

BEFORE THE
DELAWARE RIVER BASIN COMMISSION
OF
WEST TRENTON, NEW JERSEY
* * * * *

IN RE: XTO ENERGY, INCORPORATED
D.R.B.C. PUBLIC HEARING
* * * * *

BEFORE: CAROL R. COLLIER, Executive Director,
Hearing Officer
William J. Muszynski, P.E., Branch Manager
Clark Rupert, Communications Manager
Eric Engle, Geologist/Hydrologist
Victoria Larson, Secretary
John F. Calkin, Esquire

ALSO

PRESENT: Angus Eaton, for NY Governor Andrew Cuomo
Dave Kovach, Member

HEARING: Wednesday, June 1, 2011
3:30 p.m.

LOCATION: Deposit Central School
171 Second Street
Deposit, NY 13754

Reporter: Kenneth Dominic O'Hearn

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NONE OFFERED

P R O C E E D I N G S

HEARING OFFICER:

1
2 -----
3
4 I'm Carol Collier, Executive Director of
5 the Delaware River Basin Commission. I will serve as
6 the Hearing Officer today and thank you very much for
7 taking the time out of your busy schedule to come to
8 this hearing dealing with a proposed water withdrawal
9 for XTO Energy. This is the second of two hearings on
10 the draft XTO Energy Withdrawal Docket. The first
11 took place at the Commission's regularly scheduled
12 public meeting in West Trenton, New Jersey on May
13 11th. On that date, we heard oral comments from 39
14 individuals, and today we expect to hear from as many
15 as 120 or as many as we can fit in.

16 I'd like to take a moment to express my
17 great gratitude to the Deposit Central School District
18 and the Deposit High School for their logistics and
19 use of their facility. I also want to make a few
20 introductions. To my right is Mr. Angus Eaton, who is
21 here representing Governor Cuomo of New York and to my
22 left is DRBC's Water Resource Management Branch Chief,
23 Bill Muszynski. And other DRBC staff that is seated
24 around the room includes John Calkin, Clarke Rupert,
25 Dave Kovach, Eric Engle, and Vicky Larson.

1 By way of a procedural background on
2 April 28th, 2011, my staff posted the Draft Docket of
3 the XTO Energy withdrawal on the DRBC website along
4 with all of the other draft dockets scheduled for
5 hearing at the Commission's regularly scheduled public
6 meeting on May 11th. On the same day, DRBC staff
7 notified individuals on our interested party list via
8 e-mail that the Draft Docket was available. Many
9 commenters responded by requesting additional time to
10 comment and a hearing closer to the project site. The
11 Commissioners announced on May 11th that in response
12 to these requests, a second hearing would be scheduled
13 near the project site within 30 days and the comment
14 period would be extended through the close of that
15 second hearing. That's today. Staff posted details
16 of today's hearing on May 18th, and we announced at
17 the same time that the written comment period would
18 remain open through June 1st.

19 I want to mention one other thing before
20 we get started. Yesterday, I received a letter from
21 the New York State DEC Commissioner, Mr. Joe Martens,
22 concerning water withdrawal in New York State. And
23 Mr. Eaton would like to read the letter to all of you.

24 MR. EATON:

25 The State of New York is currently

1 conducting the Environmental Impact Review with
2 respect to potential adverse environmental impacts
3 associated with high-volume hydraulic fracturing for
4 natural gas development. New York requests that all
5 Delaware River Basin Commission water withdrawal
6 applications within New York that are associated with
7 high-volume hydraulic fracturing be postponed until
8 completion of the New York Environmental Impact Review
9 process. New York's public and scientific review
10 process will evaluate various attributes and impacts
11 of hydraulic --- excuse me --- of horizontal hydraulic
12 fracturing, including appropriate water withdrawal
13 protocols.

14 HEARING OFFICER:

15 The other four Commissioners, the
16 representatives from Pennsylvania, New Jersey,
17 Delaware and the Federal Government, have copies of
18 this letter, and what the Commissioners have decided
19 is they want to confer together on this. And our next
20 Commission meeting is July 13th, so that's when you'll
21 hear what the decision is, whether it goes with New
22 York's request or what else they want to do. So stay
23 tuned.

24 Okay. Before we begin the oral comment
25 portion of the afternoon, which starts at 4:45, we

1 have set time for a brief overview of the Draft
2 Docket, given by Mr. Bill Muszynski. Then there'll be
3 some informal question and answers. This is not part
4 of the hearing record, but we want to give you time to
5 ask questions, specifically about the XTO proposal, so
6 that if you're not sure about design issues, you need
7 clarifications, this is an opportunity to get some
8 answers, not just the hearing testimony.

9 So I will turn it over to Mr. Muszynski.

10 MR. MUSZYNSKI:

11 Thank you, Carol. I guess everybody
12 can't hear that. We've got this echoing right in our
13 ear, so ---.

14 XTO Energy, Incorporated, applied for an
15 application to remove, essentially, up to 0.25 million
16 gallons per day, or 7.5 million gallons per month of
17 water for natural gas activities and production
18 activities in Broome and Delaware Counties in the
19 State of New York. The surface water withdrawal would
20 be from the location on the Oquaga Creek. The Docket
21 itself contains what we call a pass-by condition,
22 which means that no water can be withdrawn that would
23 result in the creek going below 8 cubic feet per
24 second.

25 The Docket conditions the withdrawals may

1 only be used at the Docket-holder's approved locations
2 for natural gas well pad sites in Broome and Delaware
3 Counties. So the water that is withdrawn cannot be
4 used at other natural gas sites, it cannot be used
5 outside of these two counties and it cannot be used
6 outside of the State of New York.

7 This gives you a general location of
8 where it is on Oquaga Creek. It's basically just off
9 of Route 41 at a bridge crossing. I'll give you an
10 exhibit, a bird's eye view of the withdrawal site.

11 One of the conditions of all of our
12 withdrawals, whether we're talking natural gas or
13 anything else, is what is the use and what is the area
14 that is going to be served by the water that is being
15 requested approval for. And again, I'll reiterate
16 that it's only at the XTO Energy, Incorporated, well
17 pads and lease holdings. It's only within the two
18 counties in New York of Delaware and Broome. It's
19 only within the Delaware River Basin, so they cannot
20 export the water outside of the basin. And it's only
21 at natural gas development and extraction activities
22 approved by the Commission or by the State of New
23 York. So they cannot begin withdrawal of any water if
24 they do not have a corresponding well permit for
25 natural gas development.

