need a permanent
6 ban on all fracking, and a
7 renewed focus on using
8 renewable energy resources.

9 I'm a retired public
10 school educator. And for a
11 while, I was a science teacher
12 in a K through 8 school. And I
13 remember well how my kids
14 responded to a lesson in how
15 the water and environment is
16 being degraded.

17 We taught the course
18 about our individual
19 responsibility to protect the
20 environment. But the kids
21 wanted to know what the
22 government is doing to protect
23 our air and water.

24 I remember well what one
25 student asked me. Quote, why

1 would the government knowingly
2 permit corporations to dump
3 crap into the water and air? I
4 answered unfortunately, not all
5 people are interested in
6 welfare.

7 All too often, in a
8 capitalist society, profits
9 come before people. If the
10 Eagles can make it to the Super
11 Bowl, then I guess we can count
12 on you to keep our water safe.
13 Thank you very much.

14 HEARING OFFICER:

15 Sister Kate will be
16 next. And then Paul Roden.
17 And after Mr. Roden will be
18 Gail Heath. Okay. Sister,
19 please.

20 SISTER O'DONNELL:

21 Okay. I am sister Kate
22 O'Donnell of the Sisters of
23 Saint Francis of Philadelphia,
24 a congregation of over 400
25 women. I thank you for the

1 opportunity to be here today to
2 publicly speak to a revised set
3 of draft regulations.

4 Our Franciscan charism
5 calls us to be strong
6 proponents of ecological
7 consciousness with sustainable
8 development goals and the care
9 of creation.

10 We believe that
11 prohibition of hydraulic
12 fracturing and other shale gas
13 activities within the basin is
14 of utmost importance and a
15 necessity.

16 Protecting and
17 conserving the water resources,
18 and promoting comprehensive
19 practices for water management
20 is vital in a region that has
21 seen many negative impacts of
22 shale gas expansion and
23 exploitation in the state of
24 Pennsylvania.

25 And I think this is

1 worth repeating. The key is in
2 our Pennsylvania Constitution,
3 article 1, section 27. The
4 people have a right to clean
5 air, pure water, and to the
6 preservation of a natural
7 scenic, historic, and aesthetic
8 values to the environment.
9 Excuse me.

10 Pennsylvania's public
11 natural resources are the
12 common property of all the
13 people, including the
14 generations to come.

15 The Commission knows
16 that the socioeconomic value of
17 the Delaware River Basin is
18 beyond description, and the
19 Commission also knows that
20 exposing it to any of the
21 byproducts of natural gas waste
22 and other greenhouse gas
23 emissions would be illogical
24 and detrimental to the life of
25 the River Basin.

1 It is imperative that
2 any regulations related to the
3 Delaware River Basin would
4 further protect the water and
5 human right to water for the
6 millions who need access.

7 This river basin has
8 been the economic engine for
9 over 400 years. Excuse me.
10 And continued regulation and
11 monitoring is vitally important
12 for future generations.

13 I applaud the DRBC for
14 taking extensive steps and time
15 to address regulations and
16 presenting them at this and
17 other hearings in our region.

18 We don't want the beauty
19 of the basin to be exposed to
20 toxicity as in butane, methane,
21 ethane, and other excessive
22 greenhouse gas emissions that
23 are associated with hydraulic
24 fracturing and the extensive
25 infrastructure that this

1 industry requires.

2 HEARING OFFICER:

3 Thank you, Sister.

4 Okay. Next is Paul Roden. And
5 then Gail Heath. And then
6 Carol Armstrong.

7 Okay, sir. When you're
8 ready, please.

9 MR. RODEN:

10 Good afternoon. My name
11 is Paul Roden. I live in Lower
12 Makefield Township in Bucks
13 County.

14 I am here today to call
15 on the Delaware River Basin
16 Commission to ban fracture ---
17 excuse me. I have allergies.

18 The compounds that are
19 in the fracking fluids are
20 radioactive. They're deadly.
21 They're toxic. How can you ban
22 fracking and accept the
23 fracking waste? It seems crazy
24 and stupid to me.

25 You have volatile

1 organic compounds, which only
2 can be separated by activated
3 carbon or charcoal. My
4 municipal waste Authority,
5 Morrisville Municipal Waste
6 Authority cannot handle the
7 existing domestic waste, let
8 along handle industrial waste
9 from fracking. This is insane.

10 The fracking industry is
11 exempt from the clean water and
12 the clean air, safe drinking
13 water and other environmental
14 acts. How is that possible?
15 Well, money talks, BS walks.

16 So how can the DRBC
17 regulate it when they have no
18 inspectors or monitors to do
19 this? This also seems stupid
20 and insane to me.

21 So it's unsafe to allow
22 drilling of natural gas with
23 fracking pollutants in the
24 Delaware watershed. We have to
25 rely on the wisdom of the

1 Commissioners to uphold their
2 vows and oath of office to the
3 Compact and fulfill their
4 mission to protect the water
5 supply.

6 And if we have problems
7 with droughts, and we couldn't
8 even have the re-enactment of
9 Washington crossing the
10 Delaware in the winter, what's
11 going to happen in the
12 summertime if they're drilling
13 100,000 gallons a day? This
14 also seems stupid and insane to
15 me.

16 So this is all unsafe.
17 New York State has seen the
18 wisdom and banned it. So why
19 should we allow it on this side
20 of the river? This also seems
21 stupid and insane.

22 So we have to fulfill
23 the oath of office to the
24 constitution of the
25 Commonwealth of Pennsylvania,

1 which has also been alluded to
2 in previous speakers. But I
3 will say it also again.

4 Article 1, Section 27,
5 it states that people have a
6 right to clean air, pure water,
7 and to the preservation of the
8 natural, scenic, historic, and
9 aesthetic values of the
10 environment.

11 Pennsylvania's public
12 natural resources of the
13 Commonwealth are for all the
14 people, including generations
15 yet to come. As a trustee of
16 these resources, the
17 Commonwealth shall preserve and
18 maintain for the benefit of all
19 the people.

20 So in conclusion I ask
21 the DRBC to do the right thing,
22 ban fracking forever in the
23 Delaware River Basin. Thank
24 you.

25 HEARING OFFICER:

1 Is Karen Melton here?
2 Karen Melton? Is Margery Schab
3 here? That concludes the list
4 of the people that signed up
5 previously or before today.
6 And then for today's list, Gail
7 Heath will be next. And then
8 Carol Armstrong. And then Jan
9 Filius. And Ms. Heath, is that
10 you?

11 MS. HEATH:

12 Yes.

13 HEARING OFFICER:

14 Excuse me, one second.

15 MR. RAPP:

16 I didn't hear my name
17 called.

18 HEARING OFFICER:

19 What's your name, sir?

20 MR. RAPP:

21 I haven't heard my name.

22 HEARING OFFICER:

23 Say your name.

24 MR. RAPP:

25 Rapp, R-A-P-P.

1 HEARING OFFICER:

2 Say again?

3 MR. RAPP:

4 Rapp, R-A-P-P.

5 HEARING OFFICER:

6 I have not gotten to
7 your name yet. And I'm not
8 sure that it's down here yet.
9 I don't see your name here.

10 MR. RAPP:

11 I was previously signed
12 up.

13 HEARING OFFICER:

14 Okay. We'll see if we
15 can get to it. And I'll check
16 as the speakers are going here.

17 Okay? Okay. Ms. Heath,
18 please.

19 MS. HEATH:

20 Yes. I'm Gail Heath.
21 I'm a resident of Wilmington,
22 Delaware and I'm a member of
23 the Delaware Chapter of the
24 Sierra Club. To have a ban on
25 fracking, but allow the

1 withdrawal and discharge is
2 absurd. The danger will still
3 be the same. As many speakers
4 have made clear, there is no
5 way to remove many of the
6 hundreds of toxic chemicals in
7 fracking waste.

8 Delaware has spent
9 decades cleaning up the
10 Delaware River to re-establish
11 native population of aquatic
12 wildlife, such as the
13 endangered Delaware species of
14 Atlantic sturgeon. These
15 toxins will destroy native
16 aquatics. And impact the
17 livelihoods of 160,000 jobs
18 depending on the clean water.
19 Not to mention our own health.

20 Withdrawals will cause
21 low river levels, especially in
22 dry summers resulting in salty
23 ocean water moving further up
24 the river. This is to the
25 detriment of oysters and other

1 vital aquatic species that
2 people, as well as our abundant
3 birds and wildlife, depend on.
4 Wells in Southern Delaware can
5 become contaminated with salt,
6 as well as fracking chemicals.

7 In conclusion, a ban on
8 fracking but allowing
9 withdrawal and discharge does
10 nothing. Only a total ban of
11 all aspects of fracking is
12 acceptable. Thank you.

13 HEARING OFFICER:

14 Thank you. That was our
15 38th speaker. Mr. Rapp, you
16 are listed here. Carol
17 Armstrong will be next. And
18 then Jan Filios. And then
19 Theresa Heinsler.

20 All right. Go ahead
21 when you're ready.

22 MS. ARMSTRONG:

23 Thank you.

24 HEARING OFFICER:

25 Thank you.

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MS. ARMSTRONG:

I'm Carol Armstrong. I live in the Delaware River Basin. I'm a neuropsychologist, scientist, and healthcare provider. I'm also a massive watershed steward and volunteer with the excellent environmental organizations that protect our clean water and biological diversity, which go hand-in-hand and without which, they would be lost.

My comments are in support of the DRBC's moratorium of all gas drilling, hydraulic fracturing, water controls, and discharges throughout the Delaware River Basin.

I am hopeful that the DRBC will rule that these bans are full and permanent in order to restore and conserve our

1 beautiful, exceptional,
2 congressionally designated
3 national wild and scenic river,
4 the Delaware, and the National
5 Delaware estuary, because of
6 their irreplaceable beauty,
7 source of drinking water, and
8 ecological productivity that
9 earned them protections from
10 commercial interests that
11 threaten them, despite
12 regulations.

13 Once this is damaged,
14 the balance cannot be restored
15 or recovered.

16 The DRBC has recognized
17 that water volumes needed for
18 fracking can adversely effect
19 aquatic ecosystems, river
20 channels, riparian resources
21 and wetlands.

