COMMONWEALTH OF PENNSYLVANIA
DELAWARE RIVER BASIN COMMISSION
* * * * * * * *
IN RE: DRBC DRAFT HYDRAULIC FRACTURING
REGULATIONS

PUBLIC HEARING 2
* * * * * * * *

BEFORE: WILLIAM FORD, Hearing Officer

HEARING: Tuesday, January 23, 2017
6:00 p.m.

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

WITNESSES: Johnathan Fritz, Jane Varcoe, Jodi Keggan, Christine Suroweic, Robert Rutledge, Sandra Davis, John Hann, Stephanie Meadows, Bernie Handler, Ron Stamets, Dick Martin, Jane Bollinger, Robert Shane, Jeff Skeiding, Landi Schaffer, Kathryn Rowedder, Francine Harvey, Frank Millen, John Rojapi, Judy Ahrens, Jan
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HEARING OFFICER:

Good evening, everybody.

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

Just to be clear, I am not a member of the Delaware River Basin Commission staff. I have no affiliation with it, I'm not a member of any environmental group, nor do I own land where there are natural gas rock shale foundations --- or formations, excuse me.

As of two years ago, I retired as a Pennsylvania trial Judge, and I now mediate and arbitrate cases. I live near the Philadelphia area. The DRBC has engaged me to conduct these hearings on its behalf to provide opportunities for oral comment.
on the Commission's draft rules. Today can be an outstanding opportunity for you to get your view before and considered by the DRBC. And at the very end of my comments, I'll make that my last point in pointing out to you how it really can be an opportunity.

For me, this is my introduction to many of these issues, other than reading things in the newspapers. And this afternoon's meeting was a real education for me. I thought the people that spoke were very articulate, they stuck to the rules, and I think a lot of good things came out of the hearing that we just had.

And you know, we expect that on behalf of you here, too. So we're looking forward to this.

First, a few reminders about building safety. In the unlikely event that we would to evacuate this space, please make a
note of the emergency exits and plan
in advance the exit that you would
use.

Next, please keep all
aisles and exits clear throughout the
hearing.

Before we start, on
behalf of the DRBC, I would like to
thank our hosts from the Salvation
Army and the Ladore Camp for their
support of these hearings. And also
thank you to the Pennsylvania State
Police and to the Wayne County
Sheriffs, and any other law
enforcement that's here tonight for
the security and your presence here
tonight.

I ask that everybody
please rise if you can and we'll
pledge allegiance to the flag.

---

(WHEREUPON, PLEDGE OF ALLEGIENCE WAS
RECITED.)

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HEARING OFFICER:
Thank you. On part of what I'm about to do --- my comments will only take about five minutes. But, part of what I will do, I'm actually going to read verbatim so I do not foul up the regulations that are at issue here tonight.

The draft rules that are the subject of this hearing were proposed by the Delaware River Basin Commission to amend the Commission's administrative manual and special regulations regarding hydraulic fracturing activities and to provide for additional clarifying amendments to the Commission's rules of practice and procedure.

A notice of proposed rulemaking along with the text of the draft rules and supporting documents were posted on the Commission's website on November 30th, 2017 and have been published in the federal register and Basin state registers.

Information about the
draft rules and the public process has and will remain available on the website throughout the process. I've checked the website. It was very helpful for me trying to get familiar with your various issues.

As set forth in a notice of proposed rulemaking by a resolution for the minutes on September 13th of last year, the DRBC Commissioners directed the Executive Director to prepare and publish for public comment a revised set of draft regulations to include, first, prohibitions relating to the production of natural gas utilizing horizontal drilling and hydraulic fracturing within the basin.

Second, provisions for ensuring the safe and protective storage, treatment, disposal, and/or discharge of wastewater within the basin associated with horizontal drilling and hydraulic fracturing for the production of natural gas where permitted.
And third, regulation of the interbasin transfer of water and wastewater for the purposes of natural gas development where permitted.

If adopted, the draft rules would add to the Commission's regulations a section on hydraulic fracturing in shale and other rock formations. This section would, first, prohibit high-volume hydraulic fracturing in such formations within the Delaware River Basin.

Second, require review under the Delaware River Basin Compact of any project that involves, first, the exportation from the basin of surface water, groundwater, treated wastewater, or mined drainage water at any rate or volume for use in hydraulic fracturing of hydrocarbon --- hydrocarbon-bearing rock formations outside the basin.

Or second, the importation into the basin and treatment and discharge within the
basin of wastewater from hydraulically fractured oil and gas wells.

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

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

Minor amendments to the project review classifications unrelated to hydraulic fracturing are also proposed. Okay.

Ladies and gentlemen, as you may know, this is one of six public hearings. It's actually the second one on this matter.

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

Written comments will receive the same consideration as oral comments. Written comments can be submitted online using a link that can be found on the DRBC Website. Now, if you do not have access to a computer or to the internet or have trouble using it and you would like to submit written comments, you may request an extension by writing to the DRBC at --- and I'll say the address twice.

It should be to the attention of the Commission's Secretary, DRBC, P.O. Box 7360, West Trenton, New Jersey 08628. That's Attention Commission Secretary, DRBC, P.O. Box 7360 West Trenton, New Jersey 08628.

Today's proceedings are being videotaped. The video is actually over there. So if when you come up, if you have an exhibit that
you'd like the Commissioners to consider, you should actually turn it toward the camera and that worked very well this afternoon. This is also being recorded by a registered Court Reporter. What she is recording will be transcribed into a written transcript.

Both of these, the video and the written transcript, will become part of the decision-making record for the proposed rules. The electronic recordings are being made to enable the DRBC Commissioners to see and hear your comments, even though they cannot attend all six hearings.

And second, to allow the DRBC staff, in consultation with the Commissioners, to prepare a detailed comment and response document that addresses the issues and concerns that you raise.

Now, here's the procedure that will follow tonight:
First of all, we thank everybody that has registered in advance --- and actually some people have --- I'm sorry. Thanks for registering in advance, either to attend or to attend and speak. Your doing so has helped the staff to prepare for these proceedings. Some of you have registered to speak in advance. Some have registered tonight, and that's great. So thanks for doing that.

The order in which I will call speakers will be as follows. First, those who have registered in advance to speak tonight and who have not already spoken at another hearing. Second, those who registered to speak when they arrived tonight and who have not already spoken or registered in advance for another hearing. And then finally, anyone in the audience who wishes to speak or not.

The way we're going to do this because of the attendance
tonight, perhaps anybody that wants to speak will probably have the chance
tonight.

All right?
So we'll try to give everybody a chance.
When I call names from the registered lists, I will call three names so that those on --- those that are coming up to speak know that they're about to speak. And you're welcome to stay anywhere you are.
If you're way in the back, if you want to move up, you're welcome to do that. For each speaker --- and this includes public officials --- we will have a three-minute time limit per speaker. And we did very well with people cutting their comments to making it three minutes. So we ask that you honor that tonight.
However, in order to accommodate as many people who wish to speak as possible, I may revise the time limit once we have heard from our
registered speakers. And that probably will only be at the end of the night. If you exceed the permitted time, you will hear a buzzer and I will ask you to stop speaking. If you continue, you are likely taking time, you would be taking time, from other people. What I observed this afternoon was --- at some point there was talking that was not intended to interrupt people, but it distracted the speaker. You could see that.

And when people would clap they had to be quiet and it took away from the time that’s allotted to them, both clapping and --- clapping and any verbal things. So please have courtesy. Respect the person speaking, and don't say anything. You're welcome to clap if you agree when the person is finished. But please keep it to that. Okay.

Let's see here. It's
actually a matter of courtesy and manners for the person that's speaking.

All right?

While the subject matter of this hearing is something that many people are passionate about, the purpose of the hearing is not for public demonstrations, as we've just indicated.

The audience is asked to remain quiet with each --- when each commentator or commenter speaks so that the Court Reporter and recording devices can produce an accurate record.

Speakers are asked when they come up to state their name, and if you wish to state any affiliation you have or your status. Like, if you're a property owner or if you're a member of an environmental group, you're welcome to say that, but at least say your name.

Please offer your
comments in a respectful manner, and
be respectful of the other speakers
and attendees.

If, as part of your
comments you ask a question, do not
expect a response during this hearing.
Questions and comments will be
addressed as part of the comment and
response document that will be
prepared by the Commission after the
comment period has closed. So if you
ask a question, you can tell I'm not
in a position to answer you.

Okay?

You have to follow the
process to get questions answered, and
that would not be tonight. Tonight is
your night to give us your comments.

This hearing will end at
the scheduled time of 9:30 or before.
When I say before, that
means if everybody gets to say their
piece, then we will end it early then.

Okay.

What's next after
tonight's hearing? After all public input is received, the DRBC staff and Commissioners will develop a comment and response document that addresses each of the commenter's concerns.

