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DELAWARE RIVER BASIN COMMISSION

TRANSCRIPT OF AUDIO-RECORDED COMMISSION HEARING

DECEMBER 15, 2021

4:00 P.M.

18 CFR PARTS 410 AND 440 IMPORTATIONS OF WATER  
INTO AND EXPORTATIONS OF WATER FROM THE DELAWARE  
RIVER BASIN; DISCHARGES OF WASTEWATER FROM HIGH  
VOLUME HYDRAULIC FRACTURING AND RELATED ACTIVITIES

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A P P E A R A N C E S

Hearing Officer: Kristen Bowman Kavanagh

Commenters:

Joan Farb

Anthony Rizzello

Eric Weltman

Louise Washer

Judy Rosen

Aurelle Sprout

Amleto Pucci

Ann Dixon

Marylou Ferrara

Coryn Wolk

Faith Zerbe

Nick Flynn

Joe Basralian

Andrew McGrath

1 MS. BOWMAN KAVANAGH:  
2 Good evening. My name is Kristen Bowman  
3 Kavanaugh and on behalf of the Delaware River  
4 Basin Commission, welcome to this evening's  
5 public hearing. I am the deputy executive  
6 director for the DRBC and I will be serving as  
7 the Hearing Officer for this proceeding. As  
8 the hearing officer, my primary role is to  
9 ensure that we conduct an orderly hearing that  
10 allows individuals who wish to do so to  
11 provide oral comments and testimony that will  
12 become a part of the administrative record for  
13 the rulemaking that I will describe shortly.  
14 I would like to thank the public for  
15 attending. This public hearing is being held  
16 remotely and has been advertised as such on  
17 the DRBC website via social media and in  
18 federal and state register publications.  
19 Members of the public may attend the  
20 proceedings virtually on either the Zoom  
21 Webinar platform or the DRBC YouTube channel.  
22 However, those who desire to speak this  
23 evening may participate only by joining the  
24 Zoom Webinar, which is interactive. While  
25 these types of meetings and webinars are not

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

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

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

1 25th, 2021 resolution and directive, the  
2 Commission is proposing amendments to its  
3 comprehensive plan and regulations to better  
4 provide for the planning, conservation,  
5 utilization, development, management and  
6 control of the basin's water resources in  
7 connection with the importation of water,  
8 including wastewater into the basin, the  
9 exportation of water, including wastewater  
10 from the basin and the discharge of wastewater  
11 from HVHF and HVHF related activities. The  
12 Commission proposes to amend the water code by  
13 clarifying the circumstances in which  
14 expectations of water, including wastewater  
15 from the basin and importations of water,  
16 including wastewater into the basin are  
17 considered by the Commission and the factors  
18 to be used in evaluating whether such proposed  
19 imports and exports of water may be approved.  
20 The proposed amendments will not apply to  
21 importations and exportations that existed  
22 prior to the effective date of any final  
23 rules, but are proposed to apply to increases  
24 in the rate or volume of existing importations  
25 and exportations. The special regulations

1 regarding HVHF by the addition -- pardon me.  
2 The Commission also proposes to amend its  
3 special regulations regarding each HVHF by the  
4 addition of a finding that the discharge of  
5 wastewater from HVHF and HVHF related  
6 activities poses significant, immediate and  
7 long-term risks to the development,  
8 conservation, utilization, management and  
9 preservation of the basin's water resources  
10 and that controlling future pollution by  
11 prohibiting such discharge is required to  
12 effectuate the comprehensive plan, avoid  
13 injury to the waters of the basin as  
14 contemplated by the comprehensive plan, and  
15 protect the public health and preserve the  
16 waters of the basin for uses in accordance  
17 with the comprehensive plan. The finding is  
18 accompanied by a provision prohibiting the  
19 discharge to waters or land of the basin of  
20 treated or untreated wastewater from HVHF and  
21 HVHF related activities. Copies of the  
22 proposed rules can be found on the DRBC  
23 website.

24 This is one of four public hearings  
25 scheduled on this matter. In addition to



1 accepting oral comments at these public  
2 hearings, the Commission is accepting written  
3 comments through 5:00 PM Eastern Time on  
4 Friday, February 22nd -- 28th, 2022. Written  
5 comments will receive the same consideration  
6 as oral comments. Written comments can be  
7 submitted online using a link that is posted  
8 on the DRBC website. If you do not have  
9 access to a computer or the Internet and you  
10 would like to submit written comments, you may  
11 request an exception by writing to the DRBC as  
12 follows: Attention Commission secretary,  
13 DRBC, PO Box 7360, West Trenton, NJ 08628.  
14 Today's proceedings are being recorded and a  
15 transcript will be created that will become a  
16 part of the decision-making record for the  
17 proposed rules. The recordings are being made  
18 to enable the DRBC commissioners to hear your  
19 comments, even though they cannot attend the  
20 hearings, and to allow the DRBC staff in  
21 consultation with the Commissioners to prepare  
22 a detailed comment and response document that  
23 addresses the issues and concerns you raise.  
24 I will now describe how the hearing will  
25 proceed.

1           First, the Commission Thanks all of you  
2 who have registered in advance to speak today.  
3 Your doing so has helped the staff to prepare  
4 for these proceedings. Two hours have been  
5 allotted for this hearing. If you have not  
6 registered in advance and wish to provide oral  
7 comments, limited time may be available to  
8 accommodate you within the hearing timeframe.  
9 I will make that determination after all those  
10 who preregistered and are in attendance have  
11 spoken. Please remember that there are  
12 procedures on the DRBC website for submitting  
13 written comments, which receive the same  
14 consideration as oral comments provided here  
15 today. When I call your name from the list of  
16 registered speakers, we will attempt to find  
17 your name in the list of Zoom webinar  
18 attendees. If we cannot find, typically you  
19 can help out by using the raise hand feature,  
20 which is typically located at the center  
21 bottom of the screen. If you are using a  
22 phone to call into the hearing, we may only be  
23 seeing a phone number rather than a name. If  
24 we call your name, press star nine to raise  
25 your hand. You may need to unmute on your end

1 of the connection, as well, and you can test  
2 the audio before beginning. You should plan  
3 on limiting your comments to about three  
4 minutes. Once you exceed the permitted time,  
5 the timer screen will turn red and I will  
6 likely ask you to wrap up your comments.  
7 Please remember you will have the opportunity  
8 to follow up in writing, if you wish.  
9 Speakers are asked to state their name and  
10 affiliation, if any, and to direct all  
11 comments to the hearing officer. Please offer  
12 your comments in a respectful manner. As a  
13 hearing officer, I reserve the right to decide  
14 if your presentation is not consistent with  
15 the purpose of this hearing and as such, I  
16 can't end your ability to provide comments at  
17 anytime with or without warning, depending  
18 upon the circumstances. If as a part of your  
19 comment you ask a question, please do not  
20 expect a response during the hearing.  
21 Questions and comments will be addressed as  
22 part of the comment and response document that  
23 will be prepared by the Commission after the  
24 comment period has closed. A list of  
25 frequently asked questions concerning this

1 rulemaking has been posted on the DRBC  
2 website, as well. After all the speakers who  
3 have registered in advance and are in  
4 attendance have provided comments, if time  
5 permits, I will then ask unregistered  
6 attendees who wish to speak to use the raise  
7 hand feature to indicate their intention to  
8 provide oral comments. Unregistered speakers  
9 will be invited in the order your hands are  
10 raised to provide comment until the two hour  
11 hearing duration has been reached. If time  
12 does not permit you an opportunity to provide  
13 oral comments at this hearing, please remember  
14 that there are procedures on the DRBC website  
15 for submitting written comments, which receive  
16 the same consideration as oral comments  
17 provided here today.

