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4	DELAWARE RIVER BASIN COMMISSION
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6	TRANSCRIPT OF AUDIO-RECORDED COMMISSION HEARING
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10	DECEMBER 8, 2021
11	2:30 P.M.
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14	18 CFR PARTS 410 AND 440 IMPORTATIONS OF WATER
15	INTO AND EXPORTATIONS OF WATER FROM THE DELAWARE
16	RIVER BASIN; DISCHARGES OF WASTEWATER FROM HIGH
17	VOLUME HYDRAULIC FRACTURING AND RELATED ACTIVITIES
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1	APPEARANCES
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3	Hearing Officer: Kristen Bowman Kavanagh
4	
5	Commenters:
6	Jeff Tittel
7	Tracy Carluccio
8	Doug O'Malley
9	Barbara Arrindell
10	Matthew Smith
11	Holly Cox
12	Sharon Furlong
13	Craig Stevens
14	Kathie Westman
15	Sandra Steingraber
16	Sahana Rao
17	Tammy Murphy
18	Eric Benson
19	
20	
21	
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1	MS. BOWMAN KAVANAGH: Good
2	afternoon. My name is Kristen Bowman Kavanagh
3	and on behalf of the Delaware River Basin
4	Commission, welcome to today's public hearing.
5	I am the deputy executive director for the
6	DRBC and I will be serving as the Hearing
7	Officer for this proceeding. As the hearing
8	officer, my primary role is to ensure that we
9	conduct an orderly hearing that allows
10	individuals who wish to do so to provide oral
11	comments and testimony that will become a part
12	of the administrative record for the
13	rulemaking that I will describe shortly. I
14	would like to thank the public for attending.
15	This public hearing is being held remotely and
16	has been advertised as such on the DRBC
17	website via social media and in federal and
18	state register publications. Members of the
19	public may attend the proceedings virtually on
20	either the Zoom Webinar platform or the DRBC
21	YouTube channel. However, those who have
22	registered to speak today may participate only
23	by joining the Zoom Webinar, which is
24	interactive. While these types of meetings
25	and webinars are not new, please allow me to

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1 offer a few announcements and reminders for 2 this public hearing. I will ask for your 3 patience if I have to pause to address any technical or procedural issues related to the 4 5 remote platforms. When you join a Zoom webinar as an attendee, you will not have the 6 7 same meeting features that you may be used to with Zoom, meeting, or other similar remote 8 9 meeting platforms. Specifically, you do not 10 initially have camera or microphone access. 11 If you have registered in advance to speak at 12 today's hearing, your microphone will be 13 enabled when it is your turn to provide 14 comments. The public hearing is also being 15 broadcast for viewing on DRBC's YouTube 16 channel. However, if you register to speak, 17 you must join the Zoom Webinar platform to be 18 able to participate. You will not be able to provide oral comment via the YouTube 19 20 broadcast. You may also participate by phone 21 using one of the numbers provided on a DRBC 22 website. If you have registered to speak, you 23 are encouraged to use your computer connection 24 for both audio and video. In any case, please 25 do not use your phone and computer

1 simultaneously for audio, as this may result 2 in echoes or other interference. Comments provided using a chat feature, if available 3 during the hearing in any platform, will not 4 become part of the administrative record. 5 The procedure and a link for submitting written 6 7 comments on the record are provided on the 8 DRBC website. Only oral comments provided 9 during this or one of the other three hearings 10 and written comments provided according to the procedures on the DRBC website will become 11 12 part of the administrative record. If you are 13 providing oral comments today, it is not 14 necessary for you to also submit written 15 comments, although you certainly may do so. 16 The draft rules that are the subject of this hearing were proposed by the Delaware River 17 Basin Commission to amend the Commission's 18 Water Code, Special Regulations and Water 19 20 Ouality Regulations regarding the importation and exportation of water and wastewater into 21 2.2 and from the Delaware River Basin and the 23 discharge of wastewater from high volume 24 hydraulic fracturing or HVHF. A notice of proposed rulemaking, along with text of the 25

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1 draft rules and supporting documents were 2 posted on the DRBC website on October 28, 2021 3 and have been published in the Federal Register and Basin State registers. 4 Information about the draft rules and the 5 public process will remain available on the 6 7 Commission's website throughout the process. 8 As part of this rulemaking, the Commission is 9 in the process of having the key rulemaking 10 documents translated into Spanish. These 11 include the notice of proposed rulemaking and 12 public hearing and the text of the proposed 13 amendments for each of the three affected 14 components of the Commission's regulations. 15 To request the translation of these documents into a language other than Spanish, you may 16 17 e-mail a request to translate@DRBC.gov. 18 Translation requests will be considered on a 19 case by case basis. In addition, to translate DRBC web pages to any of multiple languages, 20 21 please use the Google translation widget 2.2 located in the upper right of each web page. 23 In accordance with the Commissioners February 24 25th, 2021 Resolution and directive, the Commission is proposing amendments to its 25

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1	comprehensive plan and regulations to better
2	provide for the planning, conservation,
3	utilization, development, management and
4	control of the basin's water resources in
5	connection with the importation of water,
6	including wastewater into the basin, the
7	expectation of water, including wastewater
8	from the basin and the discharge of wastewater
9	from HVHF and HVHF related activities. The
10	Commission proposes to amend the water code by
11	clarifying the circumstances in which
12	exportations of water, including wastewater
13	from the basin and importations of water
14	including wastewater into the basin are
15	considered by the Commission and the factors
16	to be used in evaluating whether such proposed
17	imports and exports of water may be approved.
18	The proposed amendments will not apply to
19	importations and exportations that existed
20	prior to the effective date of any final
21	rules, but are proposed to apply to increases
22	in the rate or volume of existing importations
23	and exportations. The Commission also
24	proposes to amend its special regulations
25	regarding HVHF by the addition of a finding

1 that the discharge of wastewater from HVHF and 2 HVHF related activities poses significant, 3 immediate and long-term risks to the 4 development, conservation, utilization, 5 management and preservation of the basin's water resources and that controlling future 6 7 pollution, by prohibiting such discharge is 8 required to effectuate a comprehensive plan, 9 avoid injury to the waters of the basin as contemplated by the comprehensive plan and 10 11 protect the health and preserve the waters of 12 the basin for uses in accordance with the 13 comprehensive plan. The finding is 14 accompanied by a provision prohibiting the 15 discharge to waters or land of the basin of 16 treated or untreated wastewater from HVHF and HVHF related activities. Copies of the 17 18 proposed rules can be found on the DRBC 19 website. This is one of four public hearings 20 21 scheduled on this matter. In addition to 2.2 accepting oral comments at these public 23 hearings, the Commission is accepting written