1 The activities that the water can be used
2 for of natural gas development and extraction
3 activities include the actual drilling of the wells,
4 the fracturing, the hydraulic fracturing, well
5 stimulation, mixing concrete for well construction,
6 tire washing for the vehicles, offsite dust control
7 and access roads within their lease holdings.

8 The facilities and activities will
9 include a semi-permanent floating withdrawal intake.
10 That's just basically a floating intake item to
11 minimize the impacts on the stream. There'd be a
12 limitation that they can only pump at a rate of 500
13 gallons per minute. The discharges or, you know, the
14 withdrawals would be directly to a tanker truck.
15 There is no storage tank proposed at this site.
16 Metering facilities would be required to make sure
17 that the water is only being taken at the rates and
18 amounts that are approved in the Docket. There'd be
19 reporting requirements to go along with that and we'll
20 give you a summary of that in a minute. There'd be
21 restricted access at the site, signage and there's
22 also a requirement to have a withdrawal site
23 supervisor present to make sure that only those who
24 are allowed to have water put in their trucks are
25 done, and plus that the information is being collected

1 as we indicated. The pipe, obviously, would be
2 secured and locked when not in use.

3 Clearly, the vast majority of the water
4 will be used for hydraulic well stimulation. If you
5 look at the Docket, there's a decision section that
6 had various conditions that I'm going to be referring
7 to here. One is that it is restricted up to the 0.25
8 million gallons per day. And we define a day as
9 midnight to midnight. So within that 24 hour period,
10 they cannot take more than 250,000 gallons. The
11 withdrawal cannot result in the stream flow going
12 below eight cubic feet per second. So they would have
13 to reduce any withdrawals that they have essentially
14 down to zero to make sure that they're not impacting
15 that stream flowing below eight cubic feet per second.
16 In addition, we have a requirement that as the stream
17 flow begins to recover from what we call using 2-7
18 tank (phonetic), although this is even higher than a
19 2-7 tank flow, that they cannot begin to take water
20 again until that stream gets above 8.4. And the
21 reason for that is because the .25 million gallons per
22 day translates to approximately .4 cfs. So we don't
23 want them immediately returning the stream down to
24 that many cfs. They will have to establish a gage on
25 the stream to make sure that they are meeting all of

1 these requirements. They can use either a U-gage or
2 they can work with us and the USGS to have --- define,
3 basically, a USGS gage. There was a USGS gage in
4 Deposit that was, I guess, due to economics taken
5 offline and they can work with us to reestablish a
6 gage in this area along with the USGS.

7 What we are not approving --- and I think
8 because sometimes there's confusion about what this
9 Docket does. This Docket approves the potential
10 withdrawal of water for this purpose, but there are
11 restrictions on when they can start to withdraw and
12 one of the restrictions is that you need to have a
13 natural gas well pad permit, a permit to drill a well.
14 If you do not have one, no water can be withdrawn from
15 the site. And this permit or this Docket is not
16 approving that natural gas well pad site. No
17 development activities are being approved. All of
18 those activities require a separate application
19 through the Commission, as well as separate
20 application to the State of New York and it must have
21 their approval, both our approval and the State of New
22 York's approval. And those are under conditions j.
23 and m.

24 Wastewater. One of the things that we do
25 with all of our water withdrawal Dockets is we look to

1 see where --- all the wastewater that even a public
2 water supply system approval contains, where will that
3 wastewater eventually be treated and is there a plant
4 capable of treating that wastewater? But it doesn't
5 approve the wastewater discharge if it's within our
6 basin, because we have a separate Docket approval for
7 our wastewater treatment plant. So in this case, we
8 only looked to see --- and in this case, they
9 indicated --- the applicant indicated that there'd be
10 either 100 percent reuse of any of the return waters
11 that they get or that they're being taken out of basin
12 for treatment and disposal. And they gave us some
13 names of sites, which when a permit was issued for
14 well pads, that's where we would re-verify that those
15 wastewater sites are still available and still capable
16 of treating any waste before they would be allowed to
17 start the hydrofracking process.

18 There's an operations plan that's
19 required to be submitted as part of the Docket
20 condition t. and that plan is for them to tell us how
21 they would comply with all the conditions that are
22 provided in the Docket. And that includes the daily
23 water withdrawal allocation, how they're actually
24 going to demonstrate to us if they can comply with
25 that and not withdraw more water than they're allowed

1 to order. How they're going to comply with the pass-
2 by monitoring requirements, the automatic metering
3 system that is going to be put in.

4 Violations are required to be reported,
5 essentially immediately to the Commission within 24
6 hours of any violation, and they are required to give
7 us monthly information as part of the Docket approval
8 on their water withdrawal. Trucks are to be metered
9 and recorded. So again, where is that truck from?
10 Where is that truck going?

11 There's a non-point source pollution
12 control plan that is required as part of our special
13 protection order, the water requirements for this
14 particular site. For any well pad site, there would
15 be a non-point source control plan separately provided
16 for for that. And so again, no construction at this
17 site could happen until we would receive that
18 non-point source control plan.

19 The Docket approval is subject to all
20 conditions that are imposed by the state or DRBC,
21 whichever is the more stringent. I know sometimes
22 there's confusion because there are multitudes of
23 permits that people often have to receive. We put our
24 requirements into our permit. We put requirements in
25 that the state asks us to put in. But if the state

1 has a separate permit or the Corps of Engineers has a
2 separate permit or local government has separate
3 permitting requirements, the fact that they have our
4 approval doesn't absolve that applicant from having to
5 comply with those requirements, especially if they're
6 more stringent than ours. The Docket clearly --- and
7 of course, it doesn't exempt them from having to apply
8 for and obtain any state, federal or local government
9 agency approvals.

10 Construction plans and specifications are
11 required to be submitted and approved by the Executive
12 Director before any site clearing, any site work can
13 be done other than, perhaps, survey work. But they
14 cannot begin the construction at the site until we
15 have plans and specifications and until we have
16 approved those plans and specifications.

