**IN RE: DELAWARE RIVER BASIN COMMISSION**

**PUBLIC HEARING**

**BEFORE:** WILLIAM FORD, Hearing Officer

**HEARING:** Thursday, January 25, 2018

6:00 p.m.

**LOCATION:** Double Tree Hotel

4509 Island Avenue

Philadelphia, PA 19153

**WITNESSES:** John Gorman, Tamara Clements, Richard Desvernine, Hilary Baum, Catherine Pregnon, Lauren Lareau, Andrew McGarth, April Whitley, Yvonne LeFever, Amanda John-Kimesy, James Schleppenbach, Erica Evans, Hannah Ryan, Doug O'Malley, Katherine Harrelson, Steve Cickay, Ann Dixon

**Reporter:** Kimberly Chatburn

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SARGENT'S COURT REPORTING SERVICE, INC.  
(814) 536-8908
Ladies and gentlemen, we are going to start. It is 6:00, okay. Those that are standing, please take your seats. Good evening, everybody. My name is William Ford. And on behalf of the Delaware River Basin Commission, welcome to tonight's hearing. Please don't be put off by the fact that there aren't too many people here. In a sense, it doesn't matter because for those that speak, you will be coming forward. And it will be recorded just the same as everybody else had been recording in the earlier hearings. So what you have to say is just as important. And it will be considered as you'll see, as we explain the procedure tonight.

I will be serving as the hearing officer for this proceeding. And just to be clear, I am not a member of the DRBC staff. I have no affiliation with it. I am not a member of an environmental group, nor do I own land in the area where these formations are. So I simply am brought into this to conduct this hearing. The DRBC has - and by the way, I am a retired trial judge from Lehigh County, which is about an hour and a half northwest from here. And now, I do
mediations and arbitrations. All right. That's a who cares.

All right. Ladies and gentlemen, the DRCB has engaged me to conduct this and the other hearings on its behalf to provide opportunities for oral comment on the Commission's draft rules. It is my intent to provide an orderly safe and civil forum that allows for the creation of a clear, written record of the proceedings. Written and also video recorded record of the proceedings. My comments will last only about five minutes. And then we'll turn it to you.

At the end of this, I will make a final comment which deals with the opportunity that you have tonight. And I will explain that to you. First a few reminders. Please check your cellphones and we ask that you do turn them off. One of the earlier hearings, we had some interruptions. I forgot to say that to everybody. Secondly, in the unlikely event that we would need to evacuate this space, please make a note of emergency exists that we saw and which exit you will use. Please keep all aisles clear and exits clear throughout the hearing.

On behalf of have DRBC, I would like to thank our hosts and also law enforcement that is here for the hearing presence and also for the safety
that you're providing for us. I ask that you rise if
you can, and join me in the Pledge of Allegiance to the
flag.

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(WHEREUPON, THE PLEDGE OF ALLEGIANCE WAS RECITED.)

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HEARING OFFICER:

Thank you. Okay. To make sure I'm
accurate on an aspect of this, I'm going to be reading
verbatim here. So please forgive me for that. 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 fracking
activities. And to provide for additional clarifying
amendments to the Commission's rules of practice and
procedure. A notice of proposed rulemaking, along with
texts of the draft rules and supporting documents, were
posted on the DRBC 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 on the
Commission's website throughout the process.

As set forth in the notice of proposed rulemaking by resolution for the minutes on September
13, 2017, the DRCB 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
in the basin.

Second, provisions for insuring the safe
and protected storage, treatment, disposal, and/or
discharge of waste water within the basin associated
with horizontal drilling and hydraulic fracturing for
the production of natural gas were permitted. And
third, regulation of the inter-basin transfer of water
and waste water for purposes of natural gas development
where permitted.

If adopted, the draft rules would add to
the Commission's regulation, a section on hydraulic
fracturing in shale and other rock formations. This
section would first prohibit high volume hydraulic
fracturing in such formation within the Delaware River
Basin. Second, require review under the Delaware River
Basin compact of any project that involves the
exportation from the basin of surface water, ground
water, treated waste water, or mine drainage water at
any rate or volume for use in hydraulic fracturing of
hydrocarbon bearing rock formations outside the basin.
Or the importation into the basin, and treatment, and
discharge within the basin of waste water from
hydraulically fractured oil and gas wells. The section
would also establish standards for the treatment and
disposal of waste water 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. Copies of the proposed rules can be
found on the DRBC website.

This is one of six public hearings on this
matter. We actually had one earlier today. In
addition to accepting oral arguments 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.

If you do not have access to a computer,
or to the internet, or do not know how to use them, and
you would like to submit written comments, you may request an exception by writing to the DRBC at, and I'll say the address twice. First, it should be sent to the attention of the Commission Secretary. And the address is 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 and recorded. And also, we have a written record that's being compiled by a registered court reporter. These will become part of the decision making process for the proposed rules. The electronic recordings are being made to enable to 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.

And here is the procedure we will follow. First, the Commission thanks all of you who have registered in advance, either to attend or to attend and speak today. Your doing so has helped the staff prepare for these proceedings. And I must say that I've been involved in all three of the hearings. We've had excellent comments, very substantive comments from
the people that come up from the audience. I thought they are very thoughtful. So we are expecting more of that here tonight, ladies and gentlemen.

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

When I call names from the registered list of speakers, I will call three names so that those next on the list are ready and on deck so to speak.