18           So what happens next? After all,  
19 public input is received, the DRBC staff and  
20 commissioners will develop a comment and  
21 response document that addresses the concerns  
22 raised during the public process. The  
23 Commissioners will consider changes to the  
24 proposed rule in response to the comments  
25 received and will either act at a public

1 meeting to approve the rules as proposed,  
2 approve the rules with changes or reject the  
3 proposed rules. Alternatively, the  
4 Commissioners may commence a separate  
5 rulemaking to consider substantially different  
6 rule changes. The decision makers on this and  
7 all rulemakings by the Commission are the  
8 Commissioners themselves who may act through  
9 their appointed alternates. The Commissioners  
10 are the governors of the four basin states,  
11 Delaware, New Jersey, New York and  
12 Pennsylvania, and on behalf of the federal  
13 government, the division commander of the  
14 North Atlantic Division of the US Army Corps  
15 of Engineers.

16 I will now share my screen to show the  
17 three minute countdown timer and proceed to  
18 invite those who have registered in advance to  
19 provide their comments. It will be just a  
20 moment while I do this. Thank you for your  
21 patience. I will announce the list of  
22 registered speakers in order in groups of five  
23 so that you can be prepared for your name to  
24 be called. The first five speakers in order  
25 who are registered in advance are Joan Farb,

1 Anthony Rizzello, Eric Weltman, Kathleen  
2 Ancuta and Louise Washer. I will now look for  
3 Joan Farb on the list of attendees and if you  
4 are here and you're able to raise your hand,  
5 that can help me find you, but I do actually  
6 have you, Joan, so no need to raise your hand.  
7 I will now allow you to talk. You may need to  
8 unmute on your end as well, and please do a  
9 sound check. Let me try that again, Joan.  
10 Okay. You should be able to speak now after  
11 you unmute on your end.

12 MS. FARB: Okay. Can you hear  
13 me now?

14 MS. BOWMAN KAVANAGH: I can,  
15 yes. Kindly state your name and your  
16 affiliation, if any, before providing your  
17 comments.

18 MS. FARB: Okay. Joan Farb and  
19 a residence in Newtown, Bucks County. I wanna  
20 thank the Commission for having public comment  
21 on the proposed regulations for the  
22 importation of fracking wastewater and the  
23 exportation of water for fracking and its  
24 related activities. One of my fond memories  
25 from elementary school was Pennsylvania

1 history on television. It was a new,  
2 innovative use for the media for teaching and  
3 enacted for the TV generation. I specially  
4 enjoyed learning about Ben Franklin's  
5 accomplishments, including being America's  
6 first conservationists. He once said, when  
7 the well is dry, we know the worth of water.  
8 Unfortunately, his aphorism rings true today  
9 with the beginning of water wars. The  
10 Washington Post reported on November 21st,  
11 2021, there's a conflict over water rights in  
12 the Klamath Basin between the Native Americans  
13 and the farmers and ranchers. This area  
14 overlapping California and Oregon had the  
15 worst drought in history due to climate  
16 change. Although the DRBC is taking measures  
17 to mitigate the effects of climate change,  
18 Commissioners, you will be negating your  
19 efforts if you allow the exportation of water  
20 for fracking activities and importation of  
21 fracking wastewater. Just one well uses 10  
22 million gallons of water. It would be a  
23 depletable loss, irreplaceable and direct,  
24 disrupting the hydrologic cycle already  
25 affected by extreme weather. The fracking

1 wastewater importation would also be  
2 detrimental. Although the proposed  
3 regulations prohibit the wastewater being  
4 discharged directly into water and land, other  
5 methods such as incineration and thermal  
6 oxidation with coils hazards air emissions not  
7 regulated by the DRBC. Furthermore, allowing  
8 such regulations, Commissioners, you're  
9 enabling an industry that plays a major part  
10 in climate change. Methane is the main  
11 component of natural gas and escapes through  
12 wells, compressor stations and pipelines with  
13 leaks that have not been contained. Methane  
14 contributes 86 times more than CO2 atmospheric  
15 warming and a short period of time, according  
16 to the Intergovernmental Panel on Climate  
17 Change reported in the Scientific American on  
18 December 22, 2015. William Pelletier, a 13  
19 year old Canadian of the First Nation told the  
20 UN Council Water Day, March 22nd, 2018 to  
21 warrior up. Stop polluting the planet and  
22 give the water the same rights and protections  
23 of human beings.

24 Please, Commissioners, warrior up and  
25 ban both the importation of fracking



1 wastewater and exploitation of water for  
2 fracking and its related activities. Thank  
3 you.

4 MS. BOWMAN KAVANAGH: Thank you  
5 for your comments. The next speaker on our  
6 list of registrants is Anthony Rizzello. I do  
7 see that Anthony is -- Anthony, I will now  
8 allow you to talk. Kindly do a sound check  
9 while I reset the timer. You may need to  
10 unmute video.

11 MR. RIZZELLO: Thank you for the  
12 opportunity to speak. I'd just like to  
13 mention that I echo what Joan Farb has  
14 mentioned to the DRBC. I am not in favor of  
15 the current proposed proposal that they have.  
16 I think they need to do a full ban on  
17 wastewater treatment and the Delaware River  
18 Basin. I have a personal reason for that. My  
19 well water is 3/4 of a mile from the Delaware  
20 River and I am in Holland Township and I would  
21 be very upset if my well water were to be  
22 eventually contaminated with waste water,  
23 toxic chemicals or maybe radioactive  
24 chemicals. I can't imagine living in my house  
25 having a special filtration system just so I

1 can take a shower. A second reason why I'm  
2 against this proposal is that I live within a  
3 town that's along the river that relies on  
4 tourism. I can't imagine what would happen to  
5 the tourism that's reeling right now from the  
6 pandemic to have to deal with the water that  
7 people would hear could be possibly toxic, so  
8 I would imagine all the river towns would be  
9 very upset if their tourism were to be  
10 suddenly affected by the Delaware River being  
11 contaminated by a spill or some kind of  
12 mishap. That's all I have to say. Thank you  
13 very much for this opportunity to speak.

14 MS. BOWMAN KAVANAGH: Thank you  
15 for your comments. Our next registered  
16 speaker is Eric Weltman. Before I allow you  
17 to talk, Eric, I will note for the record that  
18 we currently have 25 attendees on the Zoom  
19 webinar and one viewer on our YouTube live  
20 stream. Eric, I will now allow you to talk.  
21 You may need to end mute on your end, as well,  
22 before you do a sound check.

23 MR. WELTMAN: Can you hear me?

24 MS. BOWMAN KAVANAGH: I can.  
25 State your name and affiliation, if any,

1 before you provide your comments.