17 They are required to implement a
18 monitoring program and to control leakage within the
19 system. We don't want wasted water at these sites.
20 There are requirements for interference reporting.
21 Generally, these apply more to ground water
22 withdrawal, that if there is any interferences from
23 even the surface water withdrawal, then they are
24 required to report those to the Executive Director.
25 They're also required to notify that --- if somebody

1 complains to them that there's some interference, then
2 they are required to notify that person that there is
3 a DRBC and to give them our telephone numbers and
4 those people can call us directly rather than strictly
5 relying on what the Docket-holder says. We have this
6 as pretty much a standard condition, because we found
7 that in some cases, believe it or not, not everybody
8 knows that there's a DRBC in the basin. So this
9 requirement allows that person to understand there is
10 a DRBC that they can come to directly.

11 There is a drought plan and drought
12 emergency requirements that they have to tell us.
13 They have to recognize that under certain conditions,
14 all water withdrawal may be stopped under drought
15 conditions. And that can be done either as the result
16 of a Governor action or a Drought Coordinator or
17 emergency resolutions of the Commission, so we want to
18 make sure they are fully aware that they may be
19 stopped and may have to have alternate plans.

20 And there's a provision that any of these
21 reports that we would require them to come in on and
22 are going to be reviewed, but at their cost. We will
23 keep our cost records to make sure that we recover
24 those costs.

25 I think Carol mentioned this, but it

1 certainly is on our website, that we're receiving
2 comments through today, which means, I guess, midnight
3 tonight. And you can make and either provide those
4 comments.

5 HEARING OFFICER:

6 Eastern Daylight time.

7 MR. MUSZYNSKI:

8 Eastern Daylight time. You can provide
9 those comments either today at the hearing, either by
10 written or oral testimony that we'll be taking, or you
11 can mail them in to the Commission's secretary and
12 there's the address up there. Thank you.

13 HEARING OFFICER:

14 So now I'd like to open the floor to
15 questions. This is not part of the formal testimony
16 and not part of the record. This is really for
17 clarifying questions. It's not a time for speeches,
18 specific questions.

19 OFF RECORD DISCUSSION

20 HEARING OFFICER:

21 Okay. Now, we'll start the official
22 testimony. I hope you picked up the rules and
23 guidelines. There are copies out on the desk. I'm
24 not going to take the time to run through these all
25 but one, please be respectful of the speakers.

1 Commenters have two minutes each, so think about your
2 timing. We are going to have this clocked as we had
3 for our other hearings. It makes it easier for
4 everybody. What I am going to do is call numbers ten
5 at a time and when your number is called, please go to
6 the front row where those gentlemen are sitting over
7 there so that we can have an orderly flow of folks.
8 And with that, we will start with the elected
9 officials who signed up. And I'd like to call number
10 one, Mr. Dewey Decker.

11 MR. DECKER:

12 Okay. Can I start?

13 UNKNOWN MALE:

14 Yep.

15 MR. DEWEY DECKER:

16 Thank you for the opportunity to speak
17 today. We have a responsibility to be a good steward
18 of our natural resources. The Oquaga Creek flows
19 through the town of Sanford. That makes us the
20 caretakers and the taxpayers. This water withdrawal
21 permit is very small when put in perspective,
22 requiring less than one half of one percent of the
23 average daily flow. In comparison, the New York City
24 water delivery system is leaking 75 percent of the
25 entire average of the flow of Oquaga Creek. With this

1 withdrawal permit, should that be treated differently
2 because the water will be used for natural gas
3 development? That's unfair circumstances against the
4 economic development within the upper part of the
5 Delaware River Basin. The same day that the DRBC
6 decided it needed another hearing on this application,
7 it approved a new withdrawal of a similar amount for
8 the Montgomery County golf course. Downstream
9 recreation cannot trump job opportunity for upstream
10 residents. The DRBC decision must be based upon the
11 facts at hand and sound science, both with support of
12 approval. And I'd like to thank you.

13 HEARING OFFICER:

14 Excuse me. I know everyone wants to
15 support our speakers, but it's taking time and I want
16 to hear as many comments as possible. Thank you.
17 Number two.

18 MR. THOMAS AXTELL:

19 Good afternoon. For the record, my name
20 is Thomas Axtell, supervisor for the town of Deposit
21 of Delaware County, New York. At issue is the request
22 of XTO Energy, Incorporated, for an SWWD permit for
23 water withdrawal from Oquaga Creek in the town of
24 Sanford, Broome County, New York. I fully support
25 this application and I'd like the Commission to review

1 this for what it is, a request to withdraw water. The
2 issue of whether or not to allow drilling for natural
3 gas should not be a part of this decision.
4 Regulations affecting horizontal drilling have yet to
5 be released by the New York State Department of
6 Environmental Conservation and will address that
7 issue. This request is similar to four other requests
8 for water withdrawal from municipalities and
9 businesses in the lower Delaware River Basin. The
10 denial of this request would set unfair precedent for
11 potential economic gain for municipalities and
12 businesses to be able to sell water to energy
13 companies as well as create a potential discriminatory
14 practice by the Commission. Additionally, since this
15 hearing was intended to allow more local residents
16 living in this area to voice their concerns, I urge
17 the Commission to closely monitor comments from other
18 area activists that neither live here nor contribute
19 significantly to our economic well being. Thank you.

20 HEARING OFFICER:

21 Mr. Decker?

22 MR. RODNEY DECKER:

23 My name is Rod Decker and I am here
24 representing Assemblyman Cliff Crouch. And I have a
25 letter to read from the Assemblyman. I have reviewed

1 the DRBC's findings and decision on XTO's proposal for
2 water withdrawal and feel that it is a very
3 comprehensive document. The findings recognize that
4 Oquaga Creek is a protected stream, and therefore is
5 subject to the stream protection provisions of the New
6 York State DEC's protection of waters regulations.
7 The findings also recognize that the water will be
8 used for the support of activities offsite from the
9 withdrawal and that other permits are required for
10 those activities. The DRBC, through its decision, is
11 approving the withdrawal application with stringent
12 conditions to protect the Oquaga Creek and its
13 habitat. Most significant is the restriction of
14 withdrawal during times of low flow.

