

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

5:00 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: Wendell Kay, Peter Suhosky, Samuel Rowe,
2 Craig Spewak, Kevin Bryant, Gerald Wickness, Eric
3 Hocker, John Patterson, J. Morgan Puett, Martin
4 Springhetti, Naomi Teppich, Michael Pokalsky, Fred
5 Peckham, Tony Marino, Robert J. Sultosky, Joseph
6 Preate, Gerry Rogers, Robin Wildermuth, Dave Williams,
7 Chuck Coccodrilli, John Bea, Sylvia Kingston, Hank
8 Curtis, Linda Suhosky, Walter Yanacek, Jr., Ed Masler,
9 Natasha Pelak, Adam Bevan, Tara Craig, Mark
10 Terwilliger, John Yatsonsky, Debbie Yanacek, JoAnna
11 Fischer, Richard Fischer, Mort Malkin, Christine
12 Martinez, Andrea Mulrine, Tyler Rorve, Edward Coar,
13 Monique Milleson, David Sverduk, Luann Sverduk, Kenny
14 Christianson, Louis Matoushek, Jim McDonald, Doug
15 Heller, Mary Evans, Winifred Olsen, Talia Lugacy, Dan
16 Rutledge, Dorothy Kieff, Patrick Russell, Karl
17 Eisenhauer, Shirley Masuo, Faith Zerbe, Teresa
18 Kehagias, Ken Skisland, Silvia Kolbowski, Linda
19 Melvin, Judy Leary-Wagner, Steve Putzi, Laurel Mason,
20 Carolyn Kasnuski, Jeff Whitmore, Carl Keesler

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CHAIR:

I'd like to start the hearing at this point and I'd like to start with standing up and the Pledge of Allegiance. The flag is in the corner.

PLEDGE OF ALLEGIANCE RECITED

CHAIR:

Thank you. Good evening. I am Carol Collier, the executive director of the Delaware River Basic Commission and will function as the hearing officer this evening for this public hearing. I thank you so much for taking the time in your busy schedules to join us so that we can hear the public comments. We are very interested. This is one of six hearing sessions that we're holding in three locations. We are also holding one in Liberty, New York at the same time and they had an afternoon session and now this evening session. And then on Thursday, there will also be an afternoon and evening session down in Trenton at the War Memorial Building. All sessions will have the same procedures and collectively will allow for a total of 18 hours of total testimony.

Before marching into the specific procedures of conduct, I would like to take a moment

1 to stress my gratitude to the school district,
2 especially Principal Greg Frigoletto and Joseph
3 Jenkins, the superintendent. They and their staffs
4 and the security group did an excellent job and it's
5 just been well organized.

6 I also want to introduce John Hines, who
7 is here. John Hines is the executive deputy secretary
8 of Pennsylvania DEP and sits as the Pennsylvania
9 Commissioner on the DO this week. As you know, the
10 DRBC issued a press release and public notice on
11 December 9th announcing the availability of Draft
12 Natural Gas Regulations on our website and that notice
13 introduced a 97-day comment period which ends on March
14 16th. So during this time we have the public
15 hearings, accepting oral testimony and also filing of
16 written comments.

17 It's important to know that the written
18 comments filed electronically via the National Park
19 Service Planning, Environment and Public Comment
20 System, the PEPC System as it's called, are directed
21 to the DRBC and will not be reviewed by the National
22 Park Service. I know that there was some
23 misunderstanding, that they have given us this tool to
24 use, which is really excellent, and we really thank
25 them for that, but it's totally a DRBC review of the

1 comments, not the National Park Service. And just to
2 date we've received 1,200 comments electronically and
3 about 400 comments on hard copy.

4 Today's hearing includes two sessions, as
5 I mentioned, and so this session will go from 6:00 to
6 9:30. We're going to start with a very short
7 presentation to provide kind of an overview of the
8 proposed law and then you received an at-a-glance fact
9 sheet out on the table if you picked that up.

10 A second document distributed at the
11 registration table focuses on rules and guidelines for
12 the conduct of today's hearings. I would just like to
13 reiterate a few to ensure that we have a civil and
14 orderly proceeding and I'm sure we will. Commenters
15 are to state once during the civil hearing session.
16 Comments will be recorded by a court reporter. Please
17 begin by stating your name and place of residence and
18 your affiliation if you wish. Speak clearly so that
19 we can ensure that we come away with an accurate
20 record. Commenters will each have two minutes. Time
21 will be strictly observed by me and Bill Muszynski.
22 Commenters will be alerted when their time begins and
23 when they have ten seconds from when their time ends.
24 Once the commenter's time has ended, the commenter
25 must stop speaking and move the microphone away.

1 Last thing, I implore you to remain quiet
2 during the testimony so the court reporter can produce
3 an accurate report. These rules are intended to help
4 sustain a flow of the hearing to allow as many people
5 as possible to be heard and to ensure that an accurate
6 record of all comments is obtained. We appreciate
7 everyone's cooperation and thank you for your
8 participation in the rule-making process.

9 I also want to acknowledge that the
10 Commission has received numerous requests concerning
11 the time and period and the ability to extend the
12 comment period for more public hearings. The
13 Commissioners are considering this request and there
14 will be a statement made as to what the outcome is at
15 our meeting next week, March 2nd, our regular
16 commission meeting.

17 So we hope to have at least 150 people
18 that we hear during this session. I think we heard
19 from 95 this afternoon, so it was excellent. And I
20 just want to give you a little bit of logistics on how
21 it's going to work before I turn it over to Bill
22 Muszynski who's our manager of our water resources
23 management branch to give you the presentation.

24 We handed out numbers and what I will do
25 is call you up ten at a time, and as your numbers are

1 called, if you can come up and just sit in these front
2 rows. And Rich Moore, who is sitting back there, will
3 assist you with that. And so we will keep it rolling
4 that way and be able to get through a number of
5 speakers. We are going to start with a couple of the
6 officials who pre-registered, so if the first ten
7 speakers can come up front that are here and then we
8 will be all ready after Bill's presentation. With
9 that, I turn it over to Mr. Muszynski to give the
10 presentation. Thank you.

11 MR. MUSZYNSKI:

12 Good evening. I know you're all here for
13 the hearing on the Draft Natural Gas Regulations.
14 This is just a river basin across from the ocean and
15 all the way up to, I guess, Delaware County and
16 including the New York City watershed that drains into
17 the Delaware. The Commission is made up of five
18 members, four states and a federal government
19 representative that based on the --- which is the US
20 Army Corps of Engineers North Atlantic Division
21 General. I set up a scale which is one that focuses
22 on natural gas development under the confines of the
23 --- 36 percent of our basin, but it happens to also
24 coincide with what we call our special protective
25 wooded area. The dash lines are the Marcellus Shale

1 formation and the special protection order advisory
2 that --- the yellow outside marking. So you can see
3 it has a potentially large impact on our protected
4 little area.

5 The Commission expects that --- predicts
6 whatever, that somewhere between 15,000 and 18,000
7 horizontal wells may be developed as part of the
8 display. This does not include the vertical wells.
9 These are primarily horizontal wells. Using six to
10 eight wells --- or pads, that will be about 2,000
11 pads, 2,200 pads, about 10,000 acres, assuming five
12 acres per pad site. And that doesn't include the
13 additional infrastructure and the infrastructure that
14 is necessary to support the wells themselves.

15 The inspector coordinates or will decide
16 if development are in the range of five million
17 gallons per horizontal well, to retract that well.
18 That would come out to about 90 billion gallons of
19 water, no reuse, and about 72 billion gallons of water
20 with reuse. We assume somewhere between 90 to 100
21 percent reuse that would be the 72 billion gallons.
22 Now, this play is expected to be done over somewhere
23 between 20 and 25 years, so not all of these wells or
24 all of this water will be used in any given year, but
25 it does follow a bell-shaped type curve we expect

1 based on looking at what happened in other states.

2 In terms of wastewater treatment and
3 disposal potential flow back and as the water that
4 comes back out of the immediate hydraulic fracking
5 process, there's also another certain amount of water
6 you get back as far as production of the natural gas.
7 But the flow back itself usually comes back very
8 quickly. We're estimating in the range of 20 percent.
9 At one time that was 40 but we looked at the
10 information that's come back in the Susquehanna and
11 that seems to be in the 10 to 20 percent range. That
12 would approximate about a million gallons a well, so a
13 flow back for wells, that will either have to be
14 treated and disposed of or if it's reused then it
15 reduces the volume of water that has to be used for
16 the fracs in the future wells.

17 Our concerns about wastewater treatment
18 disposal are capacity, capacity of facilities in the
19 area. Certain obvious wastewater has to be treated
20 there and disposed there. And also the capability of
21 that treatment plant that could treat that wastewater.
22 The Commission's regulatory fracking is based on three
23 parts. One, withdraws are necessary. We look at that
24 to protect the surface and groundwater supplies, to
25 preserve ecological flows and to ensure its removal

1 capacity for discharges. We already have treatment
2 plants that are discharging and cannot disturb the
3 flow of the river or similar capacity of needs.

4 The second portion is the well padded
5 cells and the infrastructure that goes along with it.
6 And for that we've propose a natural gas development
7 plan with --- I'll talk about in a few minutes. We're
8 also looking at managing the water, water use and
9 disposal that is generated at these sites. And also,
10 the monitoring of and protection of surface and
11 groundwater, a site-specific monitoring for the
12 groundwater and the surface water around the well
13 pads.

14 The third part would be the wastewater
15 disposal. Again, to protect the receiving water
16 bodies to which the treatment plant is discharging.
17 To trap the wastewater production, how is it produced
18 on the well pad site and then to make sure that it
19 gets from the well pad site, if it's not going to be
20 reused, to the wastewater treatment plant that is
21 approved for that purpose. Whether it be in the basin
22 or outside the basin, we want to make sure that it
23 goes to an approved site. And also to ensure that
24 there's adequate treatment available at the treatment
25 facilities.

1 The general purpose of our regs is that
2 it will basically note the prior protection over 15
3 million --- provide water to over 15 million people.
4 It's an incredible resource that I don't think I have
5 to explain to many people in this room.
6 Three-quarters of the river is designated in the
7 National Wild, Sea and River systems. And there's
8 also the water from Trenton up, and all there from
9 Trenton up has been designated as exceptional water
10 quality and is protected under the DRBC Special
11 Protective Water Program, part of which went into
12 effect in 1992 and the other part went into effect in
13 2005.

14 The regulations are set up to comply with
15 existing compacted farms. And specifically the
16 compacted farms that were put in by the signatory
17 party when they signed the compact. It supplements
18 the Commission comprehensive plan. But it also
19 fulfills the requirements of regulations that already
20 exist. And I'll just put that on four of them here,
21 because they're obviously critical of this. We have
22 already placed groundwater protection regulations that
23 need to be addressed. There are floodplain
24 regulations that are already in the protected basin.
25 And I mentioned the special protection order

1 regulations and when they went into effect. And we've
2 had water quality and water withdraw regulations
3 pretty much since the start of the Commission.

4 The regulations were set up to
5 potentially, first of all, consolidate the regulations
6 in one place, so you don't have to go down throughout
7 all of our regulations. They're pretty much put into
8 one place. They include water withdraw, well pads and
9 wastewater treatment disposal. They're there to
10 provide certainly for the industry but also a clarity
11 and an openness to the public to show what --- where
12 they are in one place. So again, you don't have to
13 jump from place to place throughout our regulations.

14 Including a new process which is an
15 approval by a rule process and what that means is
16 normally the approvals that the Commission grants are
17 through the voting commissioner at meetings that we
18 hold five times a year. We put it in as a large
19 accelerated process for certain types of projects to
20 get an approval by rule, and in that case the approval
21 will be by the executive director.

22 And in our regulations rely on New York
23 and Pennsylvania regulations and expertise and
24 programs for the regulation of well construction and
25 operations. And these regulations apply to all target

1 natural gas formations, not just Marcellus. It
2 doesn't matter what is already in formation.

3 This is just an outline of six sections
4 of the regulations. The types of approval that you
5 get out of these regulations are water reuse and water
6 withdraw are going to actually require all water
7 that's going to be used for this purpose to be from
8 Commission-approved sources. Also well pads have to
9 be approved and is a public process in regards to
10 those well pads. The well pads and any water use,
11 depending upon where it comes from and how it's
12 currently being used, after this public process, can
13 be either approved by the Commission, executive
14 director under approval by rule, or by a docket. And
15 those dockets are approved by the commissioners after
16 a public hearing or by meeting we have here.

17 The natural gas development plans and
18 wastewater discharge projects will also be subject to
19 public notice in time, but those approvals will have
20 to be by the commissions that are regularly scheduled
21 Commission hearings.

22 Writing water withdraw and use approvals
23 --- if it's a new source of approval, meaning that the
24 Commission has not approved that source of water for
25 any purpose, that will have to go through the

1 docketing procedure. It is not eligible for an
2 approval by rule. On the other hand, it's an existing
3 source of water with the ground to surface water,
4 treatment wastewater. If it already has approval in
5 its existing capacity, so it is unused, unless the
6 docket increases the water for more than ten years, we
7 build a ten-year projection that may only be using 60
8 to 70 percent of the water they projected. So that
9 water is available to be used for this purpose and
10 that type of approval or modification of that type of
11 approval can only be done by the executive director
12 under the approval by law.

13 Reuse of recovering and flow back and/or
14 production water can generally be incorporated into
15 the well pad plant or the natural gas development
16 plant. And as for any imported water that is brought
17 into the basin, that's our definition of imported
18 water, that's brought into the basin, or water that's
19 exported actually from the basin has to be approved by
20 the commissioners, and that's done only by docket
21 form.

22 The types of conditions that we place in
23 there, some of them are conditions that we use now and
24 some are modified slightly. Onsite water use and
25 recovery flow back can be used and that would be part

1 of either the natural gas development plan or the
2 court docket or a well pad site. The existing
3 approved source can be used or it can get an AVR type
4 of approval. Approvals will contain water fracking
5 and recording requirements so that we know where the
6 water is going from that water withdraw site.

7 One of the general conditions are that it
8 has to be used within the basin unless, again, the
9 Commission would approve that it would go outside the
10 basin. All of our current net groundwater uses have
11 to have an adequate testing system to demonstrate that
12 they don't impact existing users when they tap the
13 water. And so this is sort of standard condition that
14 we have and that's in there. And the tap flow
15 requirements, these are stream flow requirements.
16 It's basically to maintain a certain level of low flow
17 below which we allow the water to be taken for
18 concerns about the ecological use in that particular
19 stream.

