

BEFORE THE  
DELAWARE RIVER BASIN COMMISSION

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IN RE: DRAFT NATURAL GAS REGULATIONS

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BEFORE: CAROL R. COLLIER, Chair

WILLIAM MUSZYNSKI, Member

HEARING: Tuesday, February 22, 2011

1:30 p.m.

LOCATION: Honesdale High School Auditorium

459 Terrace Street

Honesdale, PA 18431

DATE: Tuesday, February 22, 2011

1:30 p.m.

Reporter: Jolynn C. Prunoske

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1 WITNESSES: George Fluhr, Brian Smith, Anthony Herzog,  
2 Tom Axtell, Chaz Augello, Jeff Dexter, Bruce Varcoe,  
3 Doug McKlinco, Jim LaBar, Jonathan Fritz,  
4 Arlene LaTourette, Jane Varcoe, Joe Canfield,  
5 Peter Lazorag, Beverly Watson, Carol Woodmansee,  
6 Michele Stahl, Amber Stahl, John Woodmansee,  
7 Judy Ahrens, Barbara Conklin, David Callahan,  
8 Tracy Carluccio, Thomas Shepstone, Paul Saunders,  
9 Aaron Price, Carolyn Price, Chris Lacey,  
10 Michael Citarelli, Betty Sutliff, Cathy Reicheg,  
11 Sue Mickley, Bob Rutledge, Trevor Walczak,  
12 Bill Geizer, Mary Beth Wood, Ron Collins,  
13 Daryl Miller, Richard L. Lenz, Karl Wasner,  
14 Greg Swartz, Marian Schweighofer, Curt Coccodrilli,  
15 Katherine Wynne, Peter Wynne, Mike Unotsky,  
16 Lawrence I. O'Reilly, Barbara Arrindell,  
17 Jane Prettyman, David Jones, Stephanie Deragon,  
18 Tom Reilly, Rick Weigelt, Josh Fox, Wes Gillingham,  
19 Mark Ruffalo, Joe Levine, Dianne Backlund,  
20 Dustin Hall, Ned Lang, James Barth, Elizabeth Tatham,  
21 Mary Ciarrocchi, W. Lee Woodmansee, Tom Yatsonsky,  
22 Sandra Davis, Jeff Hiller, Daniel Schaffer, John Hahn,  
23 John Gutarie, Judith Ladonis, Brian Fox, Dan Franck,  
24 David Nilsen, Allison Carney, Cody Stanton,  
25 Nadia Steinzor, Harry W. Hillier, Fred Diehl,

1 WITNESSES (cont.): Tannis Kowalchuk, Tim Kenyon, Jr.,  
2 Jackie Desan, Barbara Yeaman, William Davis,  
3 Steven Schwartz, Tim Kenyon, Sr., Joseph Caternis

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1 P R O C E E D I N G S  
2 -----3 CHAIR:4 I'm starting this hearing off. We would  
5 like to start with a Pledge of Allegiance and then if  
6 everyone can stand, the flag is in the corner.

7 PLEDGE OF ALLEGIANCE RECITED

8 CHAIR:9 Thank you very much. Good afternoon  
10 everyone. I am Carol Collier, Executive Director of  
11 the Delaware River Basin Commission and will function  
12 as the Hearing Officer for today's two public hearings  
13 this afternoon and this evening. And I really thank  
14 you for taking the time out of your busy schedules  
15 this afternoon to participate in our Natural Gas Board  
16 meeting, publics hearing process, because we want to  
17 hear your concerns. This is one of six hearing  
18 sessions that will be conducted in three locations.  
19 Today, in addition to the two sessions here, we are  
20 having two sessions over in Sullivan County, New York.  
21 Two more public hearing sessions will take place on  
22 Thursday in Trenton at the War Memorial Building. All  
23 sessions will employ the same procedures and will  
24 collectively allow for 18 hours of oral testimony.  
25 Before launching into the specific procedures of

1 conduct in the meeting, I'd like to take a moment to  
2 express my gratitude to this high school and  
3 specifically Thomas Jenkins, superintendent, and  
4 principal Greg Figoletto (phonetic) who have really  
5 gone out of their way to make this accommodating for  
6 this hearing. So thank you so much.

7                   I would also like to introduce our WC  
8 Commissioner from Pennsylvania, John Hines, who is  
9 executive deputy secretary of Pennsylvania DEP. Thank  
10 you, John, for being here.

11                  Also, just for logistics, there are  
12 restrooms if you go back out these doors and go to the  
13 right. So everything's close by.

14                  As you know, DRBC put out a press release  
15 on December 9th concerning the public notice of  
16 availability of Draft and Natural Gas Development  
17 Regulations and this is also on our website. The  
18 notice initiated a 97-day public comment period  
19 provided for public hearings at three locations to  
20 accept oral testimony and establish formal proceedings  
21 for five written comments to be accepted through March  
22 16th. And it's important to note that if the comments  
23 are filed timely through the National Park Service,  
24 Friend and Environment and Public Comment, for some,  
25 such as Pepsi, system, are directed to the DRBC and

1 will be reviewed by DRBC staff and Commissioners to  
2 facilitate the Commissioners' response to comments  
3 including changes to the rules if appropriate. And I  
4 just wanted to make sure that everyone understood  
5 this, that this DRBC, not the Park Service, that is  
6 receiving the comments. I think there was confusion  
7 that they were going through the Park Service. They  
8 were nice enough to provide us the tools to use which  
9 facilitates the process, and we thank them for that.  
10 And just for interest, we received about 1,200  
11 electronic comments and about 400 written comments to  
12 date.

13 Today's hearing includes two sessions,  
14 the first starting now, 1:30 to 5:00 p.m., the second  
15 from 6:00 p.m. until 9:30 p.m. Each will begin with a  
16 very short presentation to provide a high level  
17 overview of the rules. And then at the table, as you  
18 come in, there was an at-a-glance fact sheet, and also  
19 information on guidelines for the hearing.

20 I just wanted to say that for the evening  
21 hearing the doors will open again at five o'clock for  
22 the start at six o'clock.

23 The second document which was distributed  
24 at the registration table focused on rules and  
25 guidelines for the conduct of today's hearing. I

1 would like to reiterate just a few of them to be sure  
2 that we have a civil and orderly proceeding. I have  
3 no doubt. Comments will be made during a single  
4 hearing session. Comments will get reported by a  
5 court reporter and please speak clearly to help  
6 facilitate her job. Please begin by stating your name  
7 and place of residence and if you wish, your  
8 affiliation. Commenters will have two minutes. Each  
9 time will be strictly observed by me and Bill  
10 Muszynski, who I will introduce. Commenters will be  
11 alerted when their time begins, when they have ten  
12 seconds, and when their time ends. Once the  
13 commenter's time has ended, the commenter must stop  
14 speaking and leave the microphone area. Lastly, I  
15 implore you to please remain quiet during testimony so  
16 that the court reporter can produce an accurate  
17 record.

18                 These rules are intended to help sustain  
19 the flow of the hearing to allow as many people as  
20 possible to be heard and to ensure that an accurate  
21 record of all comments are obtained. We appreciate  
22 everyone's cooperation and thank you for your  
23 participation in the whole process.

24                 I also want to acknowledge that the  
25 Commission has received numerous requests, no doubt,

1 including requests from the participants in today's  
2 hearing session, asking us to extend the comment  
3 period or hold more public hearings. Please be aware  
4 that the Commissioners are considering these requests  
5 and there will be an announcement made during our  
6 March 2nd Commission meeting next Wednesday. I do  
7 note that, with your cooperation is --- we hope to  
8 hear from at least 150 people during the six hours of  
9 testimony here. So let's get started and here's how  
10 it's going to work. We have handed out about 100  
11 numbers. We anticipate getting through 75 and we've  
12 added those extras, just in case we can get a few  
13 more. I'll call ten numbers at a time and those ten  
14 people, please come forward, Rich Moore will assist  
15 you and will get you in these front rows here so we're  
16 all ready in taking as little time as possible.

17               We will start the public officials who  
18 have pre-registered. And I think they're already in  
19 the places here. But before that, we'll have a  
20 presentation by Bill Muszynski who is manager of the  
21 DRBC's water resources management branch, just to give  
22 you an overview of the regulations. Thank you.

23               MR. MUSZYNSKI:

24               Thank you, Carol. I think you can hear  
25 me in the back? Okay. This is just a slide of the

1 basin for those of you who may not be familiar, but by  
2 now I think most people are familiar with the basin.  
3 It obviously stretches from the original all the way  
4 through, past Narrowsburg in New York. Since this was  
5 counted in '61, there are five members of the  
6 Commission in four states and the Federal Government  
7 who is represented by the General of the North  
8 Atlantic Division. Today we're talking in particular  
9 about our gas regulations and we bring up --- just  
10 want to --- the Marcellus Shale and our special  
11 protective wooded areas, the gas line and Marcellus  
12 Shale will be sort of the ultimate area --- is our  
13 special protective wooded area. And what that's  
14 saying is this represents 34 percent of the basin ---  
15 basin land there.

16                   What we expect, and these are our  
17 estimates, it's been our judgments, that somewhere  
18 between 15,000 to 18,000 arsenal wells. This doesn't  
19 include virtual wells that may be installed. And if  
20 you break them down by six to eight per pad, you're  
21 looking at maybe 2,000 to 2,200 pads. That would  
22 stretch five acres for a well pad and that will be  
23 10,000 to 12,000 acres. And for people who like to  
24 have these little --- a football field is about an  
25 acre, so that's what you're looking at in terms of ---

1 football fields, they talk about football fields.

2 And, of course, an additional acreage that would be  
3 needed to support infrastructure.

4                 When we looked at what the real needs  
5 are, which is obviously very important to us, at five  
6 million gallons to hydraulically frac each of these  
7 wells, you're looking at 90 billion gallons of water  
8 and that's of no real use of the flow back fluids,  
9 that would drop two million gallons, but this is with  
10 reuse of the flow back fluids. And this is over 10 to  
11 20 to 25-year type of development.

12                 Another one of our concerns obviously is  
13 the wastewater treatment and disposal. Flow back  
14 water is estimated to come back --- it comes back  
15 right after the hydraulic fracking operation. It's  
16 estimated somewhere between 10 and 20 percent. Using  
17 the 20 percent to figure there's about a million  
18 gallons to the well and --- which would be about 18  
19 billion gallons over a 10 to 20-year period. The  
20 major concern thus far is this material is not reused  
21 at this treatment capacity, number one, in the basin,  
22 or even outside of the basin and also the treatment  
23 capability.

24                 The regulatory strategy that we've  
25 developed and built around, water withdrawal, and

1 that's to protect the surface and groundwater supply,  
2 to preserve ecological --- ecological flow and also to  
3 ensure that there's a similar capacity in our --- in  
4 the stream for other discharges that have come to rely  
5 on the capacity.

6                   The well pad and the infrastructure as  
7 planned and the focus point there is the natural ---  
8 the development of a natural gas development plan  
9 which I'll talk about in a few minutes. Also, we want  
10 to make sure that the waters that are taken into this  
11 practice, this industry practice, that they're managed  
12 correctly and that the --- and that they're disposed  
13 of correctly and that we know where that's happening.  
14 And we've also set up programs in each regulation to  
15 do two things, monitor the surface and groundwater  
16 programs in the area of the well pad itself, but also  
17 there will be an ambient for quality that's --- aside  
18 from just the local --- to the localized site specific  
19 program.

20                   And the wastewater disposal. On that  
21 wastewater, you want to make sure that if it is  
22 reused, you know where it's being reused on these well  
23 pads. In addition, if it's not being reused, that the  
24 treatment capacity, if it's going to be treated and  
25 disposed of in our basin, those facilities are going

1 to accept this wastewater after you looked at it to  
2 make sure that they have adequate requirements placed  
3 on them before they discharge it into the waters that  
4 they currently --- they currently or respectively  
5 would be discharging. We want to track that  
6 wastewater production to make sure that it gets from  
7 the well pad to the site that it's supposed to get to,  
8 that it gets, as I said, adequate treatment for it.

9                   Our regulations are designed obviously to  
10 protect the basin's water usage, which are over 15  
11 million people located on the outside of the basin.  
12 This is an incredible --- and I guess most of you ---  
13 it's an incredible resource in the Mid Atlantic  
14 Metropolitan Area. A large portion of our water is  
15 designated in the National Wildlife Scenic system.

16                   And finally we now, also, --- as I  
17 mentioned earlier, a large part of these facilities  
18 would be located in our --- a special protected wooded  
19 area that we designate. Are we creating new  
20 requirements or creating new authorities? And this is  
21 an area that we are complying with our contracted  
22 parties that we got in 1961 provided by the signatory  
23 parties to compact. And we're also supplementing our  
24 comprehensive plan with this program, but they are  
25 already existing regulations that these --- these

1 particular regulations build off of. Our groundwater  
2 section of the regulations, our 340 regulations have  
3 been in existence for a long time. Our flood plain  
4 regulations have been in existence for a long time.  
5 Especially protected water regulations that initially  
6 came in in 1992 and were supplemented later in 2005.  
7 And, of course, all of our wastewater --- and  
8 wastewater quality programs that we already had in  
9 existence.

10                   What the regulations do is they  
11 consolidate these programs into one place, so we can  
12 make it easier for both public as well as the industry  
13 to understand what they're doing. We looked at some  
14 programs and in particular one of the programs that  
15 Pennsylvania had where they had to develop a document,  
16 that they put all of their burden of proofs in one  
17 place to read so you can have standard. And we took  
18 that opportunity to put our regulations and standard  
19 in one place after learning from their program. It  
20 includes well withdrawal requirements, well pad  
21 requirements and natural gas development plans and  
22 wastewater disposal requirements. We hope that it  
23 will provide certainty to both the reuse and clarity  
24 to the public. It includes a new program for us,  
25 which is approval by rule. And it also relies on both

1 the New York and Pennsylvania programs and expertise  
2 to regulate well construction and operations  
3 themselves. And it also applies to all five natural  
4 gas companies and not just to Marcellus.

5 We suggested regulatory framework in  
6 basically six sections. The types of approval that  
7 the regulations have are water use, water withdrawal  
8 and well pads and there is a public note, the  
9 procedure for them, and you can either get approval by  
10 rule, if you can meet certain qualifications, under  
11 those two, and that it comes to executor director or  
12 go through the document process if you don't meet  
13 certain requirements at a Commission hearing.

14 The natural gas development plans  
15 themselves and any wastewater discharges also have a  
16 public process associated with them, but they have to  
17 go through the document process. And the difference  
18 between the approval and the document process is that  
19 one, you get with the executor director's signature,  
20 the other --- we have five Commission meetings a year.  
21 Your approval would have to be at one of those five  
22 approvals --- one of those five meetings a year and  
23 approval by the Commissioners.

24 The type of water used approvals, there  
25 are new sources, groundwater sources and surface water

1 sources. They would have to go through the document  
2 procedure. They are existing through DRBC sources,  
3 some of them ground and surface board sources and they  
4 have capacity that they're not currently using and  
5 wish to use for this purpose. And they would be the  
6 types of approvals --- that water approval would have  
7 to go through the approval by rule process. There's  
8 the water flow back, a production order, review  
9 usually would be included in either the document or  
10 the approval by rule for that particular well pad.  
11 And then it is important for any water that is brought  
12 into the basin or water that is exported out of the  
13 basin has to go through the Commission approval.

14 Some of the ethical requirements that are  
15 in there because there are many, but I've picked out a  
16 few, the on-site sources or the reused sources can be  
17 included in the natural gas development plan. You can  
18 get an approval by rule, as I mentioned earlier.  
19 There are water tracking requirements also for the  
20 water providers, so that we know where the water  
21 starts from, where the water is used on the well pad  
22 and eventually where that water is either reused or  
23 eventually turns into wastewater and how that's  
24 handled. If you're looking at a groundwater  
25 withdrawal, we have standard ethical testing

1 requirements for when you take out groundwater that we  
2 find out --- those are also reiterated in here. And  
3 if you're using surface water, there are test  
4 requirements for a minimum stream --- stream flows  
5 that we set up so you would not bring that stream  
6 below that minimum stream flow.

7                   The well pad themselves, there are siting  
8 setback criterias in there. Certain well pads that  
9 they meet, certain criteria to get --- as I mentioned  
10 earlier, approval by rules. There are wastewater,  
11 water --- wastewater tracking included in the  
12 regulations for the well pads. Background,  
13 groundwater treatment for the --- these are for the  
14 high volume. We have set up two procedures for ---  
15 one for low volume which would be less --- if you're  
16 going to use less than 80,000 gallons, and one for  
17 high volumes if you're going to use more than 80,000.  
18               And for the high volumes you need to do the  
19 background analysis for the ground and surface water  
20 monitoring. There's planning requirements and let me  
21 just put that off for just one minute, and then there  
22 are also requirements as to how the storage, how the  
23 flow back of storage is required to be stored, and the  
24 tanks systems, unless you establish a multiple area,  
25 if you're going to reuse this water for many well pads

1 and they go out in a more centralized container  
2 facility in there. And there are also some modified  
3 public procedures --- public procedures that we have  
4 for gas wells and well pads. I'm not going to dwell  
5 on this, but this is basically the spine of the  
6 development plan. There are lease area maps that  
7 require landscape mapping, and that mapping has a  
8 variety of elements that we're looking for, basically  
9 covering what's on that site currently, both in and  
10 around on the tree coverage, et cetera. And that has  
11 the well siting provision, the setback requirements  
12 that we also elaborated today. And these are our ---  
13 the requirements that we'd like for people to meet if  
14 they --- if they demonstrate that there's a better  
15 siting arrangement that is more favorable and we have  
16 the ability to make deviations to these as part of the  
17 approval of the docket or as part of approval of the  
18 well development plan.

19 For wastewater approvals, there are two  
20 things on there. I'm going to go back to the work  
21 studies. You must use water from an approved site, if  
22 you're going to be putting in a natural gas well plan  
23 in the basin. The whole wastewater must be --- the  
24 same thing for the wastewater treatment. If you're  
25 going to be taking wastewater treatment to a site in

1 that basin and that facility itself must have approval  
2 to receive this material. Any wastewater treatment  
3 plants are not used to receiving this type of material  
4 and we want to make sure that they not only have good  
5 standards or excellent standards that they have to  
6 meet, recognize that what --- the types of materials  
7 you're going to take. But also they do require from  
8 somebody else to do before them, make sure when you  
9 build these sites --- means that nothing will happen  
10 to their operation by accepting this. Sounds like a  
11 common-sense thing, but sometimes, common sense you  
12 have to tell people what to do. These are site  
13 specific discharge requirements and they will cover  
14 some acute provisions in the reservoir, acute and  
15 chronic toxicity as well.

16                   As Carol mentioned, we have the two  
17 hearings today, here and in Liberty, New York. And  
18 the third one tomorrow at the --- Thursday, I'm sorry,  
19 at the Patriots Theater at the War Memorial. And  
20 comments are being accepted throughout this hearing in  
21 one of two ways, electronic submission through Pepsi,  
22 and paper submission to our Commission Secretary and  
23 the third way obviously is any of the oral comments  
24 that are given here are testimony as well as any paper  
25 testimony that's being given to some of the people

1 that are here today.

2                   CHAIR:

3                   Thank you, Bill. And I did understand  
4 that there was some problem with Pepsi yesterday,  
5 people were trying to submit comment. We talked to  
6 the National Park Service. There was a short  
7 maintenance period, but if we can continue to have  
8 problems, please let us know. We talked to them  
9 today, so they should be back on track. With that,  
10 let's get started with the speakers. We want to get  
11 as many people up here to provide their two minutes,  
12 if possible. So number one.

13                   MR. FLUHR:

14                   My name is George Fluhr, chairman of the  
15 board of supervisors. First, I would like to thank  
16 Delaware Basin Commission for holding this hearing and  
17 giving the public the right to express their opinions  
18 on the proposed gas regulations concerning the  
19 Delaware River. I have been an advocate. I have  
20 property rights. I firmly believe if you wish to  
21 research the private property owners rights they  
22 should compensate them somewhere. The issue before  
23 the Commission at this time is how its regulations  
24 should be acclimated in the Delaware River Basin. I  
25 believe the current proposals are inadequate to

1 protect the river, which in a sense we all own. The  
2 Delaware provides drinking water for 20 million people  
3 and provide recreation and economic benefits for each  
4 --- for those who live in the Commonwealth. It is my  
5 belief there should not be gas drilling within the  
6 river corridor itself. The proposed financial setback  
7 is far too long. The river itself is --- fracking  
8 that close to the river can have unforeseen effects.  
9 You have regulations that allow gas drilling so close  
10 to an unpredictable rapid force. Common sense  
11 dictates that no matter how many safeguards you put  
12 in, someone will eventually make a mistake and at the  
13 rivers safety there will be no second chance. I urge  
14 the Commission members to reevaluate their position  
15 and spend more time on the river and find out what's  
16 at stake. The river can be both angry and majestic  
17 and in the Delaware in her all glory she'll steal your  
18 heart and there is a priceless gift and a part of your  
19 soul. But that river corridor is far outweighed by  
20 what --- so please reconsider. Thank you.