15 One of the biggest concerns that I have
16 heard in regards to the use of water for gas well
17 stimulation is the impact on streams, especially
18 during low flow situations. Many have expressed fears
19 that water withdrawals for well stimulation would dry
20 up our streams. The approval of XTO Energy's request
21 of 500 gallons per minute withdrawal is accommodating
22 the requirement that they maintain a minimum of 8.4
23 cubic feet per second or 3,770 gallons per minute flow
24 in the creek. This provides adequate protection for
25 the stream habitat. The Delaware River Basin

1 Commission is requiring stringent site preparation and
2 the installation of gages for the monitoring of
3 withdrawal activities, as well as appropriate permits
4 from all other agencies. DRBC is not allowing any
5 withdrawal unless all other permits and approvals are
6 in place.

7 I commend the DRBC for their reliance on
8 science in making their approvals, as only science can
9 justify the final decision. We all want the integrity
10 of the Oquaga Creek maintained and are relying on the
11 New York DEC and DRBC to implement the appropriate
12 regulations when requests such as these are presented.
13 Thank you for listening. Sincerely, Clifford W.
14 Crouch, 107th District Assemblyman.

15 HEARING OFFICER:

16 Thank you. Number five. Sorry. Number
17 four, Stephen Herz.

18 MR. HERZ:

19 Thank you. Thank you for coming.
20 Thanks, everybody, for being in this room. My name is
21 Steve Herz. I am the Legislator, Broome County
22 Legislator for this area. I won't take two minutes.
23 I'd just like to mention that I have confidence in the
24 New York State DEC. I've been privy to several
25 meetings with those folks, and they're doing a good

1 job. I also would like to reiterate what most of the
2 speakers just said, that I have ---. I believe that
3 the decisions concerning water withdrawal from any
4 stream should be based on sound science and not the
5 opinion of any special interest group. Thank you.

6 HEARING OFFICER:

7 Number five. David Martin.

8 MR. MARTIN:

9 My name is David Martin. I am Deputy
10 Supervisor of the town of Sanford and owner of Hinman
11 Mills, which is a store here in Deposit. I have been
12 with Hinman Mills for almost 52 years and have
13 witnessed a huge change in our area's economy.
14 Deposit was once a thriving community with many farms,
15 factories and stores. Employment was always
16 available. We desperately need natural gas
17 development to stimulate our economy and to lessen our
18 dependence on foreign sources. That is why I am in
19 favor of water withdrawal from our local streams.
20 Thank you.

21 HEARING OFFICER:

22 Thank you. Number six.

23 MR. SEXTON:

24 Hello. My name is David Sexton. I'm a
25 Councilman for the town of Sanford. I'd like to thank

1 XTO and the Delaware River Basin Commission for
2 organizing this public meeting. I'm here today in
3 support of allowing XTO Energy, Incorporated, to move
4 forward with the request of 250,000 gallons of water
5 from a private creek to cover their daily operations.
6 This amount of water represents a little over one half
7 of a percent of the daily flow of the surface water
8 from a private creek per day. Regional activists and
9 special interest lobbyists do not share the same
10 priorities as local communities. These outside groups
11 are imposing their broader ideologies on local
12 decisions, drowning out the voices of those impacted
13 most. The Delaware River Basin Committee's (sic)
14 decision must be based upon the facts at hand and
15 sound science, both of which support approval. I
16 believe that if we work together on issues, as this
17 one we're discussing today, we can move forward,
18 creating new jobs in our area through oil and gas
19 exploration as well as protecting our environment and
20 water quality.

21 We have seen, by the latest Census
22 information that the town of Sanford's population has
23 decreased over the last few years by three percent.
24 We need to stop this downward trend. Keeping the
25 vision of our future is of great importance. Working

1 with companies like XTO and others would help us
2 stimulate growth in our local businesses and encourage
3 them to create jobs and hire more people. It would
4 support at the local level as well, by increasing
5 revenues, assisting New York State out of the fiscal
6 crisis. It would also benefit every American by
7 helping to reduce the escalating cost of energy that
8 each one of us needs for our homes, farms, businesses
9 and industries. We need to take proactive steps
10 forward now, not only for us today, but for the future
11 generations to come. This type of cooperation and
12 sense of working together is one aspect that has made
13 our mission great.

14 HEARING OFFICER:

15 Before number eight (sic) starts, can I
16 ask numbers 11 through 20 to please come over and sit
17 over here? Thank you.

18 MR. OTTENS:

19 To the Delaware River Basin Commission
20 members, my name is Walt Ottens. I live on old Route
21 17 in Deposit. I have been employed by the town of
22 Sanford for the last 33 years, first as a town
23 councilman and then as town assessor and code
24 enforcement officer. I have seen the good times in
25 this community and now, the down times. My main

1 concern today in speaking to the Delaware River Basin
2 Commission is that this application from XTO Energy be
3 considered solely on the basis of drawing water from a
4 private creek. This application has many facts to
5 back up the contention that the water flow in the
6 private creek will be maintained at a set minimum.
7 The amount of water that XTO wants to withdraw is
8 minimal compared to other entities that draw water
9 from the Delaware River. Many special interest groups
10 are here today to speak against this application. Too
11 many decisions here and in Albany are made based on
12 the thinking of outside groups. I am in favor of this
13 application. Please hear the facts, listen to the
14 local people and what they have to say and base your
15 decision on what they want and what is best for our
16 community. Thank you.