The Commissioners will consider changes to the proposed rules in response to the comments received and will hold a vote to either approve the rules as proposed, approve the rules with changes, or reject the proposed rules.

The decision makers on this and all rulemakings by the Commission are the Commissioners themselves who may act through their appointed alternates.

The Commissioners are the governors of the four basic states, Delaware, New Jersey, New York, and Pennsylvania, and on behalf of the federal government, the division commander of the north Atlantic division of the US Army Corps of Engineers.
And my final comment before we turn to you is this. First of all, think of the make-up of the Commission. We actually have new Governors on the Commission or we just had elections. So this really --- as I see it, I think this is a real opportunity for you. So that's the first thing I would say.

The second thing is with these records that we are making here and the summaries as topics are raised, perhaps things that haven't been heard before.

But as all of these things are raised and presented to these Commissioners with a video record, a written record, and then the words that you say here tonight, I just think it's a real opportunity for you.

So with courtesy, we can get these substantive comments out, and I just --- I believe that these really will be considered by the
Commissioners.

With all of that, I thank you for your patience through that and now I'm going to go through the list of registered speakers. All right?
The first three people would be --- despite what just happened there I misplaced things here. The first three speakers will be the Honorable Jonathan Fritz, and then Jane Varcoe, and then Kathleen Nolan. Okay. Representative Fritz, please?

MR. FRITZ:
Thank you, Your Honor.
Good evening. Again, I'm Jonathan Fritz, State Representative for the 111th District comprising Susquehanna and Wayne Counties.

With that mentioned, one of my counties is in the Susquehanna River Basin and one is in the Delaware River Basin, and what a contrast that is.
When I tested --- when I testified in front of the DRBC seven plus years ago, I mentioned that I came from a family of water mill drillers.

Our purpose was to drill below the earth's surface to access an essential to life natural resource, that being water. I view natural gas the very same way, an essential to life natural resource, one that is long harvest --- one that has been long harvested in Pennsylvania with 10,000-plus wells outside of the Delaware River Basin.

You see, Wayne County had been stuck at a red light during that seven plus year stretch of time. When you've heard DEP or the DRBC, we were respectfully told and repeatedly told there is forward progress, but the parties aren't there yet.

We were led to believe that eventually the natural gas development that was benefiting
landowners, businesses and consumers everywhere else in the state, would be realized here. But here's what has happened in those seven plus years since:

Estofield pulled out of Wayne County, the force majeure. Million of dollars that had been banked on simply evaporated. Firms have gone out of business, drastically changing our landscape. Wayne County now has less than 60 dairy farms. Wayne County's population has declined. Wayne County receives approximately $100,000 per year in Act 13 monies. That's versus $8 million in Susquehanna County.

Folks, $8 million in a rural county, that translates into real tax relief. That relates to real and drastic improvement of services and programs and infrastructure upgrades.

As well, we've held a hearing right here in this very place
where the resounding message was support of natural gas development.

As well, the Susquehanna River Basin has now had ten years to be able to look back and study and analyze the drilling activity in the Susquehanna River Basin. And here's the findings. No discernable impacts on groundwater in the Susquehanna River Basin.

And lastly, but not least, the Pennsylvania House of Representatives soundly passed house resolution 515, a resolution urging the DRBC to cease for de-escalation of a permanent ban.

I want to make it abundantly clear that Wayne County landowners feel deceived and misled. The DRBC has essentially robbed them --- robbed them of their property rights. And in my opinion, the DRBC is an example of an agency gone rogue.

Let me drive it home with this. The DRBC has caused real
harm and undue distress, and I urge the DRBC to amend the plans to install any kind of permeant ban on natural gas development in Wayne County. Thank you.

HEARING OFFICER:
This is Jane Varcoe. Am I correct?

MS. VARCOE:
Yes.

HEARING OFFICER:
Okay.
Just one moment, ma'am.
So the next three will be Jane Varcoe, Kathleen Nolan, and Susan Meacham. All right. If you would, please, ma'am.

MS. VARCOE:
Welcome to Waymart, Wayne County. My name is Jane Varcoe. I'm a retired school librarian and a municipal police officer. And I'm Vice President of the Waymart Borough Council, 46 years serving the people
of Waymart. I'm proud to say I'm a fourth generation Wayne County resident.

My great-grandfather emigrated from Cornwall, England in 1865 to preach from the good book arriving as a minister around this county and crossing the Delaware. What has passed through the generations is we are one of this land and its bounty provided to us through His word and hard work.

Wayne County citizens love this impossibly sometimes unforgiving rocky land. Daily we read about the Marcellus shale and 11,000 gas wells today in Pennsylvania. We ask when will Wayne County be part of this immense find? The largest producer of gas in the Commonwealth is our western border, Susquehanna County, only a half hour drive from where you're sitting today.

What's the difference between Wayne and Susquehanna County?
Only one geological fact. The watershed is a --- their watershed is the Susquehanna River and ours the Delaware River. For over 200 years, we who live here in Wayne County have protected our land and water.

Thanks, but no thanks to all those who feel they must tell us how to protect our environment. We emphatically state we are acutely aware of how to continue our status as a source of high quality water. We have in place the Wayne County Conservation District and the Pennsylvania Department of Environmental Resources.

If really concerned about water, why doesn’t the Delaware River Basin Commission address the pollutants leaching into the Delaware from Berryville, New York? Or why doesn’t the Delaware River Basin Commission address the antiquated water delivery system from the reservoirs in upper Delaware to New
York City that lose 50 percent or more of the water coming up the Delaware River Watershed.

Or is it hands off because it's New York State? Every day our Pennsylvania Governor and Legislators drink, wash and cook with the water of the Susquehanna River Basin with none of the dire results that were forecasted by some self-proclaimed groups.

Why does the DRBC think there would be potential pollution in the Delaware River Basin if they drill for gas using the same regulations? Forbidding drilling for gas in a very small part of Pennsylvania reeks of discrimination politics.

Wayne County needs decent well-paying jobs. We citizens of the upper Delaware want to be treated equally as guaranteed in the US Constitution for property rights.

And this is taxation without representation, thank you.
HEARING OFFICER:

Thank you ma'am.

Kathleen Nolan, she was at the other hearing, is not present tonight. And then the next three would be Susan Meacham, Jodi Keggan, and Christina Surowiec. Is Susan Meacham with us? Jodi Keggan?

MS. KEGGAN:

Yes.

HEARING OFFICER:

If you would please, ma'am, thank you. And to the staff, I kind of fouled up your list, but I will call every name in sequence so I think we will be fine. All right.

And this is Ms. Keggan?

MS. KEGGAN:

Yeah, Jodi Keggan.

HEARING OFFICER:

Okay.

Thank you.

MS. KEGGAN:

I live in New Jersey.

HEARING OFFICER:
And could you speak louder?

MS. KEGGAN:

Oh, sure.

I don't have any affiliation. I'm just a citizen here that wants to express my dismay in allowing the fracking of the Delaware River Basin. I've been around the river for a long time since I've lived in the same spot in New Jersey. I remember Merrill Creek Reservoir was developed for the Delaware.

I don't remember Tocks Island. I went to high school out of the Peak West where --- where the Delaware and Peak West meet. So it's been a part of my life. I was baptized at Smithfield Beach. So I feel an affinity with the river and I feel an affinity with the water.

Currently, I'm kind of --- the gas stations that's going to be ---. In looking around, I thought it's not going to be against gas
stations. I just don’t want them to contaminate the water. And so I started looking around, and I saw all kinds of instances of water contamination. The local school, industrial capitals, and the heating oil dripping into it.

And even my hospital supplied by a private well had contaminations in it. So I just want to --- and also the gas stations in the town I grew up in, both contamination sites now. So I’m very afraid --- I have a great fear of contamination of water and the fracking kind of fits right into that.

I feel that the contaminants from how it’s used and where the contaminants can go in the water and out of the water ---. So as a --- I kind of feel that fracking is a little bit like the nuclear energy industry. It just has this waste capacity that has not --- has not fully been addressed. We don’t know
what we're going to do with this wastewater. I don't want that wastewater coming into our watershed and contaminating it.

On a --- and I've looked on --- I don't just look at old things. I mean, we have recent contaminants like Fukushima. You know, it's not just Chernobyl. It was Fukushima just recently where we had the danger of, you know, nuclear power plants and those contaminations is going to last for years.

So as a citizen, I feel like I'm watching the smaller water issues around, but I would ask the Commission that they look at the larger issues. You know, they can look at the entire watershed basin. I can just look at local little water sources. But I'd like the Commission to consider protecting and helping me as a citizen from of the ravages of fracking. Thank you.

HEARING OFFICER:
Thank you, ma'am. The next three people, assuming they're here, Christina Surowiec would be next, then Robert Rutledge, and then Kate Bowers. Is Christina Surowiec here, please?