20 On the well pads and active gas
21 development plan approvals, there are really two types
22 of wells that we've generally considered, the low
23 volume type of frack wells and the high rise. The low
24 volume would be considered basically 80,000 and below
25 and high volumes are 80,000 and above. And there are

1 some different conditions for each of those. Cycling
2 setback conditions are set up in the regulations. The
3 methodology that you can get an AVR approved by rule
4 for well pads that are set up in the regulations, if
5 we meet certain requirements, we can get an AVR for
6 your well pad and not have to go through the docketing
7 procedure.

8 And one of the things I wanted to
9 mention, that I didn't mention this this morning, but
10 some of the comments --- once we get an active gas
11 plan approved and there is siting in that plan, you
12 can qualify for AVRs for those well pads. And I guess
13 some people may have missed that, apparently looking
14 at the regulations.

15 Both the well pad and the natural gas
16 plan will have requirements for water and wastewater
17 fracking. That is a key feature of our rules. We
18 want to know where the water came from, did it get to
19 the site it was supposed to get to, if it was
20 converted to wastewater was it going to be reused at
21 that site, a different site or did it get to a
22 wastewater treatment plant it was supposed to that was
23 approved for that purpose.

24 There's also a background and a
25 groundwater and surface water monitoring at the site,

1 at the well pad site itself. There is a certain
2 radius of that well pad site that establishes what the
3 background conditions are. That monitoring is
4 continued through the production, through the
5 development of that well, through the hydrofracking of
6 that well and then there's monitoring its --- through
7 it even after that --- through the production phase.
8 Both of those conditions can be modified slightly but
9 there is simply before, during and after monitoring.

10 Planning requirements, and let me just
11 skip that. I'll go over to that in a minute. I'll go
12 through it as we talk about the natural gas
13 development plants. It provides, like I said, the
14 water use charges. It also provides a flow back
15 storage in tanks. There are some types of cases where
16 you can get centralized systems approved, but onsite
17 you're going to be recovering this water that you're
18 using on site. You need to put that flowback water
19 you're using into storage tanks. And the offsite
20 drill pipes and disposal of targeting formations so
21 it's the materials that come out of the Marcellus
22 Shale are not going to remain on site unless you've
23 taken them to a group disposal area.

24 The natural gas plan, I don't want to go
25 into this in great detail, but the natural gas plan

1 has different requirements on it; you need to provide
2 lease maps to us, show us where the lease areas are.
3 As opposed to handing us well pad by well pad not
4 really understanding what's going on with the entire
5 system, this requires a leasehold area map. Anybody
6 who's involved in putting more than five well pads in
7 our basin or you have more than 3,200 acres of
8 leasehold in our basin, they have to do a natural gas
9 development plan. They can get up to five well pads
10 approved without that plan but they must --- anything
11 above that they need the plan approved.

12 The plan has at least that that I've
13 mentioned. It also has landscape maps. It has
14 sections of features. I'm not going to go through
15 them all, providing more time for comment. But it
16 essentially describes what that piece of property is
17 from geology, from forestry, et cetera. It looks on
18 that particular property. And then the well pad
19 siting infrastructure requirements also have some
20 conditions on it.

21 There are the ability to get deviations
22 done from these requirements. The only requirement
23 you cannot get deviations from is a floodway. So if
24 you cannot locate a well pad in the floodway, you can
25 put it in a floodplain. You just cannot put it in a

1 floodway.

2 So there have been some restraints
3 announced. Essentially this is a plan of how that
4 particular leasehold is going to be developed over the
5 period of time that the company defines it. If the
6 company defines it in a five-year period, that's what
7 they're going to get a plan approved for. And divide
8 it over a ten-year period, that's what they're going
9 to get.

10 Wastewater discharge, put aside --- our
11 major focus on this side is to make sure that the
12 treatment plant where these wastes are going to go to,
13 if they're located in our basin, have the appropriate
14 effluent standards set up for that plant. Most of the
15 plants, especially the more domestic-type plants did
16 not anticipate taking these types of materials. So if
17 you can drain or propose to drain materials from one
18 of those facilities, you want to make sure the
19 effluent conditions are correct for the place the bad
20 water is going to be discharged.

21 Secondly, you want to make sure that ---
22 you might want to sit down --- is that there's a
23 treatability study set up so that that material does
24 not interfere with normal operation either. And we
25 have the wastewater itself full of sludges and perhaps

1 taking this wastewater, what are you going to do with
2 sludge in your containers and things that normally
3 that sewage does not contain. So if you want to do
4 site-specific discharge requirements for those type of
5 facilities, there is some analysis for acute and
6 chronic toxicity requirements and also for the total
7 dissolved solvents. Generally from these types of ---
8 the wastewater is going to be very high.

9 Carol mentioned we have the two hearings
10 that are ongoing today and on Thursday is the hearing
11 in Trenton at the Patriots Theater at the War
12 Memorial. Once again, the submission of comments
13 through the 90-day period, you can either submit them
14 electronically through the PEPC system, mail them in
15 the paper submission to our Commission secretary.
16 Certainly any of your comments orally or that you hand
17 to either Mr. Moore or any of the DRBC personnel here
18 today will be taken back with us and they will be
19 handed into the system.

20 One of the ideal parts of the PEPC system
21 is that all of these comments are going to be put into
22 that system, no matter how you give them to us and
23 that should make the system much more available to the
24 public to see what all the comments are as opposed to
25 summations of the comments. That's it.

1 CHAIR:

2 Before we start with the testimony, I
3 just wanted to make one other clarification because
4 based on the comments from this afternoon, there seem
5 to be a lot of concern about duplication of what the
6 DRBC will be regulating and what the state will be
7 regulating. And I just wanted to put into perspective
8 that the proposed regulations that we have before you
9 is really defining the what, what level of regulation
10 is required to protect the resources of the Delaware
11 Basin. When we get to implementing the regulations we
12 will be working with both the Commonwealth of
13 Pennsylvania and the State of New York to avoid
14 duplication. For instance, we would require non-point
15 pollution planners, for a water plan, as we do now for
16 our special protection waters. If the state already
17 requires one that meets the requirements of our
18 special protection waters, then all we need to see is
19 that that was approved by the state. We don't need to
20 re-review it ourselves. We just wanted to make that
21 clear. The implementation will be worked out with
22 Pennsylvania and New York. With that, I call number
23 one.

24 MR. KAY:

25 Thank you, Madam Hearing Officer. My

1 name is Wendell Kay, I live in Honesdale and I'm a
2 Wayne County Commissioner. I also represent Wayne
3 County on the Board of the Lakewall fallback watershed
4 management district. I want to thank the DRBC for
5 scheduling these hearings in Wayne County today and
6 giving all of us the opportunity to be heard. I trust
7 that we will all be respectful of each other and of
8 the opinions to be expressed tonight.

9 As county commissioners, we routinely
10 deal with fiscal needs of the county; however, we are
11 always mindful of our responsibility to promote the
12 health, safety and welfare of our citizens. As you
13 all know the potential economic and strategic benefits
14 of the development of the Marcellus Shale region will
15 enhance our local economy while benefiting the region
16 and nation as a whole. At the same time, a balance
17 must be struck between economic and environmental
18 factors so that we can maintain our current status
19 where well over 90 percent of our waterways are
20 designated either as high quality or exceptional
21 value.

22 I would like to point out that our
23 waterways have only achieved this status through
24 responsible management practices and regulatory
25 enforcement. The DEP, our conservation districts,

1 watershed management districts, municipalities and
2 residents have all performed admirably allowing these
3 designations to be applied.

4 We seriously question whether another set
5 of rules and regulations will effectively preserve or
6 enhance the quality of our water or will merely serve
7 as an obstacle for development of this natural
8 resource. Any regulations added to those that already
9 exist should be specifically geared to address only
10 those concerns not covered by existing regulation. We
11 are all aware that the consumptive use our water
12 requires monitoring and recording and involves
13 litigation requirements when appropriate. We ask that
14 you re-examine your proposed regulations in this light
15 and promulgate rules that will protect our waters but
16 also allow us the economic freedom to develop this
17 resource. Thank you.

18 MR. SUHOSKY:

19 My name is Peter Suhosky and I'm on the
20 Board of the Cherry Ridge Township supervisors
21 currently serving as chairman. Natural gas as a
22 viable and sustaining source of energy is not a
23 question of if in this country but an issue of when
24 and how. If you doubt the necessity of natural gas as
25 a vital source of energy, I suggest you take a look at

1 the world news tonight, this exact moment and see what
2 the effects of political instability in the Middle
3 East is having on our world energy crisis. The Dow
4 Jones industrial average lost 178 points today in what
5 analysts are attributing to the turmoil and
6 instability in world energy supplies.

7 The regulations currently proposed of the
8 DRBC are tantamount to a ban on natural gas drilling
9 in our area. This ban will not only cripple and
10 stifle the local economy, it will strike a potentially
11 catastrophic blow to any chance of energy independence
12 in this country and directly affect our national
13 security, as well. In all actuality, the regulations
14 you propose are an economic embargo of Wayne County
15 and the surrounding areas. The Commission has heard
16 from and will hear testimony from any self-proclaimed
17 environmentalist seeking to ban any and all
18 exploitation of this incredible area's natural
19 resource.

20 I have no doubt that you have heard from
21 and will hear from many individuals flaunting their
22 environmental credentials as they support any
23 regulations banning natural gas production. For two
24 and half years I served as a Peace Corps volunteer in
25 Ecuador in the Amazon Basin. I saw firsthand the

1 critical challenges that occur any time you try to
2 balance the preservation of natural resources with the
3 forces of economic development. I haven't planted
4 trees in the Amazon; I ran a chainsaw there, as well.
5 One invaluable thing I gained from my experience in
6 the Peace Corps was no man or moratorium ever led to
7 effective or sustainable natural resource
8 preservation.

9 It's inevitable in this country we will
10 be forced out of necessity to turn to natural gas
11 under this very room someday. It will be better if we
12 can make that decision now when we have the luxury of
13 time to protect what we have in this area.

14 MR. ROWE:

15 Samuel Rowe, I'm a Hancock supervisor and
16 member of the Delaware County Board of Supervisors.
17 It's impossible to know what will actually apply
18 without first knowing what will and will not be
19 included in the New York State Department of
20 Environmental Conservations Supplemental Generic
21 Environmental Impact Statement or the study being
22 conducted by the Environmental Protection Agency.

23 Throughout the draft there are
24 redundancies among agencies, state language and
25 loopholes that leaves too much power to the executive

1 director and staff of DRBC, both of which are probably
2 the least experienced out of all agencies concerning
3 the natural gas industry.

4 The draft should be designed as a
5 supplement to the states who have sovereign rights
6 that fails to recognize as much from the economic
7 impact it may have on the upper Delaware region. In
8 Delaware County, we're the stewards of the drinking
9 water source of millions of people in the New York
10 City water system. We have always obeyed and
11 respected the laws set forth by the responsible
12 agencies. In many cases we have gone above and beyond
13 regulations at the county level. Please treat us with
14 fairness and respect as the DRBC mentions as their
15 core values, don't force this draft on us without
16 exploring the economic impact. Thank you.

17 CHAIR:

18 Thank you.

19 MR. SPEWAK:

20 Good evening. My name is Craig Spewak.
21 I'm a lifelong member of Wayne County, a member of
22 Waymart Borough Council. I'm here to comment on the
23 proposed DRBC regulations. I find that they are
24 purposefully and maliciously being put into place to
25 quell the drilling in Wayne County. Particularly, the

1 500-foot setback from any waterways and wetlands.
2 Your typical five-acre pad would have a 500-foot
3 buffer around it. Such a pad would roughly take 50
4 acres free of any body of water. The problem is the
5 definition of the body of water. I quote, any
6 seasonal ditch and canal --- canals and ditches, some
7 of them being cow paths are considered wetlands.
8 There are virtually no areas in Wayne County that
9 would meet these standards. Please don't let the
10 outsiders and so-called environmentalists kill the
11 drilling in Wayne County. Haven't the family farms
12 suffered enough?

13 CHAIR:

14 Thank you.

15 MR. BRYANT:

16 Good evening. My name is Kevin Bryant.
17 I'm a Lebanon Township supervisor, long generation
18 landowner, as well as manager for an electrical supply
19 house location in Honesdale. I chose one of the
20 regulations, a typical five-acre well pad that would
21 be 467 square feet in size, 500-foot buffer around six
22 pads, required 40 to 50-acre site free of any bodies
23 or wetlands. This will not only set a precedence for
24 the gas drilling industry, which is regulated for the
25 economic future of our area, but for any --- with any

1 thoughts of any having any say of what we do with our
2 land. Thank you for your time.

3 CHAIR:

4 Thank you.

5 MR. WICKNESS:

6 Good evening. My name is Gerry Wickness.
7 I was a supervisor in Lackawaxen Township for six
8 years. What concerns me when I came here, I went
9 through the graph several times. The problems that I
10 saw there is something that I've been involved in,
11 planning and zoning and things like that. And the
12 tone of what's being spoken of in there, about
13 regulations and that, are what we used to call
14 capricious. This is something that points in one
15 direction. People who have an agenda work on that
16 agenda and will build up against things that are not
17 conducive to their agenda. In other words, when I see
18 this I see people that are anti-well, I see the
19 no-frack signs. But this commission is going to be
20 sued in one of the biggest, I mean, multi-hundred
21 billions we're talking about, because when you go in
22 and you're going to take away the rights of the
23 individuals in the Commonwealth of Pennsylvania, you
24 know the most important person in this room is? Me.
25 Because I'm one of the people. Next come in the

1 supervisors, and I want to caution the supervisors.
2 If you join in together with the DRBC, you're going to
3 be held liable. When the lawsuit comes, look out.
4 What happened in Westfall Township can happen to you.
5 I watched that, I saw it and they were sued.

6 BUZZER GOES OFF

7 CHAIR:

8 Thank you.

9 MR. MUSZYNSKI:

10 Thank you.

11 CHAIR:

12 Can we call people with numbers 11
13 through 20? Come up, please.

14 MR. HOCKER:

15 My name is Eric Hocker. I am an Oregon
16 township supervisor and area resident and property
17 owner and a self-employed excavating contractor. Most
18 everyone present here are either in favor of or in
19 opposition to is aware of the purposes of this
20 gathering. By now, the DRBC is also aware of the
21 concerns relating to the current Draft Regulations to
22 which they have proposed. In current form, they are
23 open-ended, and therefore, impose too much restriction
24 on extraction of natural gas and also any other future
25 land development. This duplication of government by

1 yet another agency does not need to exist because of
2 regulations already being imposed by others related to
3 the industry. Current technology and regulation have
4 created a good starting point for continued research
5 and production. As future technology and regulation
6 emerge, the cooperation of all including parties will
7 ensure the safe, successful use of the natural
8 resources that have been given to us.