2 MR. WELTMAN: My name is Eric  
3 Weltman and I'm a Brooklyn based senior  
4 organizer with Food and Water Watch, along  
5 with the Delaware Riverkeeper and other  
6 allies, we're proud members of the DRBC Frack  
7 Ban Coalition and I'm here today to send a  
8 message to the four governors, including my  
9 own Kathy Hochul and the Biden administration,  
10 who comprise the Commission. Institute a  
11 complete ban on all fracking related  
12 activities in the region. I must also comment  
13 on the public comment process for these draft  
14 regulations. There needs to be more. More  
15 hearings and more means for submitting  
16 comments. You must hold hearings in January  
17 and you must allow comments, accept comments  
18 via e-mail. Anything less would be a clear  
19 abdication of your moral and legal  
20 obligations. The DRBC must completely ban  
21 fracking waste without any loopholes and ban  
22 water withdrawals for fracking outside the  
23 watershed. This is but one step, an important  
24 one, a necessary one in the process of moving  
25 the region and the nation off all fossil

1 fuels, a goal essential to protecting our  
2 climate, our communities, our future and of  
3 course our water, which is threatened by the  
4 entire life cycle of fracking, including the  
5 toxic chemicals and radioactive materials  
6 contained within fracking waste. Fracking,  
7 fluid injections are exempt from the rules of  
8 the federal Safe Drinking Water Act and  
9 companies can withhold the identity of  
10 chemicals used to frack a well because they  
11 are trade secrets. Of the known chemicals, 14  
12 are known to cause or are possible human  
13 carcinogens and many are linked to  
14 developmental health and reproductive  
15 problems. In addition to the original fluids  
16 that are pumped underground, drilling and  
17 fracking can bring naturally occurring  
18 contaminants like brines and radioactive  
19 material from underground to the surface and  
20 the produced wastewater. The precise  
21 constituents of the wastewater vary depending  
22 on the geology of the extraction site, but it  
23 can contain salts like chlorides, bromides and  
24 sulfides of calcium, magnesium and sodium,  
25 metals, oil, grease and dissolved organics,

1 and radioactive materials. These chemicals  
2 can cause cancer, disrupt the endocrine  
3 system, affect the nervous immune system and  
4 cardiovascular systems and affect sensory  
5 organs and the respiratory system. There are  
6 no good, safe ways to dispose of, manage or  
7 treat fracking waste. The best way to stop  
8 these radioactive and chemical laden waste  
9 from further imperiling our communities and  
10 environment is by banning, drilling and  
11 fracking and all fracking reactivities,  
12 including all forms of fracking waste storage,  
13 transport, reuse or disposal in the Delaware  
14 watershed.

15 In conclusion, on behalf of Food and  
16 Water Watch, I call on the four governors,  
17 including my own Kathy Hochul, as well as the  
18 Biden administration, to close the loopholes,  
19 close the loopholes, close the loopholes,  
20 close loopholes, protect our water, protect  
21 our health, protect our communities,  
22 environment, and, again, expand the public  
23 participation process to include hearings in  
24 January and allowing people to submit comments  
25 via e-mail. Thank you.

1 MS. BOWMAN KAVANAGH: Thank you  
2 for your comments. Our next registered  
3 speaker is Kathleen Ancuta. I am not seeing  
4 Kathleen's name on the list of registered  
5 attendees. If you are here, kindly raise your  
6 hand using the feature in center bottom of  
7 your screen. I will give you a few seconds to  
8 identify yourself if you are present. Not  
9 seeing a raised hand, I will move on to our  
10 next registered speaker, Louise Washer. I did  
11 see Louise a moment ago. Let me find her  
12 again. Thank you. Louise, I will now allow  
13 you to talk. Kindly check your sound while I  
14 reset the timer.

15 MS. WASHER: Okay. Can you hear  
16 me?

17 MS. BOWMAN KAVANAGH: I can.  
18 Please state your name and affiliation, if  
19 any, before beginning your comments.

20 MS. WASHER: My name is Louise  
21 Washer. I live along the Delaware River. My  
22 well is actually about 200 feet from the  
23 river. I support the previous comments.  
24 Thank you for letting me comment tonight. I  
25 do volunteer with an organization that works

1 to protect insect habitat and I just wanted to  
2 say I came to that work because of an  
3 experience I had 30 years ago along the  
4 Delaware River when my brother-in-law, an  
5 entomologist and evolutionary biologist at the  
6 Museum of Natural History took me down to the  
7 river and picked up a rock from the water and  
8 showed me the macro invertebrate larvae on the  
9 underside of it. What he said at that time  
10 was, this is how you know a river has not been  
11 polluted. Once a river has been polluted, you  
12 will never again have this sort of rich  
13 diversity of invertebrate species. That  
14 changed my life and changed my understanding  
15 of this amazing, fragile river that we have.  
16 Unlike most rivers, the Delaware, a scenic --  
17 wild and scenic river in a national estuary  
18 recognized by Congress is clean enough to  
19 support many of the most vulnerable shellfish  
20 and insect species. Ones that require clean  
21 water along with the fish, birds, mammal  
22 species that depend upon them. We know from  
23 the UN report on biodiversity from 2019 that  
24 the steepest declines in numbers of species  
25 have occurred in freshwater ecosystems. 83%

1 of vertebrate species have been lost since the  
2 1970s. The UN is urging governments to act  
3 now to meet the challenges highlighted in this  
4 report. The DRBC has just such an opportunity  
5 now to be a leader on this issue by amending  
6 the proposed regulations in question to  
7 protect the watershed from all pollution from  
8 the oil and gas industry, including the import  
9 of all wastewater from the fracking industry  
10 and to protect the river's integrity by  
11 banning the export of its vital waters for use  
12 and contamination and fracking. A variety of  
13 studies within the last four years by Penn  
14 State University and others have confirmed  
15 that many chemicals harmful to all life are  
16 present in conventional oil and gas  
17 wastewater, including endocrine disruptors,  
18 radioactive substances, and PFAS. Any import  
19 of wastewater from fracking for storage  
20 process, reuse, discharge or disposal will  
21 result in pollution of the basin, as we have  
22 seen in other areas repeatedly. When  
23 wastewater is transported, it spills, as has  
24 been documented by the EPA. Polluted fracking  
25 wastewater has made its way into the



1 Pennsylvania environment already. We know  
2 that in Pennsylvania wastewater is being  
3 spread on roadways as the industry takes  
4 advantage of loopholes and regulations.  
5 Possible spills polluting through loopholes  
6 are not risks worth taken given the critical  
7 importance of this freshwater habitat. This  
8 wild and scenic river, this base to our local  
9 economies, this drinking water for 17 million  
10 people, including myself, my family, please  
11 protect our river. Thank you so much. I also  
12 just want to ask that you extend the public  
13 comment period to ensure a fair process for  
14 hearing from the Community stakeholders, as  
15 well. Thank you.