24 comments through 5:00 PM Eastern Time on

25 | Friday, February 28, 2022. Written comments

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1	will receive the same consideration as oral
2	comments. Written comments can be submitted
3	online using a link that is posted on the DRBC
4	website. If you do not have access to a
5	computer or the internet and you would like to
6	submit written comments, you may request an
7	exception by writing to the DRBC as follows:
8	Attention: Commission Secretary DRBC, PO Box
9	7360, West Trenton, NJ 08628.
10	Today's proceedings are being recorded
11	and a transcript will be created that will
12	become a part of the decision-making record
13	for the proposed rules. The recordings are
14	being made to enable the DRBC commissioners to
15	see and hear your comments. Even though they
16	cannot attend the hearings and to allow the
17	DRBC staff in consultation with the
18	Commissioners to prepare a detailed comment
19	and response document that addresses the
20	issues and concerns you raise. I will now
21	describe how the hearing will proceed.
22	First, the Commission thanks all of you
23	have registered in advance to speak today.
24	You're doing so has helped the staff to
25	prepare for these proceedings. If you have

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1 not yet registered and wish to speak at a 2 future public hearing on December 15th of 3 2021, please do so using the link on DRBC's website. Registrations for the two hearings 4 5 on that day will be accepted until 5:00 PM Eastern Time on December 14th, 2021. 6 When I 7 call your name from the list of registered 8 speakers, we will attempt to find your name in 9 the list of Zoom webinar attendees. If we 10 cannot find you quickly, you can help out by 11 using the raised hand feature, which is 12 typically located at -- located at the center 13 bottom of the screen. If you are using a 14 phone to call into the hearing, we may only be 15 seeing a phone number rather than a name. Ιf we call your name, press star 9 to raise your 16 17 hand. You may need to unmute on your end of 18 the connection as well and you can test the 19 audio before beginning. You should plan on 20 limiting your comments to about three minutes. 21 Once you exceed the permitted time, the timer 22 screen will turn red and I will likely ask you 23 to wrap up your comments. Please remember, 24 you will have the opportunity to follow up in 25 writing, if you wish. Speakers are asked to

1	state their name and affiliation if any, and
2	to direct all comments to the hearing officer.
3	Please offer your comments in a respectful
4	manner. As the hearing officer, I reserve the
5	right to decide if your presentation is not
6	consistent with the purpose of this hearing
7	and as such, I can end your ability to provide
8	comments at anytime with or without warning,
9	depending upon the circumstances. If as a
10	part of your comment you ask a question,
11	please do not expect a response during the
12	hearing. Questions and comments will be
13	addressed as part of the comment and response
14	document that will be prepared by the
15	Commission after the document pardon me.
16	After the comment period has closed. A list
17	of frequently asked questions concerning this
18	rulemaking has been posted on the DRBC website
19	as well.
20	This hearing will end once all the

This hearing will end once all the speakers who have registered in advance have had the opportunity to provide comments. Again, if you have not registered and would like to speak at a future hearing on December 15th of 2021, please register using the link

1 provided on the DRBC website. 2 What happens next? After all, public input is received, the DRBC staff and 3 commissioners will develop a comment and 4 5 response document that addresses the concerns raised during the public process. 6 The 7 Commissioners will consider changes to the 8 proposed rule in response to the comments 9 received and will either act at a public 10 meeting to approve the rules as proposed, 11 approve the rules with changes or reject the 12 proposed rules. Alternatively, the 13 Commissioners may commence a separate 14 rulemaking to consider substantially different 15 rule changes. The decision makers on this and 16 all rulemakings by the Commission are the 17 Commissioners themselves who may act through 18 their appointed alternates. The Commissioners 19 are the governors of the four basin states, 20 Delaware, New Jersey, New York and 21 Pennsylvania, and on behalf of the federal 2.2 government, the division commander of the 23 North Atlantic Division of the US Army Corps 24 of Engineers. 25 I will now share my screen to show the

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1	three minute countdown timer and proceed to
2	invite those who have registered in advance to
3	provide their comments. It will be just a
4	moment while I take care of this.
5	Our first speaker at this public hearing
6	will be Jeff Tittel and following Jeff will be
7	Tracy Carluccio. I will try to remember to
8	give a heads-up to the next several speakers.
9	I will also note for the record that we
10	currently have 39 participants on this Zoom
11	webinar. As well as, I believe one
12	participant on the streaming YouTube channel.
13	So Jeff, thank you very much for raising
14	your hand. I appreciate that. I will allow
15	you to talk and please remember to introduce
16	yourself and your affiliation, if any, and I
17	will start the timer after you do a sound
18	check.
19	MR. TITTEL: Hi, it's Jeff
20	Tittel.
21	MS. BOWMAN KAVANAGH: Great. I
22	can hear you just fine.
23	MR. TITTEL: Okay. Thanks. I'm
24	here today to say that it was a great movement
25	forward in banning fracking in the basin.

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1 However, the work is not done if we allow for 2 the importation of fracking waste to be 3 processed or fracking waste to be stored or to 4 be -- to go into systems that evaporated or 5 reuse it, we have not done the job we have needed to do to protect the basin, and that's 6 7 why we're here today. When we read the 8 definitions and you look at the rules, the 9 importation of fracking waste into the basin, 10 even though you can't directly discharge it, it could still have tremendous impacts when it 11 12 comes to the environment and public health in 13 the basin. One, through trucking it in or 14 bringing it in by rail, the chance of accident 15 or spill. Facilities like storage tanks that, 16 you know, could leak. Process of trying to clean it and ship it back out, which could 17 18 happen. The chances of a spill or an accident in one of those facilities. We've had in the 19 basins places like the Elkhorn Thermal 20 21 oxidation project that was stopped in Falls 22 Township. That could come back and that would 23 put it up into the air or synagro where they were going to do thermal drying or just waste 24 25 water type of evaporation systems, and the

1 concern we have is that once things go up into 2 the air, they come back down. It's called air 3 deposition and then it ends up on the land. It ends up in the air and running off some 4 storm water into our streams or soaking into 5 the land and getting into the aquifer, ad so 6 7 this is playing Russian roulette with wastewater that we don't need to do. Another 8 9 concern we have is that there's a whole 10 concept of using it for cooling from a power 11 plant or for a factory or mill or refinery, 12 and, again, you would get something called 13 chemical drift where the water evaporates. 14 Goes up in the air and then comes back down, 15 you know, with an inversion or again and then 16 runs off into the land, and then the other concern we have, it could be used in 17 18 industrial processes like mixing cement or making bricks or other things. So we don't 19 20 believe that we should allow this to come into 21 the basin. We said no to ban fracking waste 2.2 in the basin and this is not banning. This is 23 not banning fracking waste. This is a 24 loophole big enough to drive trucks or even water of a wastewater pipeline through. 25 We

1	need to make sure that we protect this basin
2	from fracking, all forms, whether it's taking
3	water out of the basin for fracking or
4	bringing in wastewater, it's a witches brew of
5	chemicals. It's unregulated, you know, it's
6	exempted from REPRA and, therefore, it could
7	be a disaster waiting to happen. Please do
8	not allow this to happen in our basin and we
9	are urging you to finish your job. You said
10	no wastewater in the basin. This means no
11	wastewater we shouldn't be allowed to
12	discharge it, but we shouldn't be allowed to
13	reuse it either. Well, all I can say to the
14	DRBC is what part of no don't you get? The
15	Delaware River Basin the DRBC should stand
16	for Don't Ruin the Basin Commission. Stop
17	this stupidity. Thank you.
18	MS. BOWMAN KAVANAGH: Pardon me.
19	I think I was talking to myself for a moment
20	there. My apologies. Thank you for your
21	comments. Our next commenter is Tracy
22	Carluccio, followed by Eric Benson and Doug
23	O'Malley. Tracy, I saw that you're here.
24	Give me a moment to find you again and reset
25	the clock. I will now allow you to speak,