9 Continuation at this time would not only
10 benefit us locally but nationally as well as globally.
11 We owe it to ourselves as well as future generations
12 to establish a working model that includes both safety
13 and good stewardship for our lands. This can only be
14 obtained, however, through total cooperation and
15 realistic regulations that have been derived through
16 the proper use of the democratic process. Total
17 dominance and restriction by any one party will not
18 work. In the time of the declining economy coupled
19 with more frequent natural disaster and global unrest,
20 this is a good opportunity to steer towards
21 prosperity. Regardless of one's position, it is safe
22 to say we all want the same thing in the end. So to
23 the DRBC, let's see this to an efficient end.

24 CHAIR:

25 Thank you.

1 MR. PATTERSON:

2 Hello. My name is John Patterson and I'm
3 from Jefferson Township. I'm one of the township
4 supervisors there. First, I'd like to thank the DRBC
5 for protecting the river and protecting the
6 surrounding areas. But since Jefferson Township has
7 been working for the last five years and we've finally
8 implemented a new zoning ordinance that we've put in
9 place, we have never had any input from the DRBC.
10 They've never put any interest at any time in our
11 zoning ordinance and you've been directing off of our
12 township due to the fact that they were a part of the
13 ongoing sewer project.

14 I feel that the DRBC may be overstepping
15 their boundaries as far as some of the regulations on
16 how the landowner can use their land and everything
17 like that, and at this time I would like to
18 respectfully request the DRBC allow Jefferson Township
19 supervisors to continue governing their residents and
20 let others do the same. Thank you.

21 CHAIR:

22 Thank you.

23 MS. PUETT:

24 Hello, I'm Morgan Puett. I'm a citizen,
25 a mother, an artist and most of all, co-director of

1 the contemporary arts complex over in Damascus
2 Township called Mildred's Lane. And I'm here to
3 remind you of an environmental fable written by Dr.
4 Seuss in 1971 titled the Lorax. It chronicles a
5 polluting greedy industry and family called the
6 Once-lers who destroy their environment, and tells the
7 story of the Lorax, a non-human being who speaks for
8 the trees. He attempts to educate and stop the
9 Once-lers but the story comes to no good end and the
10 Lorax leaves. All other species leave.

11 It's 40 years later now and we have
12 learned nothing, whereas the Lorax, this is no fable,
13 it's truth. For decades now, hydraulic gas fracturing
14 has been a socially, environmentally and politically
15 unstable system. It is an outdated, invasive,
16 corrupt, internationally destructive and murderous
17 process. We now know it is not economically or
18 biologically sustainable. It is not a viable
19 solution, especially knowing so few will gain, so few.
20 The rest will leave, including your wildlife.

21 Are we so greedy and arrogant a species
22 that we refuse to realize that humans represent
23 statistically less than a fraction of fractions of all
24 other species? 1.7 million species, the majority are
25 not humans. We call this democracy? No. I site

1 Article 1, Section 27 of the Pennsylvania
2 Constitution. This is unconstitutional.

3 BUZZER GOES OFF

4 MR. SPRINGHETTI:

5 I'm Martin Springhetti from Damascus,
6 Pennsylvania. Deep below the ground in the northeast
7 United States there are tremendous forces that are
8 being held in equilibrium by friction between geologic
9 formations. If that friction is reduced enough there
10 will be movement. In other words, an earthquake will
11 occur.

12 CHAIR:

13 Excuse me, please.

14 MR. SPRINGHETTI:

15 Slickwater fracking reduces friction in
16 two ways. First, fracking breaks up the solid rock
17 into rubble. Second, injecting large amounts of
18 slickwater changes that rubble into a slurry. We need
19 an independent scientific investigation by
20 seismologists to evaluate the possibility that
21 fracking could cause earthquakes. Minor movement can
22 shear off the strongest well pipes. Cracks can occur
23 between formations. New pathways to human water
24 supplies could be created.

25 Today's news is about the tragic

1 earthquake in Christchurch, New Zealand. People are
2 trapped under collapsed buildings, buses have been
3 crushed under debris. There are fires caused by
4 fractured gas pipes. It's not as bad as in Haiti, but
5 it's bad enough.

6 Could it happen here? I don't really
7 know, but it is a possibility that we should
8 thoroughly investigate before we proceed with the
9 fracking of the Marcellus Shale.

10 Has the DRBC investigated the possibility
11 that earthquakes could be caused by fracking or any
12 other aspect of gas drilling? Please don't let this
13 become another situation where unanticipated and
14 unintended consequences create havoc for us and future
15 generations. An earthquake can really ruin your day.

16 CHAIR:

17 Thank you.

18 MR. MUSZYNSKI:

19 Thank you. Who is this young lady?

20 MS. TEPPICH:

21 Good evening. My name is Naomi Teppich.
22 I'm also a Damascus resident and sculptor. I have
23 been living here full time for six years and part time
24 for a total of 25 years. I came here for the beauty,
25 for the air, for the beautiful water, for the artistic

1 atmosphere you would say. I get inspired by nature.
2 Right now I have about three galleries in Honesdale.
3 Obviously there are quite a few artists in this area
4 and it's a growing population. I'm all for economics
5 but only for good economics. I'm for humanity.
6 That's number one. Nothing else matters if you do not
7 --- if you cannot drink your clean water and breath
8 clean air, I'm sorry. I am concerned about our water
9 in Pennsylvania rivers and streams. The Draft
10 Regulations rely on weak state rules for storm
11 management. Oh, there's a storm, watch out, a holding
12 pond of frack water.

13 Drilling and casing construction safety,
14 I know something about cement. There are such
15 standard requirements in Pennsylvania. These casings
16 tend to wear out after a certain amount of years. Are
17 they checked thoroughly? Air emission controls, PA
18 exempt gas wells from air standards. Inadequate
19 setbacks and floodplain protection both New York and
20 Pennsylvania do not have large enough buffers nor
21 adequately protected --- no drill safety areas. The
22 homes, public buildings, public roads, public water,
23 supply wells and domestic water supply wells are all
24 left out of DRBC oversight.
25 BUZZER GOES OFF

1 MR. MUSZYNSKI:

2 Thank you.

3 CHAIR:

4 Thank you.

5 MR. POKALSKY:

6 Good evening, madam. My name is Michael
7 Pokalsky and I hold a degree in geology and a Master's
8 in petroleum engineering. I am a member of the
9 Society for Petroleum and I think it's in good
10 standing and I am also co-founder of the Northeast
11 Pennsylvania Landowner's Association and a Susquehanna
12 landowner, 100 acres. I really don't have any
13 interest in this area other than to become someone who
14 wants to try to educate the public as a whole. I have
15 read the draft requirements and like all of the ---
16 the DRBC, protecting the Delaware River from overuse
17 and potential contamination from natural gas drilling.
18 As someone who has drilled some of the earliest
19 horizontal wells for Chevron back in the early '80s
20 and as someone who has also drilled in water life
21 refuge areas and the protective waters of south
22 Louisiana, I have to say that there are safeguards
23 that can be put in place to protect these viable
24 watersheds.

25 The concept of zero discharge when

1 drilling in these areas must be explored. An operator
2 should be conscious and open to the idea of drilling
3 multiple wells from a single pad or multiple lateral
4 wells to minimize the destruction of the geography.
5 Roads, both new and existing, must be managed closely
6 and require minimum standard of construction through
7 butt ignition, including and alternating existing
8 logging roads or other roads that would have to be
9 brought up with the lines before use.

10 Zero discharge means that nothing leaves
11 the drill sight unless it has been documented and
12 categorized and manifested to even approve hazardous
13 waste site and recycling planning. It also means that
14 nothing contaminates the ground underneath the
15 drilling pad and related areas. Even rainwater that
16 is washed down should be collected and disposed of
17 properly. Yes, it's more expensive but it's not
18 ridiculous.

19 Additionally, the individual townships do
20 have the authority to employ a well-qualified drilling
21 inspector who can report the deficiencies and
22 incidents about compliance directly to the Commission
23 and the DEC. This would be akin to the town building
24 inspector, only the chain of authority would be
25 far-reaching. Funds for this could be obtained

1 through town building permit fees and fines for
2 non-compliance.

3 MR. MUSZYNSKI:

4 Thank you.

5 CHAIR:

6 Thank you.

7 MR. POKALSKY:

8 Thank you.

9 MR. PECKHAM:

10 Hello, my name is Fred Peckham. I'm from
11 the town of Hancock. I own 300 acres on the Delaware
12 River and a picture of my property is on the front
13 cover of your 50th anniversary calendar. The basic
14 commission was not established to regulate land use or
15 natural gas development. It's beyond the scope of the
16 combat and expertise of the commission to usurp state
17 regulations. Under Article 3, powers and duties,
18 Section 3.1, purpose and policy, the Commission shall
19 develop and effectuate plans, policies and projects
20 relating to the water resources of the basin. Nowhere
21 do I see authority given to the Commission for
22 regulating land use. Land use issues must remain
23 under sovereignty and watchful eyes of state agencies.
24 And I request that the Commission preclude all of
25 Section 7.5 well pads from the final draft.

1 New York and Pennsylvania have
2 effectively regulated gas drilling for over 100 years.
3 The expertise these agencies bring to the table must
4 be recognized by the Commission and be --- and their
5 experience and regulating and oversight of development
6 must be given primary authority. These states have
7 some of the most comprehensive land use regulations in
8 the country and they're better qualified to address
9 these issues than the Commission.

10 The DRBC should take a complimentary role
11 ensuring prudent regulations are in place for water
12 consumption, quality and disposal. The landowners of
13 the region have waited three years for the Commission
14 to come out with their regulations and what I see is a
15 federal agency wanting to become the 800-pound gorilla
16 with another layer of regulations that further ruins
17 landowners' rights and fails to address the economic
18 wellbeing of the region. The Delaware Basin is a
19 shared resource. It's time the Basin Commission
20 starts sharing this resource with the people on the
21 streets of the upper basin, promoting and ensuring
22 economic opportunities for a region described as
23 Appalachian and be afforded the same opportunities
24 as those enjoyed by people downriver. Thank you.

25 MR. MARINO:

1 My name is Tony Marino. I am a landowner
2 in Wayne County and also vice-president of the Lower
3 Land Property Owner's Alliance. The current Delaware
4 River Basin Commission regulations are an additional
5 and unneeded set of rules over and above regulations
6 that our municipalities, our state and our county
7 already have. By overriding existing rules currently
8 in place set by the State of Pennsylvania and its
9 Department of Environmental Protection, it is clear to
10 me that the DRBC is cutting out what it believes to be
11 its fair share of this profitable commission.

12 Obviously the DRBC is a true believer in
13 what we call the Marcellus multiplier. If they acted
14 as an adjunct committee overseeing the actions,
15 inherent and safe drilling, ensuring that state and
16 local governments proceed correctly, then I would
17 embrace them as a functioning partner. But since they
18 have said --- have played as an aggressor globally
19 ensuring they have a future in this equation without
20 considerations for the negative effects on our
21 community, I can only look at them along with the ---
22 as our enemy.

23 I can believe the truth will eventually
24 prevail. You can't argue with the fact that in 2010
25 Pennsylvania's Marcellus Shale wells produced 256

1 billion cubic feet of gas, enough gas to heat more
2 than 2.5 million homes for a year. And you can't
3 argue with the fact that every dollar in gas creates
4 almost \$2 back in the local economy. No one, not even
5 the DRBC is going to be able to stop that same kind of
6 economy currently enjoyed by those counties to our
7 west.

8 And the same kind of progress that we
9 expect to have here in Wayne County and for that
10 reason is why I will fight all of you no matter how
11 long it takes. That you can count on.

12 MR. SULTOSKY:

13 My name is Bob Sultosky (phonetic). I'm
14 a retired military officer and real estate developer
15 and a rancher. I also cut and bail hay right where
16 you're sitting today, but I cut it 56 years ago. And
17 I'm telling you right now that my farm's only about a
18 mile from here and I would just say unequivocally that
19 the quality of water in Wayne County is better than it
20 was 56 years ago. I don't need scientific analysis
21 statutes that aren't being regulated to shade the
22 facts. The reason why the quality of water is better
23 now is because of the Department of Environmental
24 Protection of the Commonwealth of Pennsylvania. The
25 Commonwealth is doing a good job at protecting the

1 environment. It has the rules in place. It is our
2 safety. It is our environment. It is our future.
3 Our waters are specially protected and of exceptional
4 value. In Philadelphia the water is of less quality
5 and it's called warm water fisheries. I went to
6 college in Philadelphia and I know those waters. And
7 I submit in Philadelphia and Trenton, clean up their
8 streams and bring it up to the quality of Wayne
9 County, then you can come up here and help us. We're
10 doing very well, thank you.

11 Now, those are my prepared remarks but
12 I'd like to say, Mr. Muszynski, you're entitled to
13 your opinion but I'm entitled to the facts. The fact
14 that you said 10,000 acres at 2,200 wells is sheer
15 nonsense, sheer nonsense. And I hope Mr. Hines is
16 hearing that. That briefing and that presentation
17 could have been better and you could precisely talk
18 about 538 wells. You're talking about less than 2,200
19 acres. And I would expect that at this time you would
20 go back and revamp that brief. Thank you very much.

21 CHAIR:

22 Can I call the numbers 21 through 30 to
23 please come forward? Thank you.

24 MR. PREATE:

25 Good evening, Ms. Collier, DRB staff and

1 commissioner. Welcome to Wayne County, Pennsylvania.
2 My name is Joseph Preate and I'm currently the
3 financial advisor for a major Wall Street firm in my
4 28th year. I live in the Lackawanna Valley about 45
5 minutes southwest of here and own a farm 20 minutes
6 north of here. I've been coming to Wayne County for
7 30 years. I'm an avid sportsman and I'm passionate
8 about landscaping my property to benefit wildlife and
9 to conserve growth of quality for my son who's 14, and
10 for future generations. I'm president of the Wayne
11 Lackawanna Forest Landowner's Association and a member
12 of NWPOA.