22 The entire non-tidal
23 Delaware River is protected by
24 DRBC's federal protection water
25 regulations that state that the

1 water quality cannot be
2 diminished in any way. DRBC
3 policy is being broken by
4 permitting drilling and
5 fracking, such as the
6 importation of wastewater into
7 the Delaware Basin.

8 Further, drilling and
9 fracking could not be done
10 safely or without environmental
11 contamination. The method of
12 dilution and sequestration will
13 only --- will and have resulted
14 in slow and continuous decline
15 in groundwater and surface
16 water quality.

17 The EPA documents that
18 seven to nine percent of the
19 water projected for fracking is
20 permanently removed from the
21 water cycle.

22 Findings are that 80 to
23 90 percent more of water is
24 used in Marcellus and other
25 sites is fresh water and

1 developing methods for fracking
2 are requiring increasing
3 volumes of fresh water.

4 There is a shift in
5 social opinion, which is
6 merging most clearly in new
7 generations of voters, that the
8 value that comes from
9 environmental rights must not
10 take second place to the values
11 that come from commercial
12 development.

13 The risk for human
14 health and nature, the
15 concerned health professionals
16 of New York, and the Physicians
17 for Social Responsibility
18 reviewed at last count 685
19 peer-review papers
20 investigating gas drilling and
21 hydraulic fracturing.

22 The 2016 Fourth Edition
23 of their review showed a great
24 majority and growing consensus
25 of scientific evidence that the

1 risks of this type of activity
2 include earthquakes, adverse
3 impacts on water, on air, on
4 agriculture, on public health
5 and safety, on property values,
6 on claims, disability, and on
7 economic vitality.

8 They, quote, uncovered
9 no evidence that fracking can
10 be practiced in a manner that
11 does not threaten human health,
12 end quote.

13 The long-term effects
14 are unknown because government
15 resisted inquiries, especially
16 about long-term risks. For
17 example, the introduction of
18 hundreds of new chemicals in
19 fracking, most of which are not
20 now and never investigated for
21 long-term effects on humans and
22 ecology is extremely
23 concerning.

24 There needs to be
25 monitoring of the changes to

1 water supply in the hydrologic
2 cycle and analysis of how water
3 removal and discharge from
4 fracking is affecting our water
5 resources. A scientific study
6 with resulting knowledge about
7 the health of our environment
8 is one of the most important
9 contributions I can think of
10 for future generations.

11 HEARING OFFICER:

12 Jan Filios will be next.
13 And then Theresa Heinsler. And
14 then Wendy Goetz. Is this Ms.
15 Filios?

16 MS. FILIOS:

17 Yes.

18 HEARING OFFICER:

19 Whenever you're ready.

20 MS. FILIOS:

21 Thank you. Yes. Jan
22 Filios. I'm a Bucks County
23 resident and property owner. I
24 concur completely with the
25 previous speakers.

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The Pennsylvania

Constitution states that people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic, and aesthetic value of the environment.

As trustees of these resources, the Commonwealth shall preserve and maintain them for the benefit of all the people.

There is a race against time to provide us with clean energy. We have painfully discovered that hydraulic fracturing for natural gas can be permanently harmful. It pollutes our air, our bodies, our land, our water, our wildlife, and our values.

The wastewater is no less toxic. Taking our river water for fracking is unacceptable. There is no

1 place in a healthy environment
2 for any of these activities.
3 No place.

4 In addition, fracking
5 and its wastewater can cause
6 economic degradation. Tourism
7 in our Bucks County is
8 thriving. Our fishing, our
9 vineyards, our blueberries, our
10 barns, our bed and breakfasts,
11 our restaurants, our water
12 recreation, all depend on an
13 ample supply of clean air and
14 water. Toxins and tourism
15 don't mix. Thank you for this
16 opportunity.

17 HEARING OFFICER:

18 Thank you. Next would
19 be Theresa Heinsler and then
20 Wendy Goetz. And then Michelle
21 Roberts.

22 MS. HEINSLER:

23 Theresa Heinsler. Money
24 is power, but knowledge is also
25 empowering. Fracking, I

1 believe, is a death knell, not
2 just to the Delaware River
3 Basin, but to the oil industry
4 itself. Why would the biggest
5 profit maker in the U.S. resort
6 to such a costly extracted
7 method resulting in such a poor
8 quality product? Is it because
9 the U.S. consumes 20 percent of
10 the oil, only having two
11 percent in the U.S.?

12 Partially, yes. But also
13 because oil and gas is a
14 non-renewable resource. Oil
15 and gas from Texas and Oklahoma
16 are rapidly depleted. The
17 2,000 wells or more in the Gulf
18 of Mexico are also being
19 depleted.

20 Oil and gas sees the
21 depletion, but not the
22 solution. Why? Because it
23 also means the gas industry is
24 in the death knell itself. Is
25 this why the conservation of

1 resources or developing clean
2 energy are not being
3 recognized? Why they cannot
4 see it as nails for their own
5 coffin. They prefer to see it
6 as nails in our coffins.

7 The Delaware River Basin
8 is already a victim of oil and
9 gas. How? Because of the many
10 refineries, the oil tanks that
11 line the Delaware, of the
12 pipelines that run through, at
13 least I know, Heinz Refuge,
14 which is adjacent to the
15 airport. And also by the
16 airplanes who use the Delaware
17 as a partial landing for the
18 airport, the Philadelphia
19 Airport.

20 I live here and I can
21 vouch for it. They go over it
22 continually like every two
23 minutes or so at times.

24 And what is not
25 generally known is that

1 airplanes have to carry by law
2 an extra supply of fuel for
3 emergency landings. But they
4 need to discharge that fuel
5 before they land. And to
6 where? No one knows. I hope
7 it's not in the Delaware, at
8 any rate, I want to say ---.

9 HEARING OFFICER:

10 I must stop you, ma'am
11 at this point, okay. Just like
12 everybody else.

13 MS. HEINSLER:

14 Okay.

15 HEARING OFFICER:

16 Okay. Thank you very
17 much.

18 Wendy Goetz will be
19 next. Then Michelle Roberts.
20 And then Naomi Laver.

21 MS. GOETZ:

22 Thank you. My name is
23 Wendy Goetz. I'm a citizen of
24 Freeland Heights in New Jersey
25 and I would like to ask you to

1 wear a mile in my bra. Our
2 country has taken a correct
3 turn in protecting people from
4 harassment and physical harm.
5 I'm here today to ask and
6 demand that we take the correct
7 turn here, too.

8 As a constituent, I know
9 that special protection water
10 regulations must be kept in
11 place and honored for the
12 river, the basin, the
13 watershed, the people, and the
14 planet. Our fourth speaker
15 today spoke concerning the
16 unborn as well.

17 The Delaware watershed
18 holds all the people's and the
19 planet's generations in its
20 mouth. So wear a mile in our
21 bras.

22 As an older woman, as an
23 older mother, I took a chance
24 at having a child. I waited
25 until I was having the ability

1 the respond to a child's needs.
2 With these types of industries
3 and practices, we can no longer
4 respond.

5 Fracking and all related
6 industries and activities,
7 including water withdrawals,
8 and frack-based water
9 remediation, and the D-minus
10 infrastructure takes away our
11 human rights and abilities to
12 respond.

13 The shale gas industry
14 has received unprecedented
15 extensions from environmental
16 and public health laws and do
17 not even have to disclose their
18 chemicals.

19 Governor, wear a mile in
20 my bra and protect all of your
21 citizens by not allowing the
22 gas and shale industries in the
23 river, the basin, or the
24 watershed.

25 Army Corps of Engineers,

1 wear a mile in my bra by
2 claiming your ability to
3 respond and strengthen our
4 national security of water
5 protections.

6 Claim your ability to
7 respond by energizing a sane
8 renewable energy economy.
9 Claim your ability to respond
10 by reducing the risk of
11 disastrous water contamination
12 event. It is your stated
13 mission. Do your job.

14 I thank the DRBC for
15 doing their job. I commend
16 them for having the banning
17 fracking regulations. Thank
18 you very much. As a mother, a
19 wife, a human, and a
20 constituent, I am razor-focused
21 on justice and equality. You
22 all are employed by me, by us,
23 paid for by our tax dollars,
24 not dirty energy platforms. We
25 need an even ground for

1 sustainable future for the
2 generations, people, and
3 planet. You must provide that.

4 So wear a bra in the
5 mile, for a mile in all the
6 bras of all the mothers who
7 will not be able to respond to
8 their children's basic needs;
9 clean air, water, and soil.
10 Thank you very much.

11 HEARING OFFICER:

12 Michelle Roberts is
13 next.

14 MS. ROBERTS:

15 I have to follow that?

16 HEARING OFFICER:

17 Hold on. Michelle
18 Roberts will be next and then
19 Naomi Laver. And then Alyssa
20 Bradley. Okay. Michelle
21 Roberts, please.

22 MS. ROBERTS:

23 Hello. My name is
24 Michelle Roberts. I'm the
25 national co-coordinator for the

1 Environmental Justice Health
2 Alliance for chemical policy
3 authority, known as EJHA. I'm
4 also the director of outreach
5 for coming clean. I'm a
6 weapons biologist. I have a
7 background in energy and
8 environmental policy.

9 Water is life. Water is
10 sacred. These particular
11 waters along this route have
12 been the realm of many of the
13 people that I serve. Those who
14 bought themselves into freedom.
15 Harriet Tubman, our native
16 brothers and sisters who were
17 forcefully removed from the
18 lands that they call their own.
19 Now, they survive.

20 The people that I
21 represent were unfortunately
22 impacted by the entire spectrum
23 of the oil and gas extraction
24 industry. And that must stop.
25 No longer must we bear the

1 burden, people of color and the
2 poor. It must be an all right
3 and outright ban. Not just the
4 Delaware River, but across the
5 nation.

6 We are currently under
7 political times where public
8 health and the environment are
9 under assault. This is indeed
10 an even deeper egregious
11 assault called environmental
12 genocide for the folks that we
13 represent.

14 The states can't even
15 handle what the feds are about
16 to put down and they know that.
17 So having additional egregious
18 behavior is unconscionable.