21                   CHAIR:

22                   Thank you, sir.

23                   MR. SMITH:

24                   My name's Brian Smith. I'm Chairman of  
25 the Wayne County Commissioners. After going through

1 these regulations and attending your bullet point  
2 presentations in Trenton, New Jersey, I categorized my  
3 comments into two parts. First water withdrawal, your  
4 approvals on water withdrawal, section seven and four  
5 should be timely. Let me define time-wise, in some  
6 accountability on your part to stick to those time  
7 lines. Also under your approvals for water withdrawal  
8 there should be incentives and bonuses offered to  
9 industry for taking water during high water events,  
10 such as heavy rain, and snow. Communication  
11 technology is so advanced that industry should be  
12 notified almost instantly when the water exceeds a  
13 predetermined level of a high water event. The second  
14 part of my comments is on water quality. The  
15 Department of Environmental Protection has already  
16 designated Wayne County as a special protection water  
17 shed. This designation means we already have very  
18 strict regulations on water quality through erosion  
19 and sediment control, setbacks, buffers, and  
20 antidegradation rules. We do not need, especially in  
21 these difficult economic times, another layer of  
22 regulatory authority. I am certain that allowing the  
23 DRBC oversight of one industry will open up doors and  
24 give the DRBC a foot hold to require oversight in all  
25 industry, construction, and eventually even

1 residential housing. This will make it even more  
2 difficult in the future to embrace opportunity for job  
3 creation, economic development, and to keep our young  
4 people employed locally. I firmly believe that water  
5 quality should remain under the oversight of the DEP.  
6 And even then, we need to strike a balance between  
7 accessible regulations and healthy economic  
8 development as it pertains to any industry. Thank  
9 you.

10                   CHAIR:

11                   Thank you.

12                   MR. HERZOG:

13                   I'm Wayne County Commissioner Anthony  
14 Herzog. The proposed DRBC Natural Gas drilling  
15 regulations are an unnecessary duplication of  
16 regulations that are already in place. The  
17 Pennsylvania Department of Environmental Protection  
18 has had decades of experience regulating this industry  
19 and I believe they've done a good job of protecting  
20 the environment while allowing the industry to exist.  
21 The draft regulations as proposed are clearly designed  
22 to discourage the extraction of our natural gas  
23 resources and at the same time could adversely affect  
24 our agriculture, timber, and construction industries.  
25 Excessive setbacks, over-arching definitions of what

1 constitutes a water body, the DRBC now exerting  
2 themselves on land use issues and the assigning as our  
3 like powers to the executive director of the DRBC is a  
4 recipe for economic disaster. The multiple layer  
5 permits and fees is an outrageous overreaction about  
6 --- overreach of Bureau power. The cost of these  
7 various reviews ultimately will be borne by the  
8 consumer and the river will be no cleaner than it is  
9 now. What are we doing? The obvious less costly,  
10 less time-consuming and more reasonable approach for  
11 the DRBC to take is to follow the Susquehanna River  
12 Basin model that cooperates with the Pennsylvania DEP  
13 and New York DEC. We all need clean water, we all  
14 need clean air. But the regulatory bodies are already  
15 in place. We do not need to create another giant  
16 bureaucracy at DRBC to regulate the regulator. Thank  
17 you.

18                   MR. AXTELL:

19                   Good afternoon. For the record, my name  
20 is Thomas Axtell. I am a supervisor for the policy  
21 project in Bolivar County, New York, on the west  
22 branch of the Delaware River. I am concerned that the  
23 amount of time allowed to speak makes it difficult to  
24 present meaningful comments. Be that as it may, it is  
25 my opinion that the proposed Delaware River Basin

1 Commission Draft Natural Gas Development Regulations  
2 at the time are not needed. These regulations in  
3 place --- that will accurately monitor the natural gas  
4 drilling. I refer you to the DRBC fact sheet,  
5 specifically the third strategic regulatory framework  
6 which clearly states the DRBC primarily relies on the  
7 oil and gas programs. An experienced staff explained  
8 where the natural gas well is located, and that it is  
9 well constructed and operational. The New York State  
10 Department of Conservation released the regulations  
11 for the natural gas production. The Pennsylvania  
12 Department of Environmental Protection is already  
13 allowing for natural gas drilling in the Susquehanna  
14 River Basin. The natural gas industry is further  
15 regulated by the Clean Water Act, Safe Drinking Water  
16 Act, Clean Air Act, Resource Conservation and Recovery  
17 Act, the National Environmental Policy Act. Then  
18 you've got Safety and Health Act. What our government  
19 --- federal and state regulations is to adequately  
20 oversee and monitor natural gas drilling operations.  
21 There are reasons to be concerned over types of fluids  
22 used in the fracking process. Many of the compounds  
23 are an irritant, not good in operations. Some of the  
24 products are swimming pool chemicals and cleaning  
25 agents. This is my concern. These compounds end up

1 back in the septic systems and back into the air and  
2 also through septic waste treatment plants. What the  
3 existing state regulatory agency deal with are the  
4 drilling. Further drilling again will also have a  
5 negative economic impact in the area that they're  
6 expecting drilling to begin. Thank you.

7                   CHAIR:

8                   Thank you.

9                   MR. AUGELLO:

10                  My name is Chaz Augello. I am a land  
11 owner, a supervisor, and a Planning Commission member  
12 of Lebanon Township. I own an excavating business for  
13 the past 18 years and have 20 full-time and part-time  
14 employees. The economy is affecting all of us. Our  
15 farm has been in my family for 70 years. My wife took  
16 it --- my wife and I took it over in 2002. We grow  
17 hay, corn, and we have horses. I love our farmland.  
18 It means the world to me. Each field holds many  
19 memories for me while I was growing up. I want  
20 responsible gas drilling and exploration in our area.  
21 The unrest in the Middle East, the deep recession we  
22 are in, the United States needs to tap into her  
23 natural resources now, more than ever. The current  
24 excessive price of fuel and petroleum products has a  
25 devastating effect on my business and our local

1 economy. We're wasting very valuable time creating  
2 overbearing rules that crisscross with existing rules  
3 that the state, county and township already have in  
4 place. The DRBC regulations are making it so  
5 unattractive to the gas companies that we are in high  
6 jeopardy of having them pull out of Wayne County.  
7 That would be a devastating loss for all of us. So  
8 please do your job, but do not make this unattainable.  
9 Our government has more than enough red tape already.  
10 Importantly, in preserving the river it is important  
11 to know that gas drilling means keeping larger  
12 parcels, farms together versus subdivisions, which  
13 means more sewers, more storm waters, and you can do  
14 the math. Thank you for your time.

15                   CHAIR:

16                   Thank you.

17                   MR. DEXTER:

18                   Okay. I'm Jeff Dexter, Chair of the  
19 Damascus Township Board of Supervisors. We're a  
20 hard-working people who have worked our lands for  
21 generations.

22                   Our natural resources have contributed to  
23 the development of our nation. In 1763 we began  
24 rafting logs to Philadelphia to build ships, carrying  
25 American cargos throughout the world. The main mast

1 of the USS Constitution was harvested here. The  
2 timber industry furnishes lumber for countless  
3 buildings, contributed to the tanning industries,  
4 timbers for the coal mines that fueled the industrial  
5 revolution, and ties for the railroads binding the  
6 nation together. The sidewalks of New York City were  
7 built with stone from our quarries. Had you come here  
8 50 years ago, you would've seen the countryside dotted  
9 with hundreds of family farms. Fresh milk and eggs  
10 could be in the urban markets within 24 hours.  
11 They're almost all gone, the farms, the families, a  
12 way of life. At one time there were mills, producing  
13 world-renowned cut glass, fabricating steel, cloth,  
14 and wood products. They're gone now and with them  
15 thousands of jobs.

16 Today, our best product is our children  
17 who leave and do not return due to better economics  
18 elsewhere. And now they have left in such numbers,  
19 the school enrollments are declining.

20 You're the Delaware River Basin  
21 Commission, charged to regulate river flows. With  
22 these proposals it seems you'd want to enter the realm  
23 of land use regulation. We still harvest timber here,  
24 yet the amount of forest cover is increasing. The  
25 water quality produced on our lands is improving. Why

1 do we need more rules and more agencies when we are  
2 increasing the amount of exceptional waters?

3                   Let us not forget that as a nation we  
4 cannot continue to send our financial resources  
5 overseas for energy and our children to defend the  
6 supply lines. We all drove here today. This building  
7 is warm and lighted. Natural gas is not the final  
8 energy solution. It's here now. It's less expensive.  
9 It is cleaner. We need this not hobbled by  
10 regulations that duplicate the state. We need this  
11 done correctly. We need an economic future our  
12 children can prosper in. Thank you.

13                   CHAIR:

14                   Before Mr. Varcoe starts, can I have  
15 numbers 11 through 20 up front here? Go start.

16                   MR. VARCOE:

17                   My name is Bruce Varcoe. I'm a Dyberry  
18 Township Supervisor, owner of Varcoe Excavating and a  
19 lifetime resident of Wayne County. My family owns a  
20 farm in Berlin Township that has been in the family  
21 for over 100 years. While it is no longer a working  
22 dairy farm, the cost of taxes, maintaining the  
23 property and buildings continues to grow. Marcellus  
24 Shale could be a life-saver for many people. Income  
25 from the gas industry would help residents with

1 ever-increasing tax burdens and allow people to hold  
2 on to their land that has been in their families, such  
3 as mine, for generations. It also would allow  
4 individuals to make improvements to their properties  
5 and --- they were unable to do before. Although some  
6 regulation in spite --- or is needed, special  
7 regulation is not. The proposed regulations, the DRBC  
8 makes drilling in Wayne County virtually impossible.  
9 The regulations proposed appear to favor the  
10 anti-drilling crowd. They are not designed as a  
11 guideline to safely drill within the watersheds, but  
12 rather a way to prevent any drilling within the  
13 watershed. They go above and beyond existing  
14 regulations which have already given us some of the  
15 cleanest water in the Commonwealth. Obviously our  
16 current regulations are working. To enact additional  
17 and cycling regulation is unnecessary and impractical.  
18 As an example, stormwater management is already  
19 heavily regulated in New York and PA and does not need  
20 to be further complicated with redundant regulation.  
21 The DRBC regulations appear to ignore the needs and  
22 desires of upper basin residents to develop our  
23 resources and appeal to the desires of those living  
24 outside of the basin. I think we can agree that no  
25 one wants unsafe or poor quality water. I will

1 continue to live here and hope that our property stays  
2 in the family another 100 years. It has been said  
3 that the Marcellus Shale could be one of the largest  
4 known natural gas deposits in the world. The economic  
5 benefits for the region could last for years to come.  
6 Regulations should be sensible, ---

7 BUZZER GOES OFF

8                   CHAIR:

9                   No.

10                  MR. VARCOE:

11                  --- prudent and practical. I find very  
12 little, if any, of this in the regulations that the  
13 DRBC ---.

14                  MR. MUSZYNSKI:

15                  Thank you, sir.

16                  MR. MCKLINCO:

17                  First of all, I would like to thank you  
18 folks for starting out the pledge of allegiance. I go  
19 to so many meetings and that doesn't happen. And that  
20 is --- I really appreciate that ---.

21                  UNIDENTIFIED SPEAKER:

22                  You're done ---.

23                  CHAIR:

24                  That's not necessary.

25                  MR. MCKLINCO:

1                 This is patriotic and what we see going  
2 on in the Middle East today, this is a matter of  
3 national security, natural gas. My name is Doug  
4 McKlinco. I'm from Bradford County. I'm here because  
5 Pennsylvania is in this together. Bradford County's  
6 experiencing 25 percent of the drilling in PA which is  
7 the most in the state. We have 35 rigs drilling in  
8 Bradford County, five different energy companies. We  
9 have 848 wells permitted in 2010, 1,500 permitted to  
10 date, 1,442 active permits, 355 Marcellus wells  
11 drilled, 550 to date. We have about 30 water  
12 withdrawals on creeks and rivers, 76 water  
13 impoundments, and we have 243 miles of temperate water  
14 lines. Bradford County has seen no ---

15 BUZZER GOES OFF

16                 MR. MUSZYNSKI:

17                 That's not you. No.

18                 MR. MCKLINCO:

19                 --- no erosion, sediment problems. We  
20 have seen no problems with our creeks, streams. The  
21 Susquehanna River the flows are monitored well. Of  
22 the 12 or so water withdrawals located out of three of  
23 our streams, our various locations on the Susquehanna  
24 River, they are environmentally safe and sound. They  
25 are professional. We haven't seen no problems or

1 issues. Of the 80 freshwater impoundments, they are  
2 live, fresh, all ten million gallons of fresh water.  
3 We have seen no problems. All of these water issues  
4 have been done under the supervision and regulation of  
5 the Susquehanna River Basin Commission with working in  
6 excellent harmony with the property owners and not  
7 infringing on private property rights. DEP has done a  
8 great job enforcing regulations, but also keeping a  
9 breath of the ever-changing technology. It is also  
10 very evident that there is a redundancy of  
11 environmental safeguards built into the industry  
12 practices itself. I bring first-hand experiences to  
13 the most drilled out county in the State of  
14 Pennsylvania because the most information out there is  
15 mis-information which I deal with on a daily basis. I  
16 would just close by saying this. There's nothing  
17 better to save family farms and open space and  
18 greenways than the Marcellus Shale. It has been  
19 wonderful in Bradford County. Thank you.

20                   CHAIR:

21                   Yes, sir.

22                   MR. LABAR:

23                   Good afternoon. My name is Jim LaBar. I  
24 am the Canaan Township Supervisor, chairman of Wayne  
25 Economic Development Cooperation and owner of LaBar

1 Computer Services and I live in Waymart, Pennsylvania.  
2 The proposed DRBC regulations are completely over the  
3 top and if not revised may leave our area with no  
4 ability to utilize the natural gas resource that lies  
5 below us. Most of the well pad standards and the DRBC  
6 regulations duplicate safe regulations and are simply  
7 unnecessary. Those additional standards that are  
8 offered are completely unrealistic. I am especially  
9 concerned about the 500-plus --- the water bodies and  
10 wetlands. A typical five-acre well pad would be 400  
11 to 450 feet on each side. With a 500-foot buffer  
12 around such a pad would require up to a 40 to 50-acre  
13 site that is free of any water bodies or wetlands.  
14 Well, this might sound reasonable. The definition of  
15 water body includes anything with any amount of water,  
16 including wetlands. There are virtually no areas in  
17 Canaan Township or Wayne County with 40 to 50  
18 continuous acres of land lacking these features can be  
19 found. None of the existing well sites could meet the  
20 standards because they are small ponds, streams,  
21 they're just --- there are wetlands within 500 feet of  
22 all of them. This tells me, we'll never get another  
23 gas well with these standards. We don't need  
24 additional standards to interfere with state  
25 regulations that are working. We do need this

1 industry. And I suggest the regulations be revised to  
2 defer the state --- to the states which are doing a  
3 good job. Thank you.

4                   MR. FRITZ:

5                   Good afternoon. My name is Jonathan  
6 Fritz, lifelong resident of Wayne County and at  
7 present in my second term as Mayor of Honesdale. I am  
8 proud to come from a family of resolute and  
9 hard-working entrepreneurs. My grandfather founded  
10 the water well drilling business in 1932. My father's  
11 a water well driller and I have spent countless hours  
12 as his rig help mate. Water well drillers bring an  
13 essential-to-life resource from underground to the  
14 surface for use by us. I view the need for bringing  
15 natural gas to the surface in the same manner. This  
16 energy resource is essential to life. We have this  
17 supply underneath our feet. The fear of choking out  
18 good water is very much valid. However, the fear of  
19 choking out unnecessary, extreme regulation is also a  
20 great thought for freedom-demanding property owners.  
21 I expect that we should respect the working balance.  
22 The balance I believe can be achieved here in Wayne  
23 County is a strategy that involves a single,  
24 organized, reputable natural gas drilling company who  
25 proceeds in a measured manner using the most

1 up-to-date safe extraction methods and operates  
2 closely with state regulators using already-in-place  
3 state regulations. The DRBC should simply aim to  
4 shadow the state and provide guidance and expertise in  
5 a situational manner. Thank you for your time.

6                   MS. LATOURETTE:

7                   I am Arlene LaTourette, an auditor and  
8 resident of Oregon Township. As Wayne County property  
9 owners, my husband Clinton and I and our families have  
10 almost 700 acres under gas company lease. Both of  
11 those are sixth generation Wayne County residents and  
12 taxpayers coming from farm stock that made their  
13 living from the land. We believe that our vigilance  
14 --- the landowner protective lease be signed and the  
15 federal, state regulations that are in place two years  
16 ago were sufficient to ensure the protection of the  
17 land and the watershed we love. When the DRBC Draft  
18 Regulations were published I was dismayed at the  
19 proposed redundant regulations from yet another agency  
20 on gas drilling in our area. Which with  
21 implementation, it would set a precedence that could  
22 also negatively impact the farmer, the builder and  
23 forester. There are multiple agencies already  
24 regulating the gas industry and there is a court  
25 system in place to protect any landowner from any

1 damages that would be done to our property. The  
2 regulations proposed seem discriminatory to the grass  
3 industry, holding the drilling companies to a higher  
4 standard than any other user of the water. I am  
5 concerned that the proposed regulations favor the down  
6 treatment water users over the taxpayers and property  
7 owners, that the source of the water is going into the  
8 Delaware Water Basin. I believe the residents of  
9 Wayne County be considered secondary in terms of the  
10 water. And we as farmers and landowners have  
11 implemented the best in practice, soil and  
12 conservation measures, and watershed standards in the  
13 way we go about making our living. We need to move  
14 quickly on this plan, especially with the recent  
15 events in the Middle East, Northern African, oil-rich  
16 countries where our natural supplies could disappear  
17 in an instant. My niece has recently received her  
18 orders to be deployed to Afghanistan in June --- I'm  
19 sorry? As our family supports our national energy  
20 interest with a military perspective, we also want to  
21 support our national energy needs here in our  
22 backyard.

23 BUZZER GOES OFF

24 MS. LATOURETTE:

25 Let the gas companies get on with

1 their ---

2 MR. MUSZYNSKI:

3 Your time is ---.

4 MS. LATOURETTE:

5 --- business of providing ---.

6 CHAIR:

7 Thank you.

8 MR. MUSZYNSKI:

9 Thank you.

10 CHAIR:

11 That's it. Push stop when you're done  
12 speaking.

13 MS. VARCOE:

14 Welcome to Wayne County. My name is Jane  
15 Varcoe. I am vice-president of the Waymart Borough  
16 Council. I am proud to say I am a fourth generation  
17 Wayne County resident. My great-grandfather  
18 immigrated to Wayne County from Cornwall in 1865 to  
19 preach from the Good Book, riding horseback around our  
20 county, crossing the Delaware River at Narrowsburg,  
21 serving different congregations. His homestead was a  
22 farm. He supplemented his income by shoveling coal on  
23 the rail cars of the D&H Gravity Railroad. He also  
24 cut bluestone along the Delaware. His lesson passed  
25 through generations is, we are one with this land and

1 its bounty is provided to us through His word and hard  
2 work. Since 1798 Wayne County residents have loved  
3 this impossibly, something unforgiving, rocky land.

4 Daily we read about the Marcellus Shale  
5 and the 1,147 gas wells today in Pennsylvania. When  
6 will Wayne County become part of this immense find?  
7 The largest producer of gas in our Commonwealth is our  
8 western-bordering county of Susquehanna. What is the  
9 difference between Susquehanna County and Wayne  
10 County? Only one geological fact. Their watershed is  
11 the Susquehanna River and ours is the Delaware River.

12 Those who have moved into Wayne County  
13 and those who are attending today's hearing, who do  
14 not live here, profess it is their mission to save our  
15 environment, our water and us.

16 For the last 200 years, we who live here  
17 have protected our land and water. Thank you, but we  
18 do not need saving. We have in place the Wayne County  
19 Conservation District and the Department of  
20 Environmental Resources. What we need are decent,  
21 good-paying jobs. The gas industry can provide them.

22 I respectfully ask the Delaware River  
23 Commission to adopt similar regulations as set forth  
24 by the Susquehanna River Commission and please do not  
25 place on our land another layer of rules and

1 regulations. Thank you.

2                   MR. CANFIELD:

3                   I'm Joe Canfield, vice-chairman of  
4 Damascus Township and a landowner in Damascus  
5 Township. My parents also had a farm in Damascus and  
6 we are very good stewards of the land. We know how to  
7 take care of it. We don't need somebody telling us  
8 how to do it. I think the DRBC's counterintuitive and  
9 power point presentation is a little over --- it's a  
10 little bit misleading. And I think the people's  
11 rights are in danger here and they're trying to be  
12 hindered and restrictive. The total number of  
13 Marcellus lands that they're quoting is 36 percent of  
14 the DRBC River Basin. When, in fact, it's probably  
15 closer to ten percent based on where the productive  
16 shale formation lays with Damascus Township, being at  
17 or near the edge of that formation knowing that the  
18 shale runs northeast, southwest. If you draw a line,  
19 it doesn't go down to Carbon County. And it also cuts  
20 down on your proposed number of pads, at 2,200 pads.  
21 And the Delaware River Basin, logically, would bring  
22 that number down closer to 300 to 500 pads over the  
23 course of a 20-year period. I feel this also was  
24 exaggerated in the water withdrawal. You were saying  
25 it takes five million gallons. The industry is saying

1 one to three. The water just comes back out of these  
2 wells, they have eco ferric technology to recycle  
3 water, which you're well aware of, as a means of  
4 fracking.