13 This past Saturday, I had the opportunity
14 to visit a friend's new natural gas well pad site in
15 Susquehanna County about an hour northwest of here.
16 While I'm happy for his good fortune, I am
17 disappointed that as your draft regulations currently
18 stand, I, we, might not be able to have the
19 opportunity to see if there even is producible gas
20 under our lands. I urge you to review your draft and
21 call in the experts to craft regulations that will
22 allow us to use the Marcellus as a tremendous resource
23 economically while allowing us to continue to maintain
24 the Delaware Watershed as we have been doing for many
25 years.

1 As a young boy, I grew up less than a
2 mile from where the mine water flows into the
3 Lackawanna River in Old Forge. It has taken a
4 lifetime but now parts of the Lackawanna are
5 world-class fisheries. We do not want that to happen
6 in Wayne County or anywhere else for that matter.
7 Draft Regulations that give us the opportunity for
8 environmentally responsible production of natural gas
9 so we may benefit economically which would ensure that
10 I, we, keep our farms as farms into perpetuity and
11 ensure the quality of our watershed for ourselves and
12 our families and for future generations to come as
13 well as for the downriver communities. Thank you.

14 CHAIR:

15 Thank you.

16 MR. ROGERS:

17 Hello, my name is Gerry Rogers. I'm
18 actually Joe's neighbor, one of my cabins. I have a
19 piece of property in Damascus. I have a piece of
20 property in Equinunk, Pennsylvania. One property has
21 a glacial lake I've been in the arduous task of
22 restoring over the last two, three years. I have many
23 countless hours left in restoring that property as I
24 plan on retiring. I currently reside in Chester
25 County, Pennsylvania.

1 In 1797 when the first metal farm plow
2 was patented, people were afraid that the metal in the
3 plow would poison the earth. That fear crippled the
4 American agriculture for years. Today, that same
5 metal plow is recognized as one of the 100 greatest
6 inventions of all time and that plow is credited with
7 helping to feed millions of people around the world.
8 Thank God we did not let paranoia destroy that great
9 idea.

10 Our question today is whether we will
11 allow fear to destroy American energy independence and
12 Wayne County jobs or we can help us create regulations
13 that promote economic growth and protect the
14 environment at the same time. Specifically in your
15 proposed regulations, Section 7.5 calls for a 500-foot
16 setback from water. Show me a road, one now covered
17 with salt or with calcium chloride or some other
18 ice-inhibiting chemical that has a 500-foot setback.
19 Show me a railroad track that carries tons of
20 hazardous material every year that has a 500-foot
21 setback. They don't have it because they don't need
22 it and neither do we.

23 The repercussions of that one section
24 illustrate the need to allow experienced state
25 regulators to oversee the responsible development of

1 our resources. We don't need paranoia or additional
2 bureaucracy; we need science, leadership and
3 experience. Let that happen. Please, step aside.
4 Thank you very much.

5 MR. WILDERMUTH:

6 Thank you for this opportunity. My name
7 is Robin Wildermuth. I'm a graduate consulting
8 forester. I manage lands for clients for lands across
9 northeast Pennsylvania and I'm familiar with land use
10 and environmental regulations as they are currently
11 applied in our region. The Draft regs as they are
12 written present several serious concerns to me.

13 Number one, the definitions lack
14 consistency with current regulatory definitions. As
15 one example, the definition of a disturbed area is an
16 ecological and not a regulatory definition. As
17 written, it would place hayfields, lawns and any acre
18 without trees in this category. Many other examples
19 exist which need to be resolved.

20 Number two, the buffers lack any
21 scientific support. The regs use 500 feet for
22 everything from public drinking water supplies to the
23 smallest wetland. The EPA and the Yale School of
24 Forestry and Environmental Studies both have published
25 extensive literature reviews on studies of buffer

1 function with recommended widths that vary from 30
2 feet to 328 feet. There were no recommendations as
3 high as 500 feet.

4 Number Three, the three-acre forest
5 removal test is unfounded and unprecedented in any
6 other industry. Gas development with horizontal
7 drilling has a smaller surface disturbance impact than
8 residential development, farming or forestry as noted
9 in the analysis that I had previously delivered.
10 There's no reason that that needs to go through the
11 docket. Trees are essential in the buffer areas, and
12 outside of that it's insignificant.

13 The compact principle of equal and
14 uniform treatment and use of the existing agencies of
15 the signatory parties is not pursued. New York and
16 Pennsylvania have existing regulatory agencies with
17 decades of experience and hundreds of competent and
18 experienced personnel in all aspects of gas
19 development. DRBC should sit at the table with them.
20 Thank you.

21 BUZZER GOES OFF

22 MR. WILLIAMS:

23 Thank you for being here and giving us
24 this opportunity today and my name is Dave Williams.
25 I am actually a fifth generation farmer here in Wayne

1 County, and at the same token I'm the last national
2 farm broadcaster in Pennsylvania. I also am the state
3 director of Pennsylvania Farm Bureau and I cover the
4 district of Pennsylvania Farm Bureau, covering
5 Susquehanna, Wyoming and Lackawanna, Pike and Wayne
6 County. I have had a firsthand look at the drilling
7 operations and the opportunity it is bringing to the
8 agricultural community.

9 The PA Farm Bureau has a farm accounting
10 program which gives Farm Bureau the ability to
11 understand the real impact of the gas industry, which
12 shows approximately 85 percent of the earnings being
13 put back into the farms for the next generation, as
14 well as investments into the local community for a
15 better lifestyle for all. I have also found water
16 issues highlighted by certain Hollywood media, has
17 been present, not for months but for centuries here in
18 Pennsylvania.

19 In conclusion, I believe the DRBC Draft
20 Regulations are completely out of touch with reality
21 and that the gas industry needs to be regulated by
22 Pennsylvania people. We've done a job far exceeding
23 that of New York or any other place and I feel that we
24 have the appropriate right to continue to control our
25 own destiny, not only for me, but for my grandchildren

1 and their children, and I think you need to listen to
2 what we're saying. Thank you very much.

3 MR. COCCODRILLI:

4 Hello. Hi, my name is Chuck Coccodrilli
5 and I'm president of the Lower Wayne Property Owner's
6 Association. I'd like to read an article from the
7 Scranton Times of January 27th of this year.

8 Mercury emissions and state impact area
9 rivers. Coal-fired power plants in Pennsylvania
10 produce more mercury pollution than plants in all but
11 one other state in 2009 according to a report by Penn
12 Environment. State plants emitted 15,000-plus pounds
13 of mercury pollution in '09. Texas, the state with
14 the most mercury pollution from power plants, emitted
15 over 16,000 pounds.

16 Neighboring states of Ohio and West
17 Virginia were ranked third and fourth in mercury
18 emissions. Major polluters in the state are
19 predominantly located in the southwest, but waterways
20 and fish, contaminated by mercury, are swept
21 throughout the whole Commonwealth and not only the
22 DRBC ---.

23 It's an interconnected system. Penn
24 Environment field director Adam Garber said, so the
25 fact that Pennsylvania as a whole has emitted

1 15,000-plus pounds, it's going to impact the entire
2 state. State-issued fish consumption advisories
3 recommend limiting meals of fish caught on lakes and
4 rivers throughout northeast Pennsylvania because of
5 mercury contamination including Lake Wallenpaupack,
6 Lake Winola, Lackawanna and the Delaware and the
7 Susquehanna Rivers and Tobyhanna Creek. This year the
8 State Fish and Boat Commission added new advisories to
9 limit meals of largemouth bass in the same water as
10 the Delaware River once again in Wayne and Pike County
11 because of the mercury contamination.

12 The report details how even low dose
13 levels of mercury can cause developmental disorders in
14 children exposed to it in utero. One in six women of
15 child-bearing age has enough mercury in her blood now
16 to put a child at risk of such impacts including
17 impaired brain function. The only way to lower those
18 emissions is to switch power plants to natural gas,
19 American natural gas.

20 MR. BEA:

21 Good evening. My name is John Bea. I
22 live here in Honesdale. I'm a local contractor. The
23 definition of the natural gas development project is
24 far too inclusive, encompassing everything from
25 pipelines to pressure stations to support vehicle tire

1 cleaning, dust control and access roads, totally
2 unacceptable. It puts the DRBC in charge of
3 activities that can and should be regulated by
4 municipalities in the states, if at all.

5 Since when does the DRBC mission have
6 anything to do with request for stations or tire
7 cleaning? It's totally an absurd attempt to become
8 the master of everything having to do with natural
9 gas. It cannot stand. Project definition should be
10 limited to water withdraws and discharges and to those
11 with 100,000 gallons per day or more.

12 We have gone from this common-sense
13 threshold to the point where the DRBC is seriously
14 proposing regulating dust control which is simply
15 beyond the pale. These regulations should defer to
16 the states. Thank you.

17 MS. KINGSTON:

18 Hi, I'm Sylvia Kingston. I'm a resident
19 and landowner in Damascus Township and I'm here
20 because it's unconscionable that the DRBC has taken
21 three years and come up with very flawed draft
22 regulations. The biggest problems are the proposed
23 process is backwards. The regulation superimposed
24 standards on states to be enforced by DRBC staff that
25 is inexperienced in regulating oil and gas. The

1 states should control with DRBC authorized to make
2 suggestions prior to state permitting of wells. The
3 excessive setbacks, 500 feet, an all-inclusive
4 definition of what constitutes a water body will
5 prevent drilling on virtually all landowners off the
6 Delaware River Basin.

7 States' rights as well as property
8 owners' rights are not being protected. The DRBC
9 cannot be allowed to develop into an unaccountable
10 super agency that renders states useless. Tremendous
11 discretionary power is given to the DRBC executive
12 director and staff. There is an enormous potential
13 for abuse of discretion, and this lack of certainty
14 will eliminate long-term investment in our region. In
15 fact, the regulations are featured without regard for
16 industry best practices or technological advances. As
17 a result, the DRBC is positioning itself as a super
18 agency answering to no one due to cash flow from an
19 abusive fee structure. DRBC is overstepping the
20 limitations of this compact. There are no time limits
21 on DRBC to act, ensuring death by delay for all
22 significant projects. It appears these Draft
23 Regulations have been created with the express purpose
24 of banning all drilling in the region. Please amend
25 the regulations to be meaningful.

1 MR. CURTIS:

2 My name is Hank Curtis. I'm an
3 agricultural person from Wayne County. I've lived
4 here over 70 years and we're being over-regulated, no
5 matter what, over-regulated. They've been wasting our
6 water in cities for years and they don't fix any water
7 faucet. They just let it run. We have to work and
8 save water but they wanted water to waste. It's the
9 same way with this well jargon. They don't want us to
10 drill because we're going to take some of their water.
11 Where are we going? More regulations. The farmers
12 work many, many hours every week and we don't get a
13 decent pay. Now we've got a chance to make a dollar
14 with gas and they don't want us to do that. They
15 should drink some of their own water. Don't take
16 ours. Thank you.

17 MS. SUHOSKY:

18 Good evening. My name is Linda Suhosky
19 and I am president of Lake Cadjaw Watershed
20 Association here in Honesdale. For the past ten years
21 we've worked tirelessly to repair our dam and restore
22 the water level which was condemned by DEP 25, 30
23 years ago. Every time we fulfill the obligation DEP
24 threw another roadblock. So obviously we have very
25 little love and affection for DEP. However, I realize

1 the need for a regulatory agency. The last thing we
2 need is another water regulatory agency. I sat
3 through seven hours for dam safety and water safety
4 and saw virtually the same display that I saw here
5 tonight that DEP is doing. I think that one reason
6 possibly for our \$14 trillion deficit is the
7 redundancy of some of these agencies. I think this is
8 not necessary. Thank you.

9 MR. YANACEK, JR.:

10 My name is Walter Yanacek. I live in
11 Damascus, PA. The regulations have been fashioned to
12 serve too many interests at once and are not only
13 redundant with state regulations but also internally
14 so. They are not clear and the procedures overlap and
15 are intertwined to such a degree they are sometimes
16 incomprehensible. They are naïve in supposing natural
17 gas development is a static rather than dynamic
18 process. They make little allowance for evolution of
19 technology. They establish arbitrary standards and
20 requirements, no foundation in science or industry
21 best practices. They are fee-driven in many places.
22 They are impractical in others. They do not achieve
23 the proper balance between objective standards and
24 discretionary review authority. They include no duty
25 on the part of the DRBC to act in a reasonable time

1 frame. They set the state for endless controversy and
2 should be revised to defer to the states. Thank you
3 for your time.

4 CHAIR:

5 Before you start, can I call numbers 31
6 through 40 to come forward please?

7 MR. MASLER:

8 My name is Ed Masler. I live in
9 Equinunk, Pennsylvania. I've been here for 11 years.
10 I didn't inherit my property; I bought it. I want to
11 thank the DRBC for your regulation. I don't think
12 they go far enough. They are an attempt however to
13 have force and overall plan for the gas drillers to
14 submit to have an overview of their impact on the
15 area. I also want to say a couple of things that no
16 one else has addressed because most people say pretty
17 much the same thing.

18 First, if this is natural gas from
19 America, why aren't there liquefied natural gas plants
20 being built in the Maryland coast? And second, this
21 idea that this is going to bring jobs, we are being
22 inundated by workers from Texas and from elsewhere. I
23 had a peculiar experience of riding on a chairlift
24 with a banker from Susquehanna and he told me a story
25 that they have a motel there where they had to hire

1 security guards because the Crips and the Bloods were
2 fighting in the parking lot over who ran the
3 prostitutes to service the gas drillers. But, you
4 know, we're not even having --- maybe local girls
5 aren't good enough for them. I don't know. This is
6 inviting corruption. This is inviting destruction
7 into our neighborhood any way you look at it. Thank
8 you for your time.

9 MS. PELAK:

10 Hello, my name is Natasha Pelak. I'm a
11 United States citizen of Allentown, Pennsylvania.
12 Enforcing intelligent regulations to monitor and to
13 protect the water being used from natural gas fracking
14 is not only logical but it protects 15 million water
15 users that are currently downstream depending on the
16 Delaware River for drinking and bathing. This
17 includes the people in Allentown, Pennsylvania,
18 downstream from the proposed gas drilling sites.