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1	Tracy, if you want to go ahead and do a sound
2	check.
3	MS. CARLUCCIO: Can you hear me,
4	Kristen?
5	MS. BOWMAN KAVANAGH: I can.
6	Thank you.
7	MS. CARLUCCIO: Thank you.
8	Tracy Carluccio, deputy director of Delaware
9	Riverkeeper Network. The draft regulations
10	proposed to prohibit the discharge of fracking
11	wastewater to water or land, which is a
12	crucial protection we need, but the
13	regulations do not prohibit the import of
14	wastewater produced by fracking, which will
15	green light fracking related projects that
16	don't strictly discharge to water or land, and
17	that's a huge loophole. That would allow
18	fracking wastewater to enter the watershed and
19	cause pollution through other means of
20	release. These other means include, but are
21	not limited to, wastewater processing,
22	employing evaporation, thermal oxidation, and
23	other so-called zero discharge treatment
24	methods that would release emissions, but
25	don't discharge directly to water or land.

1	There was also no proposed prohibition on the
2	reuse of this waste water for cooling water
3	and manufacturing or by utilities or
4	constructions such as cement making, nor on
5	fracking wastewater storage. These activities
6	will deliver fracking pollution through air
7	emissions that deposit on water, soil,
8	vegetation, fish, and aquatic life. This air
9	pathway of pollution will cause the toxic and
10	radioactive properties of fracking wastewater
11	to pollute the Delaware River watershed and
12	our communities and in addition to air
13	deposition, any operation that treats uses,
14	stores or transfers fracking wastewater, can
15	release indirect storm water pollution and
16	also cause groundwater contamination. The
17	required transportation of this waste into and
18	around the watershed, whether over land, on
19	water or by pipeline exposes the watershed
20	environment and communities to the spills and
21	accidents that gravely endanger water quality,
22	habitats and human and nonhuman communities.
23	There's no way around the affect of these
24	proposed regulations. The proposed ban on
25	discharge to water or land is an absolute

1	necessity that Delaware Riverkeeper Network
2	fully supports. However, the ways that
3	fracking wastewater will inevitably pollute
4	our watershed because they have entered
5	through loopholes have the power to destroy
6	the qualities the Commission seeks to protect
7	through its discharge ban. These draft
8	regulations will undo clean water and healthy
9	community goals and deprive the public,
10	including future generations of what we need.
11	The Delaware Riverkeeper Network's mission is
12	to defend the Delaware from just this kind of
13	threat. We oppose the regulations the
14	Commission has proposed. The most
15	environmentally effective and economically
16	sound regulatory action is to fully and
17	categorically ban the export of water from the
18	watershed for fracking, which would induce
19	more destruction and human health harm by
20	fracking elsewhere and ban the import of
21	fracking wastewater so that the processing,
22	storage, use, reuse and transfer of wastewater
23	produced by all fracking activities will be
24	prohibited preventing pollution. Thank you.
25	MS. BOWMAN KAVANAGH: Thank you

1	for your comments. Next on the list of
2	registered speakers is Eric Benson. I don't
3	see you. If you are here and I'm just not
4	seeing you, kindly use the raise hand feature
5	in the bottom center of your screen. I'll
6	give you a moment to do that if you are here.
7	Next stop after Eric will be Doug O'Malley and
8	then Barbara Arrindell and then Matthew Smith.
9	I don't believe Eric Benson is with us, so I
10	will move on to Doug O'Malley.
11	Doug, I will allow you to talk if you
12	want to do a sound check and then introduce
13	yourself by name and affiliation, if any,
14	while I reset the clock. Thank you.
15	MR. O'MALLEY: Super. Can you
16	can you hear me?
17	MS. BOWMAN KAVANAGH: I can.
18	That's great. Here you go.
19	MR. O'MALLEY: Okay. Super. So
20	let me just start off by saying my name is
21	Doug O'Malley, director of Environment New
22	Jersey. We're here because, you know, this
23	should be the moment that we're having the
24	biggest victory since blocking the Tocks
25	Island Dam. This morning Director Tambini

1 discussed that victory as this is the 60th 2 anniversary of DRBC. The problem, of course, is that, you know, in February, the news of 3 the permanent ban on fracking was also coupled 4 5 with these promised regulations and, unfortunately, these regulations do not go far 6 7 enough because after 10 years of de facto moratorium on not just drilling, but really 8 9 any fracking related activities in the 10 watershed, these regulations open up -- open 11 up the door to the fracking industry to walk 12 right in to the Delaware River watershed and 13 to engage in fracking related activities and 14 that obviously is not what the public called More than 100,000 members of the public 15 for. 16 weighed in on this process more than three years ago calling for a full ban, and the 17 18 proposed draft regulations in late October, of course, do ban the discharge of wastewater 19 produced by fracking, but not the import of 20 21 this toxic wastewater into our watershed, and, 22 ultimately, this wastewater is the Achilles 23 heel of the industry. There's no good way to dispose of this toxic brew of chemicals and 24 the industry's initial solution of waste pits 25

1 has now evolved into the involved previously 2 into direct discharge from wastewater treatment facilities, then to discharge into 3 deicing fluids and even the direct injection 4 5 into underground and that's created a fracking injection well wasteland in southeastern Ohio. 6 7 To state the obvious, it's a lot closer to the 8 Delaware River watershed if you're in the 9 Susquehanna than it is your truck wastewater 10 to Ohio and the pressure is on because the 11 industry is looking for places to dump its 12 wastewater. We've seen a, you know, 13 increasing volumes of wastewater produced by 14 each fracking well. Up to 3,000,000 gallons 15 of wastewater are produced per well and that's 16 increasing the volumes up to four times even 17 just a few years ago. So we have a glut of wastewater in the region. We have the 18 19 industry I in the Delaware River Basin and 20 these draft regulations as opposed to, you 21 know, closing the door, open it because, 22 again, the regulations allow wastewater 23 produced by fracking to be imported into the 24 watershed and the discharges is prohibited, 25 but there are other ways around this. The

1 wastewater could obviously be repurposed into 2 a euphemism of beneficial reuse. These 3 loopholes need to be closed in the draft 4 regulations. There needs to be an outright 5 ban on all fracking related activities, as well as the export of water outside of the 6 7 watershed. There is currently a gaping hole 8 in these regulations that need to be closed 9 and we strongly urge the DRBC to finish the 10 job and to make sure that there's an outright ban on all fracking activities, including 11 12 wastewater in the watershed. Thank you. 13 MS. BOWMAN KAVANAGH: Thank you 14 for your comments. The next registered 15 speaker is Barbara Arrindell, following 16 William Matthew Smith, Rachel Davis and then 17 Sally Gehlert. Thank you for raising your 18 hand, Barbara. I will now allow you to talk, 19 kindly do a sound check while I reset the 20 timer. 21 Can you hear me? MS. ARRINDELL: 2.2 MS. BOWMAN KAVANAGH: I can. 23 Thank you very much. 24 MS. ARRINDELL: Okay. Good. Barbara Arrindell, director of Damascus 25