5                   Also, the DRBC is funded by the states.  
6 We're funded by the taxpayers. The state is funded by  
7 the taxpayer. So our money, coming from our land,  
8 from our homes, from the private sector, people need  
9 this economic development in this county and in the  
10 township and in the state to further our living and  
11 further our being. Thank you.

12                  MR. LAZORAG:

13                  My name is Peter Lazorag. I am a farmer  
14 and a township supervisor in the South Canaan  
15 Township, Wayne County. Marcellus Shale drilling is  
16 outside of the DRBC territory, but your regulations  
17 took the northeast side of the plate. What main  
18 attraction we have was left with foreign lands.  
19 Agriculture is becoming a thing of the past. Our  
20 dependency on foreign fuel will never end if we don't  
21 start now. Our farm has 90 acres, 20 acres tillable,  
22 all hills. Seventy (70) acres trees abut. With your  
23 setbacks and restrictions, we would never be  
24 considered. This is typical of Wayne County, water  
25 and trees. As a township supervisor I am aware the

1 property owner's rights are being lost every year.  
2 Our state has been regulating gas drilling for more  
3 than one generation. We don't need to reinvent the  
4 wheel. I could sooner accept the dry well. It's  
5 better to have tried and failed, than never to know.

6                   CHAIR:

7                   Thank you, sir.

8                   MS. WATSON:

9                   Hi. I'm good old Beverly Watson and I  
10 speak for Preston Township supervisors Alan Jones and  
11 Robert Sinko. We are in favor of gas drilling. We  
12 believe it will have --- it would give a shot in the  
13 arm for Preston Township, Morgan Wayne, and Wayne  
14 County. Like a shot at each well, a shot of  
15 adrenaline, and a good shot of scotch. We do not look  
16 to anyone's dark knight, including the DCRB (sic)  
17 trying to take over the managing of our own land,  
18 stall with the development of greatly needed supply of  
19 natural resources. With the drillers we trust and  
20 clarify. Thank you for your time. And may God bless  
21 the USA.

22                   CHAIR:

23                   Thank you.

24                   MS. WOODMANSEE:

25                   I am Carol Woodmansee. I am a property

1 owner and I have a constitutional right to my  
2 property. We demand that you relinquish control of  
3 our Pennsylvania land to our Department of  
4 Environmental Protection Agency and our rightfully  
5 elected representative immediately. Carol Collier,  
6 you have the audacity to claim that your proposed  
7 regulations for better over our Commonwealth ---  
8 disregarding our own laws. Pennsylvania owns 51  
9 percent of the land in the Delaware River Basin, but  
10 has only a 20 percent voice in the decisions made  
11 affecting our land. You were not elected to represent  
12 us. We will not stand by while you proclaim yourself  
13 as --- to confiscate our equity and land rights  
14 without regard to us. Going so far as to cancel,  
15 eliminate our right to cut our own trees and our right  
16 to decide where on our property we want to locate a  
17 well. You're, in fact, endeavoring to remove the  
18 chance of our land from being followed by a great gas  
19 well by imposing requirements that are impossible to  
20 meet and vague guidelines as to what will constitute a  
21 violation of the rules. You know, if you delay the  
22 process long enough, the gas companies will become fed  
23 up with your nonsense, leave the area and go elsewhere  
24 to drill. You do not live here, work here, have  
25 children here, you do not give a squat about the

1 citizens and property owners of Wayne County.  
2 Bradford County has the lowest unemployment rate in  
3 our state. They drill for gas safely. While 37  
4 percent of citizens in Wayne County receive government  
5 aid because there are no jobs. If the DRBC continues  
6 in its present course, it will kill gas drilling,  
7 kill the prospect of good jobs, eradicate a  
8 substantial money that goes into Wayne County's  
9 economy. Carol Collier, your true agenda is to never  
10 cut a tree, put Wayne County out of business and  
11 condemn it to an existence of bucolic poverty. I have  
12 two uncles who received purple hearts because they  
13 died in wars, fighting to protect the very rights you  
14 intend to take away from me. DRBC Commissioners ---

15                   MR. MUSZYNSKI:

16                   Thank you.

17                   MS. WOODMANSEE:

18                   --- stick to your original compact,  
19 promote ---.

20                   MS. MICHELE STAHL:

21                   My name is Michele Stahl. I am a land  
22 owner and a financial advisor. I live in Honesdale,  
23 Pennsylvania. The proposed regulations are a series  
24 of flaws and treat our states who have been doing an  
25 excellent job regulating gas drilling for decades.

1 Like they, we're a little more than potted plants. I  
2 am deeply disappointed we had to wait three years for  
3 these diligent team standards that would prevent  
4 drilling everywhere except on our own unreachable and  
5 forested hilltops. We need natural gas now to  
6 invigorate our economy. Every day I sit with  
7 residents who are struggling to pay bills and pay for  
8 the future. Yet the DRBC acts as if they had no  
9 responsibility to these families in their mandates to  
10 ensure water is available for employment, industry and  
11 economic development, as this compact provides.  
12 Instead, we have got arbitrary standards that  
13 supersede the state and create a new bureaucracy with  
14 zero experience regulating gas drilling. What could  
15 be more wrong headed?

16                   The DRBC has a role, but it should be to  
17 advise the states, not supervise them. Put the  
18 responsibility where the experience is, with our  
19 capable states. We don't need additional standards  
20 and reviews that interfere with already working state  
21 regulation. We do desperately need this industry and  
22 have waited far too long for it. The only person  
23 making money from gas at this moment is Josh Fox.  
24 Unless these regulations are revised to refer to the  
25 state, that will have clouded out over our house.

1                   CHAIR:

2                   Before we have the next speaker, I'd like  
3 to call numbers 21 through 30 to come forward, please.

4                   MS. AMBER STAHL:

5                   My name is Amber Stahl. I am from  
6 Honesdale. I am also a senior member of the class at  
7 this school. I am the future of this region. I am  
8 really concerned about the regulations for myself and  
9 others for the future we deserve. It's hard to make a  
10 living here and we need natural gas now. The  
11 regulations, as I understand them, will put the DRBC  
12 in charge of gas drilling our state already regulates.  
13 They would impose 500 feet setbacks no matter how  
14 small. This is not reasonable. I need to make sure  
15 these regulations are reasonable and are for our  
16 future. All my life my dream has been to go off to  
17 college and become a teacher and then come back to  
18 Honesdale and teach. Now that the numbers of  
19 enrollment fall each year, my hope of teaching is ---.  
20 Please give me a reason for the families to stay here  
21 and for my dreams to come true. Thank you.

22                   MR. WOODMANSEE:

23                   Hello. I'm John Woodmansee, property  
24 owner. I find myself in a mutual situation today. I  
25 am standing before people I do not know to help where

1 I do not know where. The qualifications are not  
2 really supposedly to ask you, to plead, that you allow  
3 me to obtain at least some of my property rights,  
4 while this group strips away many of them. I would  
5 not expect them to be polite and courteous as the DRBC  
6 develops regulations and not only essentially any  
7 type of gas exploration in the river basin, but starts  
8 us down a slippery slope of oversight of our  
9 properties and restrictions of our rights from  
10 strangers and strange lands. Does anyone from Wayne  
11 County have or even want any regulatory power or any  
12 part of New York, New Jersey? Absolutely not. It  
13 seems that we are victims of gravity as water flows  
14 downhill. For some reason if it goes downstream,  
15 don't they have a need, and their right, to follow a  
16 river back against headwaters and to control every  
17 little site of evidence, and its treasure flowing  
18 through the sea? That theory proposed to the DRBC  
19 spells economic asphyxiation of the unfortunate  
20 section of Wayne County that falls in the watershed.  
21 We watch our neighbors just over the ridge in the same  
22 county and same school district mark their resources  
23 while we cannot. You are denying us the rights to  
24 compete in business and commerce with our neighbors.  
25 You are shackling us economically by removing rights

1 that our Commonwealth enjoy. I do not accept the  
2 assertion of my land as yours to control, that I  
3 cannot mark my resources, that I cannot cut my trees,  
4 that I must be at the mercy of the DRBC. I am not  
5 asking you to allow us all of our constitutional  
6 rights. Rather, I am telling you that I will not be  
7 giving up willingly and I will not go silent into the  
8 night. This struggle has just begun.

9                   MS. AHRENS:

10                  Hi, my name is Judy Ahrens. I'm a land  
11 owner. I own 129 acres of land in Wayne County. The  
12 farm that I live on has been in my family for 44  
13 years. At this point, I look at the rules and  
14 regulations that are coming in, excessive setbacks and  
15 all inclusive definitions of what constitutes a water  
16 body. As a woodchuck hole that gets filled with rain  
17 and trickles down a stream of water, is that a  
18 waterway? State's rights, as well as property owners'  
19 rights are not being adequately protected. The DRBC  
20 cannot be allowed to develop into an unaccountable  
21 agency. The DRBC is overstepping the limitations of  
22 the compact, ignoring the responsibility of economic  
23 development in this area. I have nine grandchildren  
24 and one great-grandchild. What is their future in  
25 Wayne County? Other industries will be adversely

1 affected, timber, farming. And the jurisdiction by  
2 your own words, the rule, and can be decided upon by  
3 the executive director solely does not make this  
4 America. The regulations are discriminatory against  
5 landowners. Concerns of the people downstream appear  
6 to supersede those of the taxpayers and residents.  
7 Regulations are fee driven. DRBC ---

8 BUZZER GOES OFF

9                   MS. AHRENS:

10                  --- might no longer ---.

11                  CHAIR:

12                  Thank you, ma'am.

13                  MR. MUSZYNSKI:

14                  Thank you. All right.

15                  MS. CONKLIN:

16                  I am Barbara Conklin. I'm a landowner  
17 and NWPOA member and also co-owner of Conklin Logging.  
18 My husband Francis and I operate a mom and pop logging  
19 business for the past 53 years. As stewards of the  
20 land we have watched our industry become deeply  
21 regulated. Proposed drilling regulations, using terms  
22 with broad definitions contains restrictions which  
23 could cripple already regulated management practices  
24 of our industry, as well as the drilling industry,  
25 specifically clear cut and setback. We have just

1 completed a harvest of disease and insect-infested  
2 hardwood from our timber lot. Clear cut wasn't  
3 needed, but in many cases the proposed restriction is  
4 unrealistic as our area faces a constant threat to  
5 insects and diseases. Basin-wide the threat and the  
6 threat of unforeseen natural disease is constant. The  
7 500-foot setback is also unrealistic given the lay of  
8 the land. Locally the Soil Conservation District  
9 enforces regulations of all soil disturbances for DEP  
10 under Chapter 102 by requiring a comprehensive erosion  
11 and sedimentation plan for every harvest site. A  
12 staff forestry specialist is available for assistance  
13 and enforcement. Some townships have timber  
14 harvesting ordinances. The DEP regulates permits of  
15 earth disturbance over one acre and sets all the rules  
16 regarding the stream quality. Wayne County streams  
17 are mostly rated as either high or exceptional value.  
18 According to DEP timber harvesting is two-tenths to  
19 one percent of the sediment found in our streams and  
20 largely due to our industry's success in limiting  
21 sediment is considering upgrading some of our high  
22 quality streams to exceptional quality. Pennsylvania  
23 National --- Natural Diversity Index, a program  
24 created by DEP, is used to identify and protect  
25 endangered plants and animals during earth

1 disturbances. PennDOT maintains weight limits on our  
2 roads and the Federal Government adds a layer of  
3 protection from the Clean Water Act. Well-qualified  
4 independent forestry consultants offer assistance.  
5 With this expertise in regulating our industry there  
6 is no need for additional intervention.

7 Thank you.

8                   MR. MUSZYNSKI:

9                   We'd like to take one minute, just a few  
10 minutes. The stenographer needs to change the tape.

11 OFF RECORD DISCUSSION

12                   MR. CALLAHAN:

13                   Good afternoon. I'm David Callahan  
14 representing Marcellus Shale Coalition, a multi-state  
15 organization that mans in responsible development in  
16 the natural gas industry. The MSC always shares the  
17 admission of proper planning, conservation, and  
18 development of our precious water resources. We want  
19 to help you get the regulatory process right and in a  
20 timely way. Nonetheless there's some significant  
21 flaws in the Commission's approach that must be  
22 addressed. The requirement of a natural gas  
23 development plan is unworkable, managing our industry  
24 to detail infrastructure plans years prior to any  
25 development. Few industries can provide such plans

1 that far in advance. The call for streamline  
2 Commission review of future development is an  
3 advertised benefit to proposed regulations. But an  
4 impractical effect may require a full Commission  
5 review for every well pad. A number of the proposed  
6 regulations ranging from unjustifiably restricted  
7 siting standards to excessive bonding requirements  
8 overreach and may reduce natural gas production.  
9 Empowering into the executive directors for strive  
10 standards in a case-by-case basis without any real  
11 ability for effective parties to challenge these  
12 decisions raises questions about the Commission's  
13 capacity to administer this process. The proposed  
14 standards relating to siting, design and operation of  
15 natural gas well pads are a significant departure from  
16 the Commission's traditional goal regarding review of  
17 water resource projects within the basin. They raise  
18 a real question as to whether the Commission has legal  
19 authority to impose such standards.

20                 The MSC is concerned that natural gas  
21 activities has been singled out by the Commission and  
22 it may be required to adhere to standards unopposed by  
23 other industries of similar or greater impacts from  
24 land carrying and alternation. This apparent effort  
25 to single out natural gas development has alleged

1 proposed regulations that overlap or even conflict  
2 with both state regulations and even the DRBC's own  
3 existing water withdrawal and wastewater programs.  
4 Ultimately this inconsistency will only serve to bring  
5 regulatory and public confusion in the industry.  
6 Thank you.

7                   MS. CARLUCCIO:

8                   Hello. I'm Tracy Carluccio from the  
9 Delaware Riverkeeper Network. The natural gas and oil  
10 industry is exempt from major portions of all  
11 environmental regulations at the federal level, Safe  
12 Drinking Water Act, Clean Water Act that protects our  
13 streams, Clean Air Act protects the air we breathe and  
14 even industrial accountability laws that would make  
15 them clean up pollution that they're responsible for.  
16 And the result of this, they're running amuck. The  
17 natural gas industry is running amuck across the  
18 United States, across the shale fairway, across  
19 Pennsylvania and now, as of this morning, across  
20 what's left of the state forest in Pennsylvania.  
21 Thank you Governor Corbett, for shamelessly exploiting  
22 the public's last great forest in the state.

23                   There's a scandalous 2,486 violations as  
24 of 2010 alone at natural gas sites. Communities are  
25 suffering as a result. And now the natural gas

1 industry wants to come over here, to the wild and  
2 scenic Delaware River and run wild with our own  
3 watershed. The DRBC, sadly you're rushing up to meet  
4 them with rules that are meant --- that are not based  
5 on the scientific study that you needed to do before  
6 crafting any regulations at all. The result of this,  
7 these rules will not prevent individual catastrophic  
8 pollution events. And they also will not prevent the  
9 two months of environmental degradation that you are  
10 supposed to prevent. The failure to meet the legal  
11 mandate that you have, according to your compact and  
12 your statutory requirements, preventing pollution and  
13 avoiding degradation of the exceptional water quality  
14 of the Delaware River and its outstanding features,  
15 that is inexcusable. And we're not going to accept  
16 it. Three words, do no harm.

17                   UNIDENTIFIED SPEAKER:

18                   Here, here.

19                   MS. CARLUCCIO:

20                   That's the standard that you --- has not  
21 met these regulations. The DRBC is our only defense  
22 against gas lands and we will not let you sacrifice  
23 our water for gas.

24                   MR. SHEPSTONE:

25                   My name is Tom Shepstone. I'm a

1 landowner and the planning consultant here at  
2 Honesdale. Our region is sick. Our agriculture and  
3 manufacturing are all but gone. Our schools are  
4 losing enrollment. We need natural gas to revive our  
5 economy, and the DRBC compact mandates it, ensures  
6 water for employment, industry and economic  
7 development. The regulations however say nothing of  
8 these obligations. They treat our region as a  
9 sparsely populated source watershed as if our needs  
10 were secondary. I have written and reviewed hundreds  
11 of local laws. Fundamentally these regulations are  
12 unbalanced and they rely upon very naive assumptions.  
13 The process is precisely backwards. It puts DRBC  
14 staff with zero instruments in regulating gas in  
15 charge of our states with extensive experience.  
16 Common sense suggests the states should be in charge  
17 with the DRBC serving as an interested agency to  
18 recommend different standards in special cases. This  
19 would put professional regulators in charge while  
20 allowing a DRBC role.

21                   This approach would deliver certainty  
22 without compromising standards, and in short,  
23 competent enforcement. It can be accomplished by  
24 simple agreements with the states, avoiding one size  
25 fits all standards and redundant preconstruction

1 reviews of well pads. Section 7.5 is an unprecedented  
2 intrusion on the states that illustrates DRBC and  
3 experience. The 500-foot setback and 20 percent slope  
4 rule will drive any possible drilling to a very few  
5 forested plateaus that are not only inaccessible, but  
6 which the regulations say should be protected. The  
7 failure of the DRBC contests these standards for  
8 glaciated areas like ours and understand such  
9 unintended consequences demonstrates precisely why it  
10 cannot be in charge. These regulations must be  
11 revised and deferred to the states. And I would also  
12 say to Bill, I just want to make one point, the reason  
13 why I live up in Harrisburg, and to the last speaker,  
14 it's not your watershed, it's ours.

15                   MR. SAUNDERS:

16                   Hello. My name is Paul Saunders from  
17 Bethlehem, Pennsylvania. I worked for 32 years as a  
18 senior manufacturing process engineer, production  
19 area. I have three important scientific facts for you  
20 today. First and most importantly, hydraulic  
21 fracturing, fracking has been used for decades as a  
22 safe extraction process on hundreds of thousands of  
23 wells. There is no scientific evidence to support the  
24 radical environmentalists' claim that horizontal  
25 fracturing is any more dangerous than vertical

1 fracturing. Of the 3,000 wells horizontally fracked  
2 in Pennsylvania, only three wells had defects. And  
3 those defects were the shallow vertical, or deep  
4 vertical concrete casings. These shallow defects  
5 regrettably led to well water contamination for 14 to  
6 18 families in Jeannette, PA. However, the  
7 Pennsylvania DEP shut down these wells. The DEP  
8 heavily fined the drilling company and the DEP  
9 tightened the requirements on inspections and  
10 construction of these concrete basins. All the state  
11 DEPs of the Delaware River Basin have more than  
12 sufficient regulatory control over these drilling  
13 procedures and operations to protect water purity in  
14 the basin, without additional industry-crippling  
15 layers of regulatory bureaucracy.

16                   Second, the law of physics which states  
17 that fluids flow on the path of least resistance  
18 dictates the flow back water from the extraction  
19 process will move up to zero resistance, wide open  
20 shafts --- well shafts and not a science illiterates  
21 claim through the extreme resistance of millions of  
22 tiny fractures, 3,000 to 8,000 feet of solid rock  
23 between the horizontal fracking site and water  
24 acetifiers.

25                   Third, this nation must abandon baseless

1 environmentalists that further analyze and begin to  
2 recognize that natural gas is our nation's best low  
3 cost energy solution. Natural gas is abundantly found  
4 throughout our nation and most notability here in  
5 northeastern Pennsylvania.

6                   MR. MUSZYNSKI:

7                   Thank you.

8                   MR. PRICE:

9                   My name is Aaron Price and I am from  
10 Windsor, New York. The Marcellus Shale is the key to  
11 a future, a better way of independence here in the  
12 northeast. The Marcellus Shale and the other shales  
13 around this nation, we have the opportunity to move  
14 towards sustainable and promising resources to meet  
15 our country's energy demands. The regulations being  
16 considered by the Delaware River Basin Commission  
17 would effectively stop development for the Marcellus  
18 Shale in many parts of New York, in many parts of  
19 Pennsylvania. To steer away from natural gas will  
20 represent a colossal step backwards. A vast reserve  
21 of natural gas would suddenly be off limits to its  
22 rural landowners and urban consumers. For a few  
23 moments I'd like for you to consider what a world  
24 without natural gas would look like. A world without  
25 natural gas means more coal would be burned. More

1 coal being burned will release more carbon dioxide and  
2 sulfur into the atmosphere and more mercury into our  
3 rivers, our lakes and our streams. A world without  
4 natural gas means less jobs in cities and towns up and  
5 down the eastern seaboard, less tax revenues for state  
6 and local governments, which means less resources to  
7 protect our environment and more money sent overseas  
8 to governments who care little for their citizens and  
9 even less for the environment. That is a glimpse of  
10 our country without natural gas. It is a troubling  
11 picture and not the kind any of us desire for  
12 ourselves or for coming generations. But this is  
13 where we will end up if we do not welcome the  
14 opportunity at hand. Our working men and women of  
15 this country are raising to develop the tremendous  
16 resource underneath their feet. Ceasing this  
17 opportunity will be an investment, an investment that  
18 comes back to us in the form of clean air, jobs and  
19 economic prosperity. Thank you.