19 We call upon the moral
20 and courageous, the courageous
21 moral authority of each and
22 every governor to honor that of
23 mother earth and her children.
24 Water is the life blood to the
25 mother. And the children who

1 are living disproportionately
2 should not be.

3 So we call, and not only
4 call, we demand as voters, as
5 people of color and the poor,
6 who --- actually many of the
7 folks that I represent probably
8 aren't in this room and some of
9 them are.

10 But what we say
11 together, we stand for the
12 rights of mother earth and her
13 children. And indeed, I leave
14 you with the fact that water is
15 life. Water is sacred. And we
16 will be praying that your moral
17 heart and courage is pricked to
18 stand for the true justice that
19 some folks say this country was
20 created to be.

21 So we call for the human
22 rights of those left behind,
23 but in addition to that, those
24 standing in privileged stations
25 right now holding it down for

1 their properties. Enough is
2 enough. No more will my people
3 bear the burden of
4 discrimination and harm. Right
5 on.

6 HEARING OFFICER:

7 Naomi Laver, please come
8 forward. And then Alyssa
9 Bradley. And then Emily Worth.
10 Okay. Ms. Laver, please.

11 MS. LAVER:

12 Hi. My name is Naomi
13 Laver. And I'm a high school
14 junior at Germantown Friends
15 School.

16 Many passionate speakers
17 we've heard today have offered
18 undeniable evidence that
19 fracking is extremely dangerous
20 for our already deteriorating
21 environment and should not be
22 permitted anywhere.

23 Fracking and the
24 processes involved with
25 fracking in the Delaware River

1 Basin pollute our drinking
2 water putting all humans and
3 animals who depend on that
4 water at risk.

5 We need to be doing
6 everything we can to preserve
7 our water, not putting frack
8 waste into it.

9 Therefore, I believe
10 that the Delaware River Basin
11 Commission should instate a
12 full and permanent ban on
13 fracking including banning
14 fracking wastewater disposal
15 and water withdrawals.

16 To me it's simple.
17 Clean and safe water is an
18 absolute necessity and a human
19 right. Anything less than a
20 complete ban on all aspects of
21 the fracking industry that put
22 our water at risk of serious
23 contamination is completely
24 unacceptable.

25 As a member of the

1 rising generation, I am calling
2 on the DRBC to ban fracking and
3 all fracking-related activities
4 now for the safety of my
5 generation and future
6 generations to come. Thank
7 you.

8 HEARING OFFICER:

9 Alyssa Bradley. And
10 then Emily Worth. And then
11 Thomas McCaney. And this is
12 Ms. Bradley.

13 MS. BRADLEY:

14 Hi. My name is Alyssa
15 Bradley. I'm the energy
16 organizer for Clean Water
17 Action. We have over 150,000
18 members within the state of New
19 Jersey, but we are a national
20 organization that has
21 consistently and loudly opposed
22 fracking from day one.

23 Everyone here has said
24 basically all there is to say,
25 but since this is only one of

1 two very inconvenient ways of
2 submitting public comment,
3 you're just going to have to
4 sit through my redundancy. I'm
5 sorry.

6 I would really love to
7 say thank you for proposing a
8 ban on high volume hydraulic
9 fracking in the Delaware River
10 Basin. But you know what? I
11 am not going to. Because the
12 rest of the proposed rules
13 renders that ban useless. You
14 know, let's lay this out. If
15 we're proposing --- if the DRBC
16 is proposing a ban on fracking
17 because of the damage it can do
18 to the basin, but still
19 allowing the dangerous
20 byproduct wastewater to be
21 treated and disposed of in that
22 same Basin, that's a
23 distinction without a
24 difference.

25 We need the Commission

1 to do its job and protect the
2 Delaware River on which 17
3 million people rely on for
4 their drinking water. Governor
5 Cuomo, Governor Murphy ---
6 really happy to have your
7 governor working, by the way.

8 Governor Wolf and
9 Governor Carney, if you allow
10 wastewater discharges and water
11 withdrawals in the Delaware
12 River Basin, you are ignoring
13 the science. You are ignoring
14 the dangers. You're knowingly
15 doing irreparable harm to the
16 Basin that it is your job to
17 protect and to the people who
18 you swore to serve.

19 It is past time. Ban
20 fracking and completely ban all
21 fracking-related activities in
22 the Delaware River Basin. Not
23 tomorrow, not next year, now.
24 Thank you.

25 HEARING OFFICER:

1 Thank you, ma'am. Emily
2 Worth will be next. And then
3 Thomas McCaney. And then
4 Jonathan Lutz.

5 MS. WORTH:

6 Hi. My name is Emily
7 Worth. I'm the national
8 organizing codirector for food
9 and water watch. And I'm
10 speaking here today with the
11 tens of thousands of members
12 that we have in New York, New
13 Jersey, Pennsylvania, and
14 Delaware.

15 We're here today. We've
16 been involved in this fight for
17 protecting the Delaware River
18 Basin. And I remember actually
19 standing in Trenton when the
20 Commission made the wise
21 decision not to allow fracking
22 or any of its associated
23 activities in the Delaware
24 River Basin.

25 And since that time,

1 what we've seen is states like
2 New York and Maryland ban
3 fracking. But also hundreds of
4 studies that demonstrate the
5 harm that has been really
6 ultimately described here
7 today.

8 So we're here today with
9 a simple message for the
10 Commission and for Governor
11 Cuomo, Governor Murphy, and
12 Governor Carney and Governor
13 Wolf, that we need to protect
14 the Delaware River watershed
15 and the drinking water source
16 of 17 million people by banning
17 fracking, but also fracking
18 waste and the water withdrawals
19 from fracking in other places.
20 This is really the only way
21 that we can prevent the harms
22 for this river basin.

23 And I would like to take
24 just a minute to focus on the
25 risks allowed by fracking

1 wastewater processing through
2 these draft regulations. As
3 you have heard from many of the
4 other speakers, there are
5 countless studies that now show
6 that there's no safe or
7 effective way to treat and
8 discharge the highly toxic
9 materials found in the fracking
10 wastewater.

11 Studies have found more
12 than 750 different chemicals
13 are used by the industry, many
14 of which are not regulated,
15 many of which don't even have
16 proper safety assessments. But
17 we do know that those include
18 known carcinogens and
19 chemicals, and many others that
20 cause harm to human health and
21 the environment. The waste
22 also includes naturally
23 occurring radioactive
24 materials.

25 And in fact, as others

1 have mentioned, a study
2 released just in the past week
3 --- that's how much research
4 has come out on this issue. It
5 was conducted by researchers at
6 Duke University. And they
7 found that levels of radium,
8 again, a known carcinogen, in
9 the river sediment in the
10 Allegheny River in Western
11 Pennsylvania are about 650
12 times higher below water
13 treatment plants than at their
14 same heights upstream.

15 And some of this came
16 from treating actually
17 conventional oil and gas waste,
18 but as the leading researcher
19 said in the newspaper, quote,
20 the clear message of the study
21 is that any brine containing
22 radioactivity should not be
23 discharged into the
24 environment.

25 So the question we have

1 here today is why would the
2 DRBC now move to allow the
3 processing of fracking waste in
4 the Delaware watershed? It
5 just makes no sense.

6 And so we are here today
7 to call on Governor Wolf,
8 Governor Cuomo, Governor
9 Murphy, and Governor Carney to
10 protect your residents'
11 drinking water by banning
12 fracking and all associated
13 activities.

14 We will not settle for
15 this compromise you put
16 forward. We will only accept a
17 full ban on fracking. Thank
18 you.

19 HEARING OFFICER:

20 Okay. Steve Bacher was
21 not in the room when I called
22 his name. But if he's here,
23 come forward.

24 MR. BACHER:

25 Thank you very much for

1 the opportunity to speak. My
2 name is Steve Bacher. I'm a
3 cofounder of 350.org Bucks
4 County and Bucks Environmental
5 Action. I live in Lower
6 Mayfield in the 8th
7 Congressional District of
8 Pennsylvania where I am a
9 candidate to run for Congress,
10 as a matter of fact.

11 And I just would like to
12 share with you that, as I'm
13 sure many speakers have said
14 already, we would like a
15 complete ban on all aspects of
16 fracking, not just the
17 drilling. We can't be taking
18 water out of the Delaware
19 that's going to hurt the
20 ecosystem.

21 It's going to impact our
22 drinking water. We can't be
23 dumping poisons into the river
24 basin, which will eventually
25 get into all of our drinking

1 water. In fact, the whole
2 ecosystem, as well as our
3 people's drinking water. The
4 only way to keep our drinking
5 water safe for these 17 million
6 people who depend on the river
7 is to keep all aspects of
8 fracking out of the Delaware
9 River Basin. Thank you.

10 HEARING OFFICER:

11 Thank you, sir. Thomas
12 McCaney. I might be
13 mispronouncing your last name.
14 But it looks like it's
15 M-C-C-A-N-E-Y. Okay. No
16 response on that. Mr. Rapp
17 will be next. And then after
18 Mr. Rapp is Edward Leydon. And
19 then Bill Cozzens. Okay. When
20 you're ready, Mr. Rapp.

21 MR. RAPP:

22 I'm Mr. Rapp, an
23 impacted property owner in
24 Pennsylvania. A resident of
25 Jackson, New Jersey. And

1 firstly, I would like to call
2 on my new governor to uphold
3 the Compact with the Delaware
4 River Basin Commission and
5 disallow the dumping, and
6 storage, and water withdrawals
7 proposed.

8 So good afternoon. I
9 stand before the Delaware River
10 Basin to demand that they not
11 amend the comprehensive
12 management plan. So not to
13 adopt proposed 18 CFR part 440
14 and 4011.35. Proposed, the
15 introduction of frack waste
16 into the basin is a violation
17 of the Congressional Compact
18 with the American people. The
19 Commission must enforce the
20 comprehensive management plan
21 and defend against the
22 industrialization of this
23 precious American commodity.

24 Do not be influenced by
25 the industry's claims of

1 multi-billion dollar inflow
2 into Pennsylvania. And the
3 fact that they have claimed not
4 to have led to widespread
5 negative impact.

6 All you need to is go to
7 at the places where they are
8 fracking currently and you will
9 see plenty of negative impact.