19 Allentown recently made national
20 headlines because of the natural gas explosion in its
21 downtown area that killed five innocent people and
22 incinerated a city block. The end user infrastructure
23 is obviously outdated and the gas industry does not
24 want to pay for improvement. They're asking the
25 taxpayers to update the system themselves. But the

1 DRBC is deferring to state regulations. They are
2 undermining their own authority.

3 For example, Pennsylvania's stormwater
4 regulations allow for waivers and exceptions by the
5 industry. DRBC meets its own regulations and its own
6 enforcement personnel. States will not protect the
7 river without an up-to-date regulatory force. It's
8 unfortunate that our economy has been troubled by
9 criminal activity on Wall Street and within the real
10 estate industry. We should not be disillusioned by
11 the short-term profits generated by natural gas
12 fracking nor would Allentown because the cost of
13 natural water and the cost of infrastructure we've
14 made is astronomical. With the sustainable vision for
15 Pennsylvania and having faith in the American spirit
16 of entrepreneurialship, we the people will eventually
17 find a middle ground where we will produce smart
18 energy through the likes of smart, great and secure
19 and a more valuable resource, fresh water. Based upon
20 our current scientific data and standards that protect
21 the rest of the Americans downstream from the county
22 we are all in this together. We need to share the
23 resources and remind each other that the river
24 connects us all and natural gas is, in fact, limited.

25 MR. BEVAN:

1 My name is Adam Bevan from Allentown,
2 Pennsylvania, downstream. I'd like to thank you for
3 taking the time to hear from the citizens' views on
4 controversial issues. Also, as we've all experienced,
5 there are many angles on this issue and the Commission
6 is faced with deciphering. There seem to be two
7 different opinions. On the one side, people are
8 concerned with the regulations already in place
9 claiming that their rights as landowners are being
10 violated. And they truly believe that the
11 corporations and regulations enacted are working for
12 their best interest. On the other side, concerned
13 citizens are worried about the lack of agency
14 oversight with the downsizing of the DEP will affect
15 the ability to accurately enforce the much-needed
16 regulations and effectively watch out for the
17 communities downstream.

18 There is only one chance to get this
19 right without ruining environment and contaminating
20 the water supply while there's still something left.
21 As the industry is going to thousands of landowners in
22 hope of using their land, there is no possible way to
23 contain mainstream in-water supply. This is
24 absolutely false as there have been hundreds of
25 documented cases around the United States, and more

1 importantly, even in Pennsylvania as these actions are
2 occurring. The only known case study where the
3 environmental impacts in industrial gas drilling were
4 published in fractured communities, by the
5 environmental students of Pace University. They
6 discussed some documented thing around the US and even
7 right here in Pennsylvania, everything from well
8 blogs, explosions, operator errors to illegal
9 discharge to produce water at the surface water
10 spills. This is an unsafe, unsustainable and
11 inefficient practice. On June 3rd, 2010, in
12 Clearwater County, at least 35,000 gallons of
13 wastewater spewed into the air for 16 hours
14 contaminating two nearby fishery creeks. A \$400,000
15 fine was incurred and dozens of corrective actions
16 were ordered to be taken, but only after determining
17 what several violations were the cause. Other
18 instances ---.

19 BUZZER GOES OFF

20 CHAIR:

21 Thank you.

22 MR. MUSZYNSKI:

23 Thank you.

24 MS. CRAIG:

25 My name is Tara Craig and I'm from

1 Allentown, Pennsylvania. Thank you for being here
2 today in order for us to have a voice. Water is life.
3 More research and proper regulation I think is a thing
4 in life that is very important. The little
5 information that we do have demonstrates how very
6 dangerous it is for all of us here and downstream. We
7 need to do more research to demonstrate the long-term
8 effects of fracking and to implement protection that
9 will prevent devastation. Ignoring the long-term
10 environmental impact of this relatively new technology
11 is not the answer to this economic crisis that we are
12 all suffering from. Do they think that we should
13 ignore the research excavated on the surface? No.
14 But I do think that it's imperative that studies are
15 completed, intelligent regulations are in place and
16 that both prevent the formation, like the fracking
17 fluids are disposed before gas is harvested.

18 I don't believe that regs need to be
19 permanently destroyed, but people don't need to be
20 poisoned. The DRBC must maintain maximum water
21 quality of the river and enact rules that protect an
22 otherwise catastrophic farm in attempt to a cumulative
23 impact of water withdraw and well development. The
24 method that controls the whole environment is --- and
25 natural gas drilling is necessary. The Marcellus

1 Shale has been here for millions of years. The gas
2 and the companies that want it are not going anywhere.
3 DRBC needs its own regulations and employ more
4 personnel. The states will not protect the river
5 without adequate regulatory force. They're just not
6 capable.

7 So many are quick to say that it's safe,
8 but how many see the big picture? The reality is that
9 none of us knows the future, but I have to say that I
10 think that research they've done scares me. For
11 example, scientists have identified 596 chemicals in
12 fracking fluid that include carcinogens, pesticides
13 and biocide. And I'm asking you to please, DRBC,
14 having talked with my son who will be two in just two
15 days, to please do all you can to protect our water
16 and our future.

17 MR. TERWILLIGER:

18 My name is Mark Terwilliger. I'm a home
19 owner in Texas Township. I'm also a United Methodist
20 minister. I'm interested in economic and the
21 environmental wellbeing of our area, as well as in our
22 having a strong community that is characterized by
23 treating each other with respect and kindness. I
24 moved here from Wilkes-Barre, one of several places I
25 have lived where people claim that their children

1 graduate from high school, move away and don't come
2 back because there are no jobs.

3 This afternoon, the Delaware River Basin
4 Commission had been asked by several presenters to
5 look at the economic consequences of your regulations.
6 I would, after that, request that the DRBC look beyond
7 the economic opportunity for just this current
8 generation or even the next and look at the economic
9 consequences for people living seven generations from
10 now. I challenge the DRBC to look at another nearby
11 industry from a prior generation, anthracite coal, in
12 order to gain some helpful perspective. Earlier,
13 several people lauded the Susquehanna River Basin
14 Commission in their work with the DEP and the gas
15 industry. Anthracite coal provided employment for
16 those living in the region and even resulted in a
17 large influx of immigrants coming to work in the area.
18 But anthracite is a finite resource, and when coal was
19 no longer king, the area had to search for other
20 industries to sustain themselves economically. The
21 natural gas beneath our feet took longer to form than
22 most of us can fathom, but we can easily imagine the
23 economy 30 years from now when that resource is
24 exhausted and the props are all still in place.

25 I am encouraged by the number of people

1 who have taken the initiative to be first-generation
2 farmers in Wayne County. I would like to point out,
3 too, the mine reclamation work that is going on in the
4 Wilkes-Barre area that is being publicly funded.

5 Thank you.

6 BUZZER GOES OFF

7 MR. YATSONSKY:

8 Hello. DRBC members and fellow citizens,
9 thank you for holding and attending this important
10 meeting. My name is John Yatsonsky and I am a
11 resident of Wayne County. I am concerned about the
12 future of this beautiful area in which we live. There
13 have been numerous adverse effects of natural gas
14 drilling statewide as mentioned previously. There
15 have been many problems in Washington, Susquehanna,
16 Bradford, Tioga and Westmoreland Counties in
17 Pennsylvania already. Do we need to hear from
18 additional natural gas drilling problems in Wayne and
19 Pike County, as well?

20 The corporate-driven pro-drilling media
21 blitz has been going on for some time now in our area.
22 These corporations promote their agenda with
23 beautiful-looking billboards, appealing television
24 commercials and radio ads that even feature sounds of
25 the waterfall in the backdrop. Are we seeing or

1 hearing a different position or viewpoint in the
2 regional media? Are we hearing about the nearly 600
3 chemicals they use in the fracking process? All of
4 these chemicals do not break down if left underground
5 or above ground, will migrate to pristine water
6 supplies and contaminate the air and land as well. We
7 all live downstream in one way, shape or form. Please
8 don't allow corporations to put record profits ahead
9 of people's health and wellbeing. Please continue the
10 moratorium on natural gas drilling until a
11 comprehensive environmental impact study, especially
12 regarding dangerous fracking chemicals, can be
13 implemented, reviewed and thoroughly evaluated by the
14 EPA, the USGS and New York DEC. Because after all,
15 the first three words in the United States
16 Constitution are we the people, not we the
17 corporation.

18 CHAIR:

19 Anyone have number 33?

20 MR. MUSZYNKSI:

21 All right, 34.

22 MS. YANACEK:

23 Good evening. My name is Debbie Yanacek.
24 I'm a resident of Damascus Township. The entire
25 purpose of Section 7.5 is to insert the formal notes

1 under the tent with respect to land use under the roof
2 that well pads are something that need to be further
3 regulated when they are already heavily regulated.
4 The emphasis on page 51 on constraints analysis and
5 mapping of leaseholds that are constantly changing is
6 further indication of this. As is the statement on
7 page seven that removes Section 7.5 provisions from
8 state administration in direct contrast to earlier
9 suggestions. These regulations would build the DRBC
10 up as a super agency to regulate land use and
11 supersede state and environmental regulations. We
12 cannot have still another agency decide the matters of
13 land use in the Upper Delaware Region. Section 7.5,
14 therefore, should be simply deleted. Thank you.

15 MS. FISCHER:

16 Good evening. I'm JoAnna Fischer. I
17 live in Equinunk, Pennsylvania. I live one mile from
18 Teeple Road drill site. Since the drilling has come
19 to town our lives have been turned upside down and it
20 hasn't stopped. Our water went bad two weeks ago.
21 Exploratory drilling is just as dangerous as fracking,
22 especially when it goes unregulated. I have in my
23 hand a report here from the Department of
24 Environmental Protection where they did an onsite
25 inspection on May 26th. Failure to minimize erosion

1 and implement DNS plan and DNS control, failure to
2 stabilize site until total site reservation --- under
3 OTA Section 206-cd. Same day, improperly lined pit.
4 The next date in this report is 7/22/11 (sic). Pit
5 and tanks not constructed with sufficient capacity to
6 contain pollution or substances. Also on the same
7 date, improperly lined pit. Apparently what they did
8 on the 22nd was never taken care of --- I mean on the
9 26th of May, was not even taken care of by the 22nd of
10 July. Now, that's the Department of Environmental
11 Protection. I believe you want to bring in drilling,
12 then let's do it safely. We need you. We need you to
13 draft more regulations that are going to address ---
14 this has been left for seven months, an improperly
15 lined pit with a hole in it over 12 inches. Whatever
16 is in there is seeping into the ground, into the
17 water, going into the beltway. I'm all for people
18 making money. I'm a citizen, too. I don't own a lot
19 of land, but the land I own I think I should have the
20 right to decide what happens to it. And if ---
21 they're going to go over my land anyway, I want it to
22 be done safely then. I ask them to, please, take your
23 time. Don't streamline this. Get it right the first
24 time because we don't get a second chance if you screw
25 up on that. Thank you.

1 MR. FISCHER:

2 Hi, my name is Richard Fischer, I'm a
3 resident of Equinunk, Pennsylvania, and I am here to
4 urge your permission to implement the most strict
5 exercise of private review jurisdiction over all
6 natural gas wells including exploratory wells in the
7 Delaware River Basin. I am retired and moved to this
8 area 12 years ago. I grew up in Brooklyn, New York,
9 and later moved to Staten Island. During these years
10 I used to travel to this area to fish and hunt and
11 vacation and I've always been awed by the beauty and
12 pristine environment available to everyone who lives
13 here. After the pollution, crowding and crime of
14 where I came from, I consider this area a paradise.
15 Now this paradise is under threat by huge corporations
16 seeking the riches contained in the Marcellus Shale
17 formation. They're not coming here to enjoy the river
18 or the wildlife or the beauty; they have come for the
19 money. They will take the resources and move on as
20 they have done before in many other areas of this
21 country. While they are here and when they leave,
22 what will be the effects on our environment, the air
23 quality, the water and the wildlife? Can anyone
24 imagine that there will be no impact?

25 Since I do not have the expertise, legal

1 or scientific knowledge, nor authority, I must rely on
2 your Commission to protect this area that I love. I
3 implore your commission to implement the most
4 stringent regulation and in no time mix policy or
5 enforcement, to first protect the environment and the
6 people who live here. Thank you.

7 CHAIR:

8 Before you start, may I call up numbers
9 41 through 50? Come forward, please.

10 MR. MALKIN:

11 My name is Mort Malkin. I'm from Wayne
12 County the last 20 years and I welcome the Commission
13 to Wayne County. I would sooner trust the DRBC way
14 ahead of trusting the gas companies. If the whole
15 process were so safe, why don't the gas companies give
16 up their extension to the Clean Air Act and the Pure
17 Drinking Water Act? Why do you think they need it?
18 They probably do. I'd like to present to you that
19 drilling is ipso facto dangerous. Methane, which is
20 what they're drilling for, petrol gas, not natural any
21 more than coal is natural or oil is natural. Drilling
22 for gas with a high blend, high pressure fracturing
23 that has to go through the aquifer --- aquifer is at
24 400 feet, going down to a mile or more. They have to
25 use chemicals and chemicals are pretty bad and toxic.

1 They have to use them for preventing rust, to
2 lubricate everything, to prevent corrosion, to stiffen
3 the sediment and all these things. Here are a few of
4 the chemicals that they list. There are over 600 or
5 700 of them around the country. There have been many
6 around. Hydrochromium (phonetic), ethylene
7 glycol ---.

8 BUZZER GOES OFF

9 MR. MUSZYNSKI:

10 Thank you, sir.

11 MR. MALKIN:

12 Thank you.

13 CHAIR:

14 Thank you, sir.

15 MS. MARTINEZ:

16 I'm Christine Martinez, San Jose. I'm a
17 home sale homeowner, and don't let the accent fool
18 you, I'm a long, long-time taxpayer. Now, I'm going
19 to tell you a story that's been around for 2,000,
20 3,000 years. It's been around because it's a tale of
21 wisdom and you will recognize it, and I maintain that
22 it speaks to us today just as it has done for 3,000
23 years since it was written.

24 Once upon a time there was a king, a
25 good, wise king and he was in the happy position and

1 having done one of the gods a favor. And god Dionysus
2 said to him, what can I do for you in return? And the
3 king said --- you'll recognize his name, the king
4 said, well, he said, I think it would be rather useful
5 if everything I touched turned to gold. Now, he
6 wasn't a greedy man but he could see what this gold
7 would do for the good of his people. And so this was
8 tremendous, Dionysus said, of course. So he touched a
9 book and it turned to gold and a table turned to gold
10 and a chair turned to gold and all the courtiers were
11 thrilled and it was tiring work and hungry work. And
12 the king thought, oh, I need a bit of sustenance here
13 so he reached for the food bowl and this beautiful
14 wooden bowl turned to gold and he reached for the
15 peach and the peach turned to gold. And the banana
16 turned to gold and somebody quickly brought him some
17 bread from the royal kitchen, lovely fresh-smelling
18 bread and it turned to gold. Well, you can do without
19 food but you can't go without water for very long.
20 And the king needed a glass of water, a glass of water
21 for the king. And they brought him a glass of water
22 and he touched it and it turned to gold. And the king
23 discovered you cannot drink gold. Let me translate
24 that for you in case you got lost. You can't drink
25 gold. And so he had to ask Dionysus to take away the

1 gift.