20                   CHAIR:

21                   Ma'am, before you start, can I ask  
22 numbers 31 to 40 to come on up please? Okay.

23                   MS. PRICE:

24                   Thank you. Carolyn Price, Windsor, New  
25 York, Broome County. I have read the Delaware River

1 Basin Commission's vision statement and commend you  
2 for a well-written document. Today I would like to  
3 focus on two ways you will accomplish your mission.  
4 Integrating environmental and economic needs and  
5 facing decisions on sound science. Both of these  
6 points are very important in regards to draft natural  
7 gas development regulations. You have spent a great  
8 deal of time looking at environmental needs. What  
9 about economic needs? For example, the three counties  
10 farthest north in the Delaware River Basin --- and I'm  
11 using 2008 US Census Bureau statistics, Wayne County,  
12 household income median, \$45,736; Broome County,  
13 \$42,614; Delaware County, \$39,821. And the poverty  
14 level in those counties, people living below the  
15 poverty level, Wayne County, 13.4 percent; Broome  
16 County, 14.2 percent; and Delaware County, 16.5  
17 percent.

18                   Clearly there are economic needs that  
19 must be integrated with the environmental needs.  
20 Responsibly and safely developing natural gas in the  
21 counties like these will give people the opportunity  
22 to raise their household income and the opportunity to  
23 rise above the poverty level. Basing your decisions  
24 on sound science is also very much needed. Why?  
25 People have been bombarded through the media,

1 Internet, television, radio, newspapers, et cetera,  
2 with information that is often misleading and  
3 sometimes false. This instills fears about natural  
4 gas development that are not based on science, but on  
5 Hollywood hype and political maneuvering. Stick to  
6 your vision and your mission. Integrate environmental  
7 and economic needs and base your decisions on science.  
8 Thank you.

9                   MS. LACEY:

10                  My name is Chris Lacey. I am a landowner  
11 from Broome County, New York, and I am sick and tired  
12 of people from New York City and Hollywood and  
13 MoveOn.org telling me what I can do on my own land.  
14 These so-called environmentalists are nothing more  
15 than hypocrites. They use fossil fuels every day, but  
16 refuse any responsibility for producing it. In 2011,  
17 America is still dependent upon fossil fuel. We are  
18 not ready to replace the 85 percent of our energy that  
19 comes from fossil fuel with some pipedream of green  
20 energy. And maybe New York City should clean its own  
21 house before telling upstate what to do. New York  
22 City produces 14,000 tons of garbage every day and  
23 ships it off to some rural communities for them to  
24 deal with. And New York City is worried about their  
25 water supply? The Delaware aquaduct leaks 35 million

1 gallons of water a day. Since 2001 over 100 billion  
2 gallons of water have simply leaked away. These  
3 people want to regulate drilling to death, while they  
4 continue to use the environment, a claim to love, as a  
5 dumping ground for their trash, while they continue to  
6 use upstate as a cheap source of drinking water and an  
7 annex for their overcrowded prisons. Maybe it's time  
8 for upstate to stand up and say, no, you can keep your  
9 regulations and your trash and your prisoners and  
10 we'll keep our water, our freedom, and our natural  
11 gas. Thank you.

12                   MR. CITARELLI:

13                   Hi. My name is Michael Citarelli. I am  
14 a landowner in Hunterdon County, New Jersey. And I  
15 also own land up in Equinunk, Pennsylvania. I want to  
16 say that the New Jersey Highlands Commission has  
17 stripped my land rights in New Jersey and now the DRBC  
18 wants to strip my land rights here in Wayne County.  
19 There is an energy revolution taking place in this  
20 country. And I'd like to say that as of this morning,  
21 I think that a barrel of oil has hit \$100 and it's  
22 going up as we speak. The future is electricity and  
23 heat for our homes and, yes, our cars generated by  
24 clean, natural gas. Solar, windmills and  
25 hydroelectric plants will not provide enough. The

1 burning of coal to produce electricity is poisoning  
2 our land, air and water and, yes, is poisoning the  
3 Delaware River, as we all know.

4                 If the DRBC and the NWPOA can compromise  
5 on a set of fair regulations to drill and transport  
6 natural gas in a safe and efficient manner, we can  
7 become the leader in this revolution that the rest of  
8 the country can look up to. These DRBC regulations,  
9 if left untouched, are designed to stop all drilling  
10 in Wayne County, while the other counties within the  
11 SRBC will fuel the revolution.

12                 The 500-foot setbacks and the all  
13 inclusive definition of what constitutes a water body  
14 are excessive and the restrictions on forest clearing  
15 will prevent drilling on virtually all land in the  
16 Upper Delaware River Basin.

17                 MR. MUSZYNSKI:

18                 Thank you.

19                 MS. SUTLIFF:

20                 Betty Sutliff, lifelong resident of  
21 Damascus Township, Damascus, Pennsylvania. I'd like  
22 to welcome you to Wayne Highlands School District  
23 where I have the privilege and pleasure of teaching  
24 for 36 years. Wealthy in its beauty, Wayne County is  
25 not wealthy in its purse. Forty (40) percent of the

1 students here are on free or reduced lunch. Western  
2 Wayne is at 47 percent, up three percent since October  
3 and were at 50 percent. The DRBC, or crisis compact,  
4 must take economic development into consideration  
5 balancing it equally in its decisions.

6                   The curriculum that I taught to my  
7 students included a study of Pennsylvania. The  
8 symbols are a state including its motto, virtue,  
9 liberty and independence. Yet there appears to be a  
10 conflict between our state's motto and the draft  
11 regulations of the DRBC. Overstepping its compact and  
12 attempting to expand its influence and authority in  
13 the land use issues, the DRBC is putting our liberty  
14 and independence at risk. In a recent interview with  
15 former Pennsylvania DEP secretary John Hanger stated  
16 that rather than involving the Federal Government,  
17 instead of having these questions decided close to  
18 home, it's Pennsylvania's water. It's Pennsylvania's  
19 air. It's Pennsylvania's land. Commissioner Hines,  
20 we are counting on you to protect the autonomy of the  
21 Commonwealth of Pennsylvania. Thank you.

22                   MS. REICHEG:

23                   My name is Cathy Reicheg. I'm just a  
24 regular resident and taxpayer. And I just have a few  
25 comments. Forget for a moment the scary absence that

1 have already occurred and have been well documented at  
2 the drilling sites. There's talk of how gas drilling  
3 will have such a major impact on our local economy. I  
4 believe that. I believe it will have quite an impact,  
5 by devastating our present tourist state's economy and  
6 rendering useless any interest to even visit our area.  
7 We're all here because it's one of the most beautiful  
8 places on the face of the earth. Our economy relies  
9 on outdoor enthusiasts drawn to pristine, natural  
10 surroundings in which to fish, boat, swim, ski, hike  
11 and vacation. Who will buy property or a second home  
12 or want to vacation in a place where you can't use the  
13 water overlooking the wasteland? Is that really good  
14 for our economy? It seems to me that it will surely  
15 and most negatively impact our resorts, our  
16 restaurants, our realtors and our local businesses.

17               Those who have signed leases and the gas  
18 companies want to push for immediate drilling without  
19 any environmental impact studies because they're just  
20 concerned about the immediate and the now. Will the  
21 gas companies provide jobs? Maybe not. They'll  
22 probably bring in their own people. Will the gas  
23 companies provide healthcare for those exposed to the  
24 secret chemicals we're not supposed to know anything  
25 about? If it's so darn safe, then why aren't they

1 anxious to prove that? Because I don't think it is.  
2 I asked one woman who had signed a lease what she  
3 would do if her well was contaminated and she replied,  
4 well, then let's fix it. Contaminated groundwater  
5 cannot be fixed. Nobody had told her that. The  
6 DRBC's legal mandate is to do no harm. I urge you to  
7 take that mandate seriously. Thank you.

8                   MS. MICKLEY:

9                   Hello and good afternoon and thank you  
10 for this opportunity. I'm Sue Mickley. My family  
11 goes back to 1730s on the Delaware and I've lived in  
12 various areas up and down the Delaware myself. I do  
13 want to say my daughter would say, look at the big  
14 picture. We all know that we have an energy crisis  
15 throughout the world because we also have population  
16 crisis. And according to the latest National  
17 Geographic they're now projecting that in the next 25  
18 years the population will increase 30 to 50 percent in  
19 the world. The demand for resources is going to be  
20 huge. No conservancy or green energy is going to  
21 address the problems that will occur throughout the  
22 world, a need for energy. But we can serve ourselves  
23 and release the consumption of energy elsewhere in the  
24 world for these growing population bases.

25                   Another big picture I told them to look

1 at is National Geographic did a story on the electric  
2 created in the United States. And they said based on  
3 the green energy technology being proposed, there will  
4 need to be a \$200 billion --- billion dollar, \$200  
5 billion upgrade to the national grid in order to  
6 compensate for the unreliable resources generated  
7 through green energy. Natural gas doesn't have that  
8 problem. And not only that, the natural gas grid is  
9 not on the backs of the taxpayers, but the  
10 corporations do their own grids and it comes out of  
11 their own pocket and their own profits. Not off our  
12 backs. Please help Wayne County thrive. Don't ask us  
13 to be a substitute for thriving somewhere else. Give  
14 us our fair share. And be reasonable on our science  
15 which is way off base. The statistics in the  
16 beginning of the presentation which are the  
17 foundations of these proposed regulations are way  
18 exaggerated and need to be evaluated and reduced by  
19 talking to professionals in the industry. It kind of  
20 actually shows that you don't have the expertise in  
21 this industry to regulate it. Thank you very much.

22                   MR. RUTLEDGE:

23                   My name is Bob Rutledge. I am a lifelong  
24 resident and landowner of Wayne County. I grew up and  
25 still reside on my family's 500-acre farm that's been

1 in the family since the mid 1800s.

2                   When it comes to the draft regulations,  
3 it's apparent to me the DRBC does not want gas  
4 drilling in the watershed, period. A few examples of  
5 this are the 500-foot setbacks, which in effect bands  
6 gas drilling in our area. On our 500-acre farm, which  
7 is mostly open fields, there's not a single spot that  
8 would meet this criteria. National Parks have less  
9 restrictive setbacks.

10                  Another regulation states that the pad  
11 sites cannot be wooded areas and the gas industry  
12 cannot cut more than three acres of trees on any site.  
13 It kind of sounds like the gas --- the DRBC is  
14 singling out the gas industry to live by higher  
15 standards than any other industry. It also sounds  
16 like the DRBC is trying to expand its grip on our area  
17 by getting involved in land use issues. This concerns  
18 me because today it's the gas industry, tomorrow it's  
19 going to be every landowner and you wouldn't do  
20 anything with this land. Harvest the trees or perhaps  
21 clear a building site.

22                  In the provision process the DRBC places  
23 no time restrictions on themselves whatsoever and have  
24 already proven to us how that can turn out, but for  
25 your --- at this point, you know, it just caused that

1 with delay.

2                   And the regulations also give way too  
3 much to the executive director. In America, no single  
4 person should have the power to control the financial  
5 sovereignty of an entire region.

6                   In conclusion, I would suggest the DRBC  
7 abide by its own compact, consider our rights as  
8 landowners and Americans, and leave the regulation of  
9 the gas industry up to the states where they have  
10 skilled, knowledgeable and experienced staff. Thank  
11 you.

12                   MR. WALCZAK:

13                   My name is Trevor Walczak. I'm a  
14 landowner in Wayne County, Pleasant Hill (phonetic)  
15 Township. A third generation small business owner and  
16 also vice-president of the National Association of  
17 Royalty, Pennsylvania Chapter. Failure to lift this  
18 drilling moratory certainly hereafter would be a great  
19 infringement on private property rights of those  
20 landowners within the Delaware River Basin who have  
21 faithfully paid their taxes in good faith while  
22 thinking that their property's future was theirs to  
23 determine. The Fifth Amendment of the US Constitution  
24 states, nor shall private properties be taken for  
25 public use without just compensation. Therefore, if

1 the DRBC continues these restrictions which would  
2 prevent the private mineral owner from developing our  
3 mineral interest, that is a government entity taking  
4 our private property and consequently the government  
5 should then be responsible for just compensation.  
6 When this recession hit our family-owned business it  
7 took our workforce of 33 full-time employees to less  
8 than 15. Like many we began seeking work in the  
9 natural gas industry and we're on the road to bringing  
10 those workers back and then some. In the last two  
11 years of working right alongside drill rigs, I have  
12 witnessed the rapid strength the industry has made to  
13 improve upon itself by employing new technology,  
14 techniques and strategies proven to shore up  
15 environmental stress funds. Each time we were on a  
16 job, we were encouraged to surpass what was required.  
17 The companies are exploring know-how costs of doing it  
18 wrong is larger than the cost of doing it right. So  
19 they're doing it better and safer every time they  
20 drill a well. I've been there and I've seen it.  
21 Today in Pennsylvania over 2,000 Marcellus wells have  
22 been drilled and hydraulically fractured successfully.  
23 This is saving local jobs, our homes, our farms, our  
24 businesses. We need to keep Pennsylvania natural gas  
25 competitive in this global market, not by burdening it

1 with costly layers of overlapping bureaucracy like we  
2 have done to every other industry in the United  
3 States. The oil and gas industry is truly America's  
4 industry, the only industry left where we're still the  
5 pioneers of technology. The entire world turns.  
6 Every piece of drilling equipment on location says  
7 made in America. That is creating American jobs and  
8 tens of thousands of those jobs are being done right  
9 here in Pennsylvania by your neighbors and hopefully  
10 soon in Wayne County, as well. Thank you.

11                   MR. GEIZER:

12                   Good afternoon. My name is Bill Geizer.  
13 I'm a lifetime resident of Wayne County, past  
14 supervisor, chair for 18 years here in Damascus. I  
15 put a good article in the paper, the letter to the  
16 editor to the public saying some of my questions.  
17 DBRC, I think they're way over their bounds. In New  
18 York State they took a lot of land and put water,  
19 ponds in Downsville, Cannonsville. They ought to  
20 check all the water flow meters from New York City,  
21 the waste that goes out of that land. And it's just a  
22 shame that the private people are being stepped on.  
23 And I think Pennsylvania should probably withdraw  
24 from the DBRC. We're being harassed by other states,  
25 which is not right. And in closing, I think a lot of

1 the comments, a lot of things that come from the BRC  
2 and some other sources reminds me of one thing, from  
3 the north a salesman with a mouthful of sandals.  
4 Thank you.

5                   MS. WOOD:

6                   Good afternoon. My name is Mary Beth  
7 Wood. I am executive director of Wayne Economic  
8 Development Corporation. I represent over 200  
9 businesses in our region, and welcome to Wayne County.

10                  UNIDENTIFIED SPEAKER:

11                  Thank you.

12                  MS. WOOD:

13                  It is the DRBC's responsibility under its  
14 compact to balance environmental protection, while  
15 ensuring water is available for employment industry  
16 and economic development. The proposed regulations in  
17 their current form will not advance the safe,  
18 responsible development of the natural gas industry in  
19 Wayne County. Creating new economic opportunities and  
20 jobs with family-sustained wages in Wayne County is  
21 imperative. Wayne County's per capita is the lowest  
22 of the Pennsylvania Counties under the DRBC's  
23 jurisdiction. The counties to the south of us in the  
24 mid basin region enjoy a medium household income  
25 averaging 41 percent higher than ours. Our main

1 employment has declined 35 percent in the last ten  
2 years. Our economy is dominated by the retail service  
3 sectors. Because we value and protect our water  
4 quality, we are being penalized by over-regulation,  
5 which is making it harder to invest in our  
6 communities. If this trend continues Wayne County  
7 could simply become a playground for future  
8 generations, will be an in-service to those who could  
9 afford to visit or live here or retire here. The  
10 potential economic benefits of the natural gas  
11 drilling industry are huge. This industry is expected  
12 to generate an average of 600 direct jobs annually and  
13 produce 1.5 billion in new economic activity in Wayne  
14 County, more than doubling our personal income with  
15 all the intended benefits of community institutions,  
16 health, open space preservation, energy availability  
17 and security. I urge you to revise the draft  
18 regulations to promote the safe development of the  
19 natural gas industry and ---.

20 BUZZER GOES OFF

21                   MR. MUSZYNSKI:

22                   Thank you.

23                   CHAIR:

24                   Thank you.

25                   MS. WOOD:

1                   Thank you.

2                   CHAIR:

3                   May I call numbers 41 through 50 to come  
4 up? Thank you.

5                   MR. COLLINS:

6                   And to start, I'd like to get ahead of  
7 him. My name is Ron Collins. I'm a lifelong resident  
8 of Wayne County. My brother and I own the farm that  
9 we both grew up on. We've cared for and paid the  
10 taxes on this property for over 70 years. No one is  
11 more concerned with protecting that property than we  
12 are.

13                  I also have 37 years of experience in  
14 construction and maintenance of high voltage power  
15 lines and substations. I retired from PPL in 2005 as  
16 the operating manager in charge of all crews and field  
17 engineering throughout Wayne, Pike, Monroe and  
18 Lackawanna Counties. Working with our competent state  
19 regulators, we successfully added and upgraded  
20 hundreds of miles of electrical transmission and  
21 substation infrastructure.

22                  Before signing a gas lease for our  
23 property we investigated industry standards, listened  
24 to Penn State representatives who helped develop those  
25 standards. I find the industry standards for drilling

1 and recovery of gas to be both safe and effective.  
2 The industry and regulators have proven --- have a  
3 proven good record over many years.

4                 It is unwise for the DRBC to take the  
5 lead from our proven state agencies. These draft  
6 regulations will actually result in blocking all  
7 production and economic development in our area.  
8 Applying these regulations to a typical 1,000-acre  
9 plot eliminates 99.5 percent of the area from any  
10 production and leaves the remaining one half of one  
11 percent inaccessible and undesirable as wooded areas.

12                 This amounts to discrimination against  
13 taxpayers and residents in the headwater regions. And  
14 while other regions of the state will economically  
15 benefit, we will not.

16                 MR. MILLER:

17                 Thank you. My name is Daryl Miller. I  
18 come here from Bradford County, Derry Township. I am  
19 here as a property owner and small businessman to  
20 attest to the fact that there are benefits that go  
21 along with natural gas drilling. Natural gas drilling  
22 can and is being done in an environmentally friendly  
23 manner. Case in point, I have neighbors of mine whose  
24 well water has, in fact, been affected by the natural  
25 gas drilling. About a year ago when they started

1 drilling in our small township there was methane  
2 migration that happened in some neighboring wells.  
3 Just last Saturday I was into some of those neighbors  
4 houses and DEP had given them a clean bill of health.  
5 The industry stayed on top of it and apparently has  
6 fixed the problem. The economic benefits to our  
7 county are uncalculable. Case in point, we have had  
8 many, many businesses come to our area that weren't  
9 there before. There are many businesses there that  
10 are expanding their operations. We've had excavation  
11 businesses that have expanded their operations. We've  
12 seen ads in papers this last Sunday, in our local  
13 paper. I counted 60 different ads, want ads, for  
14 jobs, family-sustaining jobs. Five years ago, you  
15 were lucky to find a half a dozen ads. Thank you.

16                   CHAIR:

17                   Thank you.

18                   MR. LENZ:

19                   My name is Richard Lenz. I am a 12-year  
20 resident of Damascus Township. And the impact of  
21 these regulations will be the difference between  
22 farming my 50 acres of land in my retirement years,  
23 which are coming up very quickly, and leaving the  
24 property to my four children or having to sell my  
25 land.

1           It is very important that the Delaware  
2 River Basin Commission does not misrepresent  
3 information and numbers that lead to inaccurate  
4 conclusions.

5           In Section 7.5 (a)(1) of the Regs it  
6 states, and I quote, over 15 million people rely on  
7 the waters of the Delaware River Basin for drinking,  
8 agricultural and industrial use. The 15 million  
9 people include about seven million people in New York  
10 City and northern New Jersey who live outside the  
11 basin.

12           This is misleading. New York City's  
13 watershed has five major reservoirs. Three of which  
14 are in the Delaware River Basin and two, the Ashokan  
15 and Rondout reservoirs, are not in the basin. So the  
16 three that are in the basin provide only three-fifths  
17 of the water, not 100 percent.

18           The delivering system of getting the  
19 water to New York City is leaking 37 million gallons a  
20 day. And with the three that's 22 million gallons a  
21 day that the DRBC --- I'm not saying --- you know, but  
22 we could be having here.

23           Philadelphia and its surrounding area  
24 accounts for some percentage of the other eight  
25 million that the Delaware River Basin provides water

1 for. But do you know that Philadelphia also has six  
2 other watersheds totaling 2,307 square miles? And one  
3 of the watersheds for Schuylkill provides water to 1.5  
4 million people.

5 Trenton, New Jersey has 19  
6 watersheds ---.

7 MR. MUSZYNSKI:

8 Thank you, sir.

9 CHAIR:

10 Thank you.

11 UNIDENTIFIED SPEAKER:

12 Number 44 if they'd be kind enough to  
13 come up, number 44. Thank you, sir.

14 MR. WASNER:

15 My name's Karl Wasner. I live in  
16 Milanville, where I am a full-time resident and  
17 raising my young family there. I'm a local business  
18 owner, as is my wife. I live directly adjacent to the  
19 Crum site, as you may recall. I came before you last  
20 year in Trenton with a gallon of groundwater. You  
21 might remember that. So water volume and quantity is  
22 your concern. A court of law has already proved that  
23 the quality is at risk and that industry cannot police  
24 itself.

25 The quantity is already at risk, as well,

1 population growth and the typical related industry  
2 growth. This notion of using drinking water to get  
3 gas out of the ground is absurd. We know that  
4 quantity is already a problem in the long term, and  
5 yet we're considering wasting it.