17 HEARING OFFICER:

18 Number eight.

19 MR. EISEL:

20 My name is Jim Eisel. I'm Chairman of
21 the Delaware County Board of Supervisors. I thank you
22 for the opportunity to comment on the application to
23 allow XTO Energy to withdraw water from the private
24 creek in the town of Sanford, New York. I'm fully
25 aware that the Delaware River Basin Commission has

1 jurisdiction over such activities. And while I have
2 not always been supportive of the decisions by the
3 DRBC, I understand the principal argument that we must
4 ensure adequate flow in the Delaware River for the
5 protection of the entire basin population. However,
6 what has me perplexed is the discriminatory posture
7 the Commission has elected to take. On reviewing the
8 DRBC agenda, it appears that on May 11th, the
9 Commission at their quarterly meeting, held hearings
10 on 18 Docket items. Eight of the Dockets proposed for
11 consideration involved water withdrawal issues. It is
12 my understanding that any project concerning a water
13 withdrawal project such as described in this
14 application must undergo extensive review by the DRBC
15 hydrologists, engineers, basin planners, water
16 resource engineers, civil engineers, toxicologists,
17 geologists and water resource models, which makes up
18 no less than 28 professionally trained staff members.
19 I also note from your website that this staff is
20 backed with 20 more administrative clerical staff.

21 Further, it is my understanding that once
22 the review has been completed, a set of conditions is
23 issued by the staff for consideration of the
24 Commission. Seven of the eight Dockets were approved
25 at that meeting, however, the only one involving the

1 natural gas industry was pulled and the Commission
2 recommended another hearing. Given the level of
3 expertise used to review the project, coupled with the
4 process that has been used hundreds of times, what
5 more information can you possibly hope to gain by
6 conducting yet another hearing? Unfortunately, to me,
7 to this elected official, the acts of the Commission
8 appear to be pandering to a well-orchestrated effort
9 by a select group, while ignoring the professional
10 advice provided by your staff with many years of
11 experience. My recommendation to the Commissioners,
12 rely on science and quit reading the emotional-driven
13 editorials. Thank you.

14 HEARING OFFICER:

15 Number nine. Number nine. Ruth
16 Dilworth? No Dilworth? Okay. No nine. Number ten
17 is Carl Clark.

18 MR. CLARK:

19 My name is Carl Clark and I'm 84 years of
20 age. I've lived in the town of Deposit all my life.
21 I am a Councilman on the Board of the town of Deposit
22 and have been for 50 years. During that time, I've
23 seen many positive changes that have been beneficial
24 to Deposit and surrounding area. And I believe the
25 proposed drilling for natural gas will be another

1 positive opportunity to improve the prospects for new
2 business and the standard of living for the people of
3 Deposit. I have leased land to XTO, along with most
4 everyone who has land surrounding mine. This drilling
5 for natural gas would benefit us as it would so many
6 others from Deposit.

7 HEARING OFFICER:

8 Sir, could you get closer to the
9 microphone, please? Thank you.

10 MR. CLARK:

11 I believe that an agreement between the
12 town of Sanford and XTO for XTO to have access to draw
13 water from Oquaga Creek to be used in the drilling
14 process would be a real plus for the area if and when
15 the go-ahead is given.

16 HEARING OFFICER:

17 Number 11. Alice Ray. I want number 11
18 first. Number 96 ---.

19 MR. WILLIAMS:

20 Yes.

21 HEARING OFFICER:

22 Okay. Randy Williams?

23 MR. RANDY WILLIAMS:

24 Yeah. Good afternoon. My name is Randy
25 Williams. I'm a supervisor from the town of Windsor.

1 The southern tier of New York is rich in water, but
2 poor in opportunity. Shale gas drilling will bring
3 jobs and growth and breathe new life into small towns
4 across Broome County. As Town Supervisor for the town
5 of Windsor, New York, I make tough choices every day.
6 Budgets are tight. What do we fund? What do we cut?
7 I'd rather cut taxes than jobs. I'd rather see my
8 town's revenues increase than dwindle. That's why I'm
9 asking you, the Delaware River Basin Commission, to
10 support XTO's application to withdraw water from a
11 private creek. XTO will take water from a private
12 creek to put jobs into the area. XTO will drill gas
13 wells and create new businesses. Water from a private
14 creek will support a family making a fresh start in a
15 region that is thriving, not dying.

16 For too long, like a river that has
17 passed this area by, upstate New York must catch up
18 economically to downstate. Upstate must not continue
19 to fall behind, to lag behind the rest of the state,
20 the rest of the nation. Our right to develop our
21 resources is non-negotiable. The Delaware River Basin
22 Commission's support of XTO's application will make
23 this area of rebirth possible. When you look at the
24 Delaware River, you see a dairy farmer struggling to
25 survive. And now, as a gas well could be the

1 difference between him keeping his farm and losing it,
2 when you look at the Delaware River, hear the voice of
3 a young family pleading for a chance to America's
4 dream. Jobs in the Shale gas fields could make that
5 chance. See it in the waters of the river of good
6 fortune of the southern tier and see those waters
7 reflect hope and change. Thank you.

8 HEARING OFFICER:

9 Thank you. Number 11.

10 MS. RAY:

11 My name is Alice Ray and I'm a member of
12 the Deposit Central School Board. I stand here before
13 you today as a concerned citizen. I am not concerned
14 about the water withdrawal permit that XTO has
15 requested. However, because I have seen the facts, I
16 see little reason to be worried. I am nervous that
17 this is going to turn into a popularity contest,
18 though. There are a lot of people outside who have no
19 business at this hearing. They receive their water
20 without any problem at a rate of 2,944 times that of
21 what XTO is requesting if they are from New York City
22 or New Jersey. This is not their concern. It is
23 ours. I am also concerned because the same day that
24 DRBC decided we needed to have this hearing, they
25 approved a withdrawal of a similar amount for a

1 Montgomery country club course. Is downstream
2 recreation really valued more highly in the DRBC than
3 the job opportunities XTO being allowed to perform
4 this withdrawal could bring for upstream residents? I
5 urge you today to listen to the true concerned
6 citizens of this community and to treat this no
7 differently than you would the local golf courses.
8 Please approve XTO's request. Thank you.