2 MS. MULRINE:

3 Hi, I'm Andrea Mulrine, I'm president of
4 the League of Women Voter's of Lackawanna County and I
5 thank you for this opportunity to speak on behalf of
6 our members throughout the Commonwealth.

7 We question how you can decide the fate
8 of this majestic resource, the Delaware River Basin,
9 when the evidence is still out? The EPA study is not
10 yet completed. The research on the cumulative and
11 long-term impacts of hydrofracturing remain
12 unfinished. What's the rush? Once you reach the
13 verdict on these regulations, life-altering
14 consequences will ensue.

15 The Pennsylvania Constitution guarantees
16 in Article 1, Section 27 that the people have a right
17 to clean air, pure water and the preservation of
18 natural, scenic, historic and aesthetic values of the
19 environment. Please protect these rights today and
20 for generations yet to come.

21 As a result of our statewide, year-long
22 study, the League developed a position on natural gas
23 extraction from Marcellus Shale. Our position calls
24 for the maximum protection of public health and the
25 environment in all aspects of Marcellus Shale natural

1 gas production, site restoration and delivery to the
2 customer by requiring the use of best practices and
3 promoting comprehensive regulation, communication and
4 adequate staffing across government agencies.

5 The League commends the Commission for
6 seeking broad-based public input through this series
7 of public hearings, but the Draft Regulations are a
8 mere starting point. We know that economic and
9 political influences are being brought to bear on the
10 issue before you.

11 We ask that your deliberations be
12 reflective of public input and the scientific studies
13 yet to be completed. And we ask you to ensure that
14 the process is transparent. Finally, we hope that
15 your decision-making will model good governance that
16 is truly of the people, by the people and for the
17 people. Thank you.

18 MR. MUSZYNSKI:

19 Number 40? Anyone 40? No? Forty-one
20 (41).

21 MR. RORVE:

22 Hello, my name is Tyler Rorve. My family
23 has owned a farm that's theirs since the Civil War.
24 I'm going to Lackawanna College for natural gas
25 technology. I am well aware of the fact that the

1 Marcellus Shale is being developed effectively and
2 responsibly throughout the rest of the state. I would
3 like to be able to have the same right here in Wayne
4 County. I would also like to be able to enjoy to have
5 a real job here that actually affords to pay the
6 bills. I would also like to be able to afford to keep
7 my family's farm, but if we are not able to afford to
8 keep the farm it will more than likely be a ---.

9 Now, just to give you an idea of the fact
10 that we are talking about 500 houses, 500 driveways,
11 500 water bills, oh, yeah, and 500 septic systems.
12 And I don't know about you and I know about a lot of
13 other farmers who are feeling the same way, let us
14 have our wells and preserve our lands. And I also
15 suggest some of these are causing earthquakes, so take
16 a basic geology class. Thank you.

17 MR. COAR:

18 My name is Edward Coar. I'm the planning
19 director here in Wayne County. We can all appreciate
20 the need to protect our water resources. This task is
21 addressed from many different positions by many
22 different governmental agencies.

23 Specifically, the problem I see with the
24 Draft Regulations is the attempt for the DRBC to
25 extend its regulatory reach to areas that should be

1 only under the jurisdiction of local governments and
2 the Pennsylvania DEP. Issues such as setbacks,
3 circulation plans or any other issues specifically not
4 a water quantity issue or a water disposal issue
5 should be left to the states and not regulated by the
6 DRBC.

7 Every citizen, every local government and
8 every state government should be concerned over the
9 precedent that's being set here. This can very well
10 be the beginning of the DRBC assuming the role of a
11 super state that will eventually lead to the DRBC's
12 intervention into more land use issues. It is an
13 overreaching attempt to expand its powers that can
14 lead to countless other issues that heretofore have
15 always been local or state responsibilities. It's a
16 duplication of effort which will eventually lead to an
17 erosion of local governance which should be a concern
18 of everyone, no matter what side of any issue you are
19 on.

20 For example, the issue of well pad
21 locations not being in forested areas is wrong. This
22 precedent-setting provision will eventually allow the
23 DRBC to enter the realm of prohibiting other land uses
24 in forested areas. What will be the next land use
25 that the DRBC will find unfit in forested land or

1 other land use issues that the DRBC would seek to
2 control?

3 I respectfully ask that the DRBC
4 commissioners to remove all provisions of the Draft
5 Regulations that do not specifically address water
6 quantity or water disposal issues. Thank you.

7 MS. MILLESON:

8 Hello and thank you for allowing me to
9 speak. I'm a member and a partner in a marketing farm
10 in Wayne County, Dyberry Township. And I'd like to
11 read a quick quote from Wendell Berry, a writer and
12 historian and farmer. He breaks down our society into
13 two types of people. He concedes the strip miner to
14 be the model exploiter, the model nurturer, the
15 old-fashioned idea of the farmer. The exploiter stole
16 his money, profit. The nurturer stole health, his
17 land's health, his own health, his family's health,
18 his community, his country's. Whereas the exploiter
19 asks what a piece of land --- only how much and how
20 quickly it can be made to produce, the nurturer asked
21 the question that is much more complex and difficult;
22 what is its carrying capacity? That is, how much can
23 be taken from it without diminishing it?

24 I ask you, how much gas can be taken from
25 this area through this process without diminishing the

1 resources that we have, which are clean water and
2 clean air? I believe that the answer is none. But if
3 there is to be some, I would hope that the regulations
4 be stringent and protect the resources that we still
5 have. The draft rules do not restrict the chemicals
6 the drillers can use in their fracking operations.
7 The gas companies still have not released information
8 about what all those chemicals are, so how are we
9 supposed to regulate them if we don't know what they
10 are? I would ask that you wait for a cumulative
11 impact to be made by the EPA that would ensure the
12 quality of our water and the future of our humanity
13 here. Thank you very much.

14 MR. MUSZNSKI:

15 Do we have a 44 or a 45? Forty-four (44)
16 or 45?

17 MR. SVERDUK:

18 Hello, my name is David Sverduk. I'm a
19 landowner in Wayne and Lackawanna County. I'm also a
20 road farmer with the Buffalo Bandwagon. I believe the
21 DRBC proposal is one more example of over-regulation
22 of our natural resources. What will be next?
23 Regulation of land use should never be allowed to be
24 given to the DRBC. Why should farmers lose valuable
25 revenue just because there's a misconception that all

1 gas drilling beneath us is bad? If these regulations
2 that are proposed as far as setbacks from so-called
3 water bodies and percent of slope that are required
4 for building of this school we're in today, it
5 wouldn't have been allowed to be built. The new
6 school being built in Hanover under these proposals
7 could have never been permitted. We cannot allow this
8 proposal to go forward. Thank you.

9 MS. SVERDUK:

10 Hello, I'm Luann Sverduk. I'm from
11 Hanover, Pennsylvania. I'm a third generation on a
12 farm and I'll tell you, life in Wayne County is not a
13 fairy tale nor a fable. It's real life. It's hard
14 work. Farming is a lot of hard work. We do a lot of
15 work and don't make minimum wage compensation for much
16 of the work we do. We do it because we love it.
17 Farmers feed you three times a day but regulations are
18 on our back so heavily that many farmers have left the
19 area, they've moved into other businesses, have gone
20 to other jobs. What's going to happen when the
21 farmers are gone? It will be all big conglomerate
22 farms, okay, where if you --- you don't want those
23 either. You don't like the huge pig farms and the
24 great big beef operations. You like the local ones.
25 Don't drive us out. Don't over-regulate us. The

1 regulations already are so heavy that we can hardly
2 keep up with them. Seven years ago my family was
3 supposed to put in a septic system that took surface
4 drainage into the septic, on the surface of the
5 ground, because that was what the watershed and the
6 EPA at that point required of our farming members.
7 Now that system is obsolete and we're not allowed to
8 use it because it no longer meets the regs. Did we
9 get compensated for putting that in and then taking it
10 out and putting a new one in? No. Regulations are so
11 heavy that you need to stop. You need to back up. If
12 DEP could manage the regulations it already has, then
13 some of these disasters wouldn't have happened
14 already. But DEP is so overwhelmed with what they
15 can't even take care of already. They're not
16 enforcing the regulations on the books already. Don't
17 add more. Thank you.

18 CHAIR:

19 Can we call 51 through 60, please, to
20 come forward?

21 MR. CHRISTIANSON:

22 Hello. My name is Kenny Christianson and
23 I'm the senior lecturer of economics at Binghamton
24 University and also a member of the Lackawaxen River
25 Conservancy. I'm a homeowner and property owner in

1 Brown, Pennsylvania, and my family has been there for
2 six generations now. I've been very concerned and a
3 lot of us are concerned about fracking and working
4 this issue for about four years now. And at first I
5 thought it was like gloom for farmers and gloom for
6 environment, which they got more with natural
7 resources and things like that.

8 The more I studied the problem, the more
9 I realized it was really maybe detrimental, I'm really
10 concerned just about the fact that there's such a high
11 line of work coming out, and as a member of the
12 Lackawaxen Water Conservancy and it's about protecting
13 the quality of the river and the flow of the water and
14 the purity of the water that we have there ---. It's
15 a great sea for trout fishing and we have lots of bald
16 eagles and stuff and just that the economic value of
17 the river itself is really just too much threatened to
18 being lost with. In Pike County, about 51 percent of
19 all our employment comes from tourists. So I hear
20 talk about jobs here. Well, a lot of jobs that could
21 be affected here are tourist jobs, and how many
22 honeymooners are going to spend \$1,000 to come to the
23 Poconos to see gas wells? We have a lot of tourist
24 industry and a lot of people depend on the tourist
25 industry.

1 I'm also very concerned about homeowners,
2 and if we're going to regulate this I really believe
3 that property owners should have protection against
4 the gas companies that are going to be ruining their
5 properties. Just to speak very briefly of things
6 about the regulations. In Section 7.1(a), (c), (d) of
7 the regulations I don't see anything about storage,
8 which is probably only --- it's obviously going to
9 have this. Section 7.3(c), improve by rule process,
10 it's another docket process to bypass the executive
11 director. That doesn't give the director too much
12 discretionary power to be exposed to too much
13 political influence. And finally, Section 7.3(k), you
14 got financial assurances to try to make sure the gas
15 companies will compensate any comprehensive damages.
16 \$125,000 is mostly inadequate in compensation
17 especially if you have a house and it could be much
18 more damage than that, then the \$125 million might be
19 enough to cover two or three properties --- so thank
20 you.

21 BUZZER GOES OFF

22 CHAIR:

23 Thank you.

24 MR. MATOUSHEK:

25 I'm William Matoushek. I reside in

1 Clinton Township. I've been through the good, the
2 bad, the ugly. You got to go for the good of the
3 area, the good of the company, the good of the
4 economy. What my concerns here are addressing you
5 tonight is how the Commission can justify changing the
6 rules of the game in the middle of the game. I
7 witnessed this firsthand nearly three years ago, where
8 here's the rules, here's what you're going by. So
9 you're not overdoing, you're going by the rules. Now
10 all of a sudden, though, this has been changed. You
11 haven't been doing that. It's retroactive, so we're
12 penalized for something that wasn't there yet when
13 they started work, and this is when they drilled at my
14 place. I can look at this for one instant, is the
15 application for fracking and the application was
16 submitted, I guess, by the end of June 1st, part of
17 July. I went to pick up the application the 23rd of
18 July and it was turned down for the reason being you
19 didn't have the amount of water on the application.
20 It wasn't a question. It was what you were using the
21 water for. So I said, oh, that was changed. I think
22 it was the 15th or 16th of July when the meeting was.
23 It was changed that you have to have the amount of
24 water on that. Why didn't they tell me that ahead of
25 time? This is not right. That's one instance and

1 there was several others, though. But play by the
2 rules, absolutely. But you can't change them in the
3 middle of the game. When you see something and you
4 need to change it, get it changed before the next game
5 starts. Thank you.

6 MR. MCDONALD:

7 My name is Jim McDonald. I live in
8 Preston Township for almost 40 years. I'm a landowner
9 and an agribusiness owner who works the Delaware River
10 Basin. I consider myself a professional when it comes
11 to working in the fields and forests of this area. I
12 have a problem with the regulations that I have read.
13 I think the DRBC has with these regulations
14 overstepped its authority. The Commonwealth of
15 Pennsylvania has environmental practices and laws that
16 work. My business is in contact with the Wayne County
17 Soil Conservation District and the best management
18 practices we use can also be used in natural gas
19 exploration. The taxpayers of this county do not need
20 a governmental agency that answers to itself to
21 dictate what happens to our land.

22 There are many points in the regulations
23 I disagree with, too many for my two minutes to cover.
24 A couple that really bother me are, one, the well pads
25 that must not be located on a forest site. Come on,

1 get real. Our forests are growing more timber than
2 ever before. There would be no problem if a developer
3 wanted to clear land for a big box store or construct
4 a housing development. Well pads can be reclaimed
5 back to what they were before drilling occurred. I've
6 been there. I've seen this in other counties.
7 Reclamation is easily done on a well pad. I can't
8 count the number of seedlings I have planted or the
9 tons of grass seed I have sowed over the years.
10 Forested areas can work with drill sites.

11 Another point is the 500-foot setback
12 from a water body or wetlands. My company regularly
13 works near water. We abide strictly to the existing
14 laws and use the best management practices written in
15 our erosion sedimentation plans that I write up for
16 every job. Yes, we must stay out of our wetlands and
17 water supply but some common sense must be applied to
18 this regulation.

19 In closing, the residents of Wayne County
20 are not stupid. The Commonwealth has the necessary
21 laws to oversee gas drilling.

22 MR. MUSZYNSKI:

23 Fifty one (51), 52 or 53 anyone?

24 MR. HELLER:

25 Hello, my name is Douglas Heller. I live

1 in Scranton, Lackawanna County. My primary use of
2 this region is just to recreate on the upper Delaware
3 and the lower Delaware. I'm also a member of the
4 Sierra Club of the northeast group. And first and
5 foremost, I want to thank the DRBC for what it's done
6 but my picture --- my comments here will be more about
7 what I hope to be done further.