In fairness to the many people who have testified so far, we're going to follow the time limit that we had with each of those people. Even though there's a small attendance tonight, we are following the same time limit. It's a three minute time limit and you'll have that accessible to you. I can't imagine I will be revising the time limit. So I'll leave out that section here. If you exceed the permitted time, you will hear a buzzer. And I will also ask you to stop speaking. If you continue, you are taking time from someone else. You will have the
opportunity to follow-up in writing, if you wish. So all of that is a matter of courtesy and fairness to the other speakers as well. We have equal time to each person. So that's the way we will proceed tonight.

While the subject matter of this hearing is something many people are passionate about, the purpose of this hearing is not for public demonstrations. The audience is asked to remain quiet while each commenter speaks, so that the Court Reporter and recording devices can produce an accurate record. Interrupting another's testimony with objections, or demonstrations, or other disruptions is prohibited. It's simply unfair and actually lack of manners, respectfully I say that.

Speakers are asked to state their name when they come forward. And then if you have an affiliation that you would like to state, you're welcome to say that. That's certainly not required. That's up to you. Please offer your comments in a respectful manner and be respectful of the other speakers and attendees. If as a part of a comment you ask a question, please do not expect a response during the 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
is closed. So if you ask questions, they won't be answered. You don't want me to try to answer one of your questions. You heard of my non-involvement in the issues that are involved in these matters.

So tonight is to hear from you. And that is an important phase of this. So it's to hear from you. We give everybody a chance to speak tonight. We can do that with this attendance. And then at the appropriate time, we will conclude. All right.

What happens next, ladies and gentlemen, after these proceedings. 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 rule 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 whom are made by the Commission, are the Commissioners themselves who may act through appointed alternates. The Commissioners are the glutoners of the four basin states; Delaware, New York, New Jersey, and Pennsylvania. And on behalf of the federal government, the division commander of the North Atlantic division of the U.S. Army Corp of Engineers.
And I'm almost at the end of my comments. And I want to conclude by saying this. If you get the opportunity here tonight, you may think oh, this is a done deal. It's not. We actually have some new Commissioners in the elections, and new governors. And I think it will be a fair process in the time limits. We have a video record and the written record and then your comments to others here tonight. So it really is a crucial opportunity for you. And I would just suggest that you get the substance because that's what's going to make a difference here, ladies and gentlemen. Be substantive in your comments. That would actually be a great help. And I think the way we want you to advance your position. So thank you, ladies and gentlemen.

And we believe that some of the people who have signed up in advance to speak are not here. But I'm going to go through this list. I'll simply go in order. Peter Winslow, is he here? John Gorman? John Gorman's here? Okay. If you will come forward, sir, please. And then if these people are present, the next two of them are Tamara Clements. And then Steven Cickay, C-I-C-K-A-Y. All right. Now, Peter Winslow is not in the room, right? Okay. And this is John Gorman. Mr. Gorman, please?
MR. GORMAN:

My name is John Gorman. I am here on behalf of Sludge Free UMBT. A non-profit organization based in Upper Mount Bethel Township in Northeast Pennsylvania. An area where residents depend on well water from the Delaware River Basin. Extracting water from basin will dramatically lower the water table for the entire region.

I make this claim based on a recent evidence produced for an environmental lawsuit we were involved in. Specifically, developers seeking to turn a 150 acre farm into a golf course, drilled four test wells to analyze the interconnectiveness for water wells of adjacent homeowners. Test wells were run for a 24-hour period removing 351,000 gallons of water. As a result, adjacent wells went down by as much as two feet. Now, let's do the math. It takes an average of 4.4 million gallons of water to drill one gas well. Multiply that by the estimated 3,000 to 5,000 new fracking wells to be drilled each year in Pennsylvania for the next 30 years. And you get the total amount of fresh water needed, 528 billion gallons. Even if only ten percent of the water needed comes from the basin, the industry will consume 12.8 million gallons of fresh water a day, every day for the next 30 years.
If removing 351,000 gallons of water for one day from a 150-acre Upper Mount Bethel farm while neighboring wells will drop by two feet, what impact will removing 4.8 million gallons a day from the underground resources of drinking water? Not only will rural communities be affected, but so will downstream rural communities who rely on the Delaware River for their source of water.

Environmental impact cannot be avoided says the oil and gas industry inside Thomas Alexander. But just how big of an environmental impact? According to PABP records, the number of fracking well encasements that have failed is over six percent. Meanwhile, a Cornell study forecasts an even higher number, four in ten fracking wells will fail in Northeast Pennsylvania. Leaking fracked wells include toxic chemicals into the 528 billion gallon equation. As I speak, unknown quantities of chemicals are now vibrating underground. A contaminated aquifer can never be cleaned. The current administration has aligned itself with the fossil fuel industry. Who is your loyalty to? President Trump and the oil and gas corporations or the residents that voted for you? All of us can live without fracking in the basin. None of us can live without water. To protect the water supply
to 70,000,000 people, you can't ignore these numbers.

Thank you.

HEARING OFFICER:

Thank you, Mr. Gorman. Ms. Tamara Clements.

MS. CLEMENTS:

My name is Tamara Clements. The Delaware River is protected by the DRBC special protection water regulations, which does not allow water quality to be diminished in any way. Banning the acceptance of fracking waste water must be clearly stated in the regulations. Waste water plants do not know which chemicals they are treating from fracked water. And their attempts to disinfect water may have negative consequences for our waterways.