10 With almost 10,000
11 public complaints filed with
12 the Pennsylvania Department of
13 Environmental Conservation, it
14 has been a life-altering public
15 health hazard in Pennsylvania.
16 685 peer-review studies
17 conclude that there is evidence
18 of negative impacts on water,
19 air, and human health with over
20 300 documented cases of private
21 well water contaminations
22 caused by the oil and gas
23 operations in Pennsylvania
24 alone.

25 The well pad ban is much

1 appreciated and widely
2 supported, but to allow the
3 frack waste to be emptied into
4 the watershed is a violation of
5 the comprehensive management
6 plan. Nor was the frack waste
7 considered when the draft
8 environmental impact statement
9 prepared in 1986 by the
10 national park service.

11 The DRBC considered ---
12 the citizens advisory council
13 and many of the public and
14 private interests. It wasn't
15 considered because it didn't
16 exist. Fracking didn't exist.

17 I also have here the
18 environmental impact statement.
19 I was wondering whether the
20 industry has one of those that
21 we can get a newer copy of now
22 that we know how fracking
23 influences our environment.

24 So I call on the
25 governors not to break with

1 their clear mission of
2 conservation for recreation,
3 and the preservation of the
4 historical significance of the
5 Delaware and its role that it
6 played in the founding of our
7 great nation.

8 This will be the
9 greatest miscarriage of justice
10 that ever has been inflicted on
11 the American people. Thank you
12 very much.

13 HEARING OFFICER:

14 Edward Leydon will be
15 next. And then Bill Cozzens.
16 And then Victoria Strange.
17 Okay. Sir, when you're ready
18 please.

19 MR. LEYDON:

20 Your Honor, thank you
21 very much for the opportunity
22 to speak. I'm speaking as an
23 individual and as a resident of
24 Solebury Township, Bucks
25 County, Pennsylvania. It's

1 about an hour north of here
2 where my family and I have a
3 small farm. And just to bring
4 this down to my individual
5 level, our farm has a lot of
6 water on it. We have a spring.
7 We have two streams that flow
8 through our farm. We have a
9 pond. And we also have
10 groundwater that's very close
11 to the surface. We have a very
12 shallow well where we have
13 gotten our water for 40 years.

14 According to the oil and
15 gas industry, I should be able
16 to sell the rights to fracking
17 on the land that I own because
18 we're on a shale formation.
19 And there might be oil and gas
20 there, but as we all know,
21 there's a ban on fracking in
22 the Delaware Basin. And that
23 has been decided that that's
24 really not a good idea.

25 But looking at these

1 regulations, the proposed rule
2 that has been issued, there are
3 two exception here that say
4 that I can ask, I as an
5 individual property owner, can
6 ask for review and approval by
7 the DRBC for their
8 interpretation and discretion
9 for approval to sell the water
10 from my farm, the surface water
11 or the groundwater, to people
12 who want to take it out of this
13 area for fracking either
14 Marcellus shale or somewhere
15 else.

16 Now, I can ask for that
17 and so can anyone else in my
18 position who has the land, and
19 who has the water to sell.

20 Secondly, I can ask for
21 the review and approval, and
22 their interpretation and
23 discretion for approval of the
24 transport, treatment, storage,
25 and disposal of wastewater from

1 fracking. I look here on the
2 summary and it's called
3 produced water, which I think
4 is someone put a euphemism in
5 there for hazardous and
6 contaminated wastewater.

7 So maybe I can even get
8 that water back and set up a
9 wastewater treatment facility
10 on my property. I have enough
11 acreage. I can do that. I can
12 treat it. I can store it. I
13 can transport it all here in
14 Solebury Township, Bucks
15 County, Pennsylvania where
16 fracking is not permitted. As
17 everyone before me has
18 indicated, that is a
19 contradiction.

20 So I say that if you
21 leave the doors open with these
22 proposed rules and regulations,
23 it is going to happen. People
24 like me and other landowners
25 are going to apply for and

1 argue that they have a right to
2 sell water, to dispose of
3 water, to try and treat the
4 water, although I don't believe
5 it can be treated. And as
6 somebody quoted Ben Franklin
7 about the value of water, when
8 you don't have it, when you
9 don't have good drinking water,
10 you realize the value of water.

11 HEARING OFFICER:

12 Thank you, sir.

13 MR. LEYDON:

14 Thank you.

15 HEARING OFFICER:

16 Bill Cozzens will be
17 next. And then Victoria
18 Strange, and Carol
19 Weston-Young. Sir, when you're
20 ready.

21 MR. COZZENS:

22 Good afternoon. My name
23 is Bill Cozzens. I'm a
24 resident of Philadelphia and a
25 member of Germantown Friends

1 Meeting in the Germantown
2 section of Philadelphia. The
3 meeting approved a minute after
4 meeting for business back in
5 the late part of 2017.

6 As such, the statement
7 that I'm going to read
8 represents the feelings of more
9 than 200 members of our Quaker
10 meeting.

11 Germantown monthly
12 meeting at the Religious
13 Society of Friends, Quakers,
14 urges the Delaware River Basin
15 Commission to ban the
16 extraction of gas via hydraulic
17 fracturing, and related water
18 extraction and disposal
19 activities in the Delaware
20 River watershed.

21 Moreover, Germantown
22 Meeting urges Pennsylvania
23 Governor Wolf to instruct his
24 representative on the
25 Commission to vote in favor of

1 permanently banning fracking
2 and fracking-related activities
3 in the watershed.

4 Fracking in the Delaware
5 River Basin would represent a
6 significant threat to the
7 purity and safety of the water
8 supply to millions of residents
9 in Eastern Pennsylvania, New
10 Jersey, New York, and Delaware.

11 Also, the primary
12 product of fracking natural gas
13 or methane is a significant
14 contributor to climate change
15 either at the well or as it's
16 piped to market. Moreover,
17 natural gas when burned, also
18 contributes to asthma,
19 emphysema, and other damaging
20 respiratory illnesses having an
21 especially significant impact
22 on children and the elderly.
23 Opening the Delaware River
24 Basin to fracking would
25 exacerbate these problems.

1 Viable alternatives to
2 burning fossil fuels, for
3 example, solar and wind power,
4 particularly of electricity,
5 are far preferable because they
6 are much less detrimental to
7 the environment. And would
8 create job growth in our
9 region.

10 Friends, Quakers believe
11 that we are called by God to
12 protect the health and
13 wellbeing. We are also called
14 on to protect the environment
15 both now and for future
16 generations. Expansion of
17 fracking directly contradicts
18 these elements. Thank you.

19 HEARING OFFICER:

20 Thank you, sir.

21 Victoria Strange will be next.
22 And then Carol Weston-Young.
23 And then Emily Davis. Ma'am,
24 when you're ready. Thank you.

25 MS. STRANGE:

1 Okay. Thank you for
2 this opportunity to speak. I
3 just wanted to add a short
4 comment as a wildlife ecologist
5 and a lifelong Pennsylvania
6 resident who recognizes the
7 importance of the Delaware
8 River watershed system as a
9 unique fresh water tidal
10 system. It's unparalleled
11 across this country and a vital
12 resource for the wildlife
13 communities that use this
14 region as a year-round, and a
15 stopover habitat.

16 We have already
17 designated the Delaware River
18 to an extreme degree, to the
19 point where many sections are
20 completely unrecognizable from
21 what they were before human
22 settlement. We must consider
23 the evidence that we've
24 gathered as to the adverse
25 affects of hydraulic

1 fracturing.

2 Many compounds of which
3 are extracted from shale
4 formations, as well as those
5 that are injected during the
6 fracking process which have the
7 potential to negatively impact
8 the Delaware watershed if
9 Pennsylvania chooses to be
10 involved in the transport and
11 treatment of these hazardous
12 compounds.

13 We do not need to
14 increase more pressure on our
15 biological diversity and
16 ecological functioning of this
17 region. And there is too much
18 risk of contamination and
19 detriment from the disposal
20 process.

21 Not only are these
22 persistent environmental
23 concerns important, but there
24 is evidence that the flow-back
25 water contains compounds which

1 have negative impacts on humans
2 such as neurotoxins and
3 carcinogens, as we've heard
4 from many of the other
5 speakers.

6 Residents have the right
7 to protect their drinking water
8 from being compromised by the
9 transport and treatment of
10 fracturing wastes. And I
11 support a complete ban of
12 hydraulic fracturing and
13 related activities in the
14 Delaware River Basin. And I
15 urge the Commission to do the
16 same. Thank you.

17 HEARING OFFICER:

18 Thank you. Ms. Carol
19 Weston-Young will be next. And
20 then Emelie Davis. And then
21 Daniel Markind. Is Carol
22 Weston-Young present? I will
23 call her name again. And then
24 Emelie Davis would be next.
25 You're Ms. Davis? Start by

1 saying your name.

2 MS. DAVIS:

3 I am Emilie Davis.

4 HEARING OFFICER:

5 Thank you.

6 MS. DAVIS:

7 I'm a resident of
8 Philadelphia and a member of
9 the Sierra Club. The
10 extraction of hydrocarbon gas,
11 more commonly called natural
12 gas through hydraulic
13 fracturing is a dangerous
14 process and all parts of the
15 process should be banned.

16 I'm going to speak to
17 one particular issue that
18 withdraws water from the
19 Delaware watershed.

20 First, water is a
21 substance without which humans
22 cannot live. The fuel,
23 hydrocarbon gas, is mostly
24 methane, which has a global
25 warming potential of about 32.

1 Hydrocarbon gas is not
2 necessary for our lives. Our
3 species can live without this
4 gas, as we have for thousands
5 of years.

6 Many human have died
7 from lack of water or from
8 contaminated water. Not one
9 has died from lack of
10 hydrocarbon gas.

11 There is a finite amount
12 of water on our planet, the same
13 now as when dinosaurs roamed
14 the natural world. Water is
15 truly a recycled substance.
16 The dinosaurs drank the same
17 water that we're drinking.

18 But when water is used
19 for fracking, some of it is
20 thrown away forever. And that
21 which comes back is polluted
22 with so many chemicals that not
23 even the corporations that put
24 those chemicals in can get them
25 out.

1 Finally, in
2 Pennsylvania, there has been a
3 long history of fossil fuel
4 extractions. And those who
5 have profited from it have not
6 shown to be good corporate
7 citizens.