MS. SUROWIEC:

Hi. I'm Chris Surowiec, I'm a freelance consultant. I don't live here, but I do live in your watershed and I want to take kind of a wider view as opposed to specific technical issues. I lived out west and I came across a place called the John bay fossil beds.

And they have a find there, a perfect tracing in rock of part of an avocado tree. It's 50 million years old. The place is like Central America then, and then it was under the sea, and now it's desert. But life persists and we still have those avocados. They're a popular food and a renewable natural resource.
And supposedly dinosaurs were the dominant animal on earth for 100 million to 150 million years. By contrast, human life creatures have been around maybe a million years at most, and civilization as we know it 10,000 years or less. Civilization should be a course of advancing knowledge and wisdom and freedom and happiness. But I see the human project floundering. And right now I feel like without a drastic course of correction, our species is in line to be 150 million times less successful than the dinosaurs. And I ascribe a lot of the problem to an ethic of domination, both domination of humans over other humans, and humans over nature, over creation, if you will, even though it's nature or creation that fosters us and sustains us. And I associate this ethic of domination with both
authoritarianism and extractive industry.

There's overwhelming scientific consensus that there should be no new fossil fuel development. And I call on the DRBC --- I insist that it disallow not just fracking itself, but all frack-related infrastructure and activities. If it does this, you can say in practical terms, agency resources would be freed up for more positive uses.

Protecting the watershed is what is vital. And any accommodation of an extractive and polluting and water squandering late-stage fossil fuel industry would be an unconscionable impairment.

Thank you.

HEARING OFFICER:
Thank you, ma'am.

Robert Rutledge, please.

And as he moves forward, the next three would be Robert Rutledge, Kate Bowers and Ken Collins. I'm sorry,
it's Kate Sykes Bowers and Ken Collins. All right.
And this is Robert Rutledge?

MR. RUTLEDGE:
Yes, sir.

HEARING OFFICER:
Yes, sir.

MR. RUTLEDGE:
I'm Robert Rutledge. I am a lifetime resident of Wayne County and my family has been on the same land for nearly 200 years now.

Why is Wayne County being denied our right to develop our natural resources? You, the DRBC, would have us believe you protected our river basin from the devastation that should result from natural gas development. Actually, I believe it's much simpler than that. The reason here is money and politics.

Money for you, the DRBC and wealthy so-called environmental group such as the William Penn
Foundation who oppose natural gas development. And on the political side, votes for our Governor from the misinformed folks down the river who have been led to believe that natural gas development upriver would surely destroy their drinking water supply.

If this were not the case, how can you possibly explain the fact that natural gas development has been occurring in the SRB for a decade now with well over 3,000 wells drilled and successfully hydro-fracked, all while being monitored by the SRBC who reports under a very similar compact as the DRBC?

They have adapted to this new activity by regulating water usage and disposals. They've also been monitoring water quality. The SRBC's remote water monitoring system has detected no discernable impacts on the basin's water resources as a result of natural gas development.

Both river basins
contain special protection waters and they both supply drinking water to millions. So how is it that the voting majority uphold the DRBC and the SRBC who just happen to be the very same people both one way in the SRB, and the exact opposite in the DRB? And surely it can be done in an environmentally safe manner as it is in the SRB.

Like I said in the beginning, money is politics. Governor Wolf knows Wayne County is not going to vote for him, and he doesn’t care since we are few in numbers. So why not just throw us to the wolves?

Meanwhile, he became a hero down in Philadelphia for saving their water, all the while he’s pushing hard for a severance tax to save the failing schools. If this were not the case, why is it okay for people in Harrisburg to be downriver from thousands of fracked wells and
it's not okay for the people in Philadelphia?

The bottom line here is --- bottom line here is that Wayne --- bottom line here is if the Wayne land mineral group did not bring a lawsuit against you, you would not be here today. Why else, after nearly a decade of inaction, you decide to bring forth these proposed regulations now? We're all well aware that science and facts have nothing to do with your actions or proposed regulations, as science and facts show that fracking can is being done safely just on the other side of the economic iron curtain in Susquehanna County.

The DRB is still within the boundary --- the DRB is still in the boundaries of the United States of American which is governed by our Constitution, the Fifth Amendment that affords landowners certain rights, and developing our resources is one of these rights.
Stop treating us as
second class citizens.

HEARING OFFICER:
Thank you very much.
The next three would be
Kate Sykes Bowers, Ken Collins, and
Jan London. Is Ms. Sykes Bowers
present? Sykes Bowers? Is not
present. Is Ken Collins present? Jan
London, is Jan London present?
The next three would be
Sandra Davis, Trevor Walczak, and John
Hahn. And is this Ms. Davis?

MS. DAVIS:
Yes.

HEARING OFFICER:
Right. Okay.
If you'd please begin
when you are ready.

MS. DAVIS:
Yes, sir. My name is
Sandra Davis. I'm a New Yorker, a
native of Delaware County. I'm active
in my community, church, and other
organizations including the UDRBC, the
Deposit Gas Group, and the JLCNY and it doesn’t end there.

At home I have three children under eight that are my world. My husband travels hundreds of miles to --- hundreds of miles a week in order to support us. I was born and raised on a dairy farm in Delaware County. I love New York, its mountains, rivers, fields, and sometimes the changing seasons.

At a young age, I started to help on the farm. My upbringing taught me morals, good work ethics, and an appreciation for land and animals. I am a steward of the land. Work builds character and appreciation, and I want that kind of life for my boys. I'm not sure they will experience it, though, at least not in New York.

The key word is work. The work isn’t here. It's elsewhere, usually 60 to 180 miles away. My husband is a union carpenter.
Currently, he is traveling over three hours each way. We're lucky. He has the skills, he has the drive, and we're steady for now, but not always. Sometimes it's how do we stretch the paycheck?

But he's always up no later than 4:30 in the morning to drive to work. Gas brings jobs, some temporary, some permanent, like the job my husband is currently working on, a compressor station. It's not a permanent jobsite, but isn't that what construction jobs are based on?

Work hard, complete a job, move on to the next. Opening up HVHF will not only reduce unemployment rates, it will ease the burden on landowners which in turn will increase the local economy. Since the last census in New York, over a million people have left New York for other states.

That's the most people leaving numerically and as a
percentage of residents. If you're not careful, you will see the same effects in Pennsylvania and that's the question today. Whether or not to take a swath of Pennsylvania and put it into the economic coffin that New York is in?

People in upstate New York have little to no opportunities for jobs and if you have a college education, most employers can't hire you because they can't afford to pay you what you're worth.

DRBC, please stick to what you were set up to do. Don't steal landowner mineral rights like Cuomo has done to New York.

The decision to ban HVHF is not up to you. Besides the fact that it is not up to you how land is to be used, please take the data from the SRBC and get the facts on water quality in the shale zone.

Don't listen to ideological --- ideologically driven
anti's who dream nightmarish
dangerous. Choose data, choose
science, and do the right thing.
Thank you.

HEARING OFFICER:
Thank you ma'am.

MS. DAVIS:
I know you don't answer
questions. I'm sorry. Why were there
no hearings in New York, only
Pennsylvania? This involves New York,
New Jersey, Pennsylvania, and
Delaware? And there's only hearings
in Pennsylvania. I had to travel
hours to get here and that's
ridiculous.

HEARING OFFICER:
I'll give you my answer.
I have no idea.

MS. DAVIS:
I know, thank you.
That's my question because that's not
right.

HEARING OFFICER:
That was not a statement
by --- I don’t know the answer.

MS. DAVIS:
It's okay.

HEARING OFFICER:
Okay.
Let's see --- some people are not here so --- but I'll say the names. Trevor Walczak, is he here? John Hahn, H-A-H-N? He's here?
Okay.
If you'd come forward sir. And then the next three would be Stephanie Meadows, Bernie Handler and Ron Stamets.
Okay.
Mr. Hahn, take your time and when you’re ready, please.

MR. HAHN:
Good evening.

HEARING OFFICER:
Good evening sir.

MR. HAHN:
I thank the Commission for having the opportunity to present ---.
AUDIENCE MEMBER:
I can't hear you.

MR. HAHN:
I thank you for the opportunity to present my case here. I was --- I did a presentation six years ago at the Honesdale High School, and there were 69,000 comments that were submitted over a period of four months in response to the DRBC's original publication of regulations on December 9th, 2010 which led to the issuance of revised regulations on November 8th, 2011.

A DRBC resolution states that the Commission members have continued to defer in good faith since then, evaluating the diverse use of stakeholders as well as involving scientific literature. The combination of hydraulic fracturing with horizontal drilling and related activities for extracting natural gas from tight shale formations presents risks, vulnerabilities and impacts to
surface and groundwater resources across the county.

Current Governor Tom Wolf recently stated today we are acting to protect the watershed that supplies drinking water to more than 15,000 people in one of the most densely populated areas of the country.

I believe this resolution preserves water quality and water supply for the residents of the watershed, and will protect the precious resources for generations to come.