Duke University researchers found that waste water from fracking often spills into rivers and streams during storage and shipment. I give you an example from the Allegheny River, which is the river I grew up on. In 2016, fourth year results of the TRQ, one of the most comprehensive surveys in the region, continued to turn up high levels of bromide, which is a salt often associate with waste water from the Marcellus shale fracking, and abandoned mine drainage in Blackjack Creek. The creek has the region's highest
concentration of bromide, the most persistent pollutant in the study since it began.

Water from the Blackjack ends up in the Allegheny River, the drinking water source for 400,000 residents. The Pittsburgh Water and Sewer Authority can deal with discharges of oil and natural gas waste water from both fracking and conventional wells with major source of bromide in the Allegheny River.

Disinfecting these bromides with chlorine creates trihalomethane, also known as THM. THM causes liver, kidney, and central nervous system problems, bladder cancer, miscarriage, still births, and induces cancer lesions in lab animals.

Pittsburgh substituted chloramine for the chloride in the disinfection process. The chloramines produced less toxic treatment by-products. But those produce other problems, including letting lead and copper to leech out of old water pipes. University of Pittsburgh Center for Healthy Environments and Communities Director, Conrad Dan Holls said to remove ruminated THM, that's going to break the bank for public water systems.

Currently, the Pittsburgh Water and Sewer Authority remain in noncompliance with the federal led threshold. The levels have exceeded the federal
threshold since the summer of 2016. Fracking waste
water is a huge problem for which there is simply no
adequate solution, but to ban it. In Psalm 107, verse
43 we are reminded God can turn a fruitful land into a
salty waste for the wickedness of those who live
therein. It is in your hands to maintain a fruitful
land.

HEARING OFFICER:
Thank you, ma'am.

MS. CLEMENTS:
These are newspaper articles.

HEARING OFFICER:
The way to do that - I'm glad you asked,
is to submit it. And I failed to note - this may
assist you as you're speaking. We have the time listed
up there. Okay. That was Ms. Clements. Is Steve
Cickay here? C-I-C-K-A-Y. All right. How about
Hannah Ryan? Hannah Ryan? Richard Desvernine? Sir,
if you will come forward, please.

MR. DESVERNINE:
Sure.

HEARING OFFICER:
Great. Thank you. I don't know how badly
I butchered your name there, sir.

MR. DESVERNINE:
Actually, you said it right.

HEARING OFFICER:


MR. DESVERNINE:

It is just odd. Thank you for hearing me tonight. I would like to tell you that I appreciate the DRBC. We go back a long way. I was born in New Jersey. I did a little farming there. Now, I live in Philadelphia. I do a little camping up in New York. I was in the first Earth Day planting trees in 1969 in front of a school in Bridgewater, New Jersey. My parents were involved in the movement. So I do appreciate what the folks at the Delaware River Basin Commission do.

I read over the draft resolutions and I am not happy with them. I believe that the Delaware River Basin deserves the highest possible environmental standard. I do not see a disposal of waste water in the basin being regulated by Pennsylvania as the top gold standard. I believe that the resolutions would open the door to fracked water disposal within the basin. We already have a defective moratorium. Fracking is not happening. We should keep it that way.

Thank you.

HEARING OFFICER:
Thank you, sir. Is Hilary Baum here?

Ma'am, could you move forward please?

MS. BAUM:

Hi. My name is Hilary Baum. I'm a resident of New York. And have enjoyed and rely on the benefits of the Catskill Delaware water shed for most of my life. I'm here representing the New York Sustainable Business Council. We are the New York State affiliate of the American Sustainable Business Council. An organization of more than 250,000 independent business.

NYSBC successfully localized businesses statewide to participate in the citizen's movement to ban fracking in New York, which included the Marcellus campaign in businesses against fracking New York initiative. We are grateful to Governor Cuomo for bringing a statewide ban throughout New York, and for his recent vote to approve a proposed ban on the Delaware River Watershed.

However, while we in New York are able to celebrate our success in getting fracking out of our state, we are still engaged in protecting New York statewide from the public health risks associated with fracking waste activities, except in New York City where its use and distribution is now prohibited.
Clearly, the DRBC has recognized the dangers of fracking the Delaware River watershed, which is why this ban is being proposed. The Commission's ban as proposed is incomplete and inadequate because it would allow the storage, treatment, and disposal of toxic fracking waste water within the watershed. Plus the withdrawal of water from the watershed for fracking elsewhere. It is not good enough.

Knowingly adding stress to the drinking water resource for 15 million people is dangerous and morally unacceptable. These activities must be permanently prohibited. If the long term health of the watershed is quality and quantity, is truly a value to the Commission.

Why are business leaders concerned about fracking? Because fracking and fracking waste endanger public health, the environment, and the economy. Fracking and its related activities place burdens on business. Fracking and its related activities is not the key to a stable, sustainable economy. If fracking, fracking and its activities, and water withdrawals are permitted in Delaware River Basin, short-term economic advantages that get into the oil and gas companies will perpetuate an unlevel playing field for business efforts committed to long-term sustainability.
Fracking and its related activities creates industrialized landscapes. And is incompatible with regional economic drivers, such as tourism, sustainable agriculture through the production, and outdoor recreation. All of which depend on natural amenities and shared resources. It impacts property values. It impacts business when its employees and their families experience health problems associated with fracking and its related activities by causing higher healthcare costs, increased workplace absenteeism, and reduced productivity.