9 HEARING OFFICER:

10 Number 12.

11 MR. TOMLEY:

12 Commissioners and staff of the Delaware
13 River Basin Commission, thank you for the opportunity
14 to speak tonight. My name is Dan Tomley and I'm the
15 Operations Engineer with the Appalachian Division of
16 XTO Energy. I will be making a brief statement about
17 XTO Energy's water withdrawal application and I
18 encourage anyone with questions or an interest in
19 discussing it further to visit the information table
20 outside this room. XTO Energy is applying to withdraw
21 no more than 250,000 gallons per day at a location
22 owned by the town of Sanford. At the proposed
23 withdrawal location, the average daily flow in the
24 Oquaga Creek is about 42 million gallons per day.
25 This means our maximum proposed withdrawal would be

1 approximately one half of one percent of the average
2 daily flow. To further protect the river, communities
3 and public, our proposed application would limit our
4 ability to withdraw water by requiring a flow rate in
5 the creek that meets a minimum pass-by rate almost ten
6 times greater than the lowest average consecutive
7 seven day flow that would occur in a ten year period.
8 And the final consumption and fluid intake design will
9 require approval from four agencies, the DRBC, the
10 DEC, the Army Corps of Engineers and the U.S. Fish and
11 Wildlife Service.

12 Needless to say, our withdrawal will be
13 relatively small and it comes with protections to
14 ensure water supplies remain adequate for all uses.
15 Water is a tremendous resource in the Delaware River
16 Basin and has been a driver for economic development.
17 Wise management of the river waters by this Commission
18 has brought prosperity and job opportunities for many.
19 Now, as this resource development opportunity has
20 presented itself, the basic natural resources can be
21 combined to bring jobs and prosperity at a time when
22 we need it most. Your role is to manage and protect
23 those resources. Some may attempt to make this
24 hearing about more than a water withdrawal permit and
25 that would be unfortunate. Our industry has an

1 excellent track record of protecting fresh water
2 resources. Some may try to convince you otherwise.
3 As many reports have been successful from a variety of
4 industries, XTO Energy is here today to ask you to
5 consider a permit to withdraw water for a safe,
6 commercial process that can bring new economic
7 prosperity to this region. Thank you.

8 HEARING OFFICER:

9 Number 13, please.

10 MS. DAVIS:

11 Hello. My name is Sandra Davis. I'm a
12 businesswoman, landowner and a lifelong resident of
13 Deposit, New York. My family has made a living by
14 responsibly developing natural resources. We farm, we
15 timber, we quarry and we have other businesses here in
16 Deposit as well. I support XTO's proposed water
17 withdrawal. It should be approved based on the Draft
18 Docket you assembled, which ensures the stream flows
19 required for fishing will be preserved. This
20 application, if approved, will not authorize any other
21 actions with respect to natural gas development, all
22 of which must obey enactment of the DRBC and the New
23 York DEC's regulations.

24 Moreover, XTO will be utilizing only four
25 hundredths of one percent of the total water New York

1 City alone takes from our Delaware River Basin daily.
2 Yet, here we are today fighting against city residents
3 over the right to use the tiniest fraction of water
4 remains after the city stole what it wanted just so we
5 can have some economic development. Where's the
6 justice in this? The Commission's decision must be
7 based upon the science articulated in your Docket and
8 not some popularity contest among city residents. I
9 urge you to do the right thing and approve XTO's
10 application. Thank you very much.

11 HEARING OFFICER:

12 14.

13 MS. GREKIN:

14 I am Toni Grekin. I live on Old 17, have
15 for most of my life. I've raised three children here.
16 I've been a small business owner here for over 40
17 years. I do not have a lease with XTO. I encourage
18 the DRBC to rule on this permit to extract water from
19 our private creek based on the science, not on the
20 hysteria that has been created. I encourage the DRBC
21 to return to treating this permit to extract water the
22 same way it has rendered permission to extract water
23 in the past and not on the hysteria that has been
24 created. I love our mountains. I love our waterways,
25 our town, our school and our friends and neighbors.

1 What I don't love is being told by people, mostly out
2 of town people, and the special interest groups that
3 don't love or care about this amazing place we call
4 home. At a previous meeting, someone a hundred miles
5 away told me that their special interest position was
6 the moral one and the righteous one. Yet, I don't see
7 a single bicycle, horse and buggy or solar paneled car
8 parked outside this auditorium. Where is the moral
9 grounds in a not in my backyard position? It's my
10 understanding the DRBC gets information from our DEC
11 and that's good because the New York State DEC has
12 always had reputation of being sticklers and
13 protectors of our land use. Why would we think that
14 has changed? This is not Pennsylvania. This is the
15 great State of New York. DRBC extraction, I
16 understand, is limited to times when the creek water
17 is ample. Oquaga Creek is not slowing. We know when
18 water levels are low and we know when there's too much
19 water flowing through it and drowning us. Right now,
20 we're not drowning from the creek, but we're drowning
21 from the economic crisis in New York State. Please
22 use the science and not the hysteria and approve this
23 Docket.

24 HEARING OFFICER:

25 Fifteen (15).

1 MR. BEARD:

2 All right. Ladies and gentlemen of the
3 Commission, thank you very much for the opportunity to
4 present this statement. My name is Robert Beard. I
5 am a licensed professional geologist employed by
6 Science Applications International Corporation and a
7 consultant for XTO Energy. Our firm prepared the
8 application and the technical aspects have been
9 thoroughly reviewed by the Commission, so my statement
10 will focus instead on the potential benefits that this
11 project will have for the Deposit/Sanford area and
12 surrounding region.

13 I've worked on Marcellus Shale projects
14 since June 2008. Shale gas is bringing significant
15 investments and opportunities and employment for
16 regions where it has been developed. Natural gas
17 wells and associated infrastructure will require the
18 support of a wide variety of businesses. These
19 include, but are not limited to, hotels, restaurants,
20 laundries, parts suppliers, car dealers and many other
21 local establishments. Nearly all these businesses
22 hire local employees. As development moves forward,
23 specialized firms, such as those that supply
24 equipment, engineering, surveying, safety,
25 environmental and construction services are engaged.

1 This makes additional opportunities for local workers,
2 and these typically pay relatively high wages when
3 compared to other industries. The positive economic
4 changes to previously distressed areas in
5 Pennsylvania, such as Williamsport, Towanda,
6 Waynesboro and Canonsburg have been and continue to be
7 significant. I know several people who were
8 previously unemployed that found new careers in the
9 gas industry, many of them able to return to their
10 hometowns or home states after finding gas-related
11 employment. Development of the Marcellus Shale can be
12 done safely and with full commitment to protect the
13 environment and New York deserves to share in this
14 resource. Thank you.