6 My personal experience with drilling has  
7 not been good. During the drilling last summer at the  
8 Crum site, we were forced to move out of our house for  
9 six weeks because of the noise, the vibrations, the  
10 nuisance 24/7. I had to take my kids and my wife and  
11 leave. We just couldn't live there. And that has  
12 nothing to do with water quantity or quality, which  
13 has nothing to do with you, I realize. But it's  
14 useful information for everyone here that thinks gas  
15 drilling is so great.

16 We just couldn't live there anymore.  
17 These 500-foot setbacks, nowhere near enough. A  
18 simple error on the driller's part, even an accident  
19 --- everyone has accidents. I do. That could easily  
20 spread more than 500 feet. They had an occurrence in  
21 Clearfield, PA last year. That was a two-mile radius  
22 evacuation when one fracking well went bad. Thanks.

23 CHAIR:

24 Thanks.

25 MR. SWARTZ:

1                   Good afternoon. My name is Greg Swartz.  
2 I'm a property owner and resident of Damascus,  
3 Pennsylvania area. I do, in fact, make my living from  
4 the land as a farmer.

5                   In Section 7.1 of the Draft Regulations,  
6 the Commission unequivocally states that your role is  
7 to maintain the quality and quantity of water  
8 throughout the entire basin. That's reinforcing the  
9 spirit and letter of the compact. In Section 7.1(d),  
10 quote, the Commission has determined that all natural  
11 gas development projects may have substantial effect  
12 on the water resources on the basin, end quote.

13                  You then express general principles in  
14 Section 7.1(e) about what these regulations should be  
15 based on, for example, linking water quality and water  
16 quantity with the management of the resources,  
17 recognizing hydrological, ecological, social and  
18 institutional assistance within a regulatory regime,  
19 and most importantly, decision making should be based  
20 on sound scientific principles and understanding the  
21 relationship between land and water resources.

22                  Then through the regime proposed in  
23 Section 7.3 through 7.6, you ignore these foundational  
24 principles. How can any of these regulations be  
25 measured against the standard of maintaining the

1 quantity and quality in water --- of the water in the  
2 basin when no scientific evaluation of the cumulative  
3 impacts of high volume slick-water hydraulic  
4 fracturing has been conducted?

5                   This demonstrates the Commission's  
6 disconnect between your purpose and your action.  
7 Although there are some requirements within these  
8 regulations that will help to protect our water  
9 quality, for example, the use of enclosed produced  
10 water storage tanks, in total, these regulations do  
11 not adequately address the broad impacts of a fully  
12 developed Delaware Basin gas seal. I urge you to  
13 execute a cumulative impact study with a full  
14 lifecycle analysis of hydraulic fracturing before  
15 adopting regulations. The absence of funding for such  
16 a study is no excuse for not exercising diligence and  
17 satisfying your legal --- thank you.

18                   MR. MUSZYNSKI:

19                   Thank you.

20                   CHAIR:

21                   Thank you.

22                   MS. SCHWEIGHOFER:

23                   Hello. My name is Marian Schweighofer.  
24 I'm the Executive Director for the Northern Wayne  
25 Property Owners. Natural gas, particularly shale gas

1 can and will play a pivotal role in America's future  
2 energy supply. We're in favor of common-sense  
3 regulations that protect the environment while  
4 allowing for prudent exploration and production of  
5 gas, not just for us but for all residents of  
6 Pennsylvania to enjoy. These goals are not mutually  
7 exclusive. They can and they must be a win-win  
8 combination.

9                         The DRBC should play an important role,  
10 and we thank them for releasing Draft Regulations.  
11 However, we oppose the vastly potential  
12 all-encompassing authority that this draft places in  
13 the hands of the DRBC and the executive director. The  
14 DRBC offers no reason for intruding on what  
15 historically has been our distinct domain. They take  
16 land use controls in this draft. There are no time  
17 limits.

18                         United States was not interested in  
19 dictatorships by which to govern. Neither are we.  
20 The landowners object to arbitrary power in the hands  
21 of the Delaware River Basin Commission, a bureaucratic  
22 agency. We would rewrite all of Section 7.5,  
23 believing that our State of Pennsylvania would  
24 maintain sovereign control and should maintain that  
25 over gas permitting and enforcement with the DRBC

1 serving as an interested party through legal  
2 memorandums of understanding or other binding  
3 agreement. Our states have the experience. They have  
4 the funding and they are accountable to us, the  
5 voters. The DRBC lacks the expertise, the staff and  
6 the experience to approve and enforce gas activity.

7                   The Commission shall take on a role in  
8 the --- with the state's permitting process, to  
9 protect by requesting different standards prior to  
10 approvals. This would also allow the DRBC to appeal  
11 and challenge the state's decision if that's  
12 necessary. Keep our power home.

13                   MR. MUSZYNSKI:

14                   Thank you.

15                   MR. COCCODRILLI:

16                   Hello. My name is Curt Coccodrilli, and  
17 I'm a landowner in Northern Wayne County and an old  
18 family farm in Jefferson Township. I feel my rights  
19 are being stripped away by these proposed Draft  
20 Regulations. The DRBC's Draft Regs will over-regulate  
21 the industry and stop it before it ever gets started.  
22 The DRBC will be shooting its own cash out of the  
23 woods in the form of exiting fuel and be perplexed  
24 forever when they or any future companies pack up and  
25 leave the DRB.

1                 The way these are written will not allow  
2 a single well pad to be drilled within the basin due  
3 to vaguely defined terms and setback requirements 20  
4 times that of the National Park Service's 25-foot  
5 stream buffer. That must change.

6                 The Draft Regs duplicate state efforts,  
7 take away Pennsylvania's autonomy over its own air,  
8 water, soil and timber and empowers the DRBC's  
9 regulatory authority to oversee land use for the first  
10 time in this state's history. That must stop. This  
11 strips away the rights of my property and local  
12 governments alike. PA has 51 percent of the land mass  
13 in the DRBC's domain but only has one-fifth of a vote  
14 over its own destiny.

15                 These regs will take power --- will take  
16 power from the state and put it into the hands of the  
17 DRBC and that is not fair to Pennsylvanians. The  
18 DRBC's Draft Regs don't include the term, in  
19 conjunction with the economic development, and that is  
20 clearly stated in its original charter.

21                 Does energy security away from Middle  
22 East politics and strife mean anything to anyone?  
23 South American countries practically fuel their own  
24 economies by natural gas, and why can't we do it here  
25 safely? Close to 35 percent of the Wayne Highlands

1 and West Wayne School Districts are at some sort of  
2 government assistance, and these jobs will help  
3 curtail rural poverty, the likes and dispute of which  
4 is rarely seen. Thank you.

5                   MS. WYNNE:

6                   Hello. I'm Katherine Wynne and I've been  
7 a full-time resident in Wayne County since 1979. And  
8 I'd like to talk about global warming, national  
9 security and the economy.

10                  We have very real opportunity to take  
11 major action to reduce global warming by replacing  
12 petroleum in the nation's vehicles with liquefied  
13 natural gas, fuel that will produce far less carbon in  
14 the atmosphere, and by fueling our electric power  
15 plants with gas instead of coal, which adds to carbon  
16 in the atmosphere, or nuclear energy, which causes  
17 even greater potential for disaster. We know we're  
18 tainting the earth's atmosphere and are already  
19 suffering the consequences. Have we become so fearful  
20 that we cannot take the obvious curative action?

21                  National security. Every time we put  
22 petroleum in our cars, we're not only polluting the  
23 atmosphere, we're sending our money to the very folks  
24 who funded the destruction of the World Trade Center,  
25 at least part of that money. And today those same

1 folks are supporting the Taliban. What nation in its  
2 right mind refuses to tap its own natural resources  
3 and prefers to fund its enemies?

4                   The economy. If we were not all paying  
5 \$3.25 per gallon for petroleum, but \$1 per gallon for  
6 liquefied natural gas for our cars, the saved money  
7 would get our economy out of recession, supply jobs  
8 and enable a few more people to pay their mortgages  
9 and not lose their homes. Thank you.

10                  MR. MUSZYNSKI:

11                  All right.

12                  MR. WYNNE:

13                  My name is Peter Wynne, and I own a home  
14 and land in Wayne County, Preston Township. The DRBC  
15 should abandon Section 7.5 of its proposed regulations  
16 and instead renegotiate in strengthening the memoranda  
17 of understanding it already has with the states of New  
18 York and Pennsylvania.

19                  After three years the Commission's staff  
20 has been unable to come up with a workable set of  
21 regulations. And even if these rules were now  
22 revised, it would be foolhardy to leave the permitting  
23 process and rule enforcement to the DRBC, which now  
24 would have to create teams to carry out these  
25 functions, thereby guaranteeing that the work would be

1 done by an inexperienced staff that likely will be  
2 under-funded and undersized in these tight budgetary  
3 times.

4                   This would be turning the principles of  
5 good regulation upside down. Section 7.5 would place  
6 an inexperienced DRB staff above the deeply  
7 experienced environmental protection staffs of states  
8 that have been dealing with gas and oil issues for  
9 many decades.

10                  Nor can the DRBC offer any justification  
11 for such an ill-advised plan. The agency would not  
12 have, for example, any high-quality or exceptional  
13 value waters to protect under its own Special  
14 Protection Water Program if Pennsylvania's regulatory  
15 regime were not functioning well already. Moreover,  
16 in its 2010 revision of the State's Chapter 102  
17 Erosion and Sediment Control Regulations,  
18 Pennsylvania's DEP greatly tightened rules that long  
19 have been doing a good job, evidenced by the fact that  
20 stream quality in Wayne County has been improving each  
21 year for many years.

22                  MR. UNOTSKY:

23                  I'm Mike Unotsky, a retired professor  
24 from N.Y.U., where I directed the Center for Advanced  
25 Technology. I'm a full-time resident in Wayne County.

1 I'm also serving on the Federal Commission regarding  
2 the energy futures. My comments supplement the  
3 considerable written and oral testimony you're  
4 receiving.

5                   The current Draft Regulations are  
6 defective. Taken as a whole, they're based on bad  
7 assumptions, and they do not reflect the geology and  
8 current industry practices. Taken as a whole, they  
9 violate the compact establishing DRBC. The analyses  
10 leading to the regulations are simply wrong.

11                  They duplicate already existing  
12 regulations in the states that are already  
13 satisfactory and that already have a good enforcement  
14 mechanism, duplication at the very time when the  
15 country is searching for added efficiencies and cost  
16 reductions to improve the economy. The proposed fees  
17 are unnecessary if you rely on the work that's already  
18 been done, and they unnecessarily add to the costs of  
19 government.

20                  Not only is the added regulatory layer  
21 unnecessary, it will get in the way of further  
22 practice in energy improvements, the improvements that  
23 will make gas exploration even more environmentally  
24 sound than it already is. The proposed regulations  
25 are just an indication to endless legal cases and

1 circuses. In summary, they work against the best  
2 interest of the citizens, the community, the state and  
3 the country. These regulations deserve a genuine C at  
4 best.

5 Go back. Fix the draft. And these fixes  
6 can be done relatively quickly, because the data  
7 exists, the resources exist, and good studies from  
8 places like MIT and the National Academy of Sciences  
9 already exist. Thank you.

10 CHAIR:

11 Before you start, sir, can I call numbers  
12 51 to 60 to come forward, please?

13 MR. O'REILLY:

14 Good afternoon. My name is Lawrence  
15 O'Reilly, and I'm from Crystal (phonetic),  
16 Pennsylvania, in Susquehanna County, where we own a  
17 dairy farm and land, as well as in Bradford County,  
18 and as well as a considerable amount of ground here in  
19 Damascus Township in Wayne County. I've seen a lot of  
20 the things, that some of the people who are from  
21 outside of this area, happen, both in Susquehanna and  
22 Bradford County.

23 I am not here under the banner of drill,  
24 baby, drill. Nor am I a circuit writer for those  
25 people who walk around continuously with their colored

1 bottles of water claiming, it's always --- that's the  
2 way it's always going to be. We're always going to  
3 mess up our water.

4                   I have one positive thing to say that I  
5 read online from our former DEP commissioner here in  
6 Pennsylvania. They asked him a question. They said,  
7 do you think gas drilling with high volume hydraulic  
8 fracturing as it is being practiced in Pennsylvania is  
9 safe? That's the question that they asked.

10                  His three words after that were, yes,  
11 it's safe. This is a former commissioner of DEP who  
12 has a lot of experience in his field, and I've got to  
13 take it for granted, here's a Democrat saying this,  
14 not a Republican, but a Democrat.

15                  I hope that what turns out here in this  
16 Commission doesn't end up like our local diocese of  
17 Scranton, where they asked us to decide what churches  
18 are going to close and what churches are going to stay  
19 open. What that divided --- what that did was to  
20 divide our community. I hope this Delaware regulation  
21 doesn't do that here. I hope you do not divide the  
22 community. That's the last thing you need to do.

23                  Positive things that have happened in  
24 Bradford County are we have improved our roads. We  
25 have assisted our ambulance squad through the gas

1 company --- schools and 4-H programs. And that's  
2 about it. I guess I'm all done. Thank you very much.

3                   MS. ARRINDELL:

4                   My name is Barbara Arrindell. My family  
5 is a landowner is Damascus Township. It's too short a  
6 comment period and way too few hearings. The Draft  
7 Regulations are not based on science, do not address  
8 the cumulative impacts, do not set limits on gas  
9 development, do not institute high enough standards to  
10 protect streams and communities and rely heavily on  
11 flawed state regulations that are filled with  
12 exemptions and loopholes. The Commission has not  
13 established any enforcement capabilities.

14                   These regulations do not even look at  
15 compressors, dehydrators, processing facilities and  
16 other off-the-drill pad places. The mandate of the  
17 DRBC is to prevent degradation of the exceptional  
18 water quality of the Delaware River, not to mitigate  
19 damages.

20                   To allow this activity as an economic  
21 benefit is short-sighted and wrong. By not looking at  
22 impacts to human health, communities and to existing  
23 businesses is to deny the evidence of what drilling  
24 with hydraulic fracturing has done in other places.  
25 Why would results be different here?

1                   A quote from Arkansas, Van Buren County,  
2 along with neighboring counties is in the heart of the  
3 Fayetteville Shale plain. They call it the Sweet  
4 Spot, and yet, we can see from these statistics from  
5 the USDA, unemployment figures have risen in Van Buren  
6 in the five years the gas companies have been boasting  
7 about how many jobs they've brought to the area.

8                   We have a population in this sacrifice  
9 zone who have been crying out for anyone in government  
10 to listen to their sometimes desperate situations to  
11 no avail. Water contamination, earthquakes, air  
12 choked with toxins, compressor stations that roar 24/7  
13 at such a high level people can't sleep are just some  
14 of the problems. Some in government say all these  
15 problems are worth it because of this great economic  
16 boom the gas industry's bringing us. I say, what  
17 boom, end quote. These DRBC-proposed rules will not  
18 make drilling safe, will allow water resources to be  
19 depleted, water quality and ecosystems to degrade.

20                   CHAIR:

21                   Thank you.

22                   MS. PRETTYMAN:

23                   My name is Jane Prettyman, Honesdale,  
24 Pennsylvania. First, two points. If a tree falls in  
25 the forest, how will we know? If a leaseholder's

1 water is ruined by gas drilling and they are silenced  
2 from telling people by a confidentiality agreement or  
3 intimidated by fear to lose their gas royalties, the  
4 media and general public are not getting the facts  
5 about how much drinking water is really being ruined  
6 by drilling. There's a reason to believe such  
7 confidentiality is illegal, and I urge the DRBC to  
8 look into this and investigate it for your own  
9 decision making.

10                   Second, the DRBC is not required by its  
11 compact to order cumulative impact studies, but this  
12 is not a legal question so much as a moral question,  
13 and here's why. By not ordering full lifecycle  
14 cumulative impact studies before finalizing your rules  
15 and allowing drilling to begin, the DRBC is failing to  
16 exercise due diligence. This, rationally speaking, is  
17 negligence in the face of so much evident risk.

18                   Comprehensive studies are needed before  
19 drilling, not merely to assess potential harms, but in  
20 your duty to protect this special river basin, reach  
21 to a higher standard, to exercise your burden of proof  
22 according to the precautionary principle and assert  
23 --- would prove that drilling is safe. Send the bill  
24 to the drillers. If there's no money for studies,  
25 then there's no drilling.

1               Let science, not politics, inform your  
2 decision. And meanwhile, ban all drilling in the  
3 Delaware River Watershed while we're waiting for proof  
4 that drilling is safe. Thank you.

5               CHAIR:

6               Quick break.

7 SHORT BREAK TAKEN

8               CHAIR:

9               And, sir?

10              MR. JONES:

11              My name is David Jones, local resident  
12 and tourism industry business owner. The problem with  
13 these new regulations is that it's going to basically  
14 stop drilling in the entire DRBC. Now, Carol, you  
15 stopped and visited my mom a couple years ago, told me  
16 at her kitchen table that you were not trying to stop  
17 gas drilling. You simply wanted to know where the  
18 water was coming from, where it was going and make  
19 sure that things were done right.

20              And I believe you intend to do that, but  
21 prove it to us by adopting regulations that will not  
22 stop gas drilling in the basin, because these will.  
23 These will scare away the gas companies. They're  
24 excessive, extremely excessive. Simply stick with  
25 state regulations and focus on water withdrawal and

1 discharge. If this industry goes away, it will do far  
2 more harm to this basin. We desperately need the  
3 economy, the jobs, the economic development that gas  
4 drilling will bring.

5                   And being in the tourism industry, with  
6 the prices of oil today, nearly \$100 a barrel and  
7 certainly higher in the future, we will not have a  
8 tourism industry if we can't get people here with  
9 reasonable fuel costs. We all consume these  
10 resources, and I fear that down the road this is going  
11 to become a barren, depressed area, even worse than  
12 now.

13                   And that might be okay to some people,  
14 but it's not okay to me and it's not okay to the  
15 people here who deserve the same opportunity that the  
16 lower basin or New York City people deserve. This is  
17 our work, our river, our economy. Please don't take  
18 this away.

19                   Please adopt reasonable regulations and  
20 please allow this to continue in a timely manner and  
21 not allow the tactic of delay to stop this drilling.  
22 Carol, I trust that you will move this along quickly.  
23 Thank you very much.

24                   CHAIR:

25                   Proceed.

1                   MS. DERAGON:

2                   Okay. My name is Stephanie Deragon. I  
3 live in Maconsville (phonetic), PA, and we're  
4 basically asking you to revise your regulations to  
5 defer to the state's. DRBC regulation of any water  
6 use for gas, regardless of the amount, is  
7 discriminatory and works against the economic interest  
8 of the Upper Delaware Region. The amount of water use  
9 involved with gas drilling is small compared to other  
10 industries, for example, car washes and power plants  
11 and big city commercial uses.

12                  Reducing the regulatory threshold from  
13 the normal 100,000 gallons per day to any amount of  
14 water is not supported by the data. The DRBC's  
15 assertion that normal thresholds do not adequately  
16 protect water resources and its suggestion that other  
17 uses don't consume water in like manner are both  
18 disingenuous.

19                  Other users, such as power plants,  
20 consume far greater quantities of water. And  
21 moreover, if water quality and safety already have  
22 been regulated by the states and water allocation is  
23 not the issue, exactly why is it we need a DRBC?  
24 Regulations should be revised to defer to the state.

25                  CHAIR:

1                   Thank you.

2                   MR. REILLY:

3                   Good afternoon. My name is Tom Reilly.  
4 I'm a civil engineer registered in Pennsylvania and  
5 New York and president of Reilly Engineering  
6 Environmental Surveying. I have over 25 years'  
7 experience working with the land and waters in the  
8 Upper Delaware River Basin.

9                   I applied in full detail both the DRBC  
10 proposed pad development regulations and existing DEP  
11 pad regulations to a 1,000-acre tract in Northern  
12 Wayne County that is typical of the Upper Delaware  
13 topography. That is hills and valleys with many small  
14 water courses, ponds and wetlands.

15                  DRBC's 500-foot wetland setbacks would  
16 force pad development away from valleys onto the  
17 wooded hilltops, requiring long access roads. DEP's  
18 100-foot temporary and 150-foot permanent setbacks  
19 would allow development in locations with flatter  
20 slopes closer to existing roads and often not  
21 forested, reducing total land and forest disturbance  
22 significantly.

23                  PA and New York environmental agencies  
24 have some of the strictest stormwater rules and most  
25 experienced regulatory staffs in the country. The

1 states have developed science-based best management  
2 practices and have extensively trained review staffs  
3 that should take the lead in rule-making and  
4 enforcement. Pad development regulations should  
5 remain in the states where the most experienced  
6 resides.

7                 The pad approval by rule of natural gas  
8 development plans proposed are not practical. Based  
9 on the topography, virtually zero land would be  
10 eligible for the approval by rule.

11                 The development plan process is conceived  
12 for both thoughtful and master planning of pads,  
13 pipelines and access. However, until substantially  
14 more exploratory drilling is advanced, there will be  
15 little real basis for the exercise, except to slow  
16 down or stop the development. Keep the rules for  
17 management of water consumption and wastewater  
18 discharge. Leave pad regulation to the states of  
19 Pennsylvania and New York.