Businesses of all kinds are being impacted with extreme and have a difficult time with this. We know that fracking the production of waste products are associated with climate change, causing challenges to places such as supply chain disruption, damaged infrastructure, increase in insurance costs, and decreases in property values, delay of closing, and lost revenues. The existing laws regulating fracking are inadequate. And the gas and oil industry is exempt from major environmental laws. Okay.

**HEARING OFFICER:**

Thank you, ma'am.

**MS. BAUM:**

I just want to say that our nation needs a
complete ban on fracking that includes fracking waste activities, and border patrols, and the Delaware Rivers.

HEARING OFFICER:
Thank you, ma'am. We are not taking any copies. You have to submit it through the mail process, ma'am. Thank you.

HEARING OFFICER:
Alexander Cupo?

MR. CUPO:
I spoke at the last hearing.

HEARING OFFICER:
Yes. Okay. Thank you, sir. Mitch Chanin did as well. Is he here tonight? Okay. And then we go to the list of people who signed up tonight.

Catherine Pregnon.

MS. PREGNON:
Yes.

HEARING OFFICER:
And the next --- the person on deck would be Lauren Lareau. Ms. Pregnon, is that correct?

MS. PREGNON:
Pregnon. Yes.

HEARING OFFICER:
I'm sorry. Okay.
MS. PREGNON:

First of all, I'd like the say the DRCB, in my opinion, has been a model of responsibility towards the residents of this river basin, in terms of banning fracking in the Delaware River Basin.

For 15 years, I was a trainer for the Individuals with Disabilities Education Act. I am not a lawyer. But I became very sensitive to the terms such as shall, will, should, must. The use of the term discouraging exportation of clean water from our river for purposes of fracking in other basins seems irresponsible and short-sided to me. Better to permanently ban than set up language that is deliberately obtuse and ripe for litigation and misuse of our water. Concurrently discouraging fluvent of any kind, which is the language in the proposed rules and regulations. It seems a recipe for disaster and the polluting of our rivers and environment.

I am asking the DRBC to responsibly be stewards of our health and welfare, and permanently ban fracking in the Delaware River Basin. I want to maintain what clean water we have. And not put in any other fracking information and stuff that comes into our river.

Years ago, I was in New York doing a
protest. And we were on the one side obviously because we did not want to frack on Delaware. And the people from New York, there was a large contingent who were doing --- who wanted to have fracking happen. And they had a case of water. It was a very --- a blistering hot day. We had stood in the sun out of our buses for about three hours. And as we went to in the hearing room like this, someone said from the other side would you like some water. I'm going to throw this away. And I said oh, thank you. I would. And he said oh. He saw my button. And he said oh, I'm sorry. You can't have it. And I said is that really what it has come to? You get water, but I don't. I, in my 71 years, am convinced that the last world war will be about water. At least up until now. So I asking to please consider a permanent ban on fracking in the Delaware River Basin. Thank you.

HEARING OFFICER:
Thank you, ma'am. Lauren Lareau?

MS. LAREAU:
Lareau (corrects pronunciation).

HEARING OFFICER:
Lareau. Thank you.

MS. LAREAU:
My name is Lauren Lareau. I'm here as a
concerned citizen. While I really appreciate the Commission coming out and wanting to ban fracking, I think that the way the regulations are written allow too much of a loophole for companies to still destroy the water there. So allowing the export of water would be a dangerous thing. I think that if we're going to be sharing water, the water should be going to the 15 million people that it supports. I think water is a precious commodity. And I don't think we can afford to share it with the natural gas companies.

And the idea that they can return the water if they properly cleaned it is a pie in the sky idea. Because there is no way you can clean microscopic chemicals from the water. And the way the system is designed such that the companies don't have to disclose which chemicals they're putting in the water because there are trade secrets is a dangerous door to open. And I would strongly suggest that the Commission decide against allowing any water to be removed or returned by the fracking industry to the Delaware River Basin. Thank you.

HEARING OFFICER:

Thank you, Ms. Lareau. Andrew McGrath. And then on deck will be April Whitley.

MR. MCGRATH:
My name is Andrew McGrath. I'm a resident of Philadelphia. Formerly lived in Delaware County. In Philadelphia, I'm one of the 17 million people who get my drinking water from the Delaware River, along with the rest of Philadelphia and State of New York.

My comments here basically fall into two categories. One being that we simply do not have the millions of gallons of water to spare for this purpose. The DRCB establishes a policy of protection and preservation that states that if the waters of the Delaware River Basin are limited in quantity --- and the basin is frequently subject to drought warnings and drought declarations due to limited water supply storage, and stream flow during dry periods. Therefore, it shall be the policy of the Commission to discourage the exportation of water from the Delaware River Basin. These new rules directly contradict that principle.

The second piece of my comments is really that there is absolutely no safe way to store, treat, or dispose of fracking waste water from the water shed. I think the science has shown this over many years that this substance that comes back out of the well is radioactive. It's contaminated with known carcinogens. We know that there known carcinogens in the waste
water. But as was mentioned before, we do not know what all the chemicals are because they're not required to even be disclosed to the public. They're treated as trade secrets. Therefore, we need a complete ban of fracking and all related activities, including water withdrawals and waste disposal from the Delaware watershed.

**HEARING OFFICER:**

Thank you, Mr. McGrath. April Whitley.