8 In the United States,
9 there are 1,303 supervised
10 sites. The states with the
11 most supervised sites are New
12 Jersey, California, and
13 Pennsylvania. Together, New
14 Jersey and Pennsylvania have
15 about 16 percent of our
16 supervised sites. Most of
17 these sites were initially
18 created because a corporate
19 citizen disposed of its waste
20 improperly.

21 The corporations that
22 are currently extracting
23 natural gas are demonstrating
24 that they want to follow this
25 tradition of making the rest of

1 us to pay for their fracked
2 fuel with our dollars. And
3 more importantly our health.

4 Why should we give any
5 corporation our water when
6 corporate track records show
7 that they did not take care of
8 the water they've already
9 taken? Thank you.

10 HEARING OFFICER:

11 Thank you. Daniel
12 Markind will be next. And then
13 Adrienne Taffoni-Margado. And
14 then after that, Henry Frank.
15 Okay. Sir, please.

16 MR. MARKIND:

17 My name is Daniel
18 Markind. I'm an attorney here
19 in Philadelphia. I work in the
20 energy industry. And I've
21 really looked at it. I have
22 never however taken a dime from
23 the energy company. And I have
24 no loyalty to any of them. I
25 do, however, very much support

1 the process of hydraulic
2 fracking.

3 I'm sure it will
4 surprise many of you that I
5 agree a lot with what many of
6 you have been saying. I
7 believe there is a unique
8 obligation to protect the
9 Delaware River watershed,
10 therefore, I am sympathetic to
11 many of the statements
12 regarding the need for
13 regulations, the need for
14 setback, etcetera in the
15 Delaware River Watershed.

16 However, I think a
17 complete ban is extremely over
18 broad. And I believe it's an
19 improper use of weapon. And it
20 is improper, they may find in
21 your favor today, you may not
22 like tomorrow.

23 I fear the energy
24 industry will travel. I
25 believe in the affected

1 regulation. But I fear the
2 government also. If you take a
3 look at the greatest
4 environmental disasters in the
5 human history, they've been
6 caused by the federal
7 government. The ROC in what
8 used to be the Soviet Union,
9 the air in Beijing.

10 If you look at our
11 country, take a look at the
12 Animus River in Colorado or
13 what's happening right now with
14 regard to the Oroville Dam,
15 O-R-O-V-I-L-L-E, north of
16 Sacramento. Almost the
17 greatest environmental and
18 potentially human disaster in
19 our country's history came very
20 close to happening last
21 February over a government
22 built, owned and operated
23 project, entirely by the
24 government.

25 If the DRBC is so

1 concerned about the possible
2 leakage of banned substances
3 into the river, what's the
4 response of the chemical plants
5 right along the river? Do you
6 just want to Google it? Just
7 go to chemical plants near the
8 Delaware River.

9 There's been a lot of
10 religious imagery that's been
11 given today. Well, let me give
12 you some of mine. Human beings
13 are imperfect. Therefore,
14 everything done by human beings
15 will be imperfect.

16 It will always be easy
17 to be against things because
18 there will always a negative
19 downside. As a human being,
20 you will accomplish nothing,
21 but you'll always be ready.

22 You're going to tell me
23 what you're against. I didn't
24 hear what you're for. If you
25 oppose the hydraulic

1 fracturing, fine. Tell me how
2 you intend to power the economy
3 and don't give me this
4 generalization with renewable
5 energy.

6 How are we going to
7 transmit it? How are you going
8 to generate it? How are you
9 going to store it? It's called
10 renewable for a reason. It's
11 not necessarily environmentally
12 viable.

13 And if you look at all
14 the way through, it may be even
15 worse than hydraulic
16 fracturing. Thank you.

17 HEARING OFFICER:

18 Thank you so much.

19 AUDIENCE MEMBER:

20 The solution's fragile.

21 HEARING OFFICER:

22 Sir, please, you're out
23 of line. Okay. Next will be
24 Adrienne Taffoni-Margado. I'm
25 sure I mispronounced it.

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MS. TAFFONI-MARGADO:

No. You did get it.

HEARING OFFICER:

Oh, okay. Okay. Henry Frank will be after that. And then Peter Hughes. Okay. Name, please?

MS. TAFFONI-MARGADO:

Adrienne Margado. Wrightstown, Pennsylvania. Bucks County. I love synchronicity. Yesterday is local little Newtown patch had a --- they shared the environmental working group's paper on potentially unsafe levels of radium in Pennsylvania drinking water. And then two days before that, Duke University came out with the study of radioactivity from oil and gas wastewater persists in Pennsylvania streams' sediments.

So, you know, there's a

1 lot of that I know comes
2 naturally. But when you start
3 drilling it, and raking it up,
4 it just lifts it to higher
5 levels. And it becomes unsafe
6 for everyone.

7 But I just want to share
8 a few fun facts with everybody
9 today. Okay? So water is the
10 oil of the 21st Century.
11 That's Andrew Weber, CEO of Dow
12 Chemical Company.

13 Multibillionaires and
14 elites are rapidly racing to
15 control the world's water
16 supplies. Morgan-Sachs, JP
17 Morgan Chase, CitiGroup, and
18 other financial institutions
19 are making huge investments in
20 water infrastructure.

21 This I got this morning.
22 The Bush family has purchased
23 100,000 acres which sits on top
24 of an enormous freshwater
25 aquifer. And this aquifer is

1 larger than Texas and
2 California combined. I thought
3 well, why? Why would they want
4 to do that?

5 Credits you see
6 estimates that two-thirds of
7 the world's population is
8 likely to live under water
9 stress conditions by 2025.

10 California and the
11 western U.S., as well as Brazil
12 and other parts of South
13 America are experiencing
14 historic drought conditions.

15 Meanwhile, many states
16 in the U.S. have now made it
17 illegal to collect rainwater.

18 Companies like Nestle
19 who believe water is not a
20 basic human right are foraging
21 available freshwater resources
22 at unprecedented rates and was
23 caught recently stealing 6
24 million gallons of water per
25 year from national forestlands.

1 The bottled water industry is
2 making 22 billion a year
3 bottling municipal water.

4 Water utilities are
5 increasingly becoming privately
6 owned. For a typical
7 household, privately owned
8 water service costs 1,500
9 percent more than public water
10 service.

11 Because corporations are
12 driven by profits and not the
13 public good, criminalization
14 will likely result in lower
15 environmental standards.

16 Government cannot be
17 trusted when it receives
18 evidence by the police in the
19 Flint, Michigan scandal in
20 which officials approved
21 land-contaminated water for
22 over 100,000 residents.

23 So these statements all
24 lead me to believe and feel
25 that our water supplies are in

1 great jeopardy. So why would
2 we consider allowing elicit
3 contamination to occur in a
4 scenic water basin that
5 supplies water to four states
6 and 17,000 (sic) people?

7 Let's be part of the
8 solution and not part of the
9 problem. The real war will be
10 fought not for oil, but for
11 water. Thank you.

12 HEARING OFFICER:

13 Real quickly. Somebody,
14 when you came through security,
15 dropped their key fob. So I
16 wanted to make sure you got
17 home.

18 Henry Frank. And then
19 after him it will be Peter
20 Hughes. And then David
21 Moscatello

22 MR. FRANK:

23 Henry Frank. Your
24 Honor, welcome to Philadelphia.

25 HEARING OFFICER:

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Thank you, sir.

MR. FRANK:

I'm a member of the
Keystone Trade Association, the
Sierra Club, and many others.
But my remarks are my own
responsibility. I'm like the
fellow who got married for the
third time who said he's hoping
for a good experience.

The history of the
Commonwealth of Pennsylvania
going back to the 1700s is a
cooperation among the
industries, the government, and
the government agencies which
benefited a few people who made
a lot of money. Some people
who made a little bit of money,
such as jobs. Temporary in
many cases. And the rest of
us, as the military says, is
collateral damage. That's from
the 1700s.

It started with the

1 timber industry, clear cut the
2 state, and it's taken us 100
3 years to approximate what was
4 there before.

5 The coal industry up in
6 Hazleton, you can see the slag
7 heaps. And now, the fracking
8 industry. They'll take
9 whatever money the can get out
10 of us and they'll leave. And
11 we'll be left with the
12 clean-up.

13 I'm only asking the
14 Delaware River Basin Commission
15 to please defy history and be
16 responsible and not allow
17 fracking and anything related
18 to fracking in the Delaware
19 River Basin.

20 Now, I would like to
21 leave you with an old curse.
22 Used to be the curse was may
23 you swallow on umbrella. And
24 when it reaches your belly,
25 make it open.

1 I revise that curse.
2 May you have a fracking
3 structure on your head. May it
4 be drilled down through your
5 head, your neck, your torso,
6 and your belly. And when it
7 gets into your belly, may it be
8 filled with secret ingredients
9 until you explode. And so when
10 I say to the industry frack
11 you, that's what I mean.

12 HEARING OFFICER:

13 Is Carol Weston-Young
14 here? No? Okay. And then
15 Thomas McCaney? All right.
16 Next will be Peter Hughes. And
17 after Peter Hughes is David
18 Moscatello. And then Mike
19 Doyle.

20 Mr. Hughes, when you're
21 ready, please.

22 MR. HUGHES:

23 I'm Peter Hughes. I'm
24 with the Valley Forge chapter
25 of Trout Unlimited. And most

1 of the things I was going to
2 say have already been covered,
3 including from the previous
4 guy. Thank you.

5 The extraction industry
6 has a horrible track record
7 across the country, but
8 particularly in Pennsylvania.
9 And whether it was coal, or
10 timber, or the oil in
11 Pennsylvania, they absolutely
12 left a horrible state of the
13 environment in the wake for the
14 taxpayer and volunteer groups
15 to clean up after. That's one
16 issue.

17 The other issue is it's
18 never a good idea
19 scientifically to move water
20 from one watershed to another.
21 It's an awful thing to do.
22 Scientifically, you can't
23 justify it, particularly when
24 that water coming back in is
25 filled with contaminants. And

1 we have nowhere really to store
2 it.