This is in contrast to the previous Governor Corbett who pressed ahead without any studies on health and safety and opened the entire state to fracking. Because of your Commission and the moratorium, you decided to try to dock pay and the state's share of its dues of $400,000 for many years.

I'm happy that you
supplied this attempt to --- your Commission.

I'm here today to implore you to permanently ban fracking, do not allow the extraction of water from the river, and do not allow wastewater importation. We have --- now have exceptional water quality so let's keep it that way for us and future generations to enjoy.

Please don't turn to the river into an S-hole. Thank you very much.

HEARING OFFICER:
All right.
That was Mr. Hahn. Am I correct?

MR. HAHN:
Yes.

HEARING OFFICER:
Mr. Hahn? Okay. Thank you.
And then, let's see, Stephanie Meadows, is Ms. Meadows here? Yes, okay. And after Ms.
Meadows, it'll be Bernie Handler and
Ron Stamets.

And when you're ready,
Ms. Meadows.

MS. MEADOWS:
Good evening.

HEARING OFFICER:
Good evening.

MS. MEADOWS:
My name is Stephanie
Meadows, and I'm a manager in the
upstream department of the American
Petroleum Institute. And I've been
working on hydraulic fracturing issues
for API since 2008.

I'd like to start out by
making something perfectly clear. Our
top priority is to provide energy in a
safe, technologically sound way with
the least possible impact to the
environment.

Our members take their
responsibility to the surrounding
community seriously and we work with
federal and state agencies to develop
design standards, recommended practices, and guidance that will improve operational integrity and regulatory processes across the board.

It is important to note that within the current vision statement of this Commission, it states that comprehensive watershed management will be accomplished by basing decisions on sound science. Therefore, the DRBC's final decision on high quality hydraulic fracturing must be grounded in science.

While both the Commission and the critics continue to contend that this stimulation process can pollute and will pollute water resources, that accusation is simply not grounded in science. To be more clear, that is not what the sound science shows.

In the proposed rulemaking, the Commission relies heavily on two specific studies to make its claims of the risks and
vulnerabilities associated with fracturing. That’s the New York's SGEIS and the US Environmental Protection Agency's hydraulic fracturing water study.

In response, there are a series of recent reputable studies by no fewer than seven government agencies and several academic institutions which support the conclusion that hydraulic fracturing is not a major threat to drinking water. In 2017, a natural resources defense counsel funded a Duke study, and a United States geological survey study found fracturing does not contaminate groundwater in West Virginia, in significant portions of the Fayetteville, Haynesville, shale plays respectively.

The EPA's own six year $30 million study was unable to draw a significant correlation between hydraulic fracturing and impaired water resources. The bottom line,
fracturing activities have not led to widespread systematic impacts. Where it has been suggested that fracturing can or might cause impacts under certain conditions, we stress that those potential impacts have been addressed for years by what I like to call the three-legged stool.

This consists of ever improving industry practices, robust state regulatory programs and federal regulations. As a standard setting organization, we have a key role in that. We have hydraulic fracturing standards on our website which are available to the public and our numbers to look at.

It is this powerful combination of activities all working together to provide an effective structure that allows for the essential development of the nation's oil and natural gas resources while protecting the environment.

It has worked for the
nation and it can work for the Delaware River Basin. Thank you.

**HEARING OFFICER:**

Thank you. Is this Mr. Handler?

**MR. HANDLER:**

Yes, sir.

**HEARING OFFICER:**

Okay.

And just let me say the next names, Ron Stamets, Dick Martin, and Faith Zerbe.

Okay.

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

**MR. HANDLER:**

My name is Bernie Handler and I'm also a property owner in Wayne County. I want to thank the Governors, Commissioners, and the DRBC staff for their efforts and for coming to the one conclusion based on scientific evidence that there is no safe way to regulate gas drilling if the goal is to protect the waters of
the basin.

It took great courage in this political climate to ban fracking entirely in the DRB. I sincerely hope that there's no walk-back from this and the decision remains to keep the ban on fracking. Two things the gas company are very desperate for are the sources --- or a source of clean water and a place to dump their toxic waste products.

The draft proposal opens up the pathway to allow both of these with the word discourage. A ban is an ambiguous word, clear and powerful, while the word discouraged invites them to the party as an unwanted guest.

First comes the exploration --- exportation of water. Over the past nine years, I've been following the dockets on the DRBC and cannot recall one docket allowing water to be used outside of the basin for an industrial purpose other than
for drinking water, for
municipalities, and for bottling.

So why open up the
spigot, especially since almost every
drop will become toxic waste. And in
the previous --- in the previous
proposed regulations of 2010, water
was prohibited for exportation from
the basin for gas drilling. Why this
change?

Also, the demand for
water is continually increasing in the
basin. New dockets and most
renewables are requesting more water.
Please keep the water in the basin for
future use for future generations.
Also, the estimated amount of water
for each well has dramatically changed
as the super wells operates at 20
million gallons.

That's a lot of well
water and a lot more waste. And a
little bit I have here on the
treatment of water, the wastewater.
And the main point is that a lot of
these chemicals are still --- into the
gas drillings. They come in
canisters, in trucks, and they're
pumped in, and companies like
Haliburton keep them ---.

How can we ever clean
that water? How we can we put them
through it if nobody knows what they
are, and many of those chemicals are
toxic at one part per billion? So
it's really impossible to clean.

Thank you.

HEARING OFFICER:
Thank you, sir.
Ron Stamets? Mr.

Stamets, please?

MR. STAMETS:
Thank you.

HEARING OFFICER:
Yes, sir.

MR. STAMETS:
My name is Ron Stamets.
I reside in Lakewood, Wayne County,
Pennsylvania. Fracking activities
have been effectively prohibited in
the basin since May 2010.

The DRBC released a
draft of regulations at the end of
2010, revised them in 2011, then
canceled voting on the rules. The
DRBC had not visited this issue until
the fall of 2017 when the
Commissioners directed the DRBC to
draft a rule prohibiting fracking
activities within the region.

The DRBC notice states
that the use of hydraulic fracturing
to extract natural gas from the
Marcellus and Utica formations
presents risks, vulnerabilities and
impacts to the quality and quantity of
the surface and groundwater resources
in the basin at each step of the,
quote, hydraulic fracturing water
cycle.

What is disturbing is
the DRBC's failure to mention the fact
that over 3,000 fracked well drilling
operations have been completed. The
SRBC issued its report publication
number 299 dated April 2016 which clearly states to date the Commission's monitoring programs have not detected discernable impacts on the quality of the Basin's water resources as a result of natural gas drilling, but continued diligence is warranted.

Three Commissioners of the SRBC are the same commissioners of the DRBC, and they have deemed it safe to drill for natural gas in the SRB where Marcellus shale underlies 80 percent of the region.

The arbitrary decision of the DRBC to permanently ban fracking and associated operations flies in the face of the findings of its sister organization, the SRBC. And it is so warranted and politically motivated without regard to the livelihood or welfare of the citizens of the upper Delaware River Basin.

The DRBC has been sent 1,300 signatures of local residents of
the upper Delaware River Basin who oppose this proposed permanent ban
document which potentially places the
DRBC in authority position over the
state legislator in the regulation of
private land rights, something which
was never intended by the Compact
agreement between the states and the
federal government. Thank you.

HEARING OFFICER:
Thank you, sir.
Mr. Martin, Dick Martin,
is he present? Then after Mr. Martin,
it'd be Faith Zerbe and Jane
Bollinger.
Okay.
Mr. Martin, please?
MR. MARTIN:
I'm Dick Martin from 20
minutes down the road in Lakeville. I
get my water from a well, most of you
do, too. And without pure water we
are SOL.

Last June 20th, the
State Supreme Court affirmed our right
to clean air and water. We can thank the Pennsylvania Environmental Defense Foundation for that. Now, the Basin Commission folks did their homework, and they saw that there were over 1,000 violations of sanitation or oil and gas violations.

And 800 private water wells had been contaminated. That's a worry. Also a worry is that the New York Department of Health found that the likelihood of adverse health outcomes and environmental impacts of fracking would not be prevented. So banning hydraulic fracturing will protect our clean water, but importation of flow back fluids is asking for trouble.

I'd ask you to strike all parts of section 440 dealing with produced water or fracked flow back. Don’t invite trouble. If you don’t know all of the effects of a process, don’t do it. You can't un-ring a bell, you can't un-send a bullet,
don't take a chance with my water. So just like every elected official swears to uphold our Constitution and the right to clean air and water, every doctor takes the Hippocratic oath. First, do no harm. If it's good enough for them, it's good enough for me. That's it, folks. Do no harm.

HEARING OFFICER:
Thank you, sir.
Is Faith Zerbe here?
Z-E-R-B-E. Jane Bollinger is here, and as she's coming over, Robert Shane would be the next individual.
Ms. Bollinger, please begin.