**MS. WHITLEY:**

I'm here as a homeowner in the Delaware River Valley. I live in the Bristol area with my family. We get our water from the Delaware to drink, as to my neighbors, my whole community at large. I remember the first Earth Day, as I think they were saying. I remember also when the Delaware River between the road the Bristol bridge and the Dakota Tall Meyer Ridge got it swim-ability certification. And it took 20 years. It was 19 years after the Clean Water Act was passed. We can't afford to lose our water. If there's an accident, a spill of some sort. I know there's an alarm system for all the towns that take water from the Delaware. They can shut their valves. There's only 24 hours worth of water there, should there be an accident of some sort.
We have rare and endangered species living in my portion of the Delaware. We don't know what would happen to them. We don't know what chemicals are being used. So please, allow fracking. Don't take the water. Don't let the companies return the water. It can't be cleaned. We enjoy the Delaware. We love it. We go kayaking out there. We go tubing out there. We go fishing out there probably four or five days a week, 52 weeks a year. So keep it clean, please. It took 20 years to get to where it is now. Let's not destroy it.

HEARING OFFICER:
Thank you, ma'am. Yvonne LeFever?

MS. LEFEVER:
I am Yvonne LeFever. And I am a Delaware County resident, Prospect Park. So I live very close to the John Heinz National Wildlife Refuge. I also live very close to Tinicum. I also have friends who belong to the Princeton Yacht Club. All whom use the Delaware River to recreation, fishing, and personal enjoyment. No one wants to see any more pollution added. We have a long history of pollution in the Delaware River. I am totally against fracking. I think that --- I can't imagine why --- understanding why the Commission would even approve fracking. It already has a history of connections with earthquakes.
It has a --- you know that there's chemicals being involved here. And I don't have to reiterate what everyone has said before. Issues of chemicals, radioactivity, you know. I'm sure you're well aware of it.

There should not be drainage of any kind of water to be used for fracking. There certainly should not be any dumping of fracked water back into the Delaware River. We finally had fish, Shad coming back into to the Delaware River. People use it for swimming. Delaware Beaches, I know the issues that had been going on in Delaware with polluted water. We don't need it. We have to be responsible at some point. Water is our most precious resource. Land is a precious resource. We have to think about our future. We have to think about our children's future. So I hope --- I hope you will use good judgment in making the decision here. Thank you.

HEARING OFFICER:

Okay. Thank you, Mr. LeFever. Amanda John-Kimesy.

MS. JOHN-KIMESY:

I'm Amanda John-Kimesy. I'm the Pennsylvania and Delaware program manager for the National Parks Conservation Association. And I want to
say thank you to the Delaware River Basin Commission for this opportunity to testify today. On behalf of NPCA's more than 4,000 members in Delaware of 35,000 members in New Jersey, 55,000 members in New York, 45,000 members in Pennsylvania, I want to applaud the Delaware River Basin Commission for taking steps to ban hydraulic fracking in the watershed.

This basin is home to ten national park sites that lure more than 11 million national park visitors each year. These visitors come to enjoy world-class trout fishing in the Upper Delaware scenic and recreational river, the waterfalls and paddling opportunities in the Delaware Water Gap and Natural Recreation area. The recreational water sites that line the Lower Delaware Valley scenic section and more.

By banning hydraulic fracturing, the Delaware River Basin --- in the Delaware River Basin, the DRBC would protect water shed, the water shed national parks within it for the likelihood of contamination from fracking, disruption of subsurface gases, which can enter the groundwater, mechanical well failures, and venting flaring and leaking that we know occurs in the Susquehanna and Ohio River Basins.

If fracking were to expand to the Delaware River watershed, national park visitors would likely
experience less clear views from regional phase
associated with methane and other voluntary organic
compounds, cloudy park skies. And the national park
waterways that they expect to be seen would be
vulnerable to harmful contamination from fracking
activity upstream. These visitors help to support the
basin's robust recreation and tourism economy. In
2016, national park visitors alone spent more than $470
million in watershed communities surrounding national
parks. This economy activity directly benefited
national park visitors by supporting approximately
8,000 local jobs.

Industrialization of park lands associated
with natural gas drilling looms in the Rocky Mountain
West have already proven to have adverse effects on
national park visitors and the local economy they rely
on. Because of hydraulic fracking around Theodore
Roosevelt National Park in North Dakota, visitors now
endure heavy traffic, air quality warnings, and
night-time gas flares that reduce dark sky visibility.
Without this ban, such outcomes could threaten our
basin's national parks, too.

While we value DRBC's efforts to tighten
the regulations on withdrawals from the river to use
inside --- sorry, with fracking and limit disposal into
the basin, we ask that such regulations and practice
insure that the Upper Delaware Recreational River is
particularly protected from any withdrawal threat that
could exacerbate flow irregularity or harm wildlife.
Recognizing the position that the governors, their DRBC
designees, and Commission staff have been in over the
last seven years, NPCA applauds the important and
challenging decision that was made to ban fracking in
the Delaware River Basin. NPCA urged the DRBC back in
2011 to hold off on it. Thank you.

HEARING OFFICER:
Thank you very much. James Schleppenbach.
With a name like that, this is hard for me. I'm sorry.