3 There is a settling pond
4 in the Upper Midwest. Recently
5 during a cold snap, a lot of
6 the water and other things were
7 frozen, except for this. And
8 snow geese landed on this
9 settling pond and all died as a
10 result of that.

11 We really have no way to
12 deal with the contaminants
13 coming out of that.

14 Now, the other point I'd
15 like to make is to address the
16 lawyer who came and said his
17 piece. And I think he left.
18 No, there he is. Right here.
19 He didn't mention the Exxon
20 Valdez spill, the oil industry
21 spill. And he didn't mention
22 the recent, more recent problem
23 we have in the Gulf of Mexico.

24 They were not government
25 issues. They were an oil

1 industry issue. And you can't
2 trust the gentleman from the
3 oil industry to look after and
4 police themselves. Thanks.

5 HEARING OFFICER:

6 David Moscatello will be
7 next. And then Mike Doyle.
8 And then Bruce Birchard.

9 Mr. Moscatello, please?

10 MR. MOSCATELLO:

11 David Moscatello. I'm a
12 Philadelphia resident and a
13 member of the Southeastern
14 Pennsylvania Group of the
15 Sierra Club. And I'm speaking
16 as a private citizen.

17 I would like to thank
18 the Commission for the
19 opportunity to testify today on
20 behalf of the Delaware River
21 and the millions of Americans
22 who depend upon it.

23 I've loved the Delaware
24 River since I was a boy growing
25 up in New Jersey, especially

1 when I first canoed on the
2 Upper Delaware in New York
3 State. I remember scooping up
4 a cup of water while floating
5 down the river and drinking it
6 directly from the river. As a
7 microbiologist, I wouldn't try
8 that today because I know about
9 giardiasis, beaver fever.

10 I still enjoy the river
11 to this day. From paddling the
12 reservoirs, to fishing in the
13 Catskills, to tubing the river
14 in the Bucks County, to
15 exploring the wetlands along
16 the Delaware Bay.

17 As beautiful as it is
18 still, it's a shadow of its
19 former productivity. A mere
20 century ago we were a 1,000
21 pound sturgeon. We're nearly
22 extinct now.

23 I applaud the
24 Commission's decision to ban
25 fracking in the Delaware River

1 Basin. I must protest any
2 water withdrawals for hydraulic
3 fracturing, and especially any
4 disposal of fracking waste or
5 produced water in the basin.

6 The extensive fracking
7 taking place throughout much of
8 Pennsylvania, particularly in
9 nearby areas, is already
10 fragmenting forests, reducing
11 stream flows, and impinging
12 water quality, and polluting
13 groundwater as shown by proven
14 well contamination.

15 The only sensible reason
16 for us to withdraw water from
17 the Delaware and its
18 tributaries is for drinking and
19 bathing.

20 Even if hydraulic
21 fracturing was not exempted by
22 the Safe Drinking Water Act and
23 the Clean Water Act, the belief
24 that the Safe Drinking Water
25 Act, the EPA, or the

1 Pennsylvania DEP are fully
2 protecting us from contaminated
3 water is dangerously naive.

4 The absence of
5 regulations covering some of
6 the components in fracking
7 waste fluids cannot be taken as
8 evidence as there's no risk.
9 But is rather due to the power
10 of the industry over our
11 legislature and Congress that
12 has prevented the EPA from
13 actually analyzing and
14 regulating the vast majority of
15 chemicals in use.

16 Only 30 new chemicals
17 can be monitored by the EPA
18 every five years. And since
19 there are over 80,000 chemicals
20 in use, that means that at this
21 rate, the vast majority will
22 never be studied.

23 Well, okay. We'll only
24 take 16,000 years to study them
25 all. Assuming no new ones are

1 created.

2 So it's simply ---
3 excuse me. Treatment plants
4 can't handle the wastewater.
5 So it's simply not enough to
6 discourage water withdrawals,
7 and the disposal of fracking
8 waste to the Delaware Basin.
9 Both must be unambiguously
10 prohibited. The resource is
11 too vital to risk. Thank you.

12 HEARING OFFICER:

13 Thank you. Mike Doyle,
14 please. And then Bruce
15 Birchard. And then Andrea
16 Strout.

17 MR. DOYLE:

18 Thank you very much. My
19 name is Mike Doyle. And I come
20 here as candidate for the
21 legislative district, the 170th
22 legislative district.

23 I knew I had to come
24 today to express my concern
25 that the Delaware River Basin

1 Commission was possibly going
2 to allow one thing while not
3 allowing the other.

4 And first, let me
5 backtrack and say that we are
6 here in regards to protecting
7 Mother Earth. It is sacred.
8 And water is life, as a speaker
9 said earlier.

10 It is important that we
11 are stewards here and we
12 maintain that stewardship.
13 There are people that have laid
14 their lives on the line.

15 Native Americans that
16 laid their lives on the line to
17 fight for this most sacred
18 source of life. And we sit
19 here today from our privilege
20 discussing whether it is good
21 to allow waste or just ban
22 fracking completely.

23 When people that are
24 from the land are willing to
25 lay their lives down for that

1 protection, we have to look and
2 see what we are doing as a
3 society. Right now, Mother
4 Earth is laying sick and dying
5 in her bed. And what we choose
6 to do is instead of giving her
7 medicine, we choose to inject
8 her with poison.

9 If your own mother was
10 there, I ask the Commission,
11 the Delaware River Basin
12 Commission, if your mother was
13 sitting sick in a bed, would
14 you inject her with poison? Or
15 would you give her medicine
16 that would allow her to live.

17 It is important that we
18 maintain this. And that we
19 allow the people to speak
20 because if we continue to let
21 corporations dictate how we
22 live on this planet, this
23 planet will soon die.

24 I come here as someone
25 who has witnessed this

1 firsthand. And to the River
2 Basin Commission, and to you,
3 Your Honor, and to everybody
4 here that allows us to speak
5 today, many thanks. We thank
6 the Creator.

7 And I'm very concerned
8 that Oomcheemaka is not given
9 her respect. I'm sad to say
10 that we put corporate interest
11 in front of human interest.
12 And it must end. We must go
13 back and understand what is
14 sacred in life. We must
15 protect what is sacred. We
16 must all. Thank you very much.

17 HEARING OFFICER:

18 Bruce Birchard, please.
19 And then Andrea Strout. And
20 then Marta Guttenberg.

21 MR. BIRCHARD:

22 Well, good afternoon.
23 My name is Bruce Birchard. I
24 live in Delaware County. I've
25 lived there since --- my life

1 has been wrapped around the
2 Delaware River. I was born in
3 Easton Hospital in 1945. And I
4 have lived my entire life, with
5 the exception of a couple years
6 in Chicago, within a few miles
7 of the river.

8 In the mid-1950s, I went
9 to Boy Scout camp. I learned
10 to canoe. In those days,
11 late-1950s, you might see a few
12 dozen canoes on the river. It
13 wasn't --- you know, there
14 weren't many people doing that.

15 I bought my first canoe
16 when I was 15 years old for \$50
17 and fixed it up. And I've been
18 doing it ever since. I don't
19 think there has been a summer
20 in my life since the late 1950s
21 when I wasn't in the river, on
22 the river, and then camping
23 beside the river.

24 Now, though, there are
25 thousands and thousands and

1 thousands. I mean, there are
2 hundred of thousands of people
3 who enjoy the Delaware River,
4 which include the Upper
5 Delaware and down past the
6 water gap.

7 So I mean, there are
8 canoe liveries that rent out
9 hundreds and hundreds, a couple
10 of thousand, or 1000 or more
11 canoes to people who come to
12 enjoy the river. And that is
13 not counting the people with
14 kayaks and also all those
15 people tubing. And all the
16 people who come just to swim in
17 the river or camp beside the
18 river, or hike, or bike beside
19 the river. So there is an
20 economic interest in
21 maintaining the Delaware River
22 Basin.

23 But it's not just
24 economic. I have taken Sunday
25 school kids. I have taken

1 young adults. I've taken many
2 people out for weekend trips
3 paddling and camping on the
4 river.

5 I remember one Sunday
6 school class where we were
7 paddling from Dingmans Ferry
8 down to Walpack Bend where we
9 were going camping. And all
10 the kids wanted to go in the
11 river.

12 And then one girl who
13 was really very overweight said
14 I want to swim across the river
15 to Pennsylvania and back again.
16 And she assured me she was a
17 good swimmer.

18 So I got in the canoe.
19 And all the adults watched the
20 other kids. And I accompanied
21 her across the river and back.
22 She was so proud.

23 The next morning we woke
24 up in fog over the river. And
25 the sun burned through. And it

1 was like heaven. Let's not
2 sacrifice this.

3 HEARING OFFICER:

4 Andrea Strout, please.
5 Ms. Strout is coming forward.
6 And then Marta Guttenberg, and
7 Carol Ward.

8 MS. STROUT:

9 Thank you. My name is
10 Andrea Strout. I live in
11 Buckingham Township. I am here
12 as a private citizen. I
13 apologize for not having any
14 prepared remarks. I didn't
15 know I wanted to speak actually
16 until I got here today. And
17 then I really felt I wanted to
18 very strongly. But I'll be
19 very brief.

20 I just want to thank all
21 the people who did come
22 prepared with facts and
23 figures, and wonderful stories
24 like the one we just heard.
25 Thank you for you eloquence and

1 passion. I share it.

2 I would like to add my
3 voice to those who are calling
4 for a complete and total ban on
5 fracking and fracking-related
6 activities in our wonderful
7 precious basin.

8 And to also mention that
9 I speak for so many friends and
10 neighbors who couldn't make the
11 long slide out to the airport
12 today. Thank you.

13 HEARING OFFICER:

14 Thank you. Marta
15 Guttenberg. Marta Guttenberg
16 is not here. All right. Carol
17 Ward?

18 MS. WARD:

19 Yes.

20 HEARING OFFICER:

21 And then after Ms. Ward
22 will be Carl Balis and Claudia
23 Crane. Okay. You're second,
24 sir. Thank you. Okay. This
25 is Carol Ward?

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MS. WARD:

It is.

HEARING OFFICER:

Okay. Thank you, ma'am.

MS. WARD:

My name is Carol Ward.

And I'm a member of the food and water watch. I've been involved with the fracking issue for several years. And what I'm going to say is my own view. I don't speak for food and water watch. I speak for myself.