20                 MR. WEIGELT:

21                 Hello, everyone. My name's Rick Weigelt.  
22 I'm from Damascus, Pennsylvania. I was born in and  
23 graduated from Honesdale. My family moved away when I  
24 was fairly young, searching for a better life, but my  
25 heart never left this area. My school years were

1 spent in Florida, and all my summers were spent here  
2 with my grandparents in the land that I love.

3                   At 16 I moved back with plans on living  
4 here forever. Then again, at 23 I left again, this  
5 time to join the Army, partly in search --- partly in  
6 search for adventure, but mainly because I'm proud of  
7 my country and believe in fight for freedom for all.  
8 My sister, my father and my grandfather also served  
9 our country.

10                  My family's owned property in Wayne  
11 County since the early 1800s. The Wayne forest, water  
12 have always been clean and protected. I intend to  
13 keep it that way. If I had thought gas drilling would  
14 change that, I would not be standing here to support  
15 it today.

16                  This area needs a fresh start. This is a  
17 chance to bring our economy back. The gas drilling  
18 employs my mother, two of my sisters, my  
19 brother-in-law and his brother. Each of them from  
20 this county. Five people in my family would be  
21 looking for work if you deny gas drilling in this  
22 area, not to mention the restaurants, stores, gas  
23 stations, contractors and so on that they support.  
24 This leads to dozens, if not hundreds of people  
25 affected by my family alone.

1                 The DBRC has drug their feet for too  
2 long, and they are trying to take over our land.  
3 Well, I say this is our land. We have worked to  
4 protect it with our own blood, sweat and tears. As  
5 long as we in the gas companies abide by state and  
6 federal regulations, no one should be able to tell us  
7 what we can do with our property. Please support gas  
8 drilling in our area. My family and yours depends on  
9 it. Thank you. God bless America.

10                 MR. FOX:

11                 My name is Josh Fox, and I am a resident  
12 of Wayne County. I have documented in my film ---.  
13 As I have documented in my film, Gas Land, the natural  
14 gas industry is out of control, entirely deregulated  
15 at the federal level, and is causing thousands upon  
16 thousands of incidents in contamination across the  
17 United States. On the ground this industry is sloppy,  
18 bullying, aggressive and dangerous.

19                 On the air waves and in the halls of  
20 Washington, D.C., Harrisburg, Albany and, I'm sure, in  
21 your focus group, they are slick, charismatic and  
22 well-spoken. However, their entire business is based  
23 on a lie, the lie that it is okay to live in an area  
24 where the massive industrial development of hydraulic  
25 fracturing is taking place.

1                   As my neighbor Karl attested to before,  
2 he said he had to move while they were drilling one  
3 well. It is not safe to live within the areas where  
4 this drilling is occurring. With your Draft  
5 Regulations, you are signing the death warrant of the  
6 Delaware River. The DRBC needs to do a cumulative  
7 impact study before any regulations are to occur.

8                   The second great lie that this industry  
9 tells is that it does not affect the water quality.  
10 We also know that that is not true. We have seen  
11 thousands of cases of contaminated document --- of  
12 documented contamination that the Pennsylvania  
13 Department of Environmental Protection, Gas  
14 Conservation Commission. I could go on and on.

15                  All this leads me to the great lie of the  
16 regulator, the lie that this industry can be  
17 regulated. With no enforcement and no real legal  
18 ability to control this industry, they have proved  
19 time and time again their ability to go around any  
20 regulation. The act of Draft Regulation itself is a  
21 farce.

22                  If you allot 20,000 gas wells by the  
23 industry's own rate of failure, which is two to five  
24 percent, you will see between hundreds and thousands  
25 of irreversible contamination incidents causing

1 thousands of square miles of permanent damage to the  
2 watershed. If you can live with that, because that is  
3 what the regulation means, then that is what I'm  
4 saying, the death warrant of the Delaware River.

5                   CHAIR:

6                   Thank you.

7                   MR. FOX:

8                   Thank you.

9                   MR. GILLINGHAM:

10                  Hi, I'm Wes Gillingham. I'm the program  
11 director for Catskill Mountainkeeper. I thank you for  
12 taking on this monumental task of trying to protect  
13 this irreplaceable resource.

14                  I'm here today to urge the DRBC. We have  
15 testified in the past that allowing these rules to go  
16 forward without a cumulative impact, without complete  
17 review and without complete science should not happen.  
18 There is a need to show that what a full build-out  
19 looks like and evaluate the direct effects. This has  
20 not happened.

21                  Your presentation on the number of wells  
22 and well pads clearly stated this does not include  
23 vertical wells. The history of gas drilling in the  
24 United States show that a full build-out includes  
25 horizontal and vertical wells and down-spacing.

1                   Shale gas development is an  
2 industrialization of the landscape. The proposed regs  
3 do not adequately address this. You are proposing a  
4 permitting system to allow gas drilling to proceed  
5 without complete science. It has been clearly shown  
6 by documented agency actions and science, there are  
7 serious problems in Pennsylvania and across the United  
8 States with shale gas extraction.

9                   I quote from a hydrogeologist who is a  
10 recognized expert on contamination, subsurface  
11 contamination. Fracturing by injecting fluids into  
12 the shale will cause conditions that make transport of  
13 contaminants from the shale to surface possible. The  
14 theory promoted by the gas industry and regurgitated  
15 by those who believe the gas company and their lies as  
16 just said, that contaminants in the shale are  
17 isolated, is simply not true.

18                   The truth hurts, and the truth hurts  
19 communities, our help, our resources. It's not about  
20 the economy. It's about our water and our livelihood.  
21 This transport of contaminants may take decades or  
22 more, depending on the conditions, but it will occur  
23 much more quickly when they reach a place ---.

24                   MR. RUFFALO:

25                   Hello. I'm Mark Ruffalo and I am a

1 resident of Caliton (phonetic). If there are no  
2 problems with gas drilling, how come there are so many  
3 problems with gas drilling? Now, this industry cannot  
4 police itself. There's been a failure of policing  
5 itself, 1,000 incidences of infractions in regulations  
6 here in PA over the past year.

7                   The DRBC states that its oversight  
8 regimen will be supported by the voluntary reporting  
9 of violations by project sponsors. We are not at all  
10 comfortable with an industry --- with this industry  
11 policing itself, especially given the extractive  
12 industry's long historical record at hearings in best  
13 practices and environmental and human health  
14 safeguards only if enforced by specific regulations  
15 and regulators.

16                   Now, the recent allegations by  
17 congressional investigators that oil and gas companies  
18 injected tens of millions of gallons of diesel fuel  
19 into onshore fracking wells and apparent violations of  
20 Safe Water Drinking Act, and then after signing an  
21 Agreement of Intent, it is case in point, even if you  
22 allow for the industry claim that the EPA never  
23 properly developed rules and procedures to regulate  
24 the use of diesel in fracking, despite the clear grant  
25 of authority from Congress, end quote, such an

1 admission shows that the industry knew very clearly  
2 what the role of the people was and they chose to  
3 ignore it.

4                   Now, this is indemnity. And instead of  
5 --- and instead they use technicalities to justify  
6 their continued underground injection of a highly  
7 toxic substance. Now, you guys don't have the  
8 regulators to carry out these regulations right now,  
9 nor do the states. The only thing to do right now is  
10 to ban this until an EPA study can show ---.

11                   CHAIR:

12                   May I call numbers 61 and 70, please?  
13 Proceed, please.

14                   MR. LEVINE:

15                   My name is Joe Levine. I'm a property  
16 owner in Milanville. Regulations for shale gas  
17 fracking must be based on a cumulative impact study.  
18 These regulations cannot make drilling safe. This is  
19 proven by what is happening in Pennsylvania. Fracking  
20 is intrinsically contaminating. It is not old and  
21 proven.

22                   There are no reports that conclude this  
23 is safe. The dominant elements of the hearing record  
24 are the Hazen and Sawyer report, the New York State  
25 Watershed Inspector General's report and no less than

1 eight other reports submitted to the Commission. All  
2 of these reports say that the technology is not safe,  
3 and therefore, you cannot allow it and it must be  
4 banned until it is proven that it can be done safely.

5                 Even the industry's own Society of  
6 Petroleum Engineers says that there is substantial  
7 risk from failures and accidents in all aspects of the  
8 drilling process. The rate of accident or failures  
9 exceeds one percent by all reports. That means that  
10 if there are 20,000 wells, there will be 200 accidents  
11 and failures. What will we do when our aquifers are  
12 contaminated like that? If you examine the record of  
13 shale gas fracking, it poses too many risks to the  
14 basin's resources to be allowed.

15                 There's no substantial evidence on the  
16 hearing record over the past three years that refutes  
17 that conclusion. Consequently, any rule authorizing  
18 shale gas fracking anywhere in the basin fails for  
19 being arbitrary and capricious and unsupported by the  
20 record.

21                 Do a cumulative impact study first and be  
22 sure you exercise the precautionary principle which is  
23 the responsibility of this Commission. Natural gas is  
24 not clean. It's not American. These acres are  
25 already owned by foreign interests and multinationals.

1                   MR. MUSZYNSKI:

2                   Thank you.

3                   CHAIR:

4                   Thank you.

5                   MS. BACKLUND:

6                   My name is Anne Backlund. My husband and  
7 I own a campground on the Delaware River in Equinunk,  
8 PA, which is in the headwaters of the Delaware River  
9 Basin Commission. I'm also a member of the NWPOA, and  
10 I'm not very proud of that. I regretfully say that I  
11 let others do my homework for me.

12                  People told us that they were working on  
13 an ironclad lease with the gas companies like no  
14 other. Since then I've been horribly aware that there  
15 is no such thing as an ironclad lease. I was also  
16 very naïve in believing that the Delaware River would  
17 always be protected, as it is the water supply for  
18 15,000,000 people downstream, not counting all the  
19 people that live and work in the basin.

20                  Right now the oil and gas industry is  
21 exempt from the Clean Air and Water Act. It is  
22 ludicrous to think that the DRBC can issue regulations  
23 on an industry that is exempt from regulations that  
24 all other industry is subject to. I do applaud the  
25 DRBC's effort to draft regulations, but the better

1 time to draft such regulations would be after the FRAC  
2 Act is passed, which would have the oil and gas  
3 industry be subject to the Clean Air and Water Act,  
4 and the EPA studies are complete.

5                 The gas will wait. It's not going  
6 anywhere. We're talking about very serious  
7 consequences if we allow the gas drilling to be done  
8 in a way that could potentially harm our air and  
9 water. The facts are out there in the news every day  
10 about accidents and contamination from hydrofracking.  
11 The DRBC's mission is to provide comprehensive  
12 watershed with programs to include water quality  
13 protection.

14                 I urge you to base your regulations on  
15 facts that will be revealed when the cumulative  
16 studies are complete and the industry is subject to  
17 the Clean Air and Water Act. The decisions that we  
18 make today will affect all future generations. It  
19 will be our legacy. I'd like to leave a quote from  
20 --- that was written by Russell Means by Walking the  
21 Red Road: One is expected to know things ---.

22                 CHAIR:

23                 That's it. I'm sorry. Okay.

24                 MR. HALL:

25                 Hi. My name is Dustin Hall from Prompton

1 here in Wayne County. In May I'll be graduating from  
2 Lackawanna College with a two-year degree in Natural  
3 Gas Technologies. I spent two years going to college,  
4 hoping to get a gas --- or a job in this area.

5         This summer I also did an internship in western  
6 Pennsylvania in Clearfield County. Western  
7 Pennsylvania was where the first oil well was ever  
8 drilled. There on my job, I worked on a well that was  
9 over 60 years old that was hydraulically fracked or  
10 fractured 60 years ago. So this is not a new process.

11                 Anywhere in the country or in the state,  
12 even ---. This well was still producing gas. Even  
13 though gas drilling is new here, gas drilling is not  
14 new in Pennsylvania. Wells have been in place for a  
15 long time for many agencies. I believe in  
16 regulations, but we have them.

17                 We all use fuels for heat and energy.  
18 Where does it come from? Other parts of the country  
19 and overseas. That's not fair to them. Not wanting  
20 gas drilling here is simply a case of not in my  
21 backyard. You cannot have gas without gas drilling.  
22 So like I said, the regulations are already in place,  
23 so let the gas companies drill for the gas that we all  
24 need.

25                 CHAIR:

1                   Thank you.

2                   MR. LANG:

3                   Hi. Good afternoon. My name is Ned  
4 Lang. I employ 30 people in Narrowsburg, New York.  
5 When I came out of the service in 1983, I bought 256  
6 acres contiguous to the Delaware River. It's about a  
7 mile of riverfront. And I also own a farm in  
8 Pleasantville, Pennsylvania. Half of it is in the  
9 SRBC and the other half is in the DRBC.

10                  I was born and raised on a dairy farm in  
11 Wayne County, Pennsylvania. I watched and when ---  
12 asked how my parents tended fields, cows, goats, sheep  
13 from season to season as I grew up. I joined the  
14 Wayne County 4-H and learned what it meant to mature  
15 the land in order to grow animals that were of quality  
16 and health. Throughout my past 50 years I've learned  
17 how hard it is to remain a farming family and a  
18 stakeholder with excess of ten acres of land or more  
19 in spite of growing taxes, dwindling revenues or  
20 succumbing to the prospects of subdividing.

21                  In order to be a stakeholder, you must  
22 love the land and its riches as I do. Who better to  
23 decide to stake his fate in the possibilities of gas  
24 drilling when done in an environmentally conscious  
25 manner, as has been done throughout Pennsylvania many

1 thousands of times, as the result of an industry who  
2 knows the consequences of not fulfilling best  
3 practices and good protocol?

4                   The DRBC has an obligation to work within  
5 current regulations that already protect the water  
6 that runs both above and below my land. These  
7 regulations are reasonable, allowing the gas  
8 industries to work within standards that are realistic  
9 and not overly burdensome.

10                  There are many states from Texas to  
11 Pennsylvania that have laws which protect the  
12 environment and allow the industry to work with the  
13 landowners, local and state governments, allowing the  
14 valuable natural gas resource to be harvested. We  
15 must move forward as a community, as a state and most  
16 importantly, as a country with a culture that is  
17 sustainable, supplying our energy and economic needs  
18 from within, which, most importantly, is not currently  
19 this country's modus operandi. Thank you.

20                  MR. BARTH:

21                  My name is James Barth. I research and  
22 coordinate with Damascus citizens. My wife and I have  
23 owned 25 acres in Beech Lake for 22 years. We have  
24 invested over 200,000 hard-earned dollars in savings  
25 into our home and property, and we pay nearly \$4,000

1 per year in property taxes.

2                   None of this is relevant to your  
3 responsibility and purpose, which is spelled out in  
4 your Section 7.1(a). I could tell, say, about my  
5 170-year history, my family's in the country, and my  
6 father's service in World War II, but I'll forego  
7 that.

8                   The purpose of this article was to  
9 protect the water resources of the Delaware River  
10 Basin during the construction and operation of natural  
11 gas projects. Unfortunately, you follow that with  
12 words such as reduce or mitigate depletion and  
13 degradation of the surface and groundwater resources.

14                   That is an admission of failure to the  
15 purpose which you already stated. Reduction and  
16 mitigation of degradation is not protecting, is not  
17 preventing. This recipe for failure was set in motion  
18 by the Commission as when they did not require a good  
19 environmental impact study in this assessment.

20                   There are a couple of points. I'm going  
21 to submit my extensive written comments, but there are  
22 a couple of points, and maybe it's a good thing to  
23 mention while I'm speaking.

24                   One is there should not be any  
25 centralized waste pits allowed in the Delaware River

1 Basin. That is just insane. There's plenty of  
2 examples out west in Washington County, Stephanie  
3 Hallowich and others to look into. The other is that  
4 there should be no approval by rule that any watershed  
5 that drains directly into the Delaware River or  
6 sub-watershed. I'm not sure how you categorize that.

7 You do state in your 7.5(e)(6) that such  
8 ADRs are not allowed in watersheds that drain into the  
9 New York City Reservoir Basin, and 3.37 million people  
10 in 119 municipalities are served by those watersheds  
11 draining directly into the ---. Thank you very much.

12 CHAIR:

13 Thank you.

14 MS. TATHAM:

15 I'm Elizabeth Tatham, and I have great  
16 concerns about some of the proposed regulations.  
17 Number one, there won't be enough fresh water for  
18 current uses, especially with gas companies drilling  
19 their own wells and being allowed to export it for gas  
20 drilling outside our basin, besides the billions of  
21 gallons needed here.

22 The federal government has recommended  
23 not using sewer plants for flowback disposal because  
24 many of the toxins can't be removed, just diluted.  
25 And people have gotten sick from drinking that water,

1 and some have gone on bottled water, but they still  
2 have to shower and cook with it. Please don't allow  
3 it here.

4                   Another problem, deep injection wells,  
5 which are approved in the regulation. They have been  
6 linked to earthquakes in Oklahoma, West Virginia,  
7 Texas and Arkansas. In Arkansas near a deep waste  
8 well, earthquakes occur daily. Please don't allow  
9 them here.

10                  There are many people in New Jersey,  
11 Delaware and south Pennsylvania who have no idea they  
12 could have gas drilling in their own community, in  
13 fact, in their own backyard if these regulations are  
14 approved. I believe it is the DRBC's responsibility  
15 to publicize the names and locations of the other  
16 shale formations so affected people can study the  
17 issues and then have their voices heard, too. This is  
18 only fair, and it is necessary.

19                  A cumulative impact study was approved by  
20 you, the DRBC, and it was approved until --- and it  
21 was approved to be in effect and the regulations were  
22 to wait until that study was done. Well, what  
23 happened to that? Why are we not waiting for the EPA  
24 study or another study to show the way? Thank you.

25                  MS. CIARROCCHI:

1                   Good afternoon. My name is Mary  
2 Ciarrocchi and I'm from Chester County in the southern  
3 part of the state. The DRBC was formed 50 years ago  
4 to protect the waters of the Delaware Basin, Delaware  
5 River Basin, and their mission has never been more  
6 critical than it is now.

7                   We have the record of hydraulic  
8 fracturing in other parts of the country to warn us,  
9 as well as incidents here, right in Pennsylvania, to  
10 raise a red flag as to the dangers resulting from this  
11 kind of drilling. Many people in the areas that have  
12 been drilled have lost their wells, experienced  
13 illness and have had to suffer from loss of clean  
14 water and clean air.

15                  The components of fracking fluids have  
16 not all even been revealed, let alone studied, but we  
17 do know that many of them are dangerous to our health.  
18 We need more time to study these health effects. What  
19 is decided right now in Pennsylvania will affect  
20 everyone in Pennsylvania for generations. We cannot  
21 rush into decisions that can result in irreversible  
22 damage to not only our water, but our agriculture,  
23 tourism and the health of our children.

24                  The gas companies, many of them from  
25 outside of the United States, will leave Pennsylvania,

1 and they will leave. They will leave us with  
2 contaminated water, methane in our air and health  
3 problems. With something as critical at stake as our  
4 water, isn't any time necessary to complete an  
5 authentic and author a fact study too much to ask?

6                   The gas companies have shown time after  
7 time that they cannot regulate themselves, and we, the  
8 people, have been the losers. We will foot the bill  
9 for health-related problems, damaged infrastructure  
10 and the loss of vital aspects of our economy. The  
11 DRBC has the mission and the responsibility to protect  
12 the waters of the Delaware River and to have not a  
13 short-sighted view of this task, but to look to the  
14 future of Pennsylvania. Thank you.

15                   MR. W. LEE WOODMANSEE:

16                   My name is Lee Woodmansee. I grew up in  
17 Buckingham Township, where the main stem of the  
18 Delaware starts. I own land there, and I now live in  
19 York, Pennsylvania, because I couldn't find a job in  
20 Wayne County. I demand this from the State of  
21 Pennsylvania, where I live, strong regulations, proper  
22 inspections, proper handling of fracking water and  
23 proper scientific research.

24                   I agree with the National Geo Corp, that  
25 natural gas is the best bridge fuel to get us to the

1 green power of the future. I'm also a landowner, and  
2 my land is leased to ---. I believe that science, not  
3 hysteria, should be used to make decisions regarding  
4 drilling.

5 That is why I want the Commission to get  
6 out of the regulation business and let the State of  
7 Pennsylvania, where we pay our taxes, to regulate the  
8 land and water of the entire state. These Draft  
9 Regulations show that the Commission is unable to  
10 investigate the question, understand the people and  
11 land of the basin or be aware of the real problems  
12 with gas production.

13 Here are just a few Commission errors:  
14 not understanding that the people of Wayne County are  
15 a resource and have value. Assuming that gas drilling  
16 in the basin has a lifetime of only ten to twenty  
17 years when gas has been produced in the Marcellus for  
18 more than 100 years. Assuming that every acre with  
19 Marcellus Shale is somewhere under it will produce a  
20 lot of gas despite what geologists say.

21 Assuming that it takes 5,000,000 gallons  
22 of fresh water to frack every well while ignoring some  
23 statements that there will be water recycled.  
24 Assuming that forest fragmentation is a problem when  
25 in Wayne County alone, nearly 1,000 acres of forest is

1 being created every year. Not understanding that  
2 produce used to be the biggest problem for local corn  
3 farmers, and now it's bears. We have bobcats,  
4 wildcats, mountain lions running wild --- our cattle.  
5 Fragmentation is not a problem.