1 Citizens for Sustainability. About the 2 hazards related to storage of wastewater produced by fracking, which may be allowed by 3 the DRBC's draft regulations and which can 4 5 deeply harm the Delaware Basin. Written comments will follow. There are definitions 6 7 in the draft regulations. Disposal is 8 defined, but import is not. Disposal is also 9 specifically prohibited. Import is allowed. 10 The gas and oil industry has known about the toxicity and cancer causing effects of the 11 12 waste for many decades. A 1950 Shell 13 development company paper titled Certain 14 Problems of Environmental Contaminants in the 15 Petroleum Industry is very thorough and damning, but the industry ignored the warning, 16 17 both in relation to workers, communities and 18 downstream. We are now understanding even 19 more fully how toxic this waste is. The 20 injected chemicals in the fracking fluids and 21 released materials from the formation layers 2.2 include, among much more, toxic surfactants 23 and biocides, heavy metals, and high 24 radioactivity. In the early 1970s, many 25 protective environmental laws were passed,

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1 then the oil and gas industry immediately 2 dived in. By the early 1980s has gotten its 3 waste removed from the requirement to be tracked, cradle to grave and disposed of 4 5 properly by relabeling its waste "special." Unfortunately, this is still in effect today. 6 7 More exemptions to careful oversight were 8 added in the Cheney Bush 2005 Energy Policy 9 Act. Additionally, it is important to point 10 out that without DRBC banning the import of 11 this waste to the Delaware Basin, the 12 regulation of storage facilities lies with the 13 In Pennsylvania general permit states. 14 WMGR123 issued this year with an expiration 15 date of 2031 allows storage that they called temporary, but can be for years and even for 16 17 the length of the permit. Unless storage of 18 the waste is banned by banning its import to the Delaware Basin, the tanks it has put in 19 20 will corrode and leak. The surface 21 impoundments lined with plastic will leak. 22 The trucks or pipes bringing in the waste will 23 leak. Spill be deliberately dumped, all 24 causing lasting contamination. No entity will be monitoring emissions either. The chemicals 25

1 and radiation in the waste and health effects 2 known even in 1950, are being proposed to be 3 imported, transferred, processed. Will 4 communities have control or say about 5 facilities? Remember, the DRBC does not have any enforcement capabilities and these 6 7 materials have been shown to be persistent in 8 the environment capable of causing harm over a 9 long time. There is no earthly reason to import poisons into the Delaware Basin just to 10 11 make a convenient industry disposal area for 12 their waste. It is the DRBC's responsibility 13 to safeguard the watersheds irreplaceable 14 water and the only way to do this is to 15 completely ban the imported waste. Thank you. 16 MS. BOWMAN KAVANAGH: Thank you 17 for your comments. Our next commenter will be 18 Matthew Smith. Following Matthew will be 19 Rachel Davis, Sally Gehlert and then Edith 20 Kantrowitz. 21 Matthew, I will allow you to talk. You 22 may have to unmute on your end if you want 23 into a sound check. 24 MR. SMITH: Can you hear me? 25 MS. BOWMAN KAVANAGH: I can.

1	Thank you. Go ahead. Thank you.
2	MR. SMITH: Thank you, and yeah,
3	to start, my name is Matt Smith. I'm the New
4	Jersey director for Food and Water Watch
5	speaking on behalf of our 73,000 members and
6	supporters, many of whom live in and rely on
7	the Delaware watershed and Delaware Basin for
8	clean drinking water.
9	It's very clear that the proposed
10	regulations are incomplete and unacceptable
11	and that only a complete ban to eliminate any
12	loopholes that would allow for fracking waste
13	to be brought in and stored in the watershed
14	or water to be withdrawn from the watershed
15	for fracking operations would only spell
16	disaster for this irreplaceable source of
17	drinking water for millions in the region.
18	Fracking fluid injections, as we know, are
19	exempt from the rules of the Safe Drinking
20	Water Act and companies can withhold the
21	identity of chemicals used to frack a well
22	because they are trade secrets. Of the known
23	chemicals, 14 are known or possible human
24	carcinogens and many are linked to
25	developmental health and reproductive

1 problems. In addition to the original fluids 2 that are pumped underground, drilling and fracking brings naturally occurring 3 contaminants like brines and radioactive 4 5 material from underground to the surface inn the produced wastewater and the precise 6 7 constituents of the wastewater vary depending on the geology of the extraction site, but it 8 9 can contain salts, chlorides, bromides and 10 sulfides, as well as barium, manganese, iron 11 and strontium, oil, grease and dissolved 12 organics like benzene and toluene and 13 radioactive material, in particular radium 14 226. These chemicals can cause cancer, 15 disrupt the endocrine system, affect the 16 nervous, immune and cardiovascular systems, 17 and defense sensory organisms and the respiratory system. There are simply no safe 18 19 ways to store or dispose or manage fracking In California, as you know, was 20 wastewater. 21 alluded to a previous speaker where the 2.2 industry is starved for new ways to dispose of 23 its toxic waste, they're actually injecting 24 oil wastewater directly into aquifers. In 25 Pennsylvania sewage treatment plants that are

1 supposed to treat local municipal wastewater 2 have been used to treat fracking waste and 3 they have been ineffective and heavy metals, 4 radionuclides, salts and other fracking waste 5 contaminants have passed through the process. The salt from wastewater has also been used 6 7 for deicing wintry roads. None of these 8 so-called solutions for fracking waste are 9 acceptable, particularly not in the sensitive 10 Delaware watershed. It is why I'm echoing the 11 comments of all my previous -- all my colleagues who spoke before me and on behalf 12 13 of our members in the watershed and who rely 14 on the watershed that the DRBC fix these 15 regulations to eliminate loopholes and 16 completely ban all forms of transport, storage 17 and disposal of fracking waste, as well as all water withdrawals from the Delaware for 18 19 fracking operations. 20 MS. BOWMAN KAVANAGH: Thank you 21 for your comments. Our next three speakers

22 are Rachel Davis, Sally Gehlert and Edith 23 Kantrowitz. I don't see any of these three on 24 the list of attendees. If you are present and 25 I'm just overseeing -- overlooking your name,

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1	kindly raise your hand. That feature should
2	be on the bottom middle of your screen. I'll
3	give you a second. If I don't see a raised
4	hand, I will move on and at the end of all the
5	registered speakers, I'll come back to pick up
6	anyone who was not present before, so next
7	I don't see anyone raising their hand. So
8	next will be Holly Cox. I do believe I saw
9	Holly here. Holly, I will now allow you to
10	talk. Kindly do a sound check and then you
11	may start.
12	MS. COX: Great. Can you hear
13	me?
14	MS. BOWMAN KAVANAGH: I can.
15	Thank you.
16	MS. COX: Fantastic. Hi.
17	Thanks for these public comment sessions. My
18	name is Holly Cox from New Jersey. I got
19	involved in speaking out for the environment
20	in 2017 when I learned of the United Nations
21	report stating we had 12 years to lower our
22	emissions to keep our planet habitable. At
23	this point in my life, I know how fast a
24	decade can go by and I was horrified at the
25	lack of government action by world leaders.