Fracking is not really a benign process. My two major concerns with it are health and environmental considerations. These considerations are urgent as so many people have said in this room.

Once a stream, aquifer, or a river is polluted by fracked wastewater or chemicals used in fracking, they are

1 never the same.

2 Companies who do the
3 fracking use some or all of
4 3,062 known chemicals. And
5 I'll just repeat a few of them
6 benzene, boron, diesel fuel,
7 chloralamide, ethylene glycal,
8 hydrochloric acid, sodium
9 hydroxide.

10 I felt so bad for
11 Dimock, upstate Pennsylvania,
12 and some of the people whose
13 farm animals died immediately
14 upon drinking one part of a
15 fracked water pool.

16 And I felt bad for the
17 people that got continuous
18 seizures from --- they didn't
19 even know that the water they
20 were drinking up there was
21 fracked and contaminated.

22 Fracking fluid that is
23 pumped out of the ground
24 contains radioactive minerals
25 that can kill animal and plant

1 life. Negative effects after
2 ingesting or touching fracking
3 fluid can do damage to skin,
4 eyes, sensitive organs,
5 respiratory systems,
6 gastrointestinal system, liver,
7 brain and cardiovascular.

8 I'm concerned about the
9 reproductive aspect. Babies
10 borne to women who live within
11 ten miles of natural gas wells
12 can be born with congenital
13 heart defects, as well as
14 possibly defects to the brain
15 and spinal cord defects.

16 For these reasons and
17 because concrete wells in
18 fracking can crack, and pipes
19 burst, and their contamination
20 of wells, methane can cause
21 explosions. And for all these
22 reasons, I favor a complete ban
23 on the fracking of the Delaware
24 River Basin. And this must be
25 permanent. Because the

1 population is just too high
2 along the banks of the Delaware
3 River to lose this precious
4 resource.

5 Our health depends on
6 keeping the river safe. Thank
7 you for hearing my remarks.
8 And thank you for making
9 available a chance to speak.

10 HEARING OFFICER:

11 Thank you, ma'am. Carl
12 Balis. And then Claudia Crane.
13 And followed by Sandra Folzer.

14 MR. BALIS:

15 My name is Carl Balis.
16 And I live in Glenolden,
17 Pennsylvania, which is only a
18 couple miles from here. I
19 don't have really too much to
20 say here because everything
21 that needs to be said has been
22 said by about 50 or 60 people
23 before me.

24 I just basically want to
25 stand as one more person who

1 lives in this area who endorses
2 everything they have said.
3 Just to be one more voice.

4 To me, the main thing
5 that went through my mind as I
6 listened to all of them was
7 common sense. That after a
8 point, you didn't need any
9 scientific studies or any great
10 knowledge, or deep thought.
11 You just know that when you're
12 putting tons and tons and tons
13 of chemicals into the
14 environment can only have one
15 effect. And that is not good.

16 You know, it has to be a
17 negative effect. You know, you
18 don't have to be an --- as I
19 was thinking to myself, if you
20 have the common sense of a tree
21 trunk, you can figure this out.
22 Because it is obvious. It's
23 one of those self-evident
24 facts. Sort of like in the
25 Declaration of Independence

1 when they wrote we hold these
2 truths to be self-evident.
3 Well, it's almost the same kind
4 of thing. It is self-evident.

5 And the other thing that
6 went through my mind. It
7 wasn't talked about too much
8 today. But it was briefly
9 mentioned. And I read about it
10 before. Is that if this whole
11 process is so safe as the
12 fracking industry will tell
13 you, then why is it when you
14 ask them what chemicals are you
15 using, their response is we're
16 not going to tell you? Doesn't
17 that tell you something right
18 there? Do you need to know any
19 more than that when someone
20 responds to you in that manner?

21 Okay. It's safe. But
22 we won't tell you what
23 chemicals we use. And they
24 even have a law passed saying
25 that they cannot be compelled

1 to tell you.

2 So again, using that old
3 tree stump, with the analytical
4 reasoning powers of a tree
5 stump, you sort of know
6 something's not right here.
7 You don't even need to go any
8 further. It's almost like you
9 can say to them I think we're
10 done here. It's over. Because
11 if it's so safe, then they
12 would tell you the chemicals
13 that are used.

14 Again, it's just one of
15 those self-evident things. You
16 know someone is not telling you
17 the truth. They're lying to
18 you.

19 So for all of those
20 reasons, I, again, second,
21 third, fourth, and fifth all of
22 the things that have been said
23 here.

24 I hope that the Delaware
25 River Basin Commission will

1 reject any kind of fracking or
2 fracking-related activities.
3 Thanks.

4 HEARING OFFICER:

5 Claudia Crane. And then
6 after Ms. Crane will be Sandra
7 Folzer and Sarah Caspar.

8 MS. CRANE:

9 Good afternoon. My name
10 is Claudia Crane. I'm an
11 registered nurse retired.

12 First of all, I want to
13 thank all of people who have
14 spoken before me and will speak
15 after, a few more, I guess,
16 calling for a complete ban.

17 And I especially want to
18 thank the young people who came
19 out, the high schoolers, and
20 the people of color who came
21 out today to speak. In today's
22 case, women.

23 Very often, it's only
24 white people of a certain age
25 and income who can afford the

1 time and energy to come to
2 hearings like this, which makes
3 me ponder what I and others can
4 do to enable people of color
5 who share my concerns for the
6 planet to participate.

7 I think it's terrific
8 that the new proposed rules
9 prohibit fracking in the
10 Delaware River Basin. It's not
11 so wonderful that providing
12 means to allow the Commission
13 to export its waters. Surface
14 or other waters, including
15 wastewater for the purpose of
16 fracking elsewhere. And they
17 also provide means to allow the
18 community to accept fracked
19 wastewater from outside the
20 Delaware Basin.

21 The Commission has
22 nicely laid out many good
23 reasons why fracking is not
24 healthy for children. So why
25 would the Commission even think

1 about facilitating other
2 jurisdictions to frack? Even
3 if fracking was somehow benign
4 in other regions, as the
5 Delaware River Basin where
6 uniquely and singularly
7 vulnerable, giving away our
8 water to be permanently sullied
9 elsewhere, or accepting sullied
10 water into our own environment,
11 is just plain wrong.

12 Wrong, because there is
13 no way to clean it up. This is
14 not organic sewage that can be
15 mixed and slurried and
16 composted. We all know that.

17 I cannot support
18 anything that encourages or
19 enables the expansion of the
20 use of natural gas because it
21 is another climate changing
22 fossil fuel.

23 I look forward to the
24 day that the Delaware River
25 Basin Commission can turn its

1 attention away from anything
2 about fracking and turn and
3 direct its attention to
4 promoting actions that enhance
5 and preserve our Delaware River
6 Basin, providing the finest
7 example of promoting the health
8 of our planet from our corner
9 of the world.

10 There was --- I want to
11 add there was a speaker, I
12 think her name was Joan Farb.
13 She said the industry is
14 seeking to allow using more
15 water per gas well, she said.
16 I can't help but wonder if this
17 is not a simple attempt by
18 industry to dilute the harmful
19 substances, so that the so
20 called slick water and the
21 wastewater produced --- so as
22 to render them less detectable.
23 Pollution is not the solution
24 for pollution. Thank you very
25 much.

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HEARING OFFICER:

Sandra Folzer, and then Sarah Caspar. And then Megan Desmedt.

MS. FOLZER:

Hello. I'm here as a private citizen for the most part because I drink water. I think there are probably a few other people who drink water as well from the Delaware River.

Also, I have a farm in Tioga County, which is next to Bradford County. And I've visited farms where the cows have stillborn calves because of the pollution nearby. I have seen the dirty water. I do worry about my well as well.

And given that there has been so much said that's been said about why we cannot clean the wastewater, that's a given. I think people have given enough facts. I don't have to

1 go about that.

2 But I want to say that I
3 believe that we cannot trust
4 the fossil fuel industry to
5 regulate itself or have our
6 best interests. All you have
7 to do is read the newspaper.
8 Every week, at least once a
9 week, you hear about a spill.
10 You hear about an explosion.
11 You hear about something. If
12 you're looking and if you read
13 the small print different
14 places. Even in Pennsylvania,
15 we had more than 4,000
16 violations. We've had many
17 violations.

18 And if the industry is
19 so caring about the private
20 citizen, then why do they have
21 gag rules? Why do they, when
22 they try to help somebody --- I
23 know even in Pennsylvania,
24 we've had people who have had
25 their wells ruined. And

1 they're dependent upon the
2 companies. They can't afford
3 to bring in clean water for
4 themselves, these water
5 buffalos. So in order to get
6 money from the industry, they
7 have to take a payment and they
8 have to file --- they have to
9 promise that they will not
10 speak about all the injuries
11 that they have suffered.

12 If this is so common,
13 then why is it so safe? I
14 think that it's a given that we
15 need to take a look at that.

16 And finally, what I
17 wanted to end with is why would
18 we want to allow wastewater to
19 be put in our drinking water?
20 Why? What would be the benefit
21 given we know that it can't be
22 cleaned. It's radioactive.
23 There is not one good reason I
24 can think of for allowing
25 wastewater into our water

1 system. Thank you.

2 HEARING OFFICER:

3 Thank you, ma'am. Sarah
4 Casper, and then Megan DeSmedt,
5 and Alex Cupo.

6 MS. CASPAR:

7 My name is Sarah Caspar.
8 And I thank you. And I thank
9 everybody who has hung in here
10 and for what you all said. I
11 am only going to confirm that
12 what you have said is true.

13 I worked for EPA for 16
14 years in this region. I saw
15 everything that has been talked
16 about. We cannot allow it
17 because it doesn't work. We
18 cannot allow self-regulation
19 because it's too big a
20 temptation for people to abuse
21 that privilege.

22 So that's why agencies
23 like EPA, DEP, et cetera have
24 been created. So regulations
25 are meant to protect us and to

1 protect those who are need the
2 regulation from doing the wrong
3 thing.