MS. BOLLINGER:
My name is Jane Bollinger and I live in Wayne County in Dyberry Township. I'm here to speak for a friend of mine who cannot speak for herself. She is called Dyberry Creek and she is an exquisite stream, a gift from god and nature.
We Pennsylvanians have another gift that many states do not have. We have an amendment to our Constitution that says the people have a right to clean air, pure water and to the presentation of --- or to the preservation of natural, scenic, historic, and aesthetic values of native America.

Pennsylvania's public natural resources are the common property of all the people including generations to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all people.

Let me tell you more about Dyberry Creek. The waters of her east branch are so clean they warrant the designation under Pennsylvania law as a stream of exceptional value, officially worthy of special protection. Only four percent of the Commonwealth's rivers and streams are so designated.
But there's another category, high-quality waters. They are also specially protected. Ninety-four (94) percent of all Wayne County streams and rivers are listed for special protection. Four percent, like the Dyberry's east branch, are rated exceptional value. Eighty-nine (89) percent of our waters are rated high-quality under Pennsylvania law. And this means they exceed the levels necessary to support propagation of fish, shellfish, and wildlife and recreation in or on the water.

Natural gas is a natural recourse, but I am here to say that my friend, Dyberry Creek, is also a natural resource. Like dozens of other streams and creeks in Wayne County, it is part of what helps define our world and character.

The Dyberry and all of the County's special protected waters need to be safe from potential harm.
from the extraction of natural gas, safe from the pollution from toxic
chemicals and use of extraordinary quantities of water that fracking
requires.

And so I request that the DRBC ban fracking on ecologically
sensitive and recreational public lands and in the watersheds of all the
high quality and exceptional value streams and rivers, and to prevent any
activity that would degrade their water quality or fisheries.

I'm also here to respond to the Township leaders who indicated they would be present today to offer their official opposition to the fracking ban.

HEARING OFFICER:
I must stop you.

MS. BOLLINFER:
I understand.

HEARING OFFICER:
Okay.

Thank you, ma'am, thank
you.

Is Robert Shane here?

MR. SHANE:
Yes sir.

HEARING OFFICER:
And then as you're coming up, let's see, is Ken Collins here? And Sandra Davis --- she already spoke. And this is Robert Shane.

MR. SHANE:
Yes, sir. Good evening, my name is Robert Shane. I am the Mid-Atlantic organizer for Trout Unlimited. Trout Unlimited is a national cold water conservation organization.

Across the country we have 300,000 members and supporters and in the basin alone, they're representing 23,000 of our members. Additionally, we are also a member of the sportsmen's alliance for Marcellus conservation which consists of 280,000 men and women from Virginia to New
At the beginning of the Marcellus boom, Trout Unlimited determined its top ten special places in the east. Of these ten, four have already received relief from hydraulic fracturing. The DRBC would be the fifth. Overall, Trout Unlimited supports the proposed regulations primarily because it would go a long way to protect the wild trout fisheries in the upper Delaware River.

A fishery that currently promotes a $4 billion economy, billion with a B. On top of that, we do have three recommendations for the DRBC. First, we would ask that you set conditions for water withdrawal to include impacts to aquatic resources, flow back standards, and erosion and sentiment controls.

Secondly, we ask that you establish comprehensive standards for all pollutants of concern. Currently, only 78 of the 1,600
chemicals known to be involved in hydraulic fracturing are listed. And third, we encourage regulations should outline the mechanisms for inspection and monitoring to ensure proper water withdrawal and wastewater treatment within the basin.

HEARING OFFICER:
Thanks, Mr. Shane.
The next three people would be Jeff Skelding and coming forward after him would be Lani Schaffer and then Louis Disimone.
Okay.
Mr. Skelding when you're ready.

MR. SKELDING:
Thank you. Yeah. I'm Jeff Skelding. I'm the Director of Friends of the Upper Delaware River. And we are a professional staff conservation and watershed protection organization in the basin. Our office is in Hancock, New York and I'm also a Wayne County property owner.
So we are --- we find ourselves in a newly interesting position in this debate. Our local work is primarily focused on water quality, protecting the cold water fishery, working to improve communities, and working to improve the economy. All of that involves diverse partnerships and coalitions. We can't do that all by ourselves. So we have --- we take pride in the coalitions that we've organized, and by their very nature they are diverse and they include many people from all walks of life, from both sides of the aisle in this room or people earlier today. There are people here tonight that we work with that are on the opposite side of this particular issue.

We are fortunate enough to be able to do other work in the watershed that we think is really protective to the communities, people, the economy and the environment. And
we essentially are able to agree to
disagree with these groups. And we
feel fortunate that we're able to
maintain levels of communication that
allow us to be affective in other ways
while we wrestle with this particular
issue.

So in my case, my
organization is in support of the
draft proposal. One of the key
exceptions, and it's been raised a
number of times here earlier today and
tonight, is this business of water
withdrawals. And it's unclear to me
whether they were adding protective
regulations or inventing something new
here.

But, if the numbers are
correct that I'm hearing in terms of
the volumes of allowable water to be
withdrawn from the upper Delaware
River for purposes of this industry
are way out of sync with what is good
for this river.

Okay?
So we spend almost every day of our lives up there in our office at Hancock in conversations with the City of New York and the truth part is about how those reservoirs are managed and how much water is in this river. And most of the time we're asking for more water. In fact, all the time we're asking for more water. So if this proposal is going to somehow allow significant bodies of water to be removed from the river, this is going to have incredible implications for the flexible flow management plan and New York City's operation of the upper Delaware Basin reservoirs. And I'm surprised that we didn’t see --- I don’t think we saw a representative here today from the city. Maybe we'll see them in the future here. So we do have some concerns about that, keeping an eye on that. And I would close with
just saying I've done watershed protection for 30 years and I submit that the way this really should be done is through coalitions and through diverse partnerships.

We don't have that here. What we have here is a culture war. I understand why it's happening, but I submit that we have to change our approach is we want to protect the river.

HEARING OFFICER:
Thanks, Mr. Skelding.
Lani Schaffer, please.
Lani Schaffer is coming?
Okay.
And then after Lani Schaffer we'll have Louise Disimone and then Kathryn --- it looks like Rowedder. I'm probably mispronouncing it. So let's see Lani Schaffer.

MR. SCHAFFER:
Hi, guys, Lani Schaffer.
I live in New York State underneath the Cannonsville Reservoir that
everybody's been talking about. I would mimic a lot of the things like Jeff said that --- the Friends of the Upper Delaware River and things that they're involved in in our community. They've done a good job on a few of those things.

I'm on our town board, but I'm not here representing my town board tonight. I'm here representing myself. I'm a farmer. I'm a fourth generation farmer. Family farm is --- the centennial farm in my lifetime. This is a legacy project. It's a really important thing to me.

I went to college at Cornell University and got a degree in economics, graduated in 2006. And the first job I had when I got out of college, surprisingly the most important job I had, brought a huge opportunity to my farm. And I said I had an opportunity to work on a pipeline. It's the most money I ever made in my life.
I haven’t had a year farming where I could even get close to that again. I had --- kind of every other year, work would come, work would go. I was able to get an operator book in the local union which got me a pension and helped me plan to, you know, prepare for retirement. Gave me opportunities I wouldn’t have had otherwise as just a farmer.

I'm 35 years old. I have two little girls. They're three and five. And it's just --- I want for my children to have the same opportunities I had. I'd like to see where we could do like Jeff had just mentioned, where we should be able to cross both sides of the aisle. I believe in landowner rights. I want the right to extract minerals from my land.

I want the right to take my timber. I want the right to take my stone. I want the right to harvest my corn when and where I want to
because that's my land. That's why my family came here from Germany 100 years ago because they wanted freedom and they wanted the opportunity to be successful.

Where I live underneath of the Cannonsville Reservoir, it's like an economic black hole. New York City and New York State want all of the land around us. There's five towns underneath the Cannonsville Reservoir where there's no people there anymore. I have no market to sell to.

I need economic opportunity for myself and for my community. I need jobs that are going to hold the next generation behind me there to build families and build careers where money that we're investing into our educations is being kept at home. It's not going to Boston or New York. It's staying in our communities and it's doing smart things for us.
I would hope that the DRBC can find a way to work with everybody so we can extract these minerals so that we can have successful lifetimes and so we can be a competitor in our local and global economy that we're going to be selling normal products like corn, beans, beef, lumber, stone.

All of these commodities matter, and we need every opportunity we can to be competitive globally. I own 100 beef cows. I pay attention to futures markets. We're concerned with the futures price in the fall. It's going to be like the cheapest corn of all time per capita. What's it take make to make cheap food? Cheap energy to help us make it.

So if you want cheap food, people, get us some cheap energy so we can keep feeding you. Thank you.

HEARING OFFICER:

Louis Disimone? And
then Kathryn Rowedder, Francine Harvey or Marvey.