1 Four years later shockingly, nothing 2 substantial has changed and now we have less than 10 years to make drastic changes if we 3 4 want to keep our earth habitable. We're in a 5 climate emergency now. Evidence is all around us that we need to transition off fossil 6 7 fuels, global emissions, heat waves and heat 8 domes, arctic ice melting, out of control, 9 wildfires, stronger, super storms, like Sandy 10 and Ida, leading to catastrophic flooding and billions of dollars worth of damage. Category 11 12 four Hurricane Laura, which recently 13 devastated Louisiana was made even worse by 14 the fossil fuel plants located there, which 15 caught fire, leaked chemicals and spewed dark 16 smoke. Deforestation causing parts of the 17 Amazon to now be net producers of carbon 18 dioxide, not absorbers, ocean acidification, plastic pollution, habitat destruction, bird, 19 20 insect and bee populations rapidly declining, 21 endangered species at an all time high, 22 biodiversity loss occurring on a massive 23 scale. We have lost 68% of wildlife since the 1970s. Scientists agree the fossil fuels are 24 25 killing our planet causing it to irreversibly

1	warm and leading to the sixth mass extinction.
2	Our planet is on the brink of irreversible
3	tipping points. It is against this background
4	that I come to urge you, DRBC, can stand up
5	and not allow your fracking ban to be
6	undermined by loopholes that allow the import
7	of fracking's toxic and radioactive wastewater
8	into the Delaware River watershed where it
9	could be released into the air directly or
10	into the environment indirectly.
11	As currently drafted, the regulations
12	do not prohibit frack wastewater, processing,
13	storage or disposal, thus allowing wastewater
14	produced by fracking to be transported,
15	imported and handled in the Delaware River
16	Basin. This leaves a gaping hole in your
17	regulations and undermines the intent of your
18	February vote banning fracking. Please revise
19	your regulations so wastewater produced by
20	fracking is completely and categorically
21	banned. This means a complete ban on the
22	import, processing, discharge, reused in, or
23	disposal of wastewater produced by fracking.
24	Fracking damages the public health and the
25	environment and also increases the emissions

1 of the powerful greenhouse gas methane. DRBC 2 should not be taking action that props up the 3 drilling industry and increases greenhouse gas 4 emissions, especially at a time when 5 scientists and global leaders are warning that we must reduce our greenhouse gases by 50% by 6 7 2030 to fight the climate crisis. We need 8 leaders to stand up and refuse to enable 9 fracking polluters and their hazardous waste 10 products. Leaders who are willing to do the 11 hard work to say no to fossil fuel polluters 12 and lead us in transitioning to clean energy 13 and keep our planet habitable. I call on you, 14 DRBC, to take action to protect the Delaware 15 River Basin, which I believe is your job, 16 against the dangerous and toxic effects of 17 fracking and on a larger scale to take action 18 to keep our planet habitable. Thank you very 19 much. 20 MS. BOWMAN KAVANAGH: Thank you 21 for your comments. Our next speaker is Sharon

for your comments. Our next speaker is Sharon Furlong. Sharon, I do see your name in two instances. Oh, maybe just one. Oh, great. You raised your hand. That helps me know which one to pick. Thank you. So Sharon, I

1	will allow you to talk and you can do a sound
2	check while I reset the timer.
3	MS. FURLONG: Sharon ut-oh.
4	There's a second one over here.
5	MS. BOWMAN KAVANAGH: If you
6	turn that off, that echo should go away. I'll
7	give a moment for you to see if you can adjust
8	that. It looked like you were logged in
9	twice, Sharon, so if you log out of the other
10	device and go back to the one you were just
11	attempting to speak on, that will work or if I
12	don't hear from you in a few seconds, I will
13	try your other entry in terms of allowing you
14	to speak. Okay, so Sharon, what I'm going to
15	do is remove permission to talk from that
16	log-in and I will try it through your other
17	entry if I can tell the difference between the
18	two. Sorry. Thank you all for your patience.
19	The names are jumping around a little bit
20	here. Sharon, I'm going to try what I think
21	is your other entry to allow you to talk. Do
22	you want to try again?
23	MS. FURLONG: How's this? I
24	closed the other one off. I don't know.
25	MS. BOWMAN KAVANAGH: It's still

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1	echoey.
2	MS. FURLONG: Yeah.
3	MS. BOWMAN KAVANAGH: What I'd
4	like to do is continue on so you have some
5	time to see if you can fix this on your end.
6	It could require that you completely log out
7	and come back in. I will come back to you as
8	long as I see your name on the list.
9	MS. FURLONG: Okay. All right.
10	MS. BOWMAN KAVANAGH: So after
11	Sharon we have Craig Stevens and then Richard
12	Cole and then Kathie Westman. I believe I saw
13	Craig Stevens here. Oh, thank you for raising
14	your hand. I will now allow you to talk. How
15	about a sound check and then I'll start the
16	timer.
17	MR. STEVENS: Hi, Kristen. Is
18	that okay? And do we have video or just
19	audio?
20	MS. BOWMAN KAVANAGH: Just
21	audio. Thank you. Yes, and I can hear you
22	just fine.
23	MR. STEVENS: Great, thank you
24	very much. Craig Stevens, sixth generation
25	landowner, Silver Lake Township, Pennsylvania.

1 I started Patriots From the Oil and Gas Shales 2 10 years ago watching what was going on. Ι live 15 miles from Dimock, Pennsylvania. 3 Ι can't show you the contaminated water that 4 5 we've had for years from fracking here since They've destroyed water tables. 6 2007. The 7 Attorney General of Pennsylvania actually filed nine felonies and six misdemeanors 8 9 against Cabot Oil and Gas for poisoning entire 10 community's water. Why am I bringing that up? Because you frack you have flow back, which is 11 12 highly radioactive and poisonous. Matter of 13 fact, when they drill for gas, they look for 14 the most radioactive part of the ground to 15 drill into to get the gas, so we'd like DRBC 16 not to stand for Don't Ruin Big Corporations. 17 We'd like them to stand for Do Right By the Citizens. We've caught companies here trying 18 to get rid of this waste by opening manhole 19 covers, dumping multi truckloads at 5,000 20 21 gallons each into sewer systems that actually 22 kill the sewer plants. I know the director of 23 our local sewer plant and they found that out. 24 That's how they were doing it. There are -- a lot of states are not allowing the waste to be 25
1 hauled anywhere anymore. Used to go out to 2 New Mexico and other places. They're trying 3 to do injection wells in Pennsylvania. We have very few of them. They're trying to add 4 5 dozens. We're refusing to allow them to inject this into the ground. Our focus is 6 7 keep it clean. The Susquehanna River has been 8 poisoned for the last 14 years that fracking 9 and its extraction has been going on here. That provides half the water to the Chesapeake 10 Bay. Please DRBC, learn from what's happening 11 12 in the Susquehanna River Basin, which has been 13 allowed to be destroyed by this industry. No 14 withdrawals of water. They do that even 15 during droughts here. No transportation. 16 Nothing they do works right. When they tried 17 to put a pipeline in my backyard, they blew up 18 the creek eight times. The mud trucks drove 19 away, flipped over, killed my neighbor. 20 Compressed natural gas trucks, which comes 21 from this same thing. They've had eight 22 crashes, three drivers have died. We're not 23 interested in the Delaware River Basin. Thev 24 need to learn from us. We're not very far from you. I live about 90 minutes drive from 25