8 As I understand it your task is to
9 protect the water supply of those who depend on it and
10 part of that --- and in addition to that, as I
11 understand it, your task is to protect the ecosystem
12 of the Delaware River and the watershed itself. To
13 that end, I would encourage you to, one, require
14 disclosure of the chemicals that are used because, as
15 I understand it, you have to --- one of your things is
16 to be able to measure the treatment of the wastewater.
17 We cannot measure whether or not that wastewater can
18 be treated if we don't know what is that wastewater.
19 So I would encourage --- or encourage you to demand
20 that the chemicals that are being used in the fracking
21 process be disclosed.

22 The second thing I would suggest or
23 encourage is that there be no deviations, no approval
24 by rule as outlined because that's just going to, I
25 fear, be too kind of a quick, un-fully reviewed

1 permit.

2 The third thing I would encourage or hope
3 for would be more hearings at more locations,
4 particularly, you know, all of those areas that depend
5 on the Delaware River for its water supply.

6 Last but not least, it seems to me that
7 the issue we're kind of facing here is that there
8 isn't any lapse of demand for this product. They're
9 going to come for it whether or not it's --- the
10 regulations are stringent or not, or somewhere in the
11 middle. They're going to come. So I would encourage
12 you to do it right, put in strong regulations because
13 they will still come. And if they don't want to come,
14 so be it. The issue is we have public water, public
15 wastewater, private gain. That's a catch 22.

16 CHAIR:

17 Thank you.

18 MS. EVANS:

19 Hi, I'm Mary Evans from Texas Township,
20 Pennsylvania. I am a life-long residential landowner
21 and I plan to live here. I personally myself am very
22 conscious of my environment. To date, I've put up 45
23 pole solar panels and now I am researching biomass for
24 fuel in the reactor and recycling. Gas drilling and
25 clean burning fuel and this, too, can't be drilled

1 carefully with the best management practices in mind.
2 It seems like the geographic layout of the 5,000 feet
3 of small water, waste ponds, landlocked water and
4 wetlands seem to be something I have asked industry.
5 This needs to be fixed with reasonable regulations.
6 Moratory delays and water --- and strict restrictions,
7 et cetera, is an indirect form of imminent domain of
8 our property, is full of selfishness. The gas company
9 needs to take and look at that positive of gas
10 drilling work towards our independent future of our
11 local economy. We want our whole world to be
12 regulated by our state where we are here to pay taxes
13 and to vote. Thank you.

14 CHAIR:

15 Thank you.

16 MR. MUSZYNSKI:

17 Sixty one (61)?

18 CHAIR:

19 Call 61 through 70. Please come forward.

20 MS. OLSEN:

21 Hi, my name is Winifred Olsen and I have
22 a home on the Lackawaxen River in around Pike County
23 on property that has been in my family since 1922.
24 And I just had to say that I also have property
25 rights, the right to enjoy clean air, clean water and

1 the quiet full beauty of the natural rural
2 environment. In enjoying these rights I do not
3 impinge on the enjoyment of these same rights by
4 others and am required to ensure that these rights are
5 protected for everyone. I would like to respectfully
6 request the DRBC to withdraw its Draft Regulations and
7 not to issue new ones until accumulative environmental
8 impacts are successfully completed and the federal EPA
9 study has also been completed. Thank you.

10 MS. LUGACY:

11 My name is Talia Lugacy and I live in
12 Hancock, New York. And I also live in New York City,
13 where I'm a professor in the School of George ---.
14 Tonight we all heard testimony from a woman whose
15 water went black, which I just found out about just
16 now. I guess I'd like to remind us of a couple of
17 things that haven't been mentioned tonight. One is
18 that the Marcellus Shale is radioactive, which doesn't
19 get a lot of play for some reason. You want to
20 understand the economics of the boom bust industry,
21 economic studies, as far as the most thorough analysis
22 that exists. You want to understand the ramifications
23 and of the economics of what we're all proposing here.
24 Benzene is a model of 596 carcinogenic
25 chemicals that are used in this process, that have to

1 be used in this process. This process evidently can't
2 exist without that. I'm not exactly sure where those
3 that can house everybody --- or a lot of people to
4 consider economics on one hand and carcinogenic
5 chemicals and our health on the other hand and
6 actually ask us the question. I can't believe this
7 question is actually being asked. I mean, I guess I'm
8 sort of naïve or optimistic, but I feel that if this
9 is the best that we can do then I think we should all
10 be disappointed with ourselves.

11 I guess I just want to ask the DRBC to do
12 everything that they can to use the most absolutely
13 stringent regulations that you can and to protect
14 these waters and our property. If that's it, please
15 wait for true --- please wait for the EPA. Please do
16 everything you can. Thank you very much.

17 MR. RUTLEDGE:

18 Hi. I'm Dan Rutledge. I reside in
19 Manchester Township. These regulations are absurd.
20 The definition of pollutants, for example, was rock
21 and sand. Rock and sand. This exemplifies the
22 reaching far that this set of regulations represents.
23 It is utterly ridiculous and should be corrected. The
24 regulations have also been sloppily assembled and
25 complicates ---.

1 Now, in addition to problems of the
2 definition of water body, which perhaps is the single
3 most serious problem in these regulations, there are
4 numerous conflicts. As an example, it is suggested on
5 page 26 that well pad approvals can be deferred to the
6 state, which would be good, but this is directly
7 counter to the language of Section 7.5 on page seven
8 which is, if the DRBC can write better than this, why
9 should we suppose it can regulate better than the
10 state? The answer is self-evident. Thank you.

11 MS. KIEFF:

12 Hello, my name is Dorothy Kieff. I live
13 on a Sentry Farm in Brown Township that's been in
14 farming and preservation for about ten years. These
15 DRBC regulations are stretched to the limit in a
16 search for legitimacy. They failed to account for
17 advances in technology that are rapidly reducing the
18 impact of natural gas drilling. The justifications
19 made today for regulations are even less likely to be
20 legitimate five years from now than they are today.

21 The regulations need to anticipate this
22 and allow for the future reductions in the scope of
23 regulations as new advances in technology are made.
24 We should not be handicapped in the future with levels
25 of regulation based on today's technology and impacts.

1 Revisions along this line are needed today. That is
2 to say flexibility is needed now to reduce regulations
3 later if there are no longer circumstances which
4 warrant them.

5 The regulations also make long-term
6 assumptions that are highly questionable. Is it true,
7 for example, that no portion of the water used for gas
8 fracking shall be returned to the aquifer or surface
9 water? That may be true today but will it be the case
10 tomorrow as recycling of the water that's used in the
11 fracking and so on becomes more common and more
12 treatment processes are improved? So we do have to
13 think about the regulations as they are written today
14 and hopefully they will reflect what we need in the
15 future. Thank you.

16 MR. RUSSELL:

17 How are you? My name is Pat Russell.
18 I'm a local businessman. I grew up in this area. I
19 hunt, I trap, I fish, I dive and I swim in the
20 Delaware and Lackawaxen River. I love the area. I've
21 seen the area slowly but surely take a slow death
22 because we have no industry left. In 1980, the year I
23 graduated high school, there was two farms left in
24 Pike County. There are none today. Yes, there's
25 horse farms but no milk farms. Every day you pick up

1 the paper and more and more farms are closing. These
2 farmers in this area need something to stay alive. I
3 do home inspections now. That's great for me, for the
4 second homeowner. What about the guy working at
5 Wal-Mart? What's he making? Nothing.

6 I'm glad that so many people come out of
7 New York City that retire. That's great for them.
8 There's still young people here that want to stay
9 here. There's nothing here to keep them here. I have
10 a 19-year-old that's going to school. One of his best
11 friends is going to college in order to be a welder
12 because he sees the gas industry as a way to stay
13 nearby. I hope to God he gets his dream instead of
14 having to travel away.

15 We're in a predicament right now in this
16 town. Look at the vacant stores. From Hancock to
17 Port Jervis, take a ride through those towns. Look at
18 those vacant stores. There's nothing left. The car
19 dealerships can't stay alive. How is the farmer going
20 to stay alive when we can't even pay him for his milk,
21 but we'll pay \$5 a gallon for gas soon because we're
22 shipping it across the seas from people that want to
23 kill us? So I say, let's keep the money here and
24 let's drill. Let's go for it. Thank you.

25 MR. EISENHAUER:

1 Good evening. I'm Karl Eisenhower,
2 president of Wayne and Pike Farm Bureau. The farming
3 community has a need for natural gas and proceed to
4 ensure the future of our family farmers. The
5 financial assurance requirements in these regulations
6 are unnecessary and redundant and the state
7 regulations are likely to discourage drilling. The
8 financial assurance provisions on page 19 are an
9 exercise in matters that are property and preview of
10 the states and have nothing to do with the corps
11 commission of the DRBC, which imposes no similar
12 requirements on most of other water uses under its
13 jurisdiction.

14 Subsection six on page 20 fails to
15 provide for notice and therefore is a violation of due
16 process rights and must be corrected. The \$125,000
17 per well financial assurance would, on a 1,280 acre,
18 you would pay --- for 12 wells would require \$2.5
19 million of guarantees. That is clearly excessive.
20 Subsection nine on page 21 indicates financial
21 guarantees required by the DRBC would be in addition
22 to state requirements. What possible justification
23 exists for this overkill, especially when the
24 regulations are supposed to defer to the states on
25 most matters? There is none. DRBC guarantees should

1 only apply to items not already covered by the states.
2 Thank you.

3 MS. MASUO:

4 My name is Shirley Masuo. I am the
5 co-founder of Pro-Pike PA. I'm from Shohola,
6 Pennsylvania. Your draft of the natural gas drilling
7 regulations is not found in the proper understanding
8 of accumulated impacts of the drilling of many wells
9 in the Delaware River Basin.

10 In the DRBC mission statement, it states
11 that your mission is to provide comprehensive
12 watershed management and to act as stewards of the
13 basin's water resources, particularly with respect to
14 surface water quality, including both point and
15 non-point sources of pollution. How is that possible
16 without a complete list of the chemical components
17 used in the water fracturing? And why have you not
18 first gone into showing your impact study on the gas
19 drilling in the basin?

20 The DRBC can pretend that this is a state
21 problem but the people of Pennsylvania can clearly see
22 that that is not the case. And I can promise you that
23 we will make sure the governor and you at the DRBC
24 takes their responsibility for doing this process
25 correctly. We need you to know you've done a lot of

1 work to get to this point and we really appreciate it,
2 but we need you to do all of your homework first. We
3 can't do that without knowing the chemical components
4 involved in this process.

5 The DRBC needs to hear from many people
6 on this subject, people who could not make it to these
7 few hearings, especially with the weather as bad as it
8 has been this winter. Please extend the comment
9 period and hold more hearings so that more voices can
10 be heard. Thank you.

11 MS. ZERBE:

12 Good evening. My name is Faith Zerbe,
13 Z-E-R, B as in boy, E as in Edward. I am a biologist
14 at the Delaware Riverkeeper Network and my family
15 actually owns an organic farm in Schuylkill County.
16 Unfortunately, it's not within the special protection
17 waters of the Delaware River Basin so I never tried to
18 be a farmer in that respect.

19 The DRBC has a mandate to do no harm.
20 The proposed regulations are inadequate and rely on
21 weak state protection in many instances that will not
22 protect the special protection waters of the upper
23 Delaware River Basin. The rules do not protect when
24 there is a catastrophic harm from individual wells nor
25 do they address the communal impact of waterfall and

1 well development. There is no method proposed to
2 control the human and environmental toll that natural
3 gas drilling, land homes transformation and water
4 depletion will take on habitat, streams, communities
5 and the river.

6 Furthermore, the proposed regulations
7 were issued prematurely before the EPA studies and the
8 impact statement. We need to wait for the informed
9 science and the studies. We need a lot of offers for
10 the comment period. Now there's some points with the
11 regulations. First, DRBC setbacks are a start and
12 they are a key part to the regulations, but we need to
13 expand those setbacks. All setbacks should be
14 measured from the end of the horizontal well to where
15 the vertical wells were since hydraulic fracturing
16 will introduce contaminates and cause fracturing
17 throughout the horizontal core zone.

18 Scientists have proven clearly in the
19 literature that what we do on the land greatly affects
20 the water. DRBC has all the authority to mandate and
21 for their land practices to do no harm. The drillers
22 clearly don't like this, but special protection waters
23 and other laws make this so.

24 DRBC is also relying on each state's
25 rules. For example, Pennsylvania stormwater rules are

1 an outfit and there's been much pollution happening in
2 Bradford and other areas. DRBC needs their own
3 enforcement officers and their own regulations. Thank
4 you.

5 BUZZER GOES OFF

6 MS. KEHAGIAS:

7 Hello. My name is Teresa Kehagias and I
8 live in Wayne County. And I am a mother and I also am
9 in charge of a home school group for mothers and
10 children combined. I want to thank you for creating
11 this meeting, this opportunity for us. I understand
12 that DRBC is a special agency that is protecting the
13 quality and quantity of water in watershed. I know
14 that all of you most likely have the best intentions
15 in pursuing a career in the DRBC and wish to do the
16 best job, living up to the criteria that the DRBC
17 holds for itself.

18 I understand that the DRBC does not serve
19 to facilitate or impede industry simply to protect the
20 water, our water. You know, I'm happy that I'm in
21 America knowing that the FAA has maintained stringent
22 regulations on the piloting of water and the air
23 quality. After all, I am sure that all of us would
24 agree they would like to feel safe.

25 Well, I have a special document. And it

1 says that every child in Wayne County has received it
2 or a similar one in their school systems and their 4H
3 clubs and wind conservation has done a lot of
4 presentations at all our children's best and it's
5 called Stop that Drop and it's about protecting the
6 watershed. Please do everything you can. We need an
7 environmental impact statement.

8 BUZZER GOES OFF0

9 CHAIR:

10 Thank you very much.

11 MR. MUSZYNKSI:

12 Is 67 out there?

13 MR. SKISLAND:

14 My name is Ken Skisland. I am a
15 landowner in Pike County, Lackawaxen Township. I
16 think I'm somewhat unique in my family's situation in
17 that my whole family lives on our property. We have
18 72 acres. On that property there are three wells. My
19 utmost concern is, of course, safe drinking water. I
20 am in favor of drilling. In spite of that, and I
21 think a lot can be done when a person is approached by
22 a gas company to regulate their own property to see
23 that things are done properly, that there's enough of
24 a distance from the well pad, from the water, that you
25 may have. I've sought that, I've done that.