16 MS. BOWMAN KAVANAGH: Thank you  
17 for your comments. I will now announce the  
18 next five registered speakers in order so that  
19 you can be prepared for when your turn comes  
20 up. Those would be Jane Shields. My  
21 apologies. Gregory Sullivan, Judy Rosen,  
22 Janet Drew, Aurelle Sprout. Gene Shield, I'm  
23 not sure that I saw you on the list, but I  
24 will check one more time and if you are here,  
25 kindly raise your hand using the raise hand

1 feature on the bottom center of your screen.  
2 I will give you a moment to do that if you are  
3 present. Not seeing a hand raised, I will  
4 move on to our next speaker, Gregory Sullivan.  
5 I also did not see Gregory on the list of  
6 attendees, but if you are present, kindly  
7 raise your hand again. I'll give you a few  
8 moments to do that. Not seeing Gregory  
9 Sullivan's raised hand, I will proceed to our  
10 next registered speaker. Judy Rosen. I do  
11 see a Judy on the list of attendees. There's  
12 not a last name associated with it, so looks  
13 like you did raise your hand, so that must be  
14 you, Judy, I will now allow you to talk.  
15 Kindly check your sound first.

16 MS. ROSEN: Hello.

17 MS. BOWMAN KAVANAGH: I can hear  
18 you. Okay. State your name and affiliation,  
19 if any, for the record prior to commencing  
20 your comments.

21 MS. ROSEN: Okay. I'm Judy  
22 Rosen. I live over in the Catskill Park in  
23 Delaware County, New York. I'm affiliated  
24 with the Planet Earth. I just -- I want to  
25 start just by reading something from this book

1 called Braiding Sweetgrass by Robin Wall  
2 Kimmerer, which really made me feel very --  
3 renewed my faith in myself because of how I  
4 feel and I see a lot of people before me did,  
5 so she says, the Earth gives away for free the  
6 power of wind and sun and water, but instead  
7 we break open the earth to take fossil fuels.  
8 How to be taken only that which is given to  
9 us, had we reciprocated the gift, we would not  
10 have to fear our own atmosphere today. So  
11 that's basically the summary of everything I  
12 feel that we're really wrecking the planet, if  
13 it's not already wrecked. It will reclaim  
14 itself once we're gone and I think that all we  
15 can do now is take small steps in saying no to  
16 these giant corporations that are giving us  
17 what we're asking for and if we want to hasten  
18 the end just say, yes, okay. Take what you  
19 want because that's where we're going. So I  
20 just hope that this is real. We can say no  
21 and maybe slow down the process and give  
22 thanks to all that we have now because of  
23 Mother Earth. She's still supporting us all,  
24 despite where we've been doing to her. So we  
25 just really have to feel ourselves and get

1 strong and say no, and I'm hoping the  
2 Commission can do that, and thank you for  
3 trying.

4 MS. BOWMAN KAVANAGH: Thank you  
5 for your comments. Our next registered  
6 speaker is Janet Drew. I do not see the  
7 speaker on the list of attendees, but if you  
8 are here, kindly raise your hand while I give  
9 you a moment to do that. I will update a few  
10 numbers. For the record, we now currently are  
11 up to 29 attendees on the Zoom webinar and two  
12 viewers on the YouTube live stream. Not  
13 seeing Janet Drew's hand raised, I will  
14 proceed to our next registered speaker Aurelle  
15 Sprout. I will now allow you to talk. Kindly  
16 check your sound first.

17 MS. SPROUT: Can you hear me?

18 MS. BOWMAN KAVANAGH: I can.  
19 Please state your name and your affiliation,  
20 if any, before beginning your comments.

21 MS. SPROUT: Aurelle Sprout, a  
22 retired teacher affiliated with Plant Earth  
23 and loving it. So I am very concerned about  
24 the Delaware River Basins' quality and  
25 quantity. I support the need for keeping the

1 Delaware River free of wastewater discharge  
2 from the fracking, but also from all oil and  
3 gas pollution and other types of pollution.  
4 My concerns started way back in the '80s. I'm  
5 originally from Pittsburgh when I lived there  
6 right in the front and right by the river for  
7 eight years and drank the water pumping right  
8 from the water filtration plant next door.  
9 403 River Road, Yardley. I was heartened by  
10 actions that were used to clean up the  
11 Delaware so that I even swam there  
12 occasionally. Subsequently, I've realized  
13 that the process of continuing to clean up the  
14 river and keep it clean seems to be never  
15 ending. The truth is, we all need to drink  
16 uncontaminated water and reap its health  
17 benefits, and by me I mean people and other  
18 living beings, animals, aquatic life,  
19 pollinators, plants, etc. The truth is that  
20 contaminated water affects the air, as well,  
21 and we living beings need unpolluted air, as  
22 well. There are many other uses of the river,  
23 of course. Recreation being high on my list,  
24 but, again, the bottom line is the need for a  
25 healthy river and its ecosystem. I am very

1 concerned about the river basin's water being  
2 either exported, imported for matters not in  
3 the interests of protecting, maintaining and  
4 improving our water quality and quantity. I  
5 strongly urge you please to be facilitate and  
6 implement this matter as soon as possible and  
7 thank you for your attention.

8 MS. BOWMAN KAVANAGH: Thank you  
9 for your comments. The next five registered  
10 speakers in order are Amleto Pucci, Karen Igu,  
11 Christian Noel. Lauren Lareau was our 14th  
12 registered speaker or Lauren Lareau. She was  
13 able to speak during our third hearing, so we  
14 will remove her from the list from this  
15 hearing and then the next speaker in this  
16 grouping will be Robert Mathias. So going  
17 back to Amleto Pucci, apologize if I  
18 mispronounced your name. I do see that you're  
19 present and I will now allow you to talk. You  
20 may need to unmute on your end, as well.

21 MR. PUCCI: Let's see. Is that  
22 working for you?

23 MS. BOWMAN KAVANAGH: Yes,  
24 that's good sound. Thank you. Kindly state  
25 your name and your affiliation, if any, before

1 beginning your comments.

2 MR. PUCCI: Sure. I prepared.  
3 My name is Amleto Pucci, Professional Engineer  
4 retired and I have a doctorate and I have  
5 worked for years in water resources in the  
6 Delaware River Valley, as well as in New  
7 Jersey, and the concerns about pollution and  
8 health effects, especially vis-à-vis the issue  
9 of fracking has interested me for about 10  
10 years or so now.

11 Moved into our current home in Bucks  
12 County in 1984 when I began my professional  
13 environmental engineering and hydrology  
14 career. From 1989 through 1994 I volunteered  
15 to represent my township, on a Groundwater  
16 Management Committee, which was comprised of  
17 11 municipalities in central and northeastern  
18 Bucks County. Together we funded and worked  
19 with the US Geological Survey on a four year  
20 water resources assessment in our sub basin  
21 areas. The project objective was to sustain  
22 the healthfulness and supply of water within  
23 our region of the basin. We published  
24 scientific information on surface and  
25 groundwater resources. We explore technical,

1 legal and cultural basis for drafting  
2 municipal water resources, ordinances and we  
3 determined very critically that the idea of  
4 the comments is what's essential in  
5 understanding why and what we need water  
6 resources management for and what it's all  
7 about. I support the proposed regulations  
8 that ban water use in wastewater treatment  
9 activity for fracking in the Delaware River  
10 Basin. The Delaware River Compact gives you  
11 authority to impose that ban and I have two  
12 comments about this idea of the comments that  
13 apply to these regulations. First wastewater  
14 quantity and quality concerns are excessive in  
15 the fracking process. The potential  
16 environmental pathways for environmental  
17 contaminants are really challenging.  
18 Information sharing must be complete before  
19 any agency should permit such kind of an  
20 activity. Permission for any fracking related  
21 activity must also provide sufficient  
22 regulatory monitoring and in Pennsylvania,  
23 that's not going to happen as long as the  
24 state legislature prohibits taxing and  
25 withdrawal natural gases from the ground, and