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37

1	the DRBC from the Delaware River and beautiful
2	Callicoon and other areas. 17 million people
3	live downstream that require water. This
4	slurry that comes out when they drill is so
5	poison and toxic that it could very easily
6	poison the water for everybody downstream very
7	easily with one large spill. It could turn
8	off the intakes for Philadelphia, Newark, NJ
9	and other areas, NYC. Please learn from us.
10	If you need to, come and see what's happening
11	here in Northeastern Pennsylvania. I've been
12	giving tours for 10 years now. That's why
13	they didn't frack in New York. They came and
14	saw what's happening in Pennsylvania.
15	So DRBC, from a sixth generation
16	landowner in Pennsylvania, we basically beg
17	you not to let anything happen in your area
18	that could cause the beautiful Delaware River
19	to be spoiled. Thank you very much for the
20	time.
21	MS. BOWMAN KAVANAGH: Thank you
22	for your comments. Our next speaker is
23	Richard Cole, followed by Kathie Westman and

25 Richard Cole, but I will check one more time

Sandra Steingraber. I don't believe I saw

24

1	and if I am just missing your name on the
2	list, kindly raise your hand. Seeing no hand
3	raised, I will proceed to Kathie Westman.
4	Well, thank you Kathie. I will allow you to
5	talk. Go ahead and do a sound check while I
6	reset the timer.
7	MS. WESTMAN: My name is Kathie
8	Westman from Gibsonia, PA 15044. I am
9	speaking today as a concerned citizen, person
10	of faith and registered nurse. I am appalled
11	that knowing the many negative health and
12	environmental effects of fracking, we are
13	still having these discussions and hearings.
14	Two points I would like to stress. One is
15	that there is no safe disposal of fracking
16	waste. We know Marcellus Shale is highly
17	radioactive. The half life is 1,600 years.
18	Plus the liquid waste contain different
19	carcinogens, endocrine disrupting chemicals,
20	heavy metals, poisonous hydrocarbons, and
21	extremely salt high salt content. Just
22	because they say it isn't hazardous doesn't
23	make it so. Calling it special is
24	greenwashing of the harmful chemicals it
25	contains. Transportation into the watershed

for processing, storage, reuse, or other
 purposes through release of dangerous fracking
 wastewater pollution. Commissioners, please
 do not allow this to happen.

5 My second point is the protection of our blessing of the water in our Delaware 6 7 River. Do not foolishly give it away. Most 8 of the water used at a minimum of five to 10 9 million gallons per well is never recovered 10 and so-called super wells used in Marcellus Shale have used between 10 to 20 million 11 12 The relatively small amount of water gallons. 13 that does come back is contaminated. Now a 14 hazardous chemical weight -- - of waste 15 products that can never be completely cleansed 16 of contamination, and for what? I believe this use of precious resource of water is 17 18 morally wrong. Down the road this use, if 19 approved, will certainly be judged by future 20 generations as a selfish decision to benefit 21 industry, not people. I trust as you listen 2.2 to the variety of testimony at these hearings, 23 you will recognize there is only one response needed to these dangerous considerations 24 25 before you. That is to protect the water and

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1	the citizens and say no to these proposals.
2	Thank you for your time.
3	MS. BOWMAN KAVANAGH: Thank you
4	for your comments. Our next speaker is Sandra
5	Steingraber followed by Sahana Rao and then
6	Crystal Hoffman and Tammy Murphy.
7	Sandra, I will allow you to talk now.
8	Sorry.
9	MS. STEINGRABER: Do you need a
10	sound check?
11	MS. BOWMAN KAVANAGH: Yes. You
12	sound great. Thank you. Let me just set the
13	timer for you. Thanks.
14	MS. STEINGRABER: Good
15	afternoon. My name is Sandra Steingraber.
16	I'm a PhD biologist and cofounder of Concerned
17	Health Professionals of New York. Altogether
18	we are the authors of the Compendium of
19	Scientific Medical and Media Findings
20	Demonstrating the Risks and Harms of Fracking,
21	which has been released annually since 2014
22	and which compiles peer-reviewed studies on
23	various aspects of fracking, including
24	wastewater. Next month we'll release the
25	eighth edition and it's out of this report I'm

1 speaking today. 2 As we note in our main findings, the contamination and store -- the containment and 3 storage of fracking wastewater remains a 4 5 problem with no solution. Prodigious in quantity and permanently toxic in ways that 6 7 are both unpredictable and irremediable by any 8 known technology, fracking wastewater 9 represents one of the biggest threats to water quality and public health from the oil and gas 10 11 extraction industry. There is no safe way to 12 transport and then repurpose fracking wastewater that's not a threat to groundwater 13

14 surface, water, air quality, or public health, 15 and I'll say that again. Concerned Health 16 Professionals of New York has identified the storage and reuse of fracking wastewater as a 17 18 significant unfixable threat to water and The moratorium on fracking in the 19 health. 20 Delaware River Basin in place since 2010 was 21 made on the grounds that fracking exposes its 2.2 waters to significant, immediate and long-term 23 Providing a loophole that prohibits risks. fracking in the basin, but allows for fracking 24 waste imports is like an opioid crisis 25

1	response plan that cracks down on the sale of
2	heroin, but it overlooks the unregulated
3	distribution of Oxycontin via pharmacies. The
4	science documenting the unsolvable problem of
5	fracking wastewater takes up many pages in our
6	compendium of the 132 mentions of the harms of
7	fracking wastewater. Here are just a couple.
8	Fracking wastewater at vanishingly low
9	concentrations is a developmental toxicant to
10	fish embryos. Exposure to various
11	concentrations of fracking wastewater
12	collected from well sites in Alberta in animal
13	studies is linked to spinal and heart
14	abnormalities. A research team at the
15	University of Missouri traced a spike of
16	endocrine disrupting activity in a West
17	Virginia stream to an upstream facility that
18	stores fracking wastewater, but began leaking.
19	Any process that uses fracking waste as an
20	ingredient risks serving as an onramp to
21	barium. Barium is a heavy metal that is
22	linked to high blood pressure and is also an
23	inert neurotoxic and linked to multiple
24	sclerosis. Chemical reactions between
25	fracking fluid and rock can contribute to the