Okay.
And this is Louis Disimone. If you would.

MS. DISIMONE:
I stand before you as an Army Veteran honorably discharged and a member of the --- enrolled member and a descendent of the Cherokee Nation as well as contacts --- family contacts with New York, New Jersey, Delaware and Pennsylvania.

I say this as my ancestors, do not frack. I ask you and I compliment the DRBC and their great work they've been doing, and I don’t insult them like Mr. Crapstone over there. I don’t insult them by saying lies like Ms. API. I'm not a part of a gas company.

HEARING OFFICER:
Don't make it personal, if you just address ---.

MS. DISIMONE:
Therefore, my ancestors say don't frack. Borders run everywhere I drive. I am an owner --- also a property owner and taxpayer of the lands in Damascus. Where I drive there, there's historical balance. Our people say save the land, stop this butchering, this atrocity.

What is going on in South Dakota, that pipeline there leaked because it's Chinese steel. I'm also a member of the AFGE which also states that we must stop fracking. Stop the total destruction of the EPA. This is horrible. It's horrific. It's evil. And the people who are for it are greedy and they have complete lies.

There's Dr. Gale Comar, there's Josh Bucks with Gas Line who lives only a few miles from me. There's all kinds of real scientific evidence, medical doctors, Dr. Sandra Steingraph. She has --- also has all these things. There was a frack that
exploded that went to the last organic farmer that was there.

I had a problem with my water. I have tumors. I found only one doctor in Long Island that was curing of the waste. I had to literally use up all of my credit cards just to pay for that surgery. It took me nine years to use my water.

I ask for a complete ban, and my ancestors ask for it. Ban fracking now. I yield the rest of my time.

HEARING OFFICER:
Thank you.
Kathryn ---.

MS. ROWEDDER:
It's Rowedder (corrects pronunciation.)

HEARING OFFICER:
I'm sorry. Did I mispronounce your name? I can't quite read it.

MS. ROWEDDER:
Hello. My name is
Kathryn Rowedder. Thank you for the opportunity to be here tonight to speak. And I'm a landowner for generations. My family has had a place on the Delaware River. We originally were on the New Jersey side. That went way back in my family.

My grandma moved, my grandparents were there. We all spent land to the Tocks Island Dam Project. So I know well the sting of eminent domain. My family was never the same after that. I've had an aunt and uncle die because of the heartbreak of it.

So I know what it is for that, and I have a great deal of compassion for all of the families and parents that I've heard speak about their caring about their land and their children, and also people who have been here in Wayne County who have talked about stewardship.

Because that was part of
my family as well. We came up into Wayne County after we lost that place in the ’70s. And we started to be solicited by the gas companies almost 20 years ago. My dad thought it might be a good idea because, you know, money coming in is always a good idea.

And he left that decision to me. At the time, the Sierra Club thought it was a good intermediate fuel between complete renewables and getting off of nuclear and oil. So it was a very hard time to navigate.

After great consideration, my instincts said no, we didn’t know then. We didn’t know. We were told it was safe. We only had conversations with the gas company --- which by the way, I thought it was interesting that they would always hire people that were local in our community to talk to us.

And it really, for me, came down to are you going to
guarantee that my water will be safe?  
Is it going to be in writing in the 
contract? And it took several back 
and forths and when it finally came 
back, no, they weren't putting that in 
writing. That was my red flag. 
And I said, then we're 
not doing it. We're not going to go 
that way. Well, that was back in 
1990-whatever, and now so many years 
later, 2017, we know. We know. We 
have enough evidence. We know what 
happened in Dimmick, where I know 
people had to bring water to the 
people there when their water went 
bad. 

We know about all the 
gag orders being put on people that 
get sick in Colorado and all the 
different states. We know about the 
seismic activity in Oklahoma. Please 
do not allow any fracking in the 
Delaware River Basin or any other 
fracking activities as a landowner. 

HEARING OFFICER:
Thank you.

Francine --- either Harvey or Marvey and then Frank Millen and then John Rojapi.

MS. HARVEY:
Yes. Hi, I'm from Susquehanna County ---

HEARING OFFICER:
Would you say your name first?

MS. HARVEY:
Francine Harvey.

HEARING OFFICER:
Thank you.

MS. HARVEY:
The DRBC website says that there are 1,084 chemicals that they documented used in fracking. Now it's impossible if you're a citizen to test their water, whether their water source is a private well or a municipality. These chemicals are also un-treatable.

The chemicals used are proprietary and citizens don’t have
the right to know what they are and even if they knew, how much would it cost to test more than 1,000 chemicals?

Most of the chemicals are not regulated by the EPA or the DEP. Now, more than 15 million people depend on the Delaware River Basin for their drinking water. And the EPA was on a website a while ago, and it said that the water — a person's water could be contaminated even though it looks clean, it smells fine, and tastes great.

They have no way of knowing this. So they could be drinking their water for years and it could be contaminated. They suddenly find out sometimes. Now a Susquehanna County drilling company recently in the past month was fined $90,000 for contaminating Susquehanna County air for years.

How has this affected our farms, our gardens, our water
supply? And how about our farm animals and children? The fracking industry claims that only a small amount of chemicals are used with approximately 5 million gallons of water used in each well.

Now, what that really means is that there are thousands of gallons of chemicals in each well. Which chemicals? That's proprietary information and we don’t have the right to know. The fracking industry also claims that fracking is safe.

Well, then it's safe. Why then do they demand that there be a gag order after settlements were --- that occurred as a result of contaminated water lawsuits? Now there are also under ten gas pipeline inspectors for the entire state.

These pipelines --- it's a given that these pipelines will eventually rust and leak. In my opinion, perhaps the reason is that there are so few inspectors is that
it's literally impossible to monitor the integrity of these pipes across the state.

HEARING OFFICER:
Okay.
Ma'am, I'm going to have to stop you there.

MS. HARVEY:
Okay.

HEARING OFFICER:
Thank you.

MS. HARVEY:
Just one quick thing.
Governor Wolf took an oath --- he took an oath of the PA Constitution to protect our air, land, and water ---

HEARING OFFICER:
Nobody's listening.

MS. HARVEY:
--- Article 1 Section 27 of the Pennsylvania Constitution --- the entire state needs to be protected.

HEARING OFFICER:
By the way, that's the
first disrespectful thing we've heard. Everybody else has been very respectful, so please let's not revert to that. Okay.

This is Mr. Millen.

MR. MILLEN:

My name is Frank Millen, I grew up here and my family has been here for generations now. I have dairy farms just south of here and we've been doing that since 1947.

I have a degree from Penn State. I also have a degree from the University of Scranton. I was a teacher for 38 years, a farmer all my life. And I've watched --- since we've been here I've seen a lot of things happen.

For example, the Tocks Island dam, for those of you that are my age or a little older, is something that came about and came in and took areas along the Delaware River and came in by eminent domain and removed these family farms, just took them.
I didn’t have any choice in that. And this is what this DRBC right now is currently trying to do with us. We’ve sat on these amendment rights for years, and years, and years. We also have other deposits on our farm, for example. We have uranium, traces of copper. Are we going to be blocked from doing that sometime in the future, too?

And who’s going to pay us for this? As far as the safety of this, there’s an EPA study which is online that says --- it doesn’t say that you shouldn’t drill. It says that there are precautions that you have to take. And many times those precautions are superseded by companies that try to cut corners.

And that’s where a fine should be in play to stop it. We have a power plant that’s going in about ten miles from our farm, and a pipeline that’s going to have to come from way up north to supply gas. They
could come ten miles across through
game lands that we don’t see and cut
down our transportation cost which
would then cut down the cost of
generated electricity.

As for being a farmer,
and as some of the other ones here
have said, we are the true stewards of
the land. And if you prevent us from
using this natural resource that we
have and you continue to move in here
with your developments and so on and
keep cranking our taxes up, you're
going to drive us out.

When you drive us out,
that's when your water should --- that
is where the clean water comes from.
Not from you running around hollering
about how you're going to save the
river. We actually do it every day.

I had the opportunity a
couple years ago to participate in a
study called Hertz Scope and they're
monitoring earthquake activities and
so on ---.
HEARING OFFICER:
I'm going to stop you there sir. Okay.
Thank you.
John Rojapi?
Maybe say your last name I probably mispronounced it.
MR. ROJAPI:
Perfect.
HEARING OFFICER:
Oh, okay.
MR. ROJAPI:
You nailed it.
Good evening, my name is John Rojapi. I was born and raised in Hancock, New York. My family moved to --- I'm 41 years old. My family moved to Pennsylvania in 1980.
Subsequently, we're --- we own 900 acres and several businesses in Hancock, New York. I have to say, in the past 30 years, I've seen such a different --- such a change in climate in my neck of the woods.
I grew up doing several different jobs in Hancock. There were 75 kids in the graduating class. Now I went to an elementary school and it had 30 kids in that elementary school. Now, my kindergarten --- I have a four and five year old. My oldest daughter is just starting kindergarten. There's 12 kids in her class. Just four girls. My high school can't fill the football team. They have to merge with the adjoining district. What's happening right now in upstate New York needs to almost be a study. It's not working. Whatever the plan is in this neck of the woods --- and I love this place. And I hope to stay here and I hope to keep my family here because there's so much I love about this place. But economically, it's a disaster. I have several businesses one of them is a motel, I know the tourism thing, I get it. That's probably what we have to offer at this
point. And every business I have relies on tourism and I certainly welcome it. But I got to be frank. I own a motel as well as some other things I do.