1 that's the current situation. The second  
2 comment or topic is our groundwork committee  
3 learned that the DRBC has primacy to our  
4 efforts to manage water resources in our  
5 basins, are sub basins, that is, and -- but we  
6 share the comments with this greater  
7 regulatory agency, and just look at the DRBC  
8 guidance for groundwater management in  
9 Southeastern Pennsylvania. Municipalities in  
10 that regulatory guidance are empowered to  
11 actually be equal or even impose greater  
12 restrictions on water use and water management  
13 if they come together and agree on how to best  
14 manage the subbase and their sub basin part of  
15 the larger basin, so an important part of  
16 these regulations should be to try to engage  
17 local input wherever any kind of significant  
18 discharge of water is --

19 MS. BOWMAN KAVANAGH: Pardon me  
20 for interrupting. I'll have to ask you to  
21 wrap up your comments and please keep in mind  
22 you can also submit written comments, as well,  
23 for the guidelines on our website.

24 MR. PUCCI: Thank you, Kristen,  
25 I will and I apologize to everybody if I've

1 gone too far. Anyway, so the important point  
2 is, I do appreciate the opportunity and that  
3 we should all have a chance to have input into  
4 such an important decision that affects the  
5 health of everyone in the community. Thank  
6 you very much.

7 MS. BOWMAN KAVANAGH: Thank you  
8 for your comments. Our next registered  
9 speaker is Karen Igu or Igu. I not seeing  
10 Karen on the list of attendees, so kindly  
11 raise your hand if you are present. I will  
12 give you a moment to do that. Our next  
13 speaker is Christian Noel. I'm also not  
14 seeing Christian on the list of attendees, so  
15 I'll also give you a moment to raise your hand  
16 if you are present, so I will pause for a few  
17 seconds. Okay. I'm not seeing any hands  
18 raised by either of those two registered  
19 speakers, so I will move on to the next  
20 registered speaker who is Robert Mathias. I  
21 did see you here, so let me just find you one  
22 more time. I did see Robert Mathias earlier.  
23 I'm not seeing him now. I will come back to  
24 you if you had -- if you had a connection  
25 problem and in need to come back on. We have

1 seven remaining registered speakers for a  
2 total of 22 registered speakers for this  
3 evening. Those seven speakers, in order, are  
4 Peter Metzler, Ann Dixon, Marylou Ferrara,  
5 Jean Toher, Coryn Wolk, Bridget Brady, and  
6 Faith Zerbe. Given the time right now, as I  
7 said before, we had allotted two hours for  
8 this hearing. Given the number of speakers  
9 remaining, it is likely that we will have time  
10 to allow unregistered speakers to provide  
11 comments, as well. I will make that final  
12 determination after all of our registered  
13 speakers have first had a chance to speak if  
14 they're in attendance. So going back up,  
15 Peter Metzler. When I looked before I did not  
16 see you present, but I will check again.  
17 Still not seeing you. If you're here, kindly  
18 raise your hand. All right. Not seeing  
19 Peter's hand raised. The next registered  
20 speaker is Ann Dixon. I did see Ann present  
21 and Ann, I will go ahead and allow you to  
22 talk. Why don't you go ahead and check your  
23 microphone?

24 MS. DIXON: Sound check. Can  
25 you hear me?

1 MS. BOWMAN KAVANAGH: I can.  
2 Sounds good. Please state your name and  
3 affiliation, if any, for the record before  
4 starting your comments.

5 MS. DIXON: My name is Ann  
6 Dixon. I'm with 350 Philadelphia, a climate  
7 group. Frack wastewater should not be allowed  
8 to enter the watershed. Water should not be  
9 allowed to be removed from the watershed for  
10 use in fracking. These loopholes in the DRB  
11 fracking ban are specifically designed to  
12 enable the gas industry to expand. We cannot  
13 allow this to happen for many reasons. One of  
14 them is climate. Our climate crisis is caused  
15 by extracting and burning fossil fuels. The  
16 last time our planet was hotter than it is now  
17 was at least 125,000 years ago. Quote, I've  
18 -- we are on a catastrophic path. We can  
19 either give our world -- save our world or  
20 condemn humanity to a hellish future, end  
21 quote, by Secretary, General of the UN Antonio  
22 Guterres. According to the International  
23 Insurance Group, Swiss Re, more than 10,000  
24 people were killed or missing from this year's  
25 storms with property losses of \$105 billion.

1 In June, a heat wave in the Pacific Northwest  
2 and Canada killed hundreds of people, as well  
3 as a billion sea creatures that were roasted  
4 alive in their shells. Lytton, British  
5 Columbia reached 115.8 degrees Fahrenheit,  
6 then in November, the western coast of Canada  
7 was hit by another climate event, this time  
8 devastating flooding. There was Hurricane Ida  
9 that hit New Orleans to New York. For the  
10 last couple of years, the wildfires -- the  
11 natural wildfires in California have turned  
12 into six months of hell and of course, there  
13 is the recent Kentucky tornado. No one is  
14 coming to save us. We have to do that  
15 ourselves. So even if -- even though you  
16 might be saying to yourself that the DRBC  
17 doesn't concern itself with climate, make it  
18 your concern. If the governor who appointed  
19 you doesn't want to close these fracking  
20 loopholes in order to make them -- sorry. I'm  
21 getting emotional. These loopholes in order  
22 to make a complete ban on fracking, vote for  
23 closing them anyway. I will personally  
24 organize a thank you letter writing campaign  
25 on your behalf.

1 MS. BOWMAN KAVANAGH: Do you  
2 need a moment, Ann?

3 MS. DIXON: I'm done. I'm  
4 sorry. I'm done.

5 MS. BOWMAN KAVANAGH: That's  
6 okay. I didn't want to rush you if you  
7 weren't. Thank you very much for your  
8 comments. Our next registered speaker is  
9 Marylou Ferrara. Marylou, I will now allow  
10 you and would you check your sound for me?

11 MS. FERRARA: Is that working?

12 MS. BOWMAN KAVANAGH: It is.  
13 Thank you.

14 MS. FERRARA: Great. Thank you.

15 MS. BOWMAN KAVANAGH: Name and  
16 affiliation, please.

17 MS. FERRARA: Sure. This is  
18 Marylou Ferrara, the advocacy chair for the  
19 Sourland Conservancy. That's a nonprofit that  
20 has as its mission the preservation and  
21 protection of the Sourland Mountain region,  
22 much of which is situated in the watershed of  
23 the Delaware River. The February decision of  
24 the DRBC to permanently ban drilling and  
25 fracking within the watershed was a very

1 positive move and one in which the Sourland  
2 Conservancy recognized and applaud. The  
3 obvious next step is a full and complete ban  
4 by the DRBC on the import, export,  
5 transportation, storage and so called  
6 beneficial use of fracking wastewater. We  
7 call upon all DRBC Commission members to move  
8 forward to do so. We rely on you to regulate  
9 these uses and to protect our region and we  
10 rely on you to do so in a way that is very  
11 transparent and accessible. Currently, your  
12 process for public input does shut some people  
13 out and we support changes to make anyone who  
14 wishes to make a comment the opportunity to do  
15 so. The Commission is to provide a public  
16 participation process that works for everyone.  
17 Thank you very much.