1	toxicity of fracking wastewater and our
2	finding is that we report here is that
3	fracking fluid can chemically react with
4	fractured shale in the Marcellus to leach
5	heavy metals, including barium.
6	So in conclusion, the Delaware River
7	Basin could not become the graveyard for the
8	unsolvable toxic problems of the fracking
9	industry. Wastewater produced by fracking
10	must be completely and categorically banned
11	from the basin. Thank you.
12	MS. BOWMAN KAVANAGH: Thank you
13	for your comments. I see that Sharon Furlong
14	has rejoined us. I will attempt to see if we
15	can get the audio going this time. Sharon,
16	I'm going to allow you to talk.
17	MS. FURLONG: Is this any
18	better?
19	MS. BOWMAN KAVANAGH: That
20	sounds much better.
21	MS. FURLONG: Oh, yeah. It took
22	me awhile. Thanks so much. Sorry, everybody.
23	Sharon Furlong, Bucks Environmental Action.
24	Thank you for prohibiting fracking itself in
25	the entire watershed area. However, the

1 proposed regulations addressing the 2 importation of toxic wastewater along with the processing, storage, or disposal of said 3 poisonous water is like allowing the horse to 4 5 live, but burning down the barn and setting fire to all its grazing land. This doesn't 6 7 work for the horse and it doesn't work for us. 8 It only works for the natural gas industry. 9 If an industry doesn't know what to do with its garbage, why are we supporting it or even 10 11 allowing it to use us as its dumping ground? 12 Do not tell us that importations of poisonous 13 frack water might be allowed if proper, quote, 14 treatment is employed, end of quote, that must 15 ensure water quality when we do not even know 16 what is in this water. In fact, can we still refer to it as water if it's loaded with 17 18 potentially 600 secret chemicals, etc.? Why not label with poisonous liquids instead? And 19 if you do that, would you still be able to 20 21 advance the notion that it could be treated 22 the same as household sewage? This makes 23 little sense to me, but I'm not an expert. 24 Maybe you folks know of a new treatment protocol for the removal of all chemicals, 25

1 including the forever family of PFAS, PFOA, 2 which we now know can be found in frack liquids. If so, you might want to share it 3 with the long-suffering residents of Bucks and 4 5 Montgomery counties who have been burdened with living with poisoned water for too many 6 7 years, and finally from the DRBC's own report 8 regarding climate change in the watershed 9 found on your website, this report concludes 10 that climate change will have an impact on the 11 river due to, A, increasing temperatures, 12 which will increase the rate of evaporation 13 and increase the need for water consumption. 14 B, patterns of rainfall will probably be 15 short, intense storms with extended droughts 16 and, C, with sea level rise already here and 17 advancing faster than anyone predicted 18 anywhere, more salinity will occur in this 19 river, thus precipitating water releases and the reduction of how much is left for all 20 21 water users, and let us not forget the 2.2 creatures who live in this river and have 23 nowhere else to qo. Therefore, why are you 24 even considering allowing this industry to take one drop of all water from our river or 25

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1	return or potentially pollute the area that
2	supports it? Stop this more subtle form of
3	insanity now. Thank you.
4	MS. BOWMAN KAVANAGH: Thank you
5	for your comments. Our next speaker is Sahana
6	Rao followed by Crystal Hoffman and our final
7	registered speaker is Tammy Murphy. Sahana, I
8	see you were here. I will now allow you to
9	talk. Kindly do a sound check while I reset
10	the clock.
11	MS. RAO: Hi there. Can
12	everyone hear me?
13	MS. BOWMAN KAVANAGH: Yes.
14	Thank you.
15	MS. RAO: Perfect. My name is
16	Sahana Rao and I am an attorney with the
17	Natural Resources Defense Council based in our
18	New York office. I thank you for the
19	opportunity to comment and will be
20	supplementing with written comments as well.
21	Earlier this year, the Commission acted
22	decisively to ban high volume hydraulic
23	fracturing within the Delaware River Basin,
24	which goes partway towards protecting the
25	community and the environment from the hazards

1 associated with fracking. Now, it is up to 2 these proposed regulations to eliminate the 3 remaining loopholes through which hazardous frack wastewater can still endanger basin 4 5 residents and resources. As you've heard from several commenters today, frack wastewater is 6 7 laden with hazardous and radioactive contaminants and the release of frack 8 9 wastewater to the environment can have 10 dangerous impacts to both human health and the 11 environment. To start with, NRDC supports the intention to categorically ban discharges of 12 13 frack wastewater in the basin reflected in the 14 proposed amendments to section 2.3 of the DRBC 15 Water Code and the proposed section 440.4B of 16 the special regulations. In keeping with this 17 intent to protect the basins residents and 18 resources, DRBC needs to update the proposed 19 amendments to ensure that there are no 20 loopholes which would allow frack wastewater 21 to endanger the basin. To start with, DRBC 2.2 needs to define two terms to clarify the scope 23 of the ban on discharge of HVHF wastewater to 24 water in the basin. Firstly, the term discharge should be defined broadly to include 25

1 any release, spill, discharge, etc in similar 2 scope to the way that the term release is defined in federal statutes like the 3 4 Comprehensive Environmental Response, 5 Compensation and Liability Act or CLA. Secondly, the term waters in the basin should 6 7 be broadly defined to include both surface and 8 groundwater bodies, part or all of which are 9 located in the basin. Next, the proposed 10 amendments to the water code rightly placed restrictions on the importation and 11 12 exportation of water to and from the basin. 13 However, the import of frack wastewater into 14 the basin and the export of basin water 15 resources for fracking operations must be 16 categorically and explicitly prohibited. As 17 we all know at this point, contributing water 18 resources for fracking and providing opportunities for the reuse of imported frack 19 wastewater both perpetuate fracking operations 20 21 outside the basin, which in turn exacerbates 2.2 climate change through the release of the 23 greenhouse gas methane during fracking operations and the carbon dioxide emissions 24 that result from the use of fracked gas, and 25

1 we haven't even touched the water 2 contamination and hazardous substances that 3 would plague other communities in the process. 4 The impacts of climate change are already 5 harming the Delaware River Basin community and its water resources. The DRBC has reported on 6 7 this and we've seen it recently, for example, 8 in this past summer being the hottest on 9 record and with the devastation from Hurricane 10 The DRBC must take climate impacts into Ida. 11 account by categorically banning the import of 12 frack wastewater and banning the export of 13 basin water for fracking operations. Thank 14 you again for the opportunity to speak and I 15 urge the Commissioners to address these 16 important points so that we can properly ban 17 fracking and its associated harms from the basin once and for all. 18 19 MS. BOWMAN KAVANAGH: Thank you 20 for your comment. The next speaker on our 21 list is Crystal Hoffman. I'm not seeing you 2.2 on our list of attendees. If I am missing 23 you, kindly raise your hand. Having not seen 24 any hands raised, our next speaker is Tammy Tammy, I will allow you to 25 Murphy. Tammy.