MR. SCHLEPPENBACH:
No problem. Schleppenbach. Appreciate
the opportunity. Yeah. I'm up here as a resident of
Solebury Township up in Bucks County. I'm an organic
farmer. I work with farmers that comprise upwards of
400 acres. And what we're learning about agriculture
and the water supply is that there's a decrease in
ground water recharge because of the way agriculture is
done. This has to do with the water supply and the
health of water in the watershed. Everything that we
do impacts how much water is going back into the base
well, recharging streams, ground water supplies that
provide the basis of the trout spawning habitat, critical habitat for all the animals, birds and everything. We understand when ecosystems are fractured, and when ecosystems are poisoned, and when development pressure or other pressures affect the ability of the ecosystem to sustain itself, all those checks and balances start to cascade.

And clearly, we're experiencing that with soil degradation, food quality going down, water quality, again, the basin. And it's already been in a --- you know, we cut down all the trees hundreds of years ago. It had an effect on the watershed. We farm the way we farm. It has an effect on the water quality and the ground water recharge. So my perspective here is a systemic one. And with climate change, there's an increasing pressure on us as food producers to steward the water resource. Improving what is actually soaking into the ground, absorbing into the ground, soaking back in to recharge the water. Which we depend on to irrigate our crops.

So whether or not the removal of water from the watershed for this proposal would affect me on my land is to be determined. As well as any contamination that could happen from waste water that would be mishandled. But the point is water is already
so precious and scarce that extracting water, it's really, it goes against what we need to be doing collectively to ensure our grandchildren's capacity to inherit an ecosystem and a resource base that's resilient. Because we're already experiencing pressures and the need to have the opposite of extraction happening. We need the purification of water because it's already polluted and challenged. So this is all part of our ability to sustain ourselves and the challenges we're going to be facing going forward. So I applaud the ban. But really, really hope you reconsider the extraction of the water resource base and the basin.

HEARING OFFICER:
Thank you very much, sir. Erica Evans, please. Erica Evans.

MS. EVANS:
Hello. Thanks again for the permanent ban proposal on fracturing in our basin. I was out in Ohio, Eastern Ohio not that long ago. And kind of saw firsthand the effects of the fracturing industry out there. And was really surprised by not just the environmental impact it had on their watersheds. Especially with the mishandling of fracturing waste water. Just the truckers not really caring. Dumping
it wherever and not bringing it to the facility that it was supposed to be taken to. But also the effect it had on the communities there.

The trucks kind of overtook their small town roadways. And creating lots of traffic. Kind of driving unsafely. Also causing lots of road degradation. The basic infrastructure wasn't built to handle sort of the industry that has erupted there. So in addition to my similar concerns as to James is before me, I just want to urge the Delaware River Basin Commission to go further and ban not just fracking, but all the processes involved. And that includes the discharge of waste water, and the removal of water from our precious resource, the Delaware River. Thank you.

HEARING OFFICER:

Thank you. I have gone through the various lists that were submitted. Is there anybody else that hasn't spoken at any of the hearings that would like to make a statement? Ma'am, you're welcome come it.

MS. RYAN:

Thank you. I was late. I think you called my name earlier.

HEARING OFFICER:

Okay. You're welcome to talk. We have a
three minute time limit just so you know, okay.

MS. RYAN:
Oh, I know.

HEARING OFFICER:
Okay. You can start by stating your name please. All right.

MS. RYAN:
Hello. My name is Hannah Ryan. I'm a former pediatric nurse. And I'm a current adult nurse practitioner in Philadelphia. I'm originally from State College. But I've lived in the Philadelphia area for the past nine years. I was so happy to here that the Delaware River Basin Commission announced frack regulation prohibiting fracking within the Delaware River Basin. However, like so many others, I'm concerned about allowing the treatment of fracked waste water and the transfer of Delaware River Water that could jeopardize the health of our water.

I would encourage the Commission to ban disposal, storage, treatment, or discharge of fracking waste water and a ban on any water withdrawal that's for fracking-related purposes. As a nurse practitioner, I know how important clean water and clean air, of course, is to health of both our environment and our citizens. Frack water can prove
especially harmful because of the diverse amount of chemicals and heavy metal that may be present. They are usually difficult to find sometimes. We don't have appropriate testing to always know if the water is clean. And treatment may be incomplete, resulting in symptoms that can just be as simple as eye irritation, to nerve system damage, and to cancer. And as fracking is relatively new, we don't know all the results it will have on our health.

One Colorado study counted 77 fracking waste water spills that impacted ground water supply, which 90 percent were contaminated with unsafe levels of Benzene. I work everyday to improve the life of my patients in my clinic. I do everything I can to help them live a better life. But pollution is something I can't protect them from. And it is something that I ask you to protect them from. Thank you.

HEARING OFFICER:
Thank you. Is there anybody else that would like to testify this evening? Okay. All right, sir. Is there something you would like to say?

MR. O'MALLEY:
I had signed up for the speaking period.

HEARING OFFICER:
Okay. Hold on, one second.
MR. O'MALLEY:
Are we at the very end?

HEARING OFFICER:
All right, sir. You look familiar.

MR. O'MALLEY:
Yes. Yes.

HEARING OFFICER:
Can you state your name, please?

MR. O'MALLEY:
Doug O'Malley. I'm Director of Environment New Jersey. I welcome the opportunity to testify again. And also, I want to thank the DRBC for not only holding this hearing in Philadelphia, and obviously the hearing previously in Waymark. But extending the comment period and allowing a hearing in Shanksville and a teleputer. It is paramount that DRBC allow the most possible public comment. And I would advocate for a public verification to ensure that people that are signing petitions that are being submitted, that they be counted not only as one comment. But that petition, all those names of people that signed petition, these are pro-con, be counted individually supporting or opposing regulations. And that's an equivocal component of this. And the reason is quite simple. This is the most important issue that
DRBC has wrestled with in its history. It's obviously been incredibly contentious over the course of the last decade. We at the Environment of New Jersey, obviously support a complete ban on fracking, as well as the complete ban of fracking waste water, and water withdrawals for fracking.