18 MS. BOWMAN KAVANAGH: My  
19 apologies. I think I was just speaking to  
20 myself for a moment. Thank you for your  
21 comments. Our next registered speaker is Jean  
22 Toher who I do not see on the list of  
23 attendees, so I will give you a moment to  
24 raise your hand while I reset the clock. The  
25 raise hand feature should be in the bottom

1 center of your screen. I'm not seeing that  
2 Jean is present. I will move on to the next  
3 registered speaker Coryn Wolk. Coryn, I will  
4 now allow you to talk. Please check your  
5 sound.

6 MS. WOLK: Hi. Can you hear me?

7 MS. BOWMAN KAVANAGH: I can.

8 Thank you. Name and affiliation, if any,  
9 before your comments. Thank you.

10 MS. WOLK: Okay. My name is  
11 Cory Wolk and I'm nearly lifelong resident of  
12 southeastern Pennsylvania, informally  
13 affiliated with Physicians for Social  
14 Responsibility, Pennsylvania and like others,  
15 I encourage you to close these loopholes. I  
16 was looking at one of the proposed rules for  
17 any kind of definition of, like, a public  
18 emergency, what the public is because that was  
19 one of the conditions for an exportation of  
20 water from the Delaware River Basin. I  
21 couldn't find anything really, like,  
22 delineating the limits for that, and as we've  
23 seen for the whole fracking industry  
24 existence, they're very skilled at finding  
25 various loopholes and exploiting just gaps and



1 enforcement in the regulation that we already  
2 have and so especially in other areas, water  
3 is being used and that creates a water  
4 emergency there and then the actual residents  
5 of those areas or other industries like  
6 agriculture need the water, would that create  
7 an exception, even though it's the fracking  
8 industry has been taking a lot of the water or  
9 if the fracking industry says, like, we need  
10 water for various uses and if not, it'll  
11 create some kind of dangerous conditions,  
12 would that be an allowable exception? That's  
13 why these loopholes need to be closed,  
14 obviously, and this is especially urgent. For  
15 example, Aqua America, which I believe is now  
16 People's Utility, they own private water  
17 companies across the state and also now  
18 natural gas companies, and they're working to  
19 privatize many municipal water supplies within  
20 the Delaware River Basin and so it seems like  
21 there's going to be a natural conflict of  
22 interest here between water companies in the  
23 basin who have -- are supposed to protect the  
24 water and follow regulations, but also will  
25 want to deal with wastewater and exportation

1 of water for their uses outside of the basin  
2 for fracking, which is why it's just very  
3 urgent to close these loopholes, and just on a  
4 note for the public engagement side of this  
5 and public comment, I only knew about these  
6 hearings because I'm on the DRBC's e-mail list  
7 for my prior work and some other e-mail lists  
8 for environmental organizations and I still,  
9 you know, had trouble finding very clear  
10 basics about what these rules were doing and,  
11 you know, what the big questions involved for  
12 the public were and that is someone who's  
13 already engaged and is fluent in English,  
14 leads technical information, and so I  
15 encourage you to publicize these more and also  
16 think more deliberately about your public  
17 engagement strategy, especially for speakers  
18 of other their languages. People who are less  
19 Internet connected, less literate. Either you  
20 want the public's input or not, and if so, you  
21 need to do a little bit more. Thank you.

22 MS. BOWMAN KAVANAGH: Thank you  
23 for your comments. Our next registered  
24 speaker is Bridget Brady. I do not see  
25 Bridget on the list of attendees and as with

1 others, I will give you a few seconds to raise  
2 your hand if indeed you are present. All  
3 right. I'm not seeing Bridget Brady raising  
4 her hand. I will move on to our final  
5 registered speaker and given the time, it does  
6 look like there will be opportunity for  
7 unregistered speakers to provide comments this  
8 evening, as well. I will run through the list  
9 of registered speakers who weren't present  
10 earlier. Just give them one last chance to  
11 speak before I move onto the registered  
12 speakers, so Faith Zerbe or Zerbe. My  
13 apologies if I got that wrong. I will now  
14 allow you to talk up. Go ahead and check your  
15 sound, if you will, please.

16 MS. ZERBE; Hi Kristen. Can you  
17 hear me?

18 MS. BOWMAN KAVANAGH: I can.  
19 Thank you. You know the deal at this point.  
20 Name and affiliation, if any, please before  
21 you start your comments.

22 MS. ZERBE: Thanks so much. My  
23 name is Faith Zerbe. Z-e-r b as in boy, e as  
24 in Edward. Tonight I'm speaking as a private  
25 citizen. I live in the Delaware River

1 watershed. I am a river scientist, as well,  
2 and I've spent many, many a time in the  
3 Delaware watershed collecting samples, looking  
4 at the incredible diversity and the incredible  
5 protection efforts, and being part of the DRBC  
6 and part of what residents and the community  
7 has wanted for many, many years. So I thank  
8 the DRBC for what they have done so far. Also  
9 grew up in the Schuylkill headwaters and  
10 overly Susquehanna watershed where we see a  
11 legacy of contamination from extractive  
12 industries, right, and fossil fuels. So this  
13 is near and dear to me. In 2010, you know,  
14 there was a defacto gation and I want to just  
15 thank the DRBC for codifying that finally in  
16 February after hundreds of thousands of us  
17 stood out, protested, went to rallies, went to  
18 meetings in the Upper Delaware watershed,  
19 Commission reports really, really key. Now  
20 today what we need is we need loopholes  
21 closed. We don't need a weakening of what  
22 we've had in effect since 2010. I understand  
23 that from the regulations certainly there  
24 are -- it is good to see that we are looking  
25 to not have any type of freshwater discharges

1 in the basin, but we totally have to  
2 completely stop all the loopholes that are  
3 currently in these proposed regulations. It's  
4 absolutely critical. DRBC can be a hero once  
5 again and really do what is necessary. We  
6 need to see commissions like this standing up.  
7 We know based on the track record and it's  
8 very clear over 10 years of information that  
9 certainly we cannot allow the states to be  
10 doing what DRBC is proposing, right? Sure, we  
11 won't have discharges, but will have other  
12 types of air emissions and other types of  
13 thermal processes that could be allowed with  
14 frack waste and we know the frackers want to  
15 be able to get rid of their waste closer than  
16 sending it over to Ohio, so for those of us  
17 who might remember, it's young like excellent  
18 XGL freshwater exports should not be allowed,  
19 as well as wastewater imports should be  
20 totally banned. We are looking for a complete  
21 ban.

22 The other point I wanted to just make  
23 is finite freshwater, right? So we know that  
24 DRBC and other agencies are looking at the  
25 Philly salt line. We know that with climate

1 change exacerbation of climate events will  
2 happen, and we know the salt line could impair  
3 Philly's water supply. That's absolutely  
4 crazy to think that we would allow any drop of  
5 our fresh water to go across the Ridge,  
6 Susquehanna to harm other people in the  
7 region. DRBC has stepped up in the past. We  
8 need you not to undermine what has already  
9 been put into place. We need a complete ban  
10 and we really just hope that the four  
11 governors of the state and the federal Rep by  
12 President Biden nail this in the ground to  
13 make it a complete ban, close the loopholes,  
14 and let's move on to all the other impacts and  
15 all the other concerns that DRBC needs. DRBC  
16 has a lot of work on their plate. We don't  
17 need to be adding flow back wastewater coming  
18 here and we certainly don't need to have fresh  
19 water removed. Thank you so much for your  
20 time and stay well.