4 It would be wrong to
5 permit, have the wastes from
6 fracking to go into the
7 Delaware River. They are
8 wastes that are untreatable.
9 Because they are untreatable,
10 it has been the tendency for
11 these fracking companies to
12 dispose of them in streams and
13 rivers, thereby polluting our
14 streams and rivers, from which
15 our wildlife survives, from
16 which we fish, et cetera.

17 So this is my one
18 recommendation. Please don't
19 permit that. It's an
20 invitation for all kinds of
21 hell to happen. Thank you.

22 HEARING OFFICER:

23 Megan DeSmedt.

24 MS. DESMEDT:

25 Good afternoon. And

1 thank you for the time to speak
2 here today. My name is Megan
3 DeSmedt. And I'm the clean
4 water director with Environment
5 America. We are a citizen
6 based environmental advocacy
7 group with presence in states
8 across the country.

9 And I'm here today in
10 particular to represent our 1.5
11 million members, supporters,
12 and activists across the
13 country including almost
14 300,000 here in the Delaware
15 River Basin.

16 And also organizations
17 --- our state organizations,
18 Penn Environment, Environment
19 New Jersey, and Environment New
20 York. And I'm also here as a
21 resident.

22 I live with my family in
23 South Philly just a couple
24 miles away.

25 So today I'm here to

1 deliver a message from our
2 supporters and from myself. We
3 applaud your proposal to ban
4 fracking of the Delaware River
5 Basin and protect drinking
6 water for over 15 million
7 people, as well as the habitat
8 for countless wildlife.

9 And the special places
10 that we like to go hiking,
11 fishing, swimming, and boating,
12 I can't wait for warmer weather
13 and get out with my family. So
14 we can get out and enjoy some
15 of the precious life, the
16 wildlife refuge, River Creek,
17 the places that people all
18 across the watershed love to
19 enjoy.

20 And I'm very pleased to
21 see that the DRBC and the
22 governors of some of the basin
23 states moved to ban fracking,
24 recognizing that the public is
25 demanding protection for our

1 health, our environment, and
2 the drinking water for over 15
3 million people.

4 Here in Pennsylvania,
5 we've had 65 drilling companies
6 that have committed more than
7 6,200 violations of
8 Pennsylvania's environmental
9 laws. And there's a growing
10 mountain of evidence that's in
11 reference today, that shows
12 that fracking threatens our
13 air, our water, our land, and
14 our health. And considering
15 the gas industry's track record
16 of pollution in Pennsylvania,
17 to ban is absolutely the right
18 move.

19 While we support the
20 DRBC's move to prohibit
21 fracking across the watershed,
22 we also call on the DRBC to
23 strengthen the proposal to
24 ensure that our watershed is
25 protected from the dangers

1 inherent in all the activities
2 related to fracking.

3 So the disposal,
4 storage, treatment, or
5 discharge of fracking
6 wastewater as well as water
7 withdrawn from the basin for
8 fracking or really any purpose.
9 If water is being taken out of
10 the basin, it doesn't really
11 matter what they're going to do
12 in terms of impacts that are
13 seen.

14 These activities pose a
15 very serious threat to water
16 quality and the health of the
17 basin and must not be allowed.
18 And we are looking forward to
19 working with you to strengthen
20 the proposal as the process
21 moves ahead.

22 Since efforts to allow
23 fracking in the Delaware River
24 watershed were first broached
25 nearly ten years ago, our

1 organizations have played a key
2 role in highlighting both the
3 risks of fracking, and the
4 public support contributions
5 from its residents to protect
6 the basin from this harmful
7 activities.

8 And given the harm
9 caused by fracking and the risk
10 it poses for our environment
11 and health, it's not surprising
12 that tens of thousands of
13 people have wastewater
14 opposition discussions in the
15 past. And we want to see that
16 continue, vigorous public
17 engagement moving forward. So
18 thank you.

19 HEARING OFFICER:

20 Okay. Thank you. Alex
21 Cupo. Alex Cupo? Okay. Thank
22 you. Okay. So would you start
23 by saying your name, please?

24 MR. CUPO:

25 Alexander Cupo.

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HEARING OFFICER:

Thank you. Okay.

MR. CUPO:

Which you have correct.

HEARING OFFICER:

Okay. Good. Thank you.

MR. CUPO:

Thank you very much. So my name is Alexander Cupo. And I am the Southeast PR coordinator for Penn Future.

Penn Future is a Pennsylvania statewide organization dedicated to protecting our environment and 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 comments that we will be submitting through our organizations.

My colleague commented earlier this week about Penn

1 Future support on the DRBC's
2 proposed ban on fracking
3 operations in the basin, which
4 is absolutely necessary to
5 protect the Delaware River's
6 unique water resources,
7 recreational and industrial
8 tidings, and the drinking water
9 of over 15 million people.

10 However, the DRBC must
11 also ban the use of Delaware
12 River water for fracking
13 outside the basin. A single
14 fracked well uses 5 to 10
15 million gallons of water with
16 10 to 20 million gallons
17 requiring more the norm.

18 The amount of water from
19 the basin --- removing the
20 amount of water from the basin
21 upsets the balance of water
22 available for the protected
23 uses and other uses in the
24 basin.

25 But the DRBC are already

1 struggling to maintain
2 sufficient levels in ---. It
3 is incomprehensible that they
4 would allow such an export to
5 occur in the first place.

6 The DRBC must also ban
7 the transport, storage,
8 treatment, or disposal of
9 fracking wastewater within the
10 Delaware River watershed. The
11 potential risk to water quality
12 of the Delaware River from
13 these activities is too great.
14 And the threat to the drinking
15 water of Philadelphia and so
16 many other residents, including
17 myself, is too real.

18 To allow this within the
19 basin would be absurd. And to
20 say that it is also absurd that
21 the DRBC would ban fracking,
22 but allow for the treatment and
23 disposal of the extremely toxic
24 fracking wastewater to occur in
25 the first place.

1 Because there is no way
2 to regulate water transfers or
3 the treatment of fracking
4 wastewater within the Delaware
5 River Basin, while sufficiently
6 protecting the Delaware River's
7 resources, the DRBC must not
8 allow these activities to take
9 place. Thank you.

10 HEARING OFFICER:

11 Thank you. The last two
12 people, each one has two
13 minutes because we are almost
14 at 4:30. And these people have
15 spoken previously. Sharon
16 Furlong. Is she here?

17 MS. FURLONG:

18 Yes.

19 HEARING OFFICER:

20 Okay. Well,
21 unfortunately, you're only
22 getting two minutes, ma'am.

23 MS. FURLONG:

24 Sharon Furlong with
25 Environmental Action, Sierra

1 Club. We seem to take water
2 for granted here in the wet
3 Northeast of the country. But
4 I've walked where there is no
5 water. Places where water can
6 kill you if there is a sudden
7 storm. Where suddenly, it
8 disappears into the ground,
9 only to reappear a short
10 distance away.

11 Where water looks
12 pristine, but it is dangerous
13 to drink because it has been
14 fouled. And weird, strange,
15 unnatural colors because of
16 acid leeching coming from
17 long-abandoned mines where
18 companies were allowed to just
19 walk away from their
20 responsibilities. And our
21 government let them. Just let
22 them walk. Water is magical
23 because water is life.

24 You, the DRBC, are
25 protectors of water. And in

1 doing so, you are protectors of
2 lands, and plants, and
3 everything around it.

4 Therefore, how can there
5 even be a hint of a proposal to
6 abandon your significant role
7 of protector, and open up this
8 intricate system that so mimics
9 the arteries, veins, and
10 capillaries of our own bodies,
11 to the possibility of being the
12 catch-all of polluting
13 contaminating frack water.

14 How can this Commission
15 even consider allowing such a
16 toxic brew to come close when
17 most of the components of this
18 ugly water are unknown? We
19 don't even know their names.

20 And why are you willing
21 to take this risk? You and
22 only you stand between an
23 industry devoted to profits,
24 and shareholder happiness. And
25 all of us. Companies come and

1 go, but water remains. And so
2 does our need of it because
3 without it, we all die.

4 So will you be true to
5 your heritage and be the first
6 of Commissions of this nature,
7 and stand against a Goliath and
8 what it wants? Because what it
9 wants is to do what it pleases
10 with our water, our lands, and
11 our lives. Who do you stand
12 for? Who do you stand with?
13 What do you want your legacy to
14 be?

15 HEARING OFFICER:

16 Wesley Coolingham.

17 MR. COOLINGHAM:

18 Thank you for this
19 second opportunity to speak. I
20 want to address, as I did at
21 the other hearing, we were told
22 there was a special interest to
23 protest this. And someone from
24 the industry again today said I
25 want to know what you're for.

1 We are for clean water.
2 We are for healthy communities.
3 We are for building a just
4 transition away from fossil
5 fuels and toxic legacies. A
6 legacy that has pushed on our
7 communities. I am going to
8 read from the new regulations.
9 Controlling future pollution by
10 prohibiting such activity in
11 the basin is required to
12 effectuate the comprehensive
13 plan, avoid injury to the
14 waters of the Basin.

15 That's a really
16 important line in these
17 regulations. That's referring
18 to the ban on hydraulic
19 fracking in the region. Thank
20 you. Thank you, Delaware River
21 Basin Commission for doing the
22 right thing, making that good
23 decision on time.

24 Later in the
25 regulations, though, talking

1 about it's the policy of the
2 Commission that there's no
3 measurable change in the
4 existing water quality.
5 Effluents shall not create a
6 menace to the public health or
7 safety.

8 Those are all good
9 regulations. It's just an
10 editing thing. People read
11 this and see discouraged, and
12 not know what that means. It's
13 much easier if you put the word
14 prohibit. Not here, not ever.
15 Thank you.

16 HEARING OFFICER:

17 Ladies and gentlemen,
18 you were terrific. I mean, as
19 following the rules, thank you
20 very much.

21 Remember if you are
22 parked in the hotel parking
23 lot, the hotel will be opening
24 the locks, the locks exit B to
25 allow for free parking. The

1 gates will be open for only
2 about 20 minutes, though,
3 ladies and gentlemen.

4 So thanks for
5 everything, ladies and
6 gentlemen. And all the best to
7 you.

8 * * * * *

9 WHEREUPON, HEARING WAS CONCLUDED AT

10 4:30 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.



Kimberly Chatburn,
Court Reporter