Nobody's moving to Hancock, New York. I got to be honest with you. I look around and I go in the grocery store. I don't see any young people. I go to other places. I've been to --- I've had the opportunity to travel around this country a little bit.

I've been to Texas. I've been to the south. I've been to Oklahoma. And everybody --- the boogeyman comes in and oh, my gosh, things are going horrible there. No, they're not. They're doing very well. There's people with a lot of money. It's vastly growing and they have fast growing school districts.

You have stores, you have vibrant kind and people are happy. It works. Natural gas is done
safely, there's no doubt in my mind. And for us to have any shot in this neck of the woods, this is what needs to happen economically. This is what needs to happen. Thank you very much.

HEARING OFFICER:
Thank you.
Judy Ahrens and then Lisa Connor.
And this is Judy Ahrens?

MS. AHRENS:
Yes.

HEARING OFFICER:
Okay.
If you would.

MS. AHRENS:
Hi. My name is Judy Ahrens and I am a landowner. You at the DRBC are doing a land grab of my privately owned, paid for and taxed on land. Now, we suffer from taxation without representation.
You --- who gave you the right to take my Fifth Amendment rights away? PP&L for their land grab
of a right-a-way. I received compensation. You, on the other hand, have stolen our mineral rights and destroyed our land values. But you still want us to pay taxes and help support the DRBC. Taxation without representation.

If you proceed with your insane discrimination of Wayne County landowners by allowing fracking in Susquehanna County and along their waterways, not allowing fracturing along the Delaware River is discrimination.

I own 129 acres of land and my family have lived on it and worked it since 1967. How much are you going to compensate us for this discrimination against our rights to develop, drill, frack our minerals?

My gas lease was ripped out of my hands by you, the DRBC. Why are you allowing our neighbors in Susquehanna just a few miles away to drill, frack and protect --- and
profit from the same minerals I have under my ground? Why are you discriminating against us and depriving us of our Fifth Amendment rights?

Why can George Soros, Russia's Putin, and the Huss family and all the million dollar foundations are --- why are they able to take my Fifth Amendment rights away, and at the same time support and fund the DRBC, and their false research by that of Soros-funded Josh Fox Gasland movie.

My dad told me our land should be able to support us. That has been lost for political interest and gains, not the needs of the real people of Wayne County. Some of the people who spoke this afternoon have been arrested for obstruction of justice by sitting in the roads and preventing workers from making a living and shutting down roads.

HEARING OFFICER:
I'm going to have to stop you there, thank you, ma'am. Jan London, please?
And then Lisa Connor and then Jack Mayers. I'll double check to make sure I didn't miss anybody. Okay.
And sir would you say your name please?

MR. LONDON:

Jan London.

HEARING OFFICER:
Okay.
And Mr. London, please.

MR. LONDON:
To me, I'm against fracking but that's not the big issue to me. And the reason I'm here at this hearing for the DRBC is because my issue is water. I look at it as collateral damage for the good of mankind to try to extract these minerals, gas, oil, uranium because there's uranium under the land as well.
I look at it as stealing our future's water. We're looking at the modern wells using about 10 million gallons per well, several wells per pad. You're talking about hundreds of millions of gallons in a small area.

This water is not returned to the hydrologic cycle. Much of it stays underground, half of it stays underground. Some of it comes up slowly and has to be carted away by truck and some of it is put in injection wells. This water is never going back to a river, it's never going back to a stream, it's never going back to my toilet, it's never going back to my sink.

I look at that as you're stealing my water for short term gain for profit. That's about it.

HEARING OFFICER:
Thank you, Mr. London.

MS. LONDON:
Thank you very much for
letting me speak.

 HEARING OFFICER:

Lisa Connor, please?

MS. CONNOR:

I'm going to refrain until later.

 HEARING OFFICER:

And then Jack Mayers. Then it'll be Larry Ruger and James Spencer.

All right.

MR. MAYERS:

My name is Jack Mayers and I own property in northern Wayne County. I've been in Pennsylvania most of my life. I moved to northern Wayne County many years ago. And when I purchased property in Wayne County I was told that I had mineral rights to my property. Apparently I don't. And the other thing that I don't understand is that --- I understand the Delaware River is a boundary river
between several states and the Susquehanna runs mainly in Pennsylvania. 

But I don't understand why it's safe to drill in the Susquehanna River Basin and not in the Delaware River Basin. I feel that we've gotten our rights taken away from us. Is there risk of fracking? Yes, there's risk, but there's no benefit without risk.

Can you imagine if our forefathers decided if it was dangerous they weren't going to do it? We would be nowhere by now. I'm a pilot by trade. I've flown over 50 years.

In the present time I fly EMS helicopters out of Sullivan County and there's risk to that. But, if your fellow neighbor is hurt and needs medical help, I don't say, well, this is too risky. I'm not going to do it.

So risk is involved in
everything that we do. Driving to work, walking down the street. But, if the regulations are put in place to mitigate that risk, I feel that it is worthwhile. Thank you.

HEARING OFFICER:
Thank you sir.
Larry Ruger, please?

MR. RUGER:
My name is Larry Ruger, and I'm a resident of Wayne County. And I also have the distinction of being able to teach at Suny Sullivan Community College which is on the other side of the Delaware, and I teach renewable energy classes and I talk about energy every day.

So this has some personal effect because I also have a farm that has gas wells underneath. I want to remind the Commission I support the Commission. My family and I support the Commission in stopping the fracking. And I would remind the Commission of the Department of Health
--- the New York State Department of Health 2014 high-volume fracturing.

High-Volume hydraulic fracturing and some of the major findings of that study was the air impacts affect respiratory health, climate change impact due to methane, drinking water impacts from underground migration, surface water contamination, and every day in class I also talk about how hydro fracturing can bring up earthquakes.

And we don’t always know what those effects are going to be. But, I'd also like to remind you that as a person that will inherit a farm that has gas wells already on them, my family is not seeing any economic benefit from those wells.

And to that extent, that hunting land and the history --- I've heard people speak of the history of the land that they're on. My family has been on it since like 1890 and it's not like it used to be. And it's
not really a piece of land that I want to inherit. So I'd like to leave the Commission with that thought and thank you for your time.

**HEARING OFFICER:**
Thank you, sir.
James Spencer, please?
Okay.
Mr. Spencer, good evening.

**MR. SPENCER:**
I'm James Spencer, and I own some land. But now the thing that I see with the wells is there's no such thing as a safe well. If you have 200 chemicals that are being used or not this is a very serious thing.

That one gentleman said one part per billion. I just came from Geisinger about three hours ago. The doctor, I learned a little bit about fracking from him. He's very upset. He says they study different parts of the country, cancer rates are going up, you have alleged tolling of
all the different chemicals, benzene, formaldehyde, and on, and on, and on. They can last 1,000 to 2,000 years in the water so we looked at each other and we say guess what? There's no such thing as a safe well, not one. They have the chemicals in there. They're going to be in there a long time, cancer rates are up. Earthquakes are up. When the earthquakes cut lose --- I just googled the Netherlands of all places. But what the earthquakes did --- they fracked their precious little line in their well and it leaks, and it just gets a mess. People get Cancer. Oklahoma, Colorado, they're sick. They just board up their houses and move out. And you should also get the new frack two on HBO. Now, it's -- -- I think Twain said it's easier to fool people --- convince people they've been fooled, this gentleman -- - and my heart goes out when he said
his two little girls. And I'm sitting in line and all these people have cancer.

Okay.

You know, it doesn’t have to be a well to get cancer, but it can be. And I hope that it doesn’t come back and bite him that when he kisses his little girls tonight, and they go to bed, and some day, god forbid, they get cancer and sit on a site of some fellow like me that has terminal cancer because of chemicals alleged.

So that's all I have to say and you people should really think about this one.

HEARING OFFICER:
Thank you, sir.
And that was James Spencer.

Am I correct?

MR. SPENCER:
Yes, sir, thank you.

HEARING OFFICER:
Abbey Jones? Is Abbey Jones here? Thomas Shepstone?
You were very articulate earlier. You really were.

MR. SHEPSTONE:
Thank you, I appreciate that.

I want to go back to when I had a few additional points and since there's time. And the point I want to make --- first I want to correct something that's been said and that is on the hydro volume site. Everybody says the water's disappearing there, that's not correct.