1	talk. You may have to unmute on your end as
2	well, Tammy.
3	MS. MURPHY: Hi. Can you hear
4	me now?
5	MS. BOWMAN KAVANAGH: I can.
6	Thank you. Go ahead.
7	MS. MURPHY: Okay. Great.
8	Thank you. So I implore the Delaware River
9	Basin commissioners to fully prohibit all
10	forms of direct and indirect importation of
11	waste into the Delaware River watershed.
12	Likewise, I implore the Commissioners to fully
13	prohibit all forms of water extraction from
14	the Delaware River watershed. The draft
15	regulations include an essential prohibition
16	of the direct discharging of fracking
17	fracking wastewater into the Delaware River
18	Basin. Yet, they are riddled with loopholes
19	that would dangerously allow the indirect
20	importation of wastewater into the Delaware
21	River watershed, exposing human communities
22	and the entire ecosystem to pathways of
23	deadly, toxic and radioactive wastewater.
24	Because of the draft regulations, failure to
25	prohibit the processing, evaporation, storage,

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reused in other forms of indirect disposal of 1 2 wastewater into the Delaware River watershed. Disposal of fracking waste is a major threat 3 to public health because this waste contains 4 concentrated toxins, including heavy metals, 5 radioactivity, and organic compounds. Over 6 7 1000 chemicals can be used in fracking and at least 157 of these chemicals have known 8 9 developmental or reproductive toxicity. These 10 organic compounds disrupt endocrine function 11 and development from conception through adolescence. Even more disturbing, the vast 12 13 majority have not been studied sufficiently to 14 know if they are or not safe. We know that 15 many aromatic compounds, such as benzene, 16 Toluene, ethylbenzene and xylene as well as radioactive elements are known carcinogens. 17 Given this toxicity I think that it needs to 18 be stated. After all of these folks spoke 19 today, it's actually utterly absurd that we 20 21 need to ask the Commissioners to not poison 22 To not poison our ecosystem and not us. threaten human life, the lives of our pets, 23 24 the lives of agriculture, our the plants. Given the climate crisis, it's the whole 25

entire process is absurd and I really I
really just want to point out the absurdity
that we have to get on here and beg you not to
poison us. Thank you.
MS. BOWMAN KAVANAGH: Thank you
for your comments. We had several folks, so I
was not able to identify on the attendee list,
but who had registered previously. I see one
of them now with their hand raised, so Eric
Benson, I will now allow you to talk so you
can provide comments. Please do a sound check
while I reset the clock.
MR. BENSON: Thanks, Kristen. I
think I'm ready to go here. I registered, but
was not able to join earlier, so thanks for
having me today.
MS. BOWMAN KAVANAGH: Glad you
could make it.
MR. BENSON: All right. So this
is Eric Benson. I am a Clean Water Action New
Jersey campaign director. Today
Commissioners, I'm speaking not only as a
concerned activist, but also as a father. I'm
an avid canoer, camper and a fisher who has
spent countless days of venturing with my

1 family in the Delaware River Basin. I'm 2 calling on you to enact a full frack ban now 3 rather than creating the rules with giant loopholes that only serve to the benefit of 4 5 the fracked gas industry and at the expense of everyone else who uses the river basin. As a 6 7 parent of two small children, my biggest 8 concern is fracking's impact on climate 9 change. As proposed, these rules would still 10 allow water to be withdrawn from the river basin for fracking and would still allow 11 fracking waste to be imported from -- to be 12 13 imported in the basin. Others have spoken to the loss of river -- of water from the river 14 15 system and the horrific pollution. I'm also 16 concerned that this is enabling a fracking 17 industry to continue their climate destructive 18 practices. The fracking industry needs more water to continue to drill and it needs places 19 20 to store and process waste. By not completely 21 banning fracking, as well as fracking 2.2 activities in the basin, these rules 23 practically invite the industry's thirst for water to take it from the Delaware River 24 This enables fracking to continue to 25 Basin.

1 destroy the climate. Methane is a powerful 2 greenhouse gas. It is 86 times more powerful 3 than carbon at heating the atmosphere on a 20 year time scale. 104 times more powerful than 4 5 carbon over a 10 year period. That's more potent than the carbon emissions from coal or 6 7 oil cradle to grave. The DRBC should not be helping the destructive fracking industry to 8 9 get access to the water it needs. Climate 10 change is already threatening the ecosystem of the Delaware River watershed. Violent storms 11 12 dump more water in shorter periods of time, 13 which contribute to flooding.

14 Commissioners, you need to be a part of 15 the climate solution. Not part of the climate 16 problem. We need a total ban on the 17 importation of frack waste in the basin and a 18 total ban on the export of water from the 19 basin for fracking. My family and all the 20 families who want to enjoy the watershed, who 21 drink water from the basin and who want to see 2.2 a livable climate future deserve a total ban 23 on fracking.

24The last point. Commissioners, your25public input process shuts people out. Anyone

1	who wants to commit comment you get a
2	chance. Please provide public participation
3	process that works for everyone. Full frack
4	ban now. Thank you.
5	MS. BOWMAN KAVANAGH: Thank you
6	for your comments. If you have registered in
7	advance to speak and you have not yet had the
8	opportunity, kindly raise your hands. I will
9	give you a few moments. That feature is on
10	the center bottom of your screen. All right.
11	I don't see anyone raising their hand and we
12	have completed the list of the other
13	registered attendees who were seen to be
14	present. So that concludes this public
15	hearing. Thank you to everyone for attending
16	and on behalf of the Delaware River Basin
17	Commission, I also want to thank those of you
18	who offered comments. As a reminder, you can
19	still register to comment at one of the two
20	hearings scheduled for December 15, 2021, and
21	you may also submit written comments by 5:00
22	PM Eastern Time on February 28, 2022. For
23	more information, please visit the DRBC
24	website. I do want to note I do see one hand
25	raised, but you are required to register in

1	advance. If you go to our website, you will	
2	be able to register for one of the hearings	
3	scheduled for December 15th. Thank you and	
4	have a good afternoon.	
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1	CERTIFICATE
2	I, CYNTHIA BAUERLE, a Certified
3	Shorthand Reporter/Transcriptionist, do hereby
4	certify that I was authorized to transcribe
5	the foregoing recorded proceeding, and that
6	the transcript is a true and accurate
7	transcription of my shorthand notes, to the
8	best of my ability, taken while listening to
9	the provided recording. I further certify that
10	I am not of counsel or attorney for either or
11	any of the parties to said proceedings, nor in
12	any way interested in the events of this
13	cause, and that I am not related to any of the
14	parties thereto.
15	
16	Dated this 24th day of January, 2022
17	
18	Cimthia Bauarle
19	Uporta sauce
20	CYNTHIA BAUERLE
21	CSR No. 30XI00198500
22	
23	
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25	

	December	08, 2021	
	<b>28</b> 6:2 8:25	53:1	Additionally
0		absurdity	25:9
	3	53:2	address 4:3
<b>08628</b> 9:9		acceptable	50:15
	3,000,000	29:9	addressed
	22:14	accepted 10:5	11:13
1	<b>39</b> 13:10	accepting	addresses
<b>1,600</b> 39:17		8:22,23	9:19 12:5
<b>10</b> 21:7 31:3		access 4:10	addressing
36:2 38:12	4	9:4	45:1
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