And I wanted to get a chance to talk very briefly about why this is so critical. In the Trump-era, we are not only seeing rollbacks on a federal level, but in '05 because of the Halliburton loophole as part of 2005 Energy Policy Act, the fracking industry is exempt from a whole host of our landmark environmental laws. And currently, the industry, you know, the EPA doesn't even know what the accuracy of a list chemicals that are found in fracking fluid and waste water.

That is why it's so paramount, specifically that there's an absolute ban on fracking waste water. We heard earlier from the woman who grew up close to the Blackjack in the Allegheny River watershed. And she referred to the Duke University study. And this is paramount for the DRBC to look at because this is the study that occurred over the course of the last five years. Five years ago, they looked at the sediment. They found levels of radium 226. And
that was 200 times over health standards directly next
to the out haul hitch from waste water. And just a few
days ago, they released an update to the study.
Finding that the levels of radium in the sediment was
more that 650 times. That should go to a federally
designated radioactive waste disposal site. And
instead, it's stuck in that watershed and in that water
bed.

And the critical notion here is that this
is not going to go away. Radium 226 is a lifespan,
half-life of 1,600 years. And if we're thinking about
the future of the Delaware River basin, we need to
insure that we're not only discouraging fracking waste
water, but we're banning it. We're banning injection
level. We're banning the ability to have waste water
disposal pits. Because 100 years ago, there was no
DRCB. And we had an industry here in the watershed and
broadly across Pennsylvania that looked to extract
fossil fuels from the ground. The coal industry has
left a legacy of pollution that we're still struggling
with. 100 years from now, please, let's not have the
Delaware River Basin struggle with the legacy of
fracking. Thank you.

HEARING OFFICER:

Is there anybody else that would like to
speak this evening? Here is what we plan to do. Just in the event that someone comes in that would still like to be heard, we're going to actually take a recess until 7:15. You're welcome to stay around. If you decide to leave, arrangements are being made to the lift the arms in the parking lot, if you're parking there. So you can pull out without paying anything. But we're going to resume at 7:15. I thought you were great, ladies and gentlemen. Articulate, respectful statements. Thank you very much for that. All right.

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(WHEREUPON, A SHORT BREAK WAS TAKEN.)

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HEARING OFFICER:

Ladies and gentlemen we're going to resume. We have some additional speakers. So we're going to resume. Could you please take your seats? It appears that we have three additional speakers. I would say this to each one of the three. Let's see. Your statement will have as much effect as all of the other people in the sense that what will show up on video is a person talking for the three minute period that you have. Just like every other person. So that a whole lot of people have left doesn't factor into this. Your printed statement will be available and also
the video. So this should work well for you. All right. And in fairness to everybody, for the three people that came in, we will hold you to the three minute time period as we did to everybody over the last hour. Katherine Harrelson, could you come forward here, please?  

     MS. HARRELSON:  
     Thank you. Thank you very much. Thank you. I want to thank the members of the Commission. I want the thank you for holding the public hearing. And thank you for the work that you do to protect the Delaware River.  
     I am here tonight because I want to show support for the complete and total ban for fracking in the Delaware River Basin. However, I strongly oppose the loophole that would allow the exportation of water from the Delaware River Basin to be used for the purposes of hydraulic fracking. I also strongly oppose the smuggle of fracking waste in the Delaware River Basin.  
     The reason that I oppose these two loopholes is that I am a resident of New Jersey. I live Pine Mill, New Jersey. I've lived in Pine Mill for ten years. Pine Mill is not considered part of the pine barren, but it does help clean its ecosystem.
When I first moved in to Pine Mill, we got 100 percent of our water from five wells in the borough. These wells are into the aquifers in pine barrens. Most of the aquifers, but also it goes to two deeper aquifers as well. And I was very proud of that fact.

But the fact of the matter is that all of South Jersey is mismanaging the water resources in South Jersey. We are mismanaging the water ecosystem. We are overdrawing. We are putting in infrastructure that threatens our drinking water. And we are taking more water out of the aquifer. Now, ten years later, I get part of my water from the aquifers on Pine Mill. And part of my water is purchased from New Jersey Water. Which as you know, it draws water from the Delaware River. The fact of the matter is, is that the Delaware River is the back-up plan for drinking water for South Jersey. More and more towns are moving and putting proposals into, withdrawing water from the Delaware River to get our drinking water needs. If we take fresh water away from the Delaware River, we are directly threatening the back-up source of water for most of South Jersey. The reality for this Commission is more and more townships are looking to purchase water for New Jersey American Water.

I feel as though the loophole in this
Commission's proposal represents a compromise with the oil and gas industry over limiting fracking. That there were compromises put in to allow the withdrawal, and the use of fresh water for fracking, and the disposal of fracking waste in the basin. And simply put, compromising with the oil and gas industry compromises our drinking water. And I don't feel that any elected or appointed official should make compromises with the oil and gas industry over our drinking water. The second -- the final point that I want to make is that single-use of fresh water for hydraulic fracking is absolutely inhumane. You're taking a fresh water source, using it once, and then downgrading the quality of that water so it's no longer potable for drinking water. The Delaware River represents one of the largest drinking water, fresh water sources in South Jersey. And we draw water from --- thank you very much.