There's actually more water coming from every gas well that is required for fracking. Because when you burn natural gas and it combusts, it produces H2O. And in fact, it's the same thing as what somebody talked about the power plant that --- where the water evaporates. That water evaporates and goes through
the hydrologic cycle. It may or may or may not rain back in on the same spot.

And it's the same way when you burn natural gas. So it's not true. The main thing I wanted to say, though, is that we wouldn't be here if weren't for one thing, and that is the fact that the Wayne Land and Mineral Group sued the DRBC to challenge their project review authority.

They would have sat on this moratorium forever, forever, because they want to ride the fence and not make a decision. And they would have done that forever, but for the Wayne Land and Mineral Groups lawsuit, which is now before the Third Circuit Court of Appeals, challenging their authority.

This ban is nothing but an end run around the court case. They're afraid of losing. I don’t know whether they will lose or win. I
don't --- you're a Judge and I'm just a ---.

So I have no idea what will happen, but I do know they fear losing. And this is about an end run around that court case. That's what this is. And if water quality is the question I want to also point out that the SRBC battle is the answer.

And that bat is in their hands, as I said earlier. But they're deliberately ignoring it. And why are they ignoring it? Because they know it's devastating to the Article 5 case they're making for pollution.

They're saying under Article 5 they have a right to control pollution, and if they admit what's in their hands, if they admit that there is no discernable impact on water resources, then they know their case is dead on that as well.

So that's why they're avoiding it, and that's why their avoidance is both arbitrary and
capricious. And I expect they'll ultimately pay a heavy price legally for that. And part of that arbitrary and capricious behavior is also the fact that they're in league with the William Penn Foundation, with whom they had a contract for several years. I don't believe that they're currently active, but it's still in their budget, where they took money from the same foundation --- the same foundation that funds the Delaware River people. The Delaware River people have sued the DRBC. The DRBC for years had a relationship where they put the --- put the Delaware River people on most of their committees. They took the --- they let them sue them, but then they took money from the organization that sued --- that paid for the lawsuit. That is arbitrary and capricious. Thank you.

HEARING OFFICER:
Thank you, sir.

James Barth?

MR. BARTH:

Good to see you again.

HEARING OFFICER:

Mr. Barth, please.

MR. BARTH:

James Barth, Berlin Township. Earlier today, I stated that I support the DRBC proposal to ban high-volume hydraulic fracturing and I urge the Commissioners to ban the treatment and disposal of fracturing for that basin.

I focused on the fact that --- I've come here. I spoke about the economic impacts and I spoke about the number of people who lease and the number of people who actually own property in Pennsylvania. And I'm going to just remind you of that again because that's the major argument that's being made at this forum.

And when you compare the tax base for Wayne County, there are
just under 41,000 individual owners of property. And when you look at the citizen's voice leasing database from 2010, there were under 3,500 people --- property owners who lease their land.

Eight and one half percent of property owners in Wayne County lease their land and 91 and a half percent did not lease their land. The people who benefit from this and who are speaking tonight and the people who own 129 acres, 366 acres. They are the owners of large properties. And most of them are vacant and have paid very little --- low tax assessment.

Now, I wanted to add a little bit I didn't get a chance to say this afternoon as far as the ability of regulations' enforcement to protect the residents of the basin. Quoting Secretary Patrick McDonald, this was January of 2017. DEP is down nearly 800 fewer
people than we had in 1995. Over the past decade, state funding declined by 40 percent. Separately, the US EPA warned that they lacked the necessary staffing to enforce safe drinking water standards.

And that, quote, unaddressed safe drinking water act violations nearly doubled in the past five years from 4,298 to 7,922. A three year investigation by the Pittsburgh based Public Herald found that PA DEP received 9,442 complaints in areas where unconventional shale gas development occurred between the years 2004 and 2016.

4,108 concerned water quality problems. So this notion that things were --- are fine, nothing has happened in the Susquehanna River Basin is ridiculous. And by the way, PENGA owned --- only connected 284 of those 4,108 to oil and gas. So it shows we're radically unable to enforce anything or to protect
anything.

And I say that with great regret. Thank you very much.

**HEARING OFFICER:**

Thank you, sir.

Mr. Martin? Dick Martin? Dick Martin? Now that actually completes my list. However, Lisa Conner, did you want to address the DRBC?

**MS. CONNOR:**

No. I'll have --- we're having general conference.

**HEARING OFFICER:**

This is later?

**MS. CONNOR:**

This is later?

**HEARING OFFICER:**

We've gone through the list, yes. Is there anything you'd like to --- say again please?

**MS. CONNOR:**

Do I have to go up there to speak?

**HEARING OFFICER:**
It's up to you. For it to be recorded, you'd have to be up there.

MS. CONNOR:
I'll abstain.

HEARING OFFICER:
I'm saying it to be respectfully ---.

MS. CONNOR:
No, no, no.

HEARING OFFICER:
It would not have any impact.

MS. CONNOR:
I thought there was going to be a general ---.

HEARING OFFICER:
No, we got people --- okay.

Is there anybody else that would like to say something here tonight? I just want to give everybody the opportunity we have enough time for that. Is there anybody else? If you'd raise your
hand, please. Okay.

Ladies and gentlemen,
first of all, thank you. You followed
the rules, and I think that works to
your benefit --- I'm sorry. Ma'am?

MS. ROWEDDER:
I did speak, but I'd
like to speak just a little bit.

HEARING OFFICER:
Okay.
If you would? And we're
actually going to pose a time limit if
you don't mind?

MS. ROWEDDER:
Pardon?

HEARING OFFICER:
Time limit, same time
limit.

MS. ROWEDDER:
Yeah, yeah, that's fine.
Thank you, this is
Kathryn Rowedder again and I just
wanted to come up to complete ---
because I wanted to bring it full
circle what I had said before about
being a landowner because we own about 200 acres and went through whole DRBC thing.

We've heard lots of comments that tend to believe that there's great danger in leasing. And as a property owner and as someone who has had two very scary health incidents that have clearly been linked to chemicals as an artist and also later as an occupational hazard as an art teacher. I know that any exposure to chemicals would affect me personally in a detrimental way.

And so I want to thank the DRBC for protecting landowner's rights to have clean air and clean water on their property which is what I'm asking for. I'm asking for you to continue to stand up for me to be able to not be affected by a neighbor's well or by the storage of fracked waste material near my property that could have been run off onto my property.
Or waste because no one controls that, no three-legged stool is going to control that. No arm of the government, no corporation, no watchdog can control which way the wind blows. That's beyond us all.

And I just really want to implore and ask you to please continue to be brave and to stand up to this because I have rights as a property owner, too. And I am a longtime steward of the land for generations like other people here and in my opinion, we don’t have enough time to really look at the effects.

Just look at smoking. It was great in the 1920s. They were passing them out to everybody, but now we know better. So let's let some time go by and protect our land in the present time. Thank you very much.

HEARING OFFICER:

Ma'am, I'll give you one minute.

All right?
In light of what you did last time, one minute.

MS. HARVEY:
I would just like to let everyone know that in the Pennsylvania Constitution under the declaration rights is the environmental clause. Article 1, Section 27, the people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic, and aesthetic values of the environment.

Pennsylvania's public natural resources are the common property of all the people, all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall concern and maintain them for the benefit of all the people, not just the people in the Delaware River Basin.

All of Pennsylvania.
Governor Wolf took an oath to defend the PA Constitution. He should be defending the entire state and ban
fracking entirely. It is not safe.
Thank you very much.

HEARING OFFICER:
Thank you very much.

MS. AHRENS:
Wait a second. I would like to finish my --- what I have to say, if you don’t mind because I think it's important.

COURT REPORTER:
Excuse me, can we get her name?

HEARING OFFICER:
Ma' am. Sorry, ma' am hold on one second. The lady that just spoke, ma' am, could you say your name, please?

MS. HARVEY:
Francine Harvey.

HEARING OFFICER:
Okay.

Francine --- you have the last name?

Okay.

Go ahead, Ms. Ahrens
please.

MS. AHRENS:
Okay.

Josh Fox lied about this in his Soros movie. And how many people here that spoke today and received money from the foundations supported by the anti-fossil fuel movement machine of the Soros money? The children of Wayne County should not be discriminated against while Susquehanna flourishes. All these naysayers never once mentioned Berryville and the pollution of discrimination against Wayne County while carrying --- covering up Berryville.

The Constitution gave me the Fifth Amendment and the right to drill and frack. And the DRBC has taken it away.

HEARING OFFICER:
Okay.

Thank you.

All right.
Thanks, ladies and gentlemen. I think you did a good job in presenting your views. Safe drive on your way home, please.

* * * * * * * *

HEARING CONCLUDED AT 7:48 P.M.

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CERTIFICATE

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

[Signature]

Candace R. Pratt

[Signature Line]