21 MS. BOWMAN KAVANAGH: Thank you  
22 for your comments. That was our last  
23 registered speaker. I will note that we have  
24 a few unregistered speakers who have raised  
25 their hand and there is time to accommodate

1 your providing comments this evening. Before  
2 I move on to the unregistered speakers, I  
3 would just like to read through the list of  
4 registered speakers who I did not see on the  
5 list of attendees earlier. There's a chance  
6 you may have had to leave and come back or  
7 join the hearing late and I do want to give  
8 you the opportunity to speak. First I'll read  
9 through the list and then I'll pause for a few  
10 seconds to check the list again or check the  
11 list of attendees and also for you to raise  
12 your hand if you are, in fact, present.  
13 Kathleen Ancuta, Jane Shields, Gregory  
14 Sullivan, Janet Drew, Karen Igu, Christian  
15 Noel, Robert Mathias, Peter Metzler, Jean  
16 Toher and Bridget Brady. If you're here,  
17 raise your hand. In the meantime, I will  
18 check the attendee list one more time before  
19 moving onto unregistered speakers. Thank you  
20 for being patient. Jumping around the list  
21 here a little bit. I'm still not seeing any  
22 of those folks either raising their hand or on  
23 the list of attendees. We do have about one  
24 hour left within the two hour scheduled  
25 hearing time, so we certainly are able to

1 accommodate a few unregistered speakers, as  
2 well. I'm going -- Zoom very kindly puts  
3 folks in the order that their hands were  
4 raised. The first hand that was raised was  
5 Aurelle Sprout and Aurelle, I know you already  
6 spoke before and it looks like you had raised  
7 your hand a second time and then it brought it  
8 down. I just want to check in with you.  
9 Maybe there's an off chance that one of these  
10 registered speakers happens to be your  
11 neighbor and that's why you're raising your  
12 hand, so Aurelle, just gave you the option to  
13 speak. Did you want to clarify? Is there  
14 someone there who's registered or was that  
15 just a mistake.

16 MS. SPROUT: Kristen, can you  
17 hear me?

18 MS. BOWMAN KAVANAGH: I can.  
19 Yes.

20 MS. SPROUT: I just wanted to  
21 say that I am very grateful. It was hard to  
22 get on. I had practiced yesterday because  
23 each type of Zoom and things are different. I  
24 did navigate around and I must have spent  
25 about 20 minutes, at least 20 minutes trying



1 to get on. So maybe other people had the same  
2 type of problem. The thing is that I was  
3 lucky enough to -- I have tenacity that gets  
4 me through and I got on. So just letting you  
5 know that component there and it would be good  
6 to have another hearing for people and also  
7 the writing. I think you've given us  
8 opportunity to send in letters, as well.

9 MS. BOWMAN KAVANAGH: Yes, and  
10 that deadline is on the website. Okay. Well,  
11 thank you. I just want to make sure that one  
12 of the other things had come into your place.  
13 Glad you were able to get on and I will now  
14 proceed to the folks who have their hand  
15 raised who were not on their registration  
16 list. So in order so far we have three hands  
17 raised. Nick Flynn, Joe Basralian and Andrew  
18 McGrath. I do see a hand raised from someone  
19 who already provided comments. I'll check in  
20 with you in a little bit. Just want to keep  
21 in mind with everyone, you do have one  
22 opportunity to provide oral comments. I know  
23 three minutes for some people might not be as  
24 much as you would like. We also are accepting  
25 written comments through February 28th, 2022.

1 So you can, you know, say as much as you want  
2 presumably that way. Nick Flynn, I am now  
3 going to allow you to talk.

4 MS. FLYNN: Hi everyone and  
5 thanks for the opportunity to speak tonight.  
6 I just wanted to say I have grown up along the  
7 side of the Delaware River. Fished in it.  
8 Swam in it and kayaked down the upper Delaware  
9 and I'm hoping that the DRBC would please  
10 protect the watershed from all pollution from  
11 the oil and gas industry, including the import  
12 of all wastewater from the fracking industry  
13 and protect the waters' integrity by banning  
14 the export of its vital waters for use in  
15 fracking. Thank you.

16 MS. BOWMAN KAVANAGH: Thank you  
17 for your comments. Well, the next person with  
18 their hand raised as an unregistered speaker  
19 is Joe Basralian. Joe, I will now allow you  
20 to talk.

21 MR. BASRALIAN: Thanks so much  
22 for organizing this so well. We really  
23 appreciate it. It's going really smoothly.  
24 This is Joe Basralian. I live in Chatham  
25 Township in Morris County. I'm a frequent

1 enjoyer of the Delaware mainstem and  
2 tributaries as a kayaker with my three kids,  
3 ages 15, 13 and 10, as well as my Cub Scout  
4 troop pack six, we have 50 Cub Scouts ages six  
5 to 11 and I'm the cub master of that, as well  
6 as with my wife is the scout master of BSA  
7 Troop 280 and there are 33 scouts, all girls,  
8 so this is a girls BSA or Boy Scouts of  
9 America troop and we are always there and they  
10 always want to know about the life and the  
11 health of the water and the river and the  
12 ecosystem and each -- and I'm so -- it's  
13 incredible to tell them how much has been done  
14 to protect and preserve it. It just -- it  
15 brings me joy, but it gives everybody  
16 listening a sense of all -- the kids a sense  
17 of confidence that what's happening is right,  
18 and that sense of confidence that we give our  
19 children is just more valuable than any dollar  
20 with eight or nine zeros after it. It's just  
21 so gratifying and it gives -- It gives them a  
22 sense that there is a future in an adult world  
23 that they can rely on. I'm just trying to  
24 think of how I have to go back to them the  
25 next time we're at the river, if I have to

1 explain what kind of discharge or removals are  
2 allowed from the basin. I just know that --  
3 they're going to look down. They're not going  
4 to want to look me in the eye. They're going  
5 to look down, like, what is wrong? How can we  
6 live in a world we can't rely on the power  
7 structures to protect us? It just -- it just  
8 steals a sense of safety and hope from them.  
9 I think we can all relate when we have to tell  
10 them that either we, you know, we couldn't  
11 afford, you know, a gift we wanted to give  
12 them or if they wanted concert tickets, we  
13 can't afford. It's like the disappointment,  
14 but it's so tangible when you have to look  
15 them in the eye and tell them that we are  
16 actively deciding to basically allow pollution  
17 of something that they love.

18 I know this isn't a forum of Christian  
19 scripture, but it just was coming to my mind,  
20 so Matthew chapter six. You cannot worship  
21 both God and money. You must either love one  
22 and hate the other or hate one and love the  
23 other and we really in this case we have to  
24 learn God or if you don't believe in God, you  
25 know what's right and secondly, it's also

1 Matthew Chapter 7 he says -- Jesus says, enter  
2 through the narrow gate for the wide gate  
3 leads to destruction. The narrow gate is  
4 what's hard and difficult, but right. The  
5 wide gate is what's easy and simple, but  
6 wrong, so I just ask that all the  
7 Commissioners dig deep. Let's enter through  
8 the narrow gate. Thank you for your time.