HEARING OFFICER:

Okay. Thank you very much. Is this Steven Cickay? How do you say your name, please?

MR. CICKAY:

Cickay (corrects pronunciation).

HEARING OFFICER:

Cickay.
MR. CICKAY:

Yes, sir. My name is Steve Cickay. And I live in Newtown, Pennsylvania near the life-giving Delaware River. I come today before those who have been given awesome power to make decisions that will affect the health of thousands, if not millions of current and future born generations of living beings. I represent an organization in the human race. Even after 63 years on this planet, I strangely have still within me a shred of idealism that a single individual in our beloved democracy can have an impact on the good and welfare of our shared community.

However, the current political climate is sadly weakening that idealism every day. Yet, I will persist. The environmental experts have provided you with their new facts and knowledge to support their intelligent position. And I applaud their nasty captions and fact-based intelligence. Therefore, I have no new facts to offer. So I will offer you rather a new knowledge of facts. So you can then hopefully wiser decisions about our only licensing planet in the solar system.

Leaders are supposed to move their community forward with better, safer, higher ground. What perplexes me today is that there are many
passionate, intelligent citizens gathered here tonight to plead for basic protection of our land. That there is absolutely no one for the people in power. Why are they do not come before the Board to plead their desired --- the risky, polluting practices on our shared water. I frankly am sick of the fact that environmentalists must always play defense against the power? If we had wise leader who recognized the fragility of our only life saving plan and understood the critical importance of developing clean, renewable energy technology, which ordinary citizens like me and other individuals in this room wouldn't have to travel long-distances to plead their case is obvious. Protect our environment so that our generation and all future generations can live in it. All in our community can be videotaped in the sun and the wind?

But instead, our leaders support the industries that continue to destroy and sicken our land, water, and the thousands of living beings each day. Therefore, I have to. What will you tell your children when you awake one day in a Flint, Michigan water crisis? That you sided with the rich, the powerful? Or are you going to decide to champion the good health and clean water. Is that the legacy you would be proud of to give the next generation. Many of
us are opposed to the upheaval of the 21st Century, we feel we have reached the pinnacle of civilization. We look back at primitive cultures in the past. We call them barbaric, or uncivilized. Even though some of these are considered wisely practices to a sustainable way like economy, preserve air and water preserving. So I ask you to conduct a scientific thought experiment today. Pretend that you now live in the year 4545.

HEARING OFFICER:
Sir, I'm going to have to stop you.

MR. CICKAY:
And the members of the team.

HEARING OFFICER:
Thank you.

MR. CICKAY:
Thank you.

HEARING OFFICER:
Yes. Just one moment, ma'am. Okay. And then when you are ready, please.

MS. DIXON:
Since DRBC has no enforcers and no monitoring program, it is highly irresponsible to propose any kind of fracking in the basin. No matter how strict the perimeter may look on paper. There should be a complete ban on fracking. And there should
be a ban on fracking waste water disposal.

The proposed regulation require two building studies for the treatment of water planned to be discharged. These studies are planned for 78 pollutants of concern. But there are way more than 78 pollutants in waste water. In January 2016, the Evansville Public Health and Public Research was involved in more than 1,021 chemical either used in fracking fluid or created during the process of fracking.

They found that 781 of these chemicals lacked basic toxicity data. Of the 240 that remained, 157 were developmental or reproductive toxins. Also in 2016, German scientists surveyed the property for chemicals used in frack water. They discovered that almost certainly new chemical products are formed during the process of fracking and its aftermath. So nontoxic additives could potentially react to other substances to create harmful by-products.

These two studies and more are found in a Scientific Opinion, which is governed by concerned health professionals of New York and Physicians for Social Responsibility. Find it at concernedYork.org/dominion.

Only one percent of your planet's water is
drinkable. Our population keeps growing. More is being lost all the time because of industrial uses. We need a ban on water withdrawals from fracking in the basin. I've read a bunch of facts. It is important to remember that real people are affected by these facts. Google, quote, list of the harmed, unquote, to read about the 22,144 fathers and mothers or individuals directly, negatively, severely impacted in the U.S. alone. Carol Franklin and her daughter in Bradford County were sickened by contaminated well water. Carol got rashes. Her daughter got stomach pain, rashes, an enlarged spleen, enlarged ovaries. No diagnosis was made. They aren't able to sell the property to move because they no longer have potable water. When our water gets contaminated from fracking, all 15 million of us won't be able to move either.

HEARING OFFICER:

Is there anybody here who --- okay. It might be frustrating for some people. I know your remarks are prepared longer than three minutes. But certainly, everybody that ends up being cut out off, the impression was made. I really believe that. And the reason we have the three minute limit is so that one group does not argue that the other group over there got more time. And you cut us off at three
minutes. They got six minutes and so forth. We are not going to have a debate on that, if you don't mind. Is there anybody else that would like to speak that has not spoken yet? Is there anybody else that hasn't spoken that would like to speak?

All right. We will be here for a bit. But let's see. I guess that's the plan. Do we have enough time? Okay. Well, the arms of the parking gate are up. So you can get out without paying. Thanks everybody for coming. You had very articulate statements this evening. And thank you very much. I enjoyed hearing every statement that was made this evening. Thank you very much everybody.

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HEARING CONCLUDED AT 7:30 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.

[Signature]

Kimberly Chatburn,

Court Reporter