1 I've also seen the impact of what Pike
2 County and northeastern Pennsylvania can do
3 economically. It's done nothing for my children.
4 They are living at home or on the property. They're
5 all struggling to make ends meet. My wife and I are
6 professionals. We travel to Sussex County, New
7 Jersey, because there's not enough income to be earned
8 in this county. So we have an opportunity here. We
9 have an opportunity to protect our own family, our own
10 property and also to support the local community
11 economically. I am all in favor of that.

12 I'm also in favor of regulating the gas
13 drilling companies to see that that is done in a
14 proper way that does not contaminate our water systems
15 and this watershed. But I do feel that we're hearing
16 from farmers left and right here tonight that are
17 struggling to make ends meet, they're losing their
18 land. And here's an opportunity now to keep this
19 farmland in their family. Thank you.

20 CHAIR:

21 Before the next speaker, may I call
22 numbers 71 through 80 to come forward, please?

23 MR. MUSZYNSKI:

24 We actually just need 71.

25 CHAIR:

1 Just 71?

2 MR. MUSZYNSKI:

3 Just 70 to 73 and then ---. Just if
4 someone in front for 71 ---.

5 CHAIR:

6 Let me stop there then. If anybody else
7 in the audience wishes to speak and didn't sign up,
8 she --- raise your hand. If you could see Shane and
9 he could give you a card to sign up.

10 MR. MUSZYNSKI:

11 We're up to 73.

12 CHAIR:

13 Up to 73. Okay.

14 MR. MUSZYNSKI:

15 Three, okay? Here you go.

16 MS. KOLBOWSKI:

17 Hello. My name is Silvia Kolbowski and
18 my cousin and I are homeowners in Beach Lake in
19 Damascus Township. I am also a board member of a
20 local group called Frack Alert that is opposed to the
21 inadequate and clean issue of the frack regulations
22 which we feel should not have been released before
23 these environmental impact studies have been finished.
24 We represent hundreds of local homeowners, most of
25 which --- all of which, by the way, are interested in

1 revitalizing the area and having jobs come to the area
2 but not at the risk of cancer-producing chemicals in a
3 very dangerous process that is under-regulated by
4 proposed Draft Regulations.

5 Some of the regulations proposed by the
6 DRBC are unbelievably risky and dangerous. Allowing
7 for gas wells to be fracked with water contained 600
8 chemicals, 90 of which have been proven to be
9 carcinogenic within 500 feet from any body of water in
10 the basin. Which means given the gas fracking
11 corporation's record of spillage, accidents, we're
12 definitely headed toward the contamination of bodies
13 of water that supply drinking water for 15 million
14 people. And the damage to our area's tourism economy,
15 which is a major economy in this area, depends on a
16 clean river and that economy stands to be devastated.

17 Although the DRBC has made an effort to
18 find ways to regulate the industry, the greatest
19 vulnerability clearly seems to lie with enforcement.
20 The bottom line corporations, for example, are
21 supposed to enforce the removal and transfer to water
22 treatment facilities of contaminated flowback water
23 and yet these corporations have no financial incentive
24 to regulate themselves. In fact, we know that they
25 are always trying to cut corners.

1 Well, I don't have much time left, but I
2 will say that in the crux of this, most recently the
3 gas companies managed to intimidate ---

4 BUZZER GOES OFF

5 MS. KOLBOSKI:

6 --- both the local township board of
7 supervisors and the local residents by breaking a
8 variety of regulations.

9 MR. MUSZYNSKI:

10 Thank you.

11 MS. MELVIN:

12 My name is Linda Melvin and I'm here on
13 behalf of the Northeast Group of the Pennsylvania
14 Sierra Club and also the people of Benton Township,
15 specifically Baylor's Lake Association. I have
16 prepared a written testimony which I gave them when I
17 came in so I won't read that out to you. But I would
18 like to express to you that you have no real idea of
19 what it's like to face a gas well within a half a mile
20 of your house unless you're living in one of these
21 townships that already have one.

22 My home's on a little lake called
23 Baylor's Lake. It's a glacial lake. We don't allow
24 motors and things that can cause pollution. We all
25 invested tens of thousands of dollars to have our

1 sewers upgraded. And recently a company called
2 Southwest Energy applied to install a well within
3 eight-tenths of a mile of my house and my lake. Well,
4 that in itself wasn't so bad except right in their
5 permit they said they wanted to have discharge from
6 their pad into a tributary of Baylor's Lake. I don't
7 know what they're going to discharge into my lake
8 because they won't tell you. Their permit was devoid
9 of any kind of detail. There was no emergency plan or
10 nothing. So I would ask you if you're going to try to
11 regulate this, don't rely on DEP. They gave them a
12 variance to go into a wetland to drill this well. And
13 this is a preserved farmland, Pennsylvania farmland
14 preservation. Those people have hundreds of thousands
15 of dollars to protect this land for farming and yet
16 they are now trying to cash in on gas on top of it. I
17 find that to be double dipping and it's unacceptable.

18 The EPA is not equipped to enforce oil
19 regulations that they have in place. Current
20 administration has said they're not going to fully
21 fund the DEP so I would ask you, please, if you can,
22 increase your request for reimbursement and --- so we
23 can enforce your own regulations.

24 MS. LEARY-WAGNER:

25 Hello. My name is Judy Wagner. I'm a

1 citizen that likes to drink water free and likes to
2 have healthy children. I'd like to say that in 2005
3 the energy bill loophole created for the gas
4 instruction purpose had an exception that if diesel
5 fuel was to be used, a special permit would be
6 required. It has since been proved that millions upon
7 millions of gallons of diesel was used without no such
8 permit having been obtained. Gas companies cry out
9 that they did not know about that regulation or
10 understand it. My point about that is, if the gas
11 companies cannot be trusted to know the regulations
12 that they're supposed to follow, then certainly we
13 cannot trust them to obey those regulations.

14 Millions of people depend on the drinking
15 water in the Delaware River. To put that many people
16 at risk to companies that cannot be trusted is
17 unacceptable; therefore, in my opinion, only complete
18 moratorium upon gas drilling would be acceptable.

19 We the people are in danger of being left
20 out of corporate greed. If the effort being put into
21 pushing natural gas was applied to wind and solar
22 power, the results would be amazing. I have heard
23 people complain that their rights are being taken away
24 by many of the regulations, but many of the same
25 people favor more schooling which proves that they're

1 hypocrites and would have no problem taking away the
2 rights of individuals as long as it suits their
3 desires.

4 I urge you to protect the people and to
5 protect the watershed and the environment. Human
6 error intends to favor --- failure are inevitable
7 parts of life and the road to hell is paved with good
8 intention. I know many people whose lives have been
9 ruined by gas drilling, and I'm sorry, but I don't
10 wish to have one of them. Please protect us from this
11 harm. It is the nature of water to go where it
12 pleases. Underground springs can carry chemicals
13 anywhere they wish to. Thank you.

14 MR. PUTZI:

15 Hello. How are you today? My name is
16 Steve Putzi. I own a hotel and office building and a
17 vacant manufacturing plant here in Honesdale. I
18 support the natural gas drilling, and quite frankly,
19 then I hope to support a gas drill into my hotel or it
20 would not be open today. I firmly believe we need gas
21 business just to survive. With more favorable
22 regulations in place and the manufacturing plant could
23 provide hundreds of jobs for the town.

24 I'm concerned these regulations will
25 prevent gas drilling in Wayne County. Clearly, the

1 500-foot setback from all water bodies will simply not
2 work in an area like ours where glaciers have created
3 streams and wetlands all over the place. It seems as
4 if these regulations will simply duplicate what the
5 state is already doing very well. I think the DRBC
6 respectfully should be involved, but not as the lead.
7 The state should be the lead. And the DRBC should
8 respectfully follow the state. I ask that you please
9 revise your regulations accordingly. Thank you.

10 MS. MASON:

11 My name is Laurel Mason. I also live in
12 Brown, Pennsylvania in Pike County. And my home is
13 close to where my great-grandparents first arrived in
14 Pennsylvania. I live very close to the Lackawaxen
15 River. I see the eagles every day. And I live right
16 on a small stream. My property runs up and down that
17 small stream.

18 I'm a hospice nurse. I'm also a manager
19 of a local hospice in Pike County. I have headed my
20 client base over the years. Fifteen (15), 16 years
21 I've been a hospice nurse, many people who are
22 suffering from the effects of environmental-induced
23 illnesses, osmosis. My father went to back --- had
24 osmosis from working in shipyards. A fatal lung
25 disease, black lung, from mining. The Gulf War

1 Syndrome. I see people with Agent Orange already
2 dying and they're 60 years old. Cases and cases of
3 people who are dying from smoking, drinking and
4 countless and as yet unknown substances of we have yet
5 to know. They alter and they take our lives.

6 We are clearly aware of the effect of
7 some of these chemicals on our bodies used for
8 fracking, although we don't even know what those
9 chemicals are because they're not telling us.

10 I implore the agency to consider the
11 long-term effect, the 20-year effect. Considering
12 things like when we exploded that first bomb in
13 Nevada. We had no idea what we were doing to the
14 people who lived there. And all of the people who, in
15 the future, my children, my children's children who I
16 understand would benefit, I supposed. But I became a
17 hospice nurse and a nurse so I could live and work in
18 Pike County and that's what I did. All of us could
19 probably take a different path if we were really
20 thinking about it. Thank you so much.

21 MS. KASNUSKI:

22 Good evening. My name is Carolyn
23 Kasnuski (phonetic). I really did not want to speak
24 tonight but I feel like I have a moral obligation to
25 speak out on behalf of clean water. And just to set

1 the record straight, I do care deeply about the
2 farming community and I also care about clean water.

3 I'm not an expert on hydraulic fracking.
4 However, to my best ability, I've been keeping up with
5 the Times Tribune paper and quite honestly, I feel
6 extremely overwhelmed hearing about the facts and
7 details of what hydraulic fracking is composed of.
8 And I think how every citizen has to be made aware of
9 this. This is not a light issue. And we have to have
10 as much knowledge and awareness as the industry has in
11 surveying our land and seeing whether the Marcellus
12 Shale formation exists.

13 Just to make a couple of things come to
14 light, in case some people did not know, all federal
15 oversight eliminated in 2005's Energy Act, including a
16 Clean Air Act, Safe Drinking Water Act, Clean Water
17 Act, Super Fund Law, Resource Conservation and
18 Recovery Act, local land use, noise ordinance, gas
19 drilling, hydraulic fracking, recovering the gas
20 economically feasible where gas industry has enriched
21 residents. Hydraulic fracking, according to some of
22 the reports I've read, uses up to 5.9 million gallons
23 of water, fresh water, in most of the wells they use.
24 Of course they use sand, that sounds familiar, but
25 they also use 20,000 gallons of chemicals a day over,

1 I guess, a four-day, five-day period. You know, I'm
2 sure all my facts aren't totally accurate, but ---
3 thank you.

4 BUZZER GOES OFF

5 MR. WHITMORE:

6 Hi, my name is Jeff Whitmore. I am a
7 pipeline welder, a union pipeline welder. I've been
8 working in Bradford and Susquehanna Counties and
9 around and I would like to say that from what I've
10 seen it is well governed. You know, it's safe. I've
11 been in a lot of little towns and the biggest
12 complaint I've heard is truck traffic. Locals,
13 everybody's happy, they're fixing up buildings and
14 buying new vehicles and farmers are expanding
15 barnyards and getting bigger. It's very good for the
16 economy.

17 I've worked on these drilling well pads
18 and the pipelines and I've been through the wetlands.
19 They're always well marked. We had environmental
20 inspectors to watch everything we do. You get in the
21 wetlands and there's no fuel or anything like that.
22 All the machines we're required to put bibs underneath
23 them to soak up any oil leaks. I've seen them out
24 there checking on the salamanders and relocating away
25 from the wetland areas. DEP is there and they're

1 overlooking everything. I was on the well pad out in
2 --- and one of the tractor cans had a small leak, just
3 a little gasket, and within an hour DEP was there and
4 dug up the dirt around it and they discovered it was
5 safer than drinking iced tea. But it's well governed
6 and they are there and everything is watched. So I
7 encourage anybody with concerns to go out to Troy, go
8 to Bradford County, Wyomissing and just see what's
9 really going on. It's good for everybody. Thank you.

10 MR. KEESLER:

11 My name is Carl Keesler from Equinunk,
12 PA. I'm approximately a quarter mile from the drill
13 site on Teeple Road. I wasn't going to speak tonight
14 but after hearing what I've heard tonight I thought it
15 necessary to do so.

16 A lot of people have no clue what's going
17 on on a drill site because they don't live near it. I
18 have first-hand experience as well. I'm all for
19 economic progress, believe me. I'm self employed. I
20 know what it's like. I look at it as a common-sense
21 issue. When you're pumping chemicals and liquid into
22 the ground, common sense, it's going to stay there,
23 not be pulled back out. They claimed 80 percent it
24 comes back out. That's not possible. It's going to
25 find its way to our wells, to the river, to the

1 streams. It's common sense. It doesn't take a rocket
2 scientist to figure that out. They said concrete will
3 hold itself. Concrete fails. The earth is under
4 natural pressure. It's going to force its way back to
5 the surface. It's not going to follow a tube. It's
6 going to follow the easiest route possible.

7 So I look at this as common sense as
8 health. Health is the main issue. Without our
9 health, money is pointless, absolutely pointless.
10 You're going to need all the money you can use to
11 preserve your health. That to me is nothing. Money
12 is the root of all evil and that's what this issue
13 boils down to.

14 So I really hope that we do have the
15 regulations necessary to preserve our health and
16 hopefully you can take part in that. It may not be
17 all up to you, but if you can take part in that.
18 That's what I would ask for. And I would ask for
19 anybody else to use common sense in this whole issue.
20 We don't have to rush it. Let's take our time and see
21 where it ends up coming. Thank you.

22 MR. MUSZYNSKI:

23 If anyone else would like to come up and
24 provide anything?

25 CHAIR:

1 Well, if no one else wants to testify, we
2 will close the hearing. Is there a last call here?
3 Excuse me? If you have written comments to hand in,
4 you can hand them to Rich Moore or out at the desk out
5 there. Anyone else? With that, we will close the
6 hearing. Have a nice evening. Thank you so much for
7 your time and your interest in this subject.

8 * * * * *

9 HEARING CONCLUDED AT 8:40 P.M.

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

Jolynn C. Purnoske