6 Not being worried that the City of New  
7 York has leaky aqueducts and wastes 37,000,000 gallons  
8 of river water every single day. Now, the  
9 Commission's reaction to this is absolutely nothing.  
10 Not understanding that we should actually require well  
11 pads to be built in woods so that agricultural land is  
12 preserved. I conclude by asking you to believe in  
13 science, vaccinate your kids and use science to make  
14 decisions in drilling.

15 CHAIR:

16 Thank you.

17 MR. MUSZYNSKI:

18 Thank you.

19 MR. YATSONSKY:

20 I'm Tom Yatsonsky. I'm from Lake Ariel.  
21 DRBC members and fellow citizens, I'm here to ask the  
22 DRBC to continue to impose its moratorium on natural  
23 gas production until comprehensive cumulative  
24 environmental impact studies can be implemented,  
25 reviewed and thoroughly evaluated by the EPA, the USGS

1 and the New York DEC.

2                   The safety of millions of people and the  
3 environment are in jeopardy here if this massive  
4 industrialization proceeds without these scientific  
5 analyses. Dangerous non-biodegradable fracking  
6 chemicals are known to be harmful to humans and  
7 irreversibly detrimental to the environment. What's  
8 in the groundwater, they do not just magically  
9 disappear.

10                  So-called safe drilling is oxymoronic.  
11 They're only degrees of chemical contamination since  
12 the gas companies use nearly 600 toxic chemicals and  
13 900 products. Gas drilling is intrinsically  
14 intoxicating and cannot be made safe. Everywhere that  
15 gas drilling has occurred, there have been negative  
16 environmental impacts.

17                  There has been and there will be more  
18 subsurface and above-ground hydration of these  
19 chemicals in the pristine waters. The salty,  
20 chemically laden produced water is radioactive with  
21 toxic uranium, strontium, barium, mercury, arsenic and  
22 other elements coming back from deep underground.

23                  Waste treatment facilities aren't able to  
24 properly treat this dangerous chemical, radioactive  
25 brew and will end up discharging these poisons back

1 into our rivers, which in many cases are also drinking  
2 water supplies. They cannot filter out certain  
3 chemicals, like high cholethers (phonetic), which are  
4 tasteless and odorless and dissolve the filter's  
5 membrane.

6                   High cholethers are known carcinogens,  
7 cause testicular toxicity, embryo malformation, bone  
8 marrow compression and destruction of red blood cells.  
9 High cholethers are used in the initial hydraulic  
10 fracturing and throughout the life of the gas well as  
11 an antifreeze.

12 BUZZER GOES OFF

13                   MR. MUSZYNSKI:

14                   Thank you.

15                   MS. DAVIS:

16                   We have ventured into several businesses,  
17 which have failed to thrive and seen many other  
18 businesses in our community close their doors due to  
19 the struggling economy. There are no jobs here.  
20 People are leaving the area to find work. We are  
21 already one of the highest taxed states, and now we  
22 are trying to pass regulations that will make it even  
23 harder to do business here.

24                   Our area has been harvesting natural  
25 resources safely for many years, such as logging,

1 stone quarries and using the land for farming. We  
2 take our jobs very seriously. Most of us are hunters  
3 and fisherman and all of us are environmentalists. We  
4 need our natural resources, and for many of us, it is  
5 our livelihood. These regulations will hurt the small  
6 natural-resource-based businesses in New York, which  
7 in turn affects everyone who works, lives and tries to  
8 survive in these communities.

9                   The concern is that those downstream seem  
10 to supersede those of the taxpayers and residents who  
11 actually live here. The majority of us want the jobs  
12 and the economical stability the drilling will bring.  
13 We cannot keep our area alive without it.

14                   I assure you, this area's population will  
15 dwindle if these regulations go through. Many people,  
16 including myself, will not be able to pay the higher  
17 taxes and keep our land. We need to be able to use  
18 our natural resources. Natural gas drilling is  
19 already safely taking place across the river in  
20 Pennsylvania. Why can't we establish regulations  
21 similar to theirs?

22                   What is the sense in duplicating state  
23 regulations and why is the DRBC taking upon itself to  
24 regulate the land use? We have been waiting three  
25 painful years for the DRBC to develop regulations, and

1 this is what we get, repetitive regulations that  
2 eliminate 90 --- over 90 percent of New York? This is  
3 not satisfactory. Why should New York landowners have  
4 to suffer? I ask you to please revise the regulations  
5 and give New York a chance to drill safely. Thank  
6 you.

7                   CHAIR:

8                   Thank you. Before the next speaker, can  
9 I call 71 to 80, please, to come forward?

10                  MR. HILLER:

11                  My name is Jeff Hiller. I own the  
12 Trackside Grill. I'm a Lackawanna resident of Wayne  
13 County. At one time Honesdale had the largest  
14 stockpile of coal in the world. The town got started  
15 in the 1820s because of Morris and Wayneworth's  
16 (phonetic) coal business. By the mid 19th century,  
17 Honesdale was a bustling waterfront town.

18                  Growing up on a farm in Wayne County a  
19 century later, I have witnessed firsthand the likes of  
20 farmers and others in the local workforce leave in  
21 order to survive with the coming and going of industry  
22 on the local level. Now, if you look back, we have  
23 more businesses prone to --- many of which utilize the  
24 railroad to transfer both to and from the facility.

25                  Opportunities that have been suppressed

1 by the DRBC could be the next economic development  
2 phase to the local area. How ironic is it that  
3 another natural resource could be our saving grace?

4                   My question is, what if the coal business  
5 were shut down the way the DRBC wants to shut us down  
6 now? Where would we be today? Where will we be  
7 tomorrow? The proposed over-the-top DRBC regulations  
8 affect much more than gas drilling operations. They  
9 would also affect farming, logging operations, tourism  
10 and God knows what else.

11                  Tourism has a huge impact on local  
12 economy also, thanks to many things, the charm of our  
13 picturesque town, historic sites and the train and  
14 much more. This service line itself attracted close  
15 to 9,000 passengers to our visitor's center last year  
16 alone. Our hopes to increase that number of visitors  
17 are significantly slighted without the train.

18                  The development of the natural gas  
19 industry would put the local economy and the railroad  
20 on track for a brighter future. Without it, the  
21 lonesome whistle may blow for the last time and the  
22 train as we know it will die, ironically, in the place  
23 of its birth. I'm here because I give a hoot about  
24 our historic past and future.

25                  MR. SCHAFFER:

1                   Good afternoon. My name is Daniel  
2 Schaffer for Deposit in New York. The proposed  
3 restrictions by the DRBC are redundant and  
4 unnecessary. These new restrictions stifle job and  
5 economic growth in our local communities.

6                   The 500-foot buffer zone is excessive and  
7 your definition is all-inclusive. This restriction  
8 will render most of the land unusable for drilling.  
9 This concerns me because the possibility of those  
10 regulations spilling over to other already  
11 well-regulated industries.

12                  The current buffer zone for clearing is  
13 50 feet in any stream in New York. This regulation  
14 has been in place and has worked for years. If this  
15 500-foot regulation is enforced in other industries,  
16 thousands of local residents who are lucky enough to  
17 have jobs will be impacted, from the forest industry  
18 to the sawmills to the end users of all the natural  
19 resources in our regions.

20                  Without the ability to drill and help our  
21 economic growth, many of our large family-owned tracts  
22 of land would not be able to be passed from one  
23 generation to the other, as they have for years past.  
24 We need more jobs, more economic growth and more  
25 opportunities, not more redundant regulations.

1                   CHAIR:

2                   Thank you.

3                   MS. HAHN:

4                   Good afternoon. My name is John Hahn. I  
5 live in Shohola, Pennsylvania. I'm on the Pike County  
6 Marcellus Shale task force. And I was reading your 83  
7 pages of regulations, and when I got to page 43 about  
8 the 500-foot setback, I'm just appalled that everybody  
9 here thinks that 500 feet is excessive.

10                  I've heard excessive 20 times today, and  
11 I'm appalled at that, because 500 feet is nothing.  
12 This gentleman here just said 50 feet, and I said, 50  
13 feet from the river with an oil well with contaminated  
14 water, you know, in a pond that could possibly leak?  
15 What about flooding? You know, it's going to destroy  
16 our tourist industry and our recreational industry. I  
17 was at the Zane Gray Museum. Are you familiar with  
18 Zane Gray?

19                  CHAIR:

20                  Uh-huh (yes).

21                  MR. HAHN:

22                  Okay. I took pictures of it from the  
23 edge of the water to the back of the Zane Gray Museum,  
24 and 500 feet is nothing. I mean, it's --- you know.  
25 To me five miles is what the setback should be. I

1 mean, come on. 500 feet is ridiculous.

2                 Also, the river's listed as an endangered  
3 river as of last year because of this impinging well  
4 drilling. I think there should be a moratorium on ---  
5 you know, until everything, all the environmental  
6 impact studies, are in. We should be good stewards of  
7 the land. That's what you set out to do.

8                 I just checked with the DEP this morning  
9 and I got it from the horse's mouth, last year there  
10 were 721 violations due to drillers, due to leakage  
11 and oversights and probably over \$1,000,000 worth of  
12 fines levied against the gas ---.

13                 MR. GUTARIE:

14                 Hello.

15                 CHAIR:

16                 Go ahead.

17                 MR. GUTARIE:

18                 My name is John Gutarie. I'm a Pike  
19 County landowner. I have one simple proposition, and  
20 that is that the regulations should be expanded to  
21 include more rigorous independent testing of the  
22 surface and groundwater than the current proposal  
23 includes.

24                 Gas drilling deposits toxins into all  
25 water, aquifers, rivers and streams. These toxins

1 include barium, strontium, other carcinogens. The  
2 water pollution has been established scientifically  
3 and not denied by any of the gas drilling industry.  
4 These toxins threaten our health, property values,  
5 tourism. I want to be able to drink my water in the  
6 future. I want to be able to swim in my lake in the  
7 future. I suggest what we need is more assurance  
8 about safety.

9                   To guard against these threats, we have  
10 to test the level of the toxins much more fully than  
11 the current proposals recommend. At present the  
12 monitoring and testing is completely unsatisfactory.  
13 There are documented reports of counties and states  
14 that have lost data. Companies failed to report  
15 substantial amounts of information. An inaccurate  
16 analysis by incompetent laboratories are appearing in  
17 many places. So the current regulations are too weak.

18                   The current regulations rely on the gas  
19 drillers to collect, analyze and report data and give  
20 their finest to the Commission. No person believes  
21 the gas companies will monitor themselves  
22 sufficiently. Their safety, their interests, their  
23 longevity are not at stake. Their best interests are  
24 served by no testing.

25                   We have to strengthen the aquifer testing

1 requirements by stating who, what, when, how and why  
2 the comprehensive testing will occur. So the  
3 Commission needs independent testing for aquifers.

4                   CHAIR:

5                   Can we have number 72 up now?

6                   MR. MUSZYNSKI:

7                   Number 72? We're also calling number 75  
8 and 76.

9                   MS. LADONIS:

10                  Apparently everybody's getting sore and  
11 tired the same way I was. My name is Judith Ladonis.  
12 I'm vice-chair of East Allen Township, Northampton  
13 County Board of Supervisors. I'm not necessarily here  
14 representing their points of view, my own. I'm here  
15 as a mother and a citizen concerned with the water  
16 quality for now and the future.

17                  Water is the plant's life's blood. When  
18 I was in high school some 50 years ago, we learned a  
19 simple process called osmosis. Since that principle  
20 of science hasn't really changed, my concern is that  
21 the chemicals and other things used in fracking water,  
22 be it vertical drilling or whatever, will enter the  
23 ecosystem. And certainly there's enough evidence  
24 being presented today that shows this.

25                  And I've also heard some folks stating

1 that the wells are so deep, there's no chance existing  
2 for that to happen. No chance? Sorry, my skepticism  
3 does come through. I'm trying to keep this a little  
4 bit shorter, because as I said, I recognize what it's  
5 like to sit through four or five hours of this.

6                   We are global. We are linked together,  
7 and whether I live at the headwaters or the end result  
8 --- which the end result could be China of this,  
9 simply because of the way things flow from the river  
10 to the bays to the oceans, and we are not alone. We  
11 are not. We are stewards of this land, and I thank  
12 you very much for the opportunity to present this  
13 point of view.

14                   I applaud strict regulations if it seems  
15 that that is going to keep my children, my  
16 grandchildren, my great-grandchildren and their  
17 great-grandchildren safe. Make sure the regulations  
18 are enforced, and the industry cannot regulate itself.  
19 Nor should they police themselves. That needs to be  
20 an outside body. I want to also state that approval  
21 by rule ---.

22 BUZZER GOES OFF

23                   MS. LADONIS:

24                   Oh, already? Thank you.

25                   MR. FOX:

1           How you doing? Thank you. My name's  
2 Brian Fox. I was born and raised in South Canaan  
3 Township on my family's farm. A few years after  
4 college I returned to this area, and now I make my  
5 living as a farmer. I love it here. I'm part of this  
6 land and this land is part of me.

7           As a farmer, I cannot take the risk of  
8 having my well water contaminated. Not only would  
9 this threaten my family's health and wellbeing, but  
10 we'd likely have to shut down the farm.

11           While some people are maybe willing to  
12 risk --- take the risk of contaminating their drinking  
13 water, perhaps assuming the gas company will pay to  
14 ship in water in plastic barrels, I cannot take this  
15 risk. As a farmer, I depend on clean well water to  
16 irrigate my crops, as well as wash my produce for  
17 market. I need to provide clean water to my animals,  
18 my herd of beef cattle which can drink up to four  
19 gallons each per day.

20           Unless the gas companies are forced to  
21 reveal what chemicals they're using and toxic  
22 chemicals and diesel fuel are prohibited from being  
23 used, hydraulic fracturing should not be permitted in  
24 our region. The industry cannot be allowed to police  
25 itself.

1               There have been thousands of cases of  
2 well water contamination in other parts of the  
3 country, and even in nearby Dimock. But the gas  
4 company --- companies want you to prove how something  
5 like benzene or diesel fuel got into your water.  
6 Their policy is to deny, deny, deny.

7               The drilling moratorium should remain in  
8 place until EPA completes its study of hydraulic  
9 fracturing in 2012 or until hydraulic fracturing is  
10 subject to the safe Drinking Water Act through passage  
11 of the FRAC Act. Once our water is poisoned, it  
12 cannot be cleaned up. We need to proceed with great  
13 caution, and there are adequate safeguards and  
14 regulations that prohibit the use of chemicals that  
15 poison our groundwater.

16              I urge my neighbors to focus on the  
17 long-term goals of maintaining our rural lifestyle and  
18 rebuilding our local food systems instead of being  
19 tempted by the short-term profits that will likely  
20 destroy our community. No good has ever come from  
21 easy money.

22              MR. FRANCK:

23              My name is Dan Franck. I'm a retired  
24 senior engineer at IBM. I live in Susquehanna County  
25 in Brackney on Quaker Lake. I was part of a committee

1 to look at leasing our 450 acres in a not-for-profit.  
2 And as a result of that, we signed a gas lease. We  
3 restricted drilling in certain areas.

4                   We obtained a \$1,300,000 up front for the  
5 not-for-profit money, and we estimated our royalty  
6 revenue to be \$40,000,000 to \$80,000,000 over 20  
7 years. So it's not chicken feed to anybody.

8                   The USA is spending \$1,000,000,000 a day  
9 on the Middle East, and the investments there want to  
10 kill us and they want to get rid of western  
11 civilization. So I would say that whatever way we can  
12 to get ourselves out of that is important. And that  
13 would include the ANWR in Alaska and Bakken field in  
14 Montana and our own natural gas in this area.

15                  I live in Susquehanna County. If you go  
16 down to Montrose, you can see the houses painted.  
17 It's hard to find a place to rent down there for  
18 workers that live in the area and have come into the  
19 area, and the place is flourishing. And as part of  
20 the Susquehanna River Basin, it's been very well done.  
21 The DEP does a fine job, and my suggestion is to adopt  
22 the rules that the Susquehanna River Basin has and  
23 don't delay doing it, because we have a lot of  
24 opportunity to improve things.

25                  Not only that, but Brazil uses natural

1 gas for their automobiles. That would give Detroit  
2 something to build on for natural gas, get themselves  
3 unhooked from imports of oil and gas and automobiles,  
4 as well. Thank you.

5               CHAIR:

6               Thank you very much.

7               MR. MUSZYNSKI:

8               Number 78. Do you want to announce 81?

9               CHAIR:

10              Pardon? Eighty-one (81) to 90 ---

11              MR. MUSZYNSKI:

12              Yes.

13              CHAIR:

14              --- come up? Okay. Eighty-one (81) to  
15 90.

16              MR. MUSZYNSKI:

17              Thank you at this time.

18              CHAIR:

19              Thank you.

20              MR. NILSEN:

21              My name is David Nilsen. I live in  
22 Rollis (phonetic), PA, the only place I know of where  
23 eagles still reside in Pennsylvania.

24              And 25 miles from this moratorium stands  
25 a building called Grey's Towers, the home to one of

1 America's greatest conservationists, Gifford Pinchot,  
2 a man recognized that our national forest deserves  
3 protection. His ideas are timeless, but I'm afraid  
4 that we are letting them fall by the wayside when we  
5 consider opening our Delaware River Basin to the  
6 destruction of natural gas exploration.

7                   We are here today to outline regulations  
8 to protect our water, our resources during the  
9 construction and operation of natural gas development  
10 projects. However, I believe it's premature to create  
11 these rules when much about fracking's environmental  
12 impact is still unknown.

13                   For example, it was only recently that  
14 drilling companies disclosed some of the ingredients  
15 in the fracking fluid. The EPA under Obama is still  
16 finally undertaking a new review of fracking, but that  
17 report is not expected to be completed until the end  
18 of 2012. We cannot allow natural gas development to  
19 proceed without being aware of all the risks involved.  
20 And these are significant long-term risks.

21                   For now, a recent DEP study concluded  
22 that based on current science and technology,  
23 hydrofracking is not compatible with maintaining the  
24 water quality that millions of people rely on and  
25 should not be allowed in a watershed. We may be

1 tempted to allow fracking to move ahead with promises  
2 of financial gains and independence from foreign oil,  
3 but these are short-sighted gains when considering all  
4 that's at stake.

5                   We could lose valuable recreation spaces  
6 and tourism income from the Delaware River Basin area.  
7 The Delaware Water Gap National Recreation Area is  
8 within a day's drive of 60,000,000 people, and there  
9 is 4.4 million visitors to the Delaware Water Gap  
10 compared to the only 3.4 million visitors to  
11 Yellowstone National Park. Frack waste traveling  
12 downstream to New York City aquifer would endanger the  
13 health and wellbeing of millions of citizens. I'm  
14 out.

15                   MS. CARNEY:

16                   Good afternoon. My name's Allison  
17 Carney. I'm from Holland, PA. The right to clean  
18 water is one that we Americans tend to take for  
19 granted. We can be confident that the water we drink,  
20 bathe in, sprinkle on our crops, give to our animals  
21 and use in our households is pure and clean, can't we?  
22 Isn't it only the third world countries that have to  
23 cope with contaminated water?

24                   Well, that may be the future of our  
25 communities here in Wayne County if we allow natural

1 gas companies to exploit our watershed for financial  
2 and political gains. Hydraulic fracturing is  
3 inherently destructive and cannot be regulated safely,  
4 let alone by the industry itself.

5 Today the Delaware River is one of the  
6 cleanest rivers in the United States, but pollution  
7 from industry and urbanization has taken its toll on  
8 these waters since the 1770s. By the 1940s chemical  
9 waste had filled the river so badly that no fish could  
10 survive in its oxygen-depleted waters. Cleanup  
11 efforts had failed. Finally, in 1972 the DRBC  
12 received \$100 --- or \$1,000,000,000 in federal grants,  
13 and the river began its dramatic comeback.

14 However, natural gas exploration poses a  
15 real risk to these hard-won advances. Protecting the  
16 water resources of the Delaware River Basin and  
17 natural gas development are mutually exclusive. At  
18 least half of the chemicals known to be present in  
19 fracking fluid are toxic. Many of them are  
20 carcinogens, neurotoxins, endocrine disruptors and  
21 mutagens.

22 Once toxic fracking fluids is unleashed  
23 into the ecosystem, there's no containing it. It can  
24 leach into community wells, resulting in noxious water  
25 and more. We have seen the ill effects of fracking in

1 Dimock, Pennsylvania, where families have suffered.  
2 Toxic fluids traveled downstream and when they  
3 evaporate, they fall back down to earth as acid rain.

4                   While these efforts are a victory for  
5 clean waterways, clearly this issue has not gone away.  
6 Add the stress of fracking to this already delicate  
7 watershed is dangerous and irresponsible. We are  
8 fooling ourselves and cheating future generations if  
9 we buy into the notion that natural gas development  
10 can be safe.

11                  MR. STANTON:

12                  My name is Cody Stanton. I'm a proud  
13 resident of Wayne County. I attended school in this  
14 very building. There weren't many opportunities here  
15 after graduation, so I joined the Marine Corps and  
16 went to fight for my country on two different  
17 continents.

18                  Upon returning home, the economic  
19 situation here had gotten even worse. The Marcellus  
20 Shale is the best opportunity for me and many others  
21 like me to have a decent job while remaining close to  
22 home, where my family and values are so deeply rooted.  
23 I have invested in my future by attending Lackawanna  
24 College's Natural Gas Program. I'm currently ten  
25 weeks away from getting my degree in Natural Gas

1 Technologies.

2 I have worked closely with gas companies  
3 on drilling, fracking and production operations. If I  
4 had ever seen anything I thought was unsafe or could  
5 harm the land I love, I would not be here today.

6 Natural gas operations can absolutely be  
7 conducted in a safe manner. However, that safety will  
8 not be a result of redundant rules and regulations.

9 It will be because of newly educated and trained  
10 employees of gas companies that would come from the  
11 areas where drilling is taking place, like you. And  
12 these people don't want to see contaminations any more  
13 than the people in New York City do. Thank you for  
14 your time.

15 CHAIR:

16 Thank you.

17 MR. MUSZYNSKI:

18 Eighty-two (82), 83 or 84?

19 OFF RECORD DISCUSSION

20 MR. MUSZYNSKI:

21 Not a problem.

22 CHAIR:

23 Okay.

24 MR. MUSZYNSKI:

25 Not a problem; right?

1                   CHAIR:

2                   Well, we can call 81 to 90, sir?

3                   MR. MUSZYNSKI:

4                   Proceed.

5                   MS. STIENZER:

6                   Hi. My name is Nadia Steinzor. I'm the  
7 Marcellus Representative for Earthworks Oil and Gas  
8 Accountability Project. Thank you for the opportunity  
9 to speak today and for taking on the monumental task  
10 of regulating gas drilling in the Delaware River  
11 Basin. For over 20 years Earthworks has documented  
12 the damage that's caused by extractive industries and  
13 assisted landowners and communities who,  
14 unfortunately, often come to us after the damage has  
15 been done and can't believe that their health, water  
16 and land has been compromised by an industry that they  
17 welcomed with open arms.

18                   Industry tends to move from county to  
19 county and state to state, hoping that people aren't  
20 paying attention to what's happening elsewhere and  
21 that the very justified economic vulnerability that  
22 the people feel will cloud their vision about what's  
23 about to happen. I want to point out that health,  
24 safety and clean water are everyone's concern and  
25 everyone should care about whether the DRBC is doing

1 all it can to uphold its mandate to do no harm.

2                    You're doing a fabulous job in trying to  
3 develop stronger restrictions for siting in certain  
4 areas, and other aspects are very positive steps. But  
5 despite the gas industry's clear intention to develop  
6 thousands of wells over many years, the DRBC has made  
7 no effort to assess cumulative impacts from well  
8 development or the ---.

9                    And the Draft Regulations do not contain  
10 any plans to address the cumulative environmental  
11 impacts. It's a serious concern. A second serious  
12 concern is the lack of spacing requirements, which  
13 raises a question of whether the river basin will be  
14 subject to death by a thousand cuts and become an  
15 industrial zone, because the DRBC did not take the  
16 time to develop well spacing requirements.

17                   I'd also like to express a concern that  
18 DRBC has chosen to rely on state regulations for  
19 critical aspects, such as well casing, setbacks and  
20 safeties, but the Commission's member states have yet  
21 to update their regulations to deal with modern  
22 industrial gas development, which is not a grandfather  
23 to drilling, despite what people may think. You don't  
24 slip under a lower bar and have the opportunity to set  
25 the bar higher.

1                   MR. HILLIER:

2                   I'm Harry Hillier from Oregon Township,  
3 and I would like to address what appears to be the  
4 most feared of the proposed rules in the DRBC Draft  
5 Regulations. That is the 500-foot setback to a well  
6 pad from a water body and the 20 percent grade  
7 restriction. I've heard that this will make 97  
8 percent of the land not available for well pads, but  
9 there are provisions for variances when it can be done  
10 safely. And isn't that the point?

11                  With today's high technology, drillers  
12 will still be able to access 90 percent or more of the  
13 gas. It will just require them to have these sited  
14 and built strategically, rather than simply based on  
15 ease of access and construction.

16                  In the Commonwealth of Pennsylvania, the  
17 actual water belongs to all the citizens. Just  
18 because water touches your property does not give you  
19 the right to place it in undue risk. Rather, it  
20 requires you to use all reasonable means to protect  
21 that water. Humans are fallible and equipment fails,  
22 and there will be the occasional spill. If a spill  
23 enters a stream, river or lake, it will cause serious  
24 long-term damage to wildlife, tourism and our quality  
25 of life.

1                 The theory is that if you place extra  
2 regulations on gas drilling, the companies will go  
3 away and we will not see any money or jobs. I  
4 sincerely doubt this will happen. The gas drilling  
5 companies want us to believe it. This is why our  
6 legislature has not addressed many of the meaningful  
7 regulations regarding the environment and gas  
8 drilling.

9                 The DEP should be in charge of the  
10 regulation of drilling, but they can only enforce the  
11 laws that the legislature has in place. DEP cannot  
12 enact their own laws. Fortunately, the DRBC has taken  
13 its charge of protector of all the waters in the basin  
14 seriously.

15                 The proposal seeks control of most issues  
16 that the state has already addressed, focuses on  
17 problems where the state has not adequately protected  
18 us. A lot of careful thought and consideration has  
19 gone into this draft report, and they've tried to  
20 balance the need to protect with the economic issues  
21 at hand.

22                 I'm not an environmental activist. I'm a  
23 resident who wishes to see the gas industry be  
24 successful in Wayne County, but not at the expense of  
25 things I love about the place I live. Thank you for

1 your time and consideration.

2                   MR. DIEHL:

3                   Good afternoon. I'm Fred Diehl, resident  
4 of Wayne County --- lifetime resident of Wayne County,  
5 also owner of Bluestone Environmental. As a small  
6 business owner, I look at the Marcellus Shale natural  
7 gas as a great economic development for the area.  
8 Currently, the world is experiencing economic unrest  
9 with the rising cost of oil on a daily basis. The  
10 Marcellus Shale provides an economic move to the  
11 industry in the area to allow the businesses to stay  
12 in development over a lengthy period of time.

13                   How can the DRBC take regulatory power  
14 over state's laws and regulatory agencies that have  
15 been in place for years? How can DRBC tell a  
16 landowner what they can and cannot do with their  
17 property?

18                   If the state's already --- in Section 7.5  
19 that's suggested by these regulations, they're  
20 unnecessary because very few items are not already  
21 regulated by the states. Section 7.5 serves no  
22 evidence that well pads may have a substantial impact  
23 on the water resources of the basin.

24                   How can this be if the amount of  
25 disturbance is limited to a mere five to six acres out

1 of a 1,280-acre production unit? How can this be when  
2 both states already impose some of the toughest  
3 in-water management regulations in the nation? How  
4 can this be when our forested lands are steadily  
5 growing over this last half century?

6                   We all feel good about driving by the  
7 windmills into Wayne County, but they cost bills, too.  
8 Do you know that they have over 200 gallons of oil in  
9 each one that can be spilled? The windmills provide  
10 not enough substantial energy. Natural gas is the way  
11 to go. We all need clean air and water, but we also  
12 need fuel, and everyone knows, including the DRBC,  
13 we'll not find a cleaner burning fuel than Wayne  
14 County's natural gas. Thank you for your time.

15                   CHAIR:

16                   Thank you.

17                   MS. KOWALCHUK:

18                   Good afternoon. My name is Tannis  
19 Kowalchuk. I'm a resident of Damascus, Pennsylvania  
20 and I work in Sullivan County, New York. The DRBC  
21 Draft Gas Drilling Regulations place no restriction on  
22 the chemicals used in the hydraulic fracturing  
23 process. Considering the DRBC's legal mandate to  
24 protect the water quality throughout the entire basin,  
25 this position is nonsensical.

1                   The regulations do not require that  
2 chemicals be disclosed to the DRBC but that  
3 information ---. Oh, I'm sorry. The regulations do  
4 require that the chemicals be disclosed to the DRBC,  
5 but that information is not public. Proprietary  
6 formulas that reportedly need to be protected to  
7 ensure corporate profit do not square up with the need  
8 to protect public health and the health of the  
9 watershed.

10                  If the Commission were ready and willing  
11 to fulfill its role as defined in the compact, it  
12 would regulate the use of chemicals in fracking,  
13 regardless of federal exemptions to the Safe Water  
14 Drinking Act. And concerning the wastewater, the  
15 Draft Regulations require that wastewater be treated  
16 in approved facilities. Treatment standards are too  
17 weak to ensure safe releases of this polluted  
18 wastewater.

19                  The shipping of such high volumes of  
20 polluted water is in itself risky. Furthermore,  
21 shipment of wastewater out of the basin to an approved  
22 facility is against the DRBC's own planning framework,  
23 wherein one of your stated principles is to, quote,  
24 avoid shifting pollution from one medium to another or  
25 adversely impacting other locations.

1                   Therefore, the cumulative impact of  
2 wastewater releases in other watersheds should be  
3 considered in the regulation of creating those  
4 wastewaters through fracking in our watershed. Thank  
5 you.

6                   MR. MUSZYNSKI:

7                   Number 88, anyone?

8                   CHAIR:

9                   Okay. But we also need numbers 91 to  
10 100. Please come forward.

11                  MR. MUSZYNSKI:

12                  And that's it after that.

13                  CHAIR:

14                  Thank you.

15                  MR. KENYON, JR.:

16                  Hi. My name is Tim Kenyon. I'm a  
17 resident of Wayne County, and I would like to point  
18 out that a study by Jannette M. Barth, president of  
19 J.M. Barth & Associates, has --- she has a 15-page  
20 report called Unanswered Questions About the Economic  
21 Impact of Gas Drilling in the Marcellus Shale. It  
22 says on average, historically, gas companies --- or  
23 3,000 jobs per year were historically produced, and  
24 Wal-Mart in one year will produce 48,777, so ---.

25                  And then there's another website that's

1 called yourlawyer.com. Then you go under Water  
2 Contamination for --- from Hydraulic Fracking Lawyers  
3 and Attorney Lawsuit, where they're currently working  
4 on cases where people's water have been contaminated  
5 in Colorado, Pennsylvania, Wyoming, Texas, and there's  
6 more.

7                 And it shows that the problems in Dimock  
8 with the water was because of the failure of the  
9 cement well casings around 20 of the wells. So  
10 they're obviously not being regulated good enough.  
11 And I think there's many other options out there. I  
12 don't think natural gas is our last option. There's  
13 solar, there's wind. Farmers can actually get grants  
14 to plant switch graphs, which can operate  
15 steam-powered generators, which have zero carbon  
16 impact. And that's about it. There's other options  
17 out there. And thanks for your time.

18                 CHAIR:

19                 Thank you.

20                 MS. DESAN:

21                 My name's Jackie Desan. I'm from Wayne  
22 County. I'd like to start off with, what's the point  
23 of having the regulations if you don't enforce them?  
24 You leave it up to individual states in the industry.  
25 I think that leads to disaster, especially when PA

1 Governor Corbett is ready to bulldoze 800 acres of our  
2 state land, which is supposed to stay untouched for  
3 future generations, and put up hordes of gas rigs.

4                   Leaving individual states --- yes, I said  
5 that. Okay. Prevention --- hold on here. No  
6 prevention regulations will --- or wait. Let's skip  
7 that. Insurance doesn't even cover one-fourth of the  
8 cost of contamination and other problems that you  
9 have. So I think your insurance is a bunch of  
10 malarkey, because I mean, if it costs three times what  
11 you're asking them to cover, then they're not even  
12 going to clean up their mess, which is almost  
13 guaranteed that they're going to have.

14                   So I think you need stricter regulations.  
15 I think you should keep the moratorium on gas drilling  
16 in this area and hopefully it can spread throughout  
17 the rest of the world before we become --- we deplete  
18 ourselves of all of our natural resources.

19                   And then I want to leave you with  
20 something I've been researching a lot. This is a  
21 definition that hits pretty close to home with the gas  
22 industry. It's involuntary manslaughter. It's taking  
23 a chance when knowing the risks. Now, I know that  
24 contamination of the water is --- and people getting  
25 cancer and all these other horrible diseases from it,

1 it's a slow death. It's not an immediate death. It's  
2 a slow death, but yet, it is still a death. So thank  
3 you.

4                   CHAIR:

5                   Thank you.

6                   MS. YEAMAN:

7                   Hello. My name's Barbara Yeaman. I've  
8 been a resident of the Upper Delaware River region of  
9 all the action along the river for over 25 years. I'm  
10 86 years old and have been working towards clean water  
11 for over half of my life.

12                  I've known many great rivers, the  
13 Potomac, the Monocacy, the Shenandoah and the  
14 Susquehanna, but none of them can compare with the  
15 clear sparkling waters here in the Upper Delaware  
16 River. It was here that I understood fully the goal  
17 of the 1972 Clean Water Act, fishable, swimmable  
18 waters.

19                  I believe that in our haste to harness  
20 the wealth of methane gas found in the Marcellus  
21 Shale, we must not allow the special protection of  
22 waters of the Upper Delaware national scenic and  
23 recreational river to become degraded. I wonder now  
24 if exportation of the Marcellus play will be its  
25 undoing. We must not let that happen.

1           It is these special protection waters  
2 that I am most concerned about, both the water  
3 withdrawn and consumed in drilling and fracking, but  
4 especially the fate of the wastewater. I believe that  
5 all activity associated with gas extraction in the  
6 floodplain and within the Upper Delaware scenic river  
7 barriers should be prohibited.

8           The draft rules do not place any  
9 restrictions on the chemicals that drillers can use to  
10 drill in hydraulically fractured gas wells.  
11 Considering the hundreds of dangerous chemicals that  
12 are used, many of them carcinogenic and hazardous, and  
13 the fact that diesel fuel, a toxic substance that's  
14 being used in some areas to stimulate gas extraction,  
15 the DRBC's hands-off approach to this central aspect  
16 which they could rightfully regulate is irresponsible.  
17 The draft rules do not require ---.

18 BUZZER GOES OFF

19           MR. MUSZYNSKI:

20           Thank you.

21           CHAIR:

22           Thank you.

23           MR. DAVIS:

24           Ms. Collier, thank you for your  
25 forbearance. Although only a 28-year resident in

1 Honesdale, heed my concern about your Commission's  
2 proposed regulations. As written, I believe Article 7  
3 is premature and inadequate. A recently completed EPA  
4 comprehensive study on the impact of hydraulic  
5 fracturing on groundwater quality is now undergoing  
6 scientific review. This study must be taken into  
7 consideration before you promulgate your rules.

8                   With its completion by the end of next  
9 year, best practices for the regulation of  
10 hydrofracking may then be able to be written based on  
11 the best scientific foundation. Therefore, I believe  
12 that authorization for more test levels and  
13 hydrofracking in the river basin should not be allowed  
14 for one year now and should be delayed for a minimum  
15 of one year with this important information --- when  
16 this important information can be integrated into  
17 Article 7.

18                   I believe the only ethical way to proceed  
19 for your institution and its established mission is  
20 with maximum caution and regulation revised and based  
21 on the best scientific evidence available. The gas  
22 can wait.

23                   CHAIR:

24                   Thank you, sir.

25                   MR. SCHWARTZ:

1                   Steve Schwartz. Since I'm not the ---  
2 the last, so I'll try to make it different. Among  
3 other things, I sell wild pigs or --- from my property  
4 to restaurants in New York City, so there are highly  
5 renewable, high-value resources already here and there  
6 are many more that could be harvested.

7                   One of the things I do is I maintain a  
8 map of all the DEP permits for gas drilling and  
9 sediment control in Wayne County, so I'm pretty  
10 familiar with all the sites that are currently ---  
11 that currently have permits. And when I read 7.5(c),  
12 the natural gas development plan section, I was pretty  
13 interested, because what I was seeing in the  
14 permitting process is that all of the applicants are  
15 not large, experienced petroleum organizations.

16                  There are a lot of individuals without  
17 resources or expertise or wherewithal or any other  
18 track record and probably, if you looked at it, they  
19 might have other issues --- who can get the permit in  
20 this state. And unless there is a way to ensure that  
21 the people that are drilling actually know what  
22 they're doing, that --- anyone could get a permit.

23                  So when I read it, I said, okay. Here's  
24 a chance that somebody's got to prove the overall  
25 impact of what they're doing. And I understand that,

1 and I think it's good. However, it's limited to  
2 people with more than five pads and --- or more than  
3 3,000 acres. The wildcatter's exemption, which is  
4 what I call it, are the people that don't have that,  
5 and those are exactly the people that don't have the  
6 expertise.

7 So the other point that's related to that  
8 is 7.5(e), the approval by rule. When I first read  
9 this section, I said approval by rule for the natural  
10 gas development plans makes a lot of sense, but then I  
11 saw all of the exceptions. So I don't think there  
12 should be exceptions for approval by rule.

13 BUZZER GOES OFF

14 CHAIR:

15 Thank you.

16 MR. MUSZYNSKI:

17 Does anyone have any tickets between 1  
18 and 100 who hasn't testified? I ask them to come  
19 forward.

20 CHAIR:

21 All right. Is there anyone in the  
22 audience that is holding a number card?

23 MR. MUSZYNSKI:

24 Between 1 and 100?

25 CHAIR:

1           Oh, yeah. I guess we have ---.

2           MR. MUSZYNSKI:

3           There's some holes, and I mean that's  
4 ---. Anyone have any ticket? That's it?

5           CHAIR:

6           Well, we have a couple more minutes, so  
7 is there anyone ---? Okay. Yeah, anybody that wants  
8 to get up and --- everybody's exhausted.

9           MR. MUSZYNSKI:

10          Okay.

11          UNIDENTIFIED SPEAKER:

12          Wait. I think we have one.

13          CHAIR:

14          We are going to close at 5:00. If you're  
15 really liking this, you can stay for the next three  
16 and a half hours, just to 9:30. Otherwise, we're  
17 going to open the doors at five o'clock for the next  
18 session.

19          MR. KENYON, SR.:

20          Here to testify?

21          CHAIR:

22          Yes, sir. And then you need to fill out  
23 a card.

24          MR. MUSZYNSKI:

25          You need to fill out a card.

1           MR. KENYON, SR.:

2           Okay.

3           CHAIR:

4           Okay. We have two?

5           MR. MUSZYNSKI:

6           We have two?

7           CHAIR:

8           We have two, and then that's it.

9           MR. MUSZYNSKI:

10          This gentleman ---

11          CHAIR:

12          Okay.

13          MR. MUSZYNSKI:

14          --- and this gentleman.

15          MR. KENYON, SR.:

16          Okay. My name is Tim Kenyon. I'm from  
17 Equinunk. I have a small bluestone quarry, and I  
18 wanted to comment on the Clean Water Act. Now, I have  
19 to abide by that, and the DEP came to me a few years  
20 back and they wanted to fine me \$10,000 for red shale  
21 in water. And at the same time they drilled this  
22 deeper well across from me, and they exempted them  
23 from the Clean Water Act. Now, I just have a  
24 bluestone quarry. I don't use any poison. And I have  
25 to abide by it.

1                   CHAIR:

2                   Uh-huh (yes).

3                   MR. KENYON, SR.:

4                   And another comment, I mean, people say  
5 it's their land. They can do what they want. Well,  
6 they can't. If what leaks on their land comes onto my  
7 land and poison me, I'm going to have to sue them.  
8 And if they harm my children or anything, that is  
9 manslaughter. When you know the --- when you know  
10 people are going to get hurt and you do it anyway,  
11 that is manslaughter. That's all I got.

12                  CHAIR:

13                  Thank you.

14 OFF RECORD DISCUSSION

15                  MR. CATERNIS:

16                  I'm Joe Caternis (phonetic), and I used  
17 to work for the United Corps of Engineers in 1976 on a  
18 project. And I can appreciate the importance of the  
19 DRBC. And I think it's the duty of the DRBC to hold  
20 the line and implement whatever they think is  
21 necessary to protect the water resource of the  
22 Delaware River. However, there is going to be an  
23 economic impact upon the residents of Wayne County in  
24 this case.

25                  But I would say the greater missing link

1 is that I don't understand why ---. The river basins  
2 are pretty knowledgeable by the different river basin  
3 Army Corps of Engineers, like the Susquehanna River  
4 Basin and the Delaware River Basin, and I think that  
5 these organizations would be best suited to implement  
6 and to study each river basin. Now, a lot of people  
7 study --- or said that the Susquehanna River Basin is  
8 not as restricted as the Delaware River Basin. But  
9 then there's not 15,000,000 people drinking that  
10 water, and there is in the Delaware River Basin.

11                 And I think that the DRBC is in place,  
12 and I think they should use the Army Corps of  
13 Engineers for study, research and implementation of  
14 whatever plans you come up with. And they should be  
15 in charge of their river basins, and that's all I had  
16 to say. Thank you.

17                 CHAIR:

18                 Thank you very much. Thank you all.  
19 That will close this session, and then I'll restart  
20 --- or I'll start the second hearing at six o'clock.  
21 Thank you very much.

22                 \* \* \* \* \*

23                 HEARING CONCLUDED AT 4:50 P.M.

24                 \* \* \* \* \*

25

1  
2                   CERTIFICATE  
34                 I hereby certify, as the stenographic  
5 reporter, that the foregoing proceedings were taken  
6 stenographically by me, and thereafter reduced to  
7 typewriting by me or under my direction; and that this  
8 transcript is a true and accurate record to the best  
9 of my ability.10  
11                 Jolynn C. Brunoske  
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