15 MS. ROOT:

16 My name is Jackie Root. I'm here today
17 from Tioga County, Pennsylvania. I wear three hats in
18 this. One is my husband and I have operated a dairy
19 farm in the Susquehanna River Basin for 35 years. I'm
20 also on the Board of Directors of the National
21 Association of Royalty Owners and we own a consulting
22 business. I'm involved in the leasing. That's what
23 brings me to Deposit. Many companies are withdrawing
24 water within the Susquehanna River Basin and the
25 drilling activity that's happening where we are is

1 happening in a very orderly fashion and it's not
2 degrading our streams and rivers. We're seeing how
3 it's working. There's a lot of prosperity in the
4 area. We're seeing farmers that are able to survive
5 and preserve the open land. I think you'll see the
6 same thing here. There are jobs, healthy businesses,
7 new businesses, old businesses that are rejuvenated
8 and, again, the farmers have some much needed income.

9 There are over 600 leases that I've been
10 involved with here. People have chosen to lease to
11 XTO. Lots of other people lease to other companies
12 and more are waiting to lease, which all hinges on
13 drilling going forward.

14 As a member of the Board of Directors of
15 the National Association of Royalty Owners --- and
16 someone said it before --- it is our right to develop
17 our mineral rights, our oil and gas rights and that is
18 non-negotiable. XTO's withdrawal falls within the
19 DRBC minimum threshold and there would be no reason to
20 deny this permit and allow this to go forward when the
21 drilling permits are able to be issued. Thank you.

22 HEARING OFFICER:

23 Thank you. Once number 17 comes up, can
24 I ask numbers 21 through 30 to please come over and
25 line up there? Thank you.

1 MR. BRAD DECKER:

2 Hello. My name is Brad Decker and I'm a
3 farmer of I think a fifth generation family farm.
4 It's more than likely that the agriculture as we know
5 it may very well end with my generation. But it
6 doesn't surprise me that this topic polarizes people.
7 Fear can absolutely paralyze us. In fact, my knees
8 are knocking as I'm trying to speak. But as an
9 example of how fear and misinformation can drastically
10 change history, I'd like to us back to Christopher
11 Columbus. The minds of that day believed and thought
12 for sure that the world was flat. They considered for
13 someone to consider sailing east to discover new lands
14 was considered suicide. Columbus was a religious man
15 and believed in the Holy Scriptures. While others
16 were stifled by their fear, he read in the good book
17 of Isaiah, do you know, have you not heard, has it not
18 been declared to you from the beginning, have you not
19 understood from the foundations of the earth, it is
20 God who sits above the circle of the earth. And then
21 he read in Job, where it says God has inscribed a
22 circle on the surface of the waters of the boundary of
23 light and darkness. And while others were afraid,
24 Columbus saw opportunity. What would have happened if
25 he'd listened to the naysayers? They thought

1 sincerely that the world was flat but the truth was
2 different. The truth didn't change. Don't let fears
3 hold you hostage from doing a common sense thing. And
4 in my opinion, the solution is to drill for oil or is
5 to drill for gas. It's common sense to know and the
6 good book teaches that the debtor is the lender's
7 slave. We're enslaved to foreign entities and our
8 best young men and women are dying to secure a flow of
9 oil halfway around the world. Thank you.

10 HEARING OFFICER:

11 18.

12 MR. CHAMBERLIN:

13 Hello. My name is Frank Chamberlin. I'm
14 a land and mineral rights owner in Broome County.
15 From a very early age, I've been self-employed and an
16 entrepreneur. I attended Northern Montana College for
17 Fish and Wildlife Biology and I hold too many outdoor
18 certificates to list. But I moved up here from New
19 Jersey to fulfill a dream. I have invested huge
20 amounts of money opening businesses here and in
21 Delaware County. Over the years, I have coined a
22 phrase and that is this is the most wonderful place to
23 live and the most terrible place to make a living. We
24 have a unique opportunity to change that. By
25 approving this water withdrawal and helping this area

1 and the people to once again prosper, by creating jobs
2 and producing more new taxpayers. I believe the facts
3 on water flows and percentages of withdrawal are
4 correct, backed by pure scientific fact, not
5 individual emotion. I make my living from the
6 outdoors. Not many love it more than I do. But I
7 believe people are even more important. This proposal
8 will create opportunities for this area's children to
9 have a future and a reason to stay here and have
10 families of their own and to be able to provide for
11 their families. I believe the regulations that are in
12 place are sufficient to handle potential issues,
13 again, backed by scientific proof. So I'm asking that
14 we help pass this water withdrawal and let scientific
15 fact and common sense prevail. I have no problems
16 with this request and support this new business and
17 great opportunity coming to this area. Thank you.

18 HEARING OFFICER:

19 Thank you.

20 MR. TYLER:

21 Well, my name is Gordon Tyler and I'm on
22 the Town Board, the town of Sanford. I believe a lot
23 of the stuff that I have here has already been
24 discussed, but it is my understanding that if this
25 Draft Document is approved to withdraw water from a

1 private creek, the company still cannot take water
2 until it, at least, gets approval from the
3 Commissions. The company will then have to follow the
4 regulations that are determined. Many safeguards
5 already exist to protect the creek and other users,
6 such as minimum flow before water withdrawal can occur
7 and maximum withdrawal rates. These withdrawals are
8 based on scientific rather than hearsay.

9 This decision should not be a contest
10 with voters from unaffected areas who have already
11 claimed far more water for themselves from our area.
12 Outsiders do not share the same priorities as our
13 local communities and they should not be telling us
14 how to run our affairs. The proposed withdrawal must
15 be approved now to make it possible for XTO to make a
16 timely application once the regulations are in place.

17 Now, the economy in our area is teetering
18 and it needs a boost. Many local businesses in our
19 area are feeling the pinch. The area food pantries
20 are being stretched beyond their limits. We need
21 relief and new jobs, along with revenue, to make a
22 difference. Everything in life is a risk, including
23 the past construction of the Cannonsville Dam, which
24 supplies water to New York City and New Jersey. We
25 should have the chance to take another risk to aid our

1 immediate communities in our area. Go for it. Just
2 go for it.

3 HEARING OFFICER:

4 20.

5 MR. RUSSELL:

6 Thank you to the DRBC for coming here
7 where the proposed water withdrawal will have the
8 greatest effect. I've lived here my entire life. I
9 hunt and fish in the woods and streams around where
10 XTO wants to draw water. My children fish and play in
11 Oquaga Creek and the Gill Creek right in the area that
12 will be affected by the draw. I consider myself to be
13 somewhat of a conservationist trying to be a good
14 steward of the land that we have, but we have to
15 balance it with the needs of the people. Deposit has
16 lost over 12 percent of its population in the last 20
17 years. And the Deposit Central School District, right
18 here where I graduated from, has suffered losses in
19 enrollment similar to this. I believe the lack of
20 industry here is one of the causes in people having to
21 leave the area. People will not stay if there are no
22 jobs. The picture of Deposit in the future does not
23 look good without some new industry. Land will be
24 stripped of its timber, beautiful stone walls sold,
25 and farms broken up into small parcels just to pay the

1 taxes. Will this be good for our land? How much will
2 this change the look of our countryside? What impact
3 will this have on our environment? The small amount
4 of water taken in a well-regulated and responsible
5 way, as proposed here in the Docket, will have a
6 minimal effect on the environment, but could have
7 positive impact in the local economy. Special
8 interest groups and the regional activists do not have
9 the best interests of this community or my children in
10 mind. So let's make this decision not out of emotion,
11 but on common sense, as it is supported by good
12 science, both of which support approving the request
13 to withdraw water from Oquaga Creek. Thank you.

14 HEARING OFFICER:

15 Thank you. When you come forward, please
16 give your name and your residence and affiliation if
17 you would, please.

18 MS. FISCHER:

19 Good afternoon. My name's Joanna
20 Fischer. I'm from Manchester Township, Pennsylvania.
21 XTO Energy wants to withdraw water from here. I'm
22 from here. I'm a native. I fully implore you to
23 please say no to this. The Oquaga Creek feeds the
24 west branch and the main stem of the Delaware River.
25 It is a cold water creek and the potential negative

1 impact is obvious. Keep the moratorium in place and
2 continue the comprehensive environmental studies to
3 protect the watershed that provides groundwater
4 supplies that would be impacted by this deplete of
5 withdrawal.

6 An aquifer doesn't stop at property
7 lines. Everything that impacts waters and tributaries
8 upstream affects the Delaware downstream and the
9 people living there. Look to Bradford County, PA and
10 the mess there. Look at the Susquehanna River
11 bubbling with methane gas thanks to our gas industry.
12 I am a native of Narrowsburg, New York, originally in
13 Sullivan County, which means my family lived here in
14 the same area on both sides of the Delaware River
15 generations. Many members of my family still reside
16 here. My husband and I own land on the New York side
17 of the river and on Teece (phonetic) Road near French
18 Woods Golf Course in Hancock, which is Delaware
19 County. I mention all this because all of you are
20 prejudiced against the people that came here. You
21 call them outsiders. I want the people who traveled
22 here so far from their homes today to help us protect
23 and preserve our beloved Delaware River Basin to know
24 I welcome them here. They have as much right as
25 anybody from here to weigh in on this very polarizing

1 situation. It's their water, too. I love the
2 Delaware River Valley. I am a river rat. And I'm one
3 of the millions of faces of people fighting for our
4 water and our beloved river. You don't have to be
5 from here to feel the impact. This could have such a
6 bad impact on the millions of people dependent on
7 clean water. Thank you. No to XTO.

8 HEARING OFFICER:

9 21 (sic).

10 MS. FELTER:

11 Good afternoon. My name is Kim Felter.
12 On May 5th, 2011, I wrote to the DRBC opposing the
13 water withdrawal application made by XTO/Exxon. I
14 trust my letter has been read by each of the four
15 Governors and Brigadier General DeLuca. I'd like to
16 question if any of these Governors are from this area,
17 have land here or currently reside in or around the
18 Oquaga Creek area. Governor Markell, Governor
19 Corbett, Governor Christie, Governor Cuomo and
20 Brigadier General DeLuca, all of you will make the
21 final decision with regard to the water withdrawal
22 proposal for the town of Sanford and the Oquaga Creek
23 area. I ask that each Governor and Brigadier General
24 DeLuca base your decisions on sound, ethical and moral
25 principles and that each be held personally and

1 legally responsible for those decisions. The
2 consequences of those decisions will be entered into
3 the record and that record will remain open for future
4 documentation of damages. I am asking General DeLuca,
5 who denied Attorney General Schneiderman's request for
6 the environmental impact statement to seriously
7 reconsider his decision.

8 Whether or not the DRBC is a federal
9 agency has no bearing on this scientific study and
10 should be demanded in all states and it must be
11 completed in New York State without fail. Do not
12 approve water withdrawal until this scientific study
13 is completed. I state none of the members that make
14 up the Delaware River Basin Commission will be
15 directly impacted by trucks, air emissions, increased
16 traffic, accidents, spills, aquatic life and duck
17 issues, human health threats of sickness, disruption
18 of drinking water supplies and the like. But you will
19 all be responsible for the damages if the water ---.

20 TIMER SOUNDS

21 MR. PLUMMER:

22 Hello. My name is Dan Plummer and I'm a
23 resident of East Branch, very close by here in the
24 town of Hancock. I am Chairman of the Board of
25 Friends of the Upper Delaware River. I am also a life

1 member of Trout Unlimited. And I'd just like to tell
2 a quick story. Last fall, Oquaga Creek had been
3 damaged due to some flooding and was actually
4 threatening erosion at the sewage treatment plant
5 right here in the town of Deposit, just upstream from
6 the confluence of the west branch of the Delaware.
7 And the Mayor John O'Connor gave myself a call, Jim
8 Serio, Trout Unlimited and some other people, some
9 local residents, a call looking for some help to
10 repair the stream, as it was threatening the sewage
11 treatment plant and the town of Deposit did not have
12 the money. FUDR, Trout Unlimited and some of the
13 other local citizens and a local contractor here,
14 Donnie Wheeler, came to the aid of the town, and we
15 repaired the stream and hopefully saved a possible
16 tragedy with the sewage treatment plant entering into
17 