9 MS. BOWMAN KAVANAGH: Thank you  
10 for your comments. Next we have Andrew  
11 McGrath. Andrew, I will now allow you to  
12 talk. Would you check your sound, please?

13 MR. McGRATH: Can you hear me?

14 MS. BOWMAN KAVANAGH: I can.

15 MR. McGRATH: Oh, terrific.  
16 Technology works. Yeah.

17 MS. BOWMAN KAVANAGH: I'm doing  
18 well tonight. Kindly state your name and your  
19 affiliation, if any, before your comments.

20 MR. McGRATH: Sure. Thank you.  
21 Hello. My name is Andrew McGrath. I'm a  
22 resident of Philadelphia, hospital IT project  
23 manager, a runner, kayaker and a longtime  
24 advocate for protecting our Delaware River  
25 from fracking and the various fracking threats

1 we are discussing. One of my favorite places  
2 to kayak and camp is the Delaware Water Gap  
3 National Recreation Area. What a treasure  
4 this area is with the freshwater bald Eagles  
5 and healthy ecosystem of wildlife. I've run  
6 the Philadelphia Marathon for the past 12  
7 years to raise funds and awareness and  
8 advocate for protection of the Delaware. The  
9 Delaware River, as many of you know, is the  
10 water supply for over 17 million people,  
11 including residents of New York City and the  
12 city of Philadelphia. Fracking in the  
13 Delaware River Basin would have been a  
14 catastrophic pollution risk and tragedy and  
15 the complete ban was a welcome result of years  
16 of activism by many thousands of dedicated  
17 environmentalists. However, now we need to  
18 protect from all these other potential  
19 threats. Fracking waste should be absolutely  
20 prohibited from being transported, much less  
21 stored in our Delaware River Basin. Water  
22 withdrawals from the Delaware for fracking  
23 elsewhere should also be banned. We're  
24 already in a situation where we have periodic  
25 droughts, so all of the basin water is needed

1 for a healthy ecosystem and the many human  
2 uses of that water. Removal of water for  
3 fracking, and we're talking about millions of  
4 gallons, induces irreparable harm in many  
5 ways. It deprives the springs, tributaries,  
6 and mainstream Delaware River of critical  
7 flows and quality. It induces fracking where  
8 it may not occur due to water shortages and  
9 overdrawn streams. It induces more fracking,  
10 which damages public health and the  
11 environment and increases the emissions of a  
12 powerful greenhouse gas, methane worsening the  
13 climate crisis. In short, we need to take all  
14 additional steps we can to protect the  
15 Delaware River Basin from frack waste or  
16 storage and from water withdrawals to support  
17 fracking elsewhere. Thank you very much.

18 MS. BOWMAN KAVANAGH: Thank you  
19 for your comments and thank you for respecting  
20 the three minute time, even though I was a bit  
21 tardy starting the clock. If anyone else that  
22 -- those are all the hands that I saw raised  
23 for unregistered speakers. I will give folks  
24 a chance if you have not spoken before at this  
25 or a prior hearing, you're welcome to raise

1 your hand and because there is some time, I  
2 can allow you three minutes to provide  
3 comments. I do see that Coryn Wolk who spoke  
4 already in this hearing has her hand raised.  
5 This is not an opportunity to speak again.  
6 However, I am going to allow you to talk for a  
7 moment, just in case there happens to be  
8 someone else there who wishes to provide  
9 comments. Coryn, are you there again? This  
10 is not an opportunity to speak twice at the  
11 hearing, but is there someone else there who  
12 desires to provide comments? I'm sorry. I  
13 can't hear you. Sorry.

14 MS. WOLK: Can you hear me now?

15 MS. BOWMAN KAVANAGH: I can. We  
16 allow speakers to speak once. Is there  
17 someone else there who would like to --

18 MS. WOLK: Yes. This is --

19 MS. BOWMAN KAVANAGH: I'm sorry.  
20 The sound is not so great. I can't hear what  
21 you're saying. I'm not sure if there's a  
22 device setting that's changed on your end. I  
23 can't hear. It's extremely garbled. I can't  
24 make out what you're saying. I'll let you try  
25 one more time. If that's not successful, I



1 would certainly invite the additional speaker  
2 to submit written comments. You have until  
3 February 28th of 2022. Would you like to try  
4 one last time?

5 MS. WOLK: Okay. Can you hear?

6 MS. BOWMAN KAVANAGH: I heard  
7 you say okay and then it trailed off. I can't  
8 hear you anymore.

9 MS. WOLK: Okay. I'll open one  
10 more time.

11 MS. BOWMAN KAVANAGH: I'm sorry.  
12 This doesn't seem to be working out. I really  
13 can't -- I hear the first word and after that  
14 I can't really hear you and I certainly can't  
15 make out what you're saying. I'm glad that  
16 you were able to provide comments earlier in  
17 this hearing and if there is someone else with  
18 you who would like to provide comments, I  
19 would invite you to submit written comments.  
20 I Don't see any hands raised from any  
21 additional folks who have not spoken earlier.  
22 I'm only seeing another hand raised from  
23 someone that just spoke earlier. Again, I'm  
24 going to check in with you, but if you have  
25 already spoken at this or a prior hearing, you

1 do not have a second opportunity to speak at  
2 this hearing. I will check in with Amleto  
3 Pucci to see if there is an additional person  
4 there who would like to speak. If not, I  
5 would invite you to submit written comments,  
6 if you have additional comments to provide.  
7 Amleto, I just allowed you to talk. Is there  
8 someone else there who would like to provide  
9 comments?

10 MR. PUCCI: No. I just wanted  
11 to say that the --

12 MS. BOWMAN KAVANAGH: All right.  
13 Thank you. I would invite you to submit  
14 written comments for anything additional and  
15 I'm going to pause for a moment and see if any  
16 new speakers raised their hands or any  
17 registered speakers who jumped on a bit late  
18 who would like to take advantage. We do have  
19 some time left. Let's wait a few more seconds  
20 since there is time left in the hearing. If  
21 there's anyone who had not registered or  
22 spoken at this or a prior hearing who would  
23 like to provide comments this evening. I'm  
24 not seeing any hands raised, so I will stop my  
25 screen sharing. That concludes this public

1 hearing. Thank you to everyone for attending  
2 and on behalf of the Delaware River Basin  
3 Commission, I also want to thank those of you  
4 who offered comments. As a reminder, a list  
5 of frequently asked questions concerning this  
6 rulemaking has been posted on the DRBC  
7 website. You may also submit written comments  
8 by 5:00 PM Eastern Time on February 28th,  
9 2022. For more information, please visit the  
10 DRBC website. Have a good evening and I wish  
11 you all a happy and healthy New Year.

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C E R T I F I C A T E

I, CYNTHIA BAUERLE, a Certified Shorthand Reporter, do hereby certify that the foregoing is a true and accurate transcript of testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.



CYNTHIA BAUERLE

CSR No. 30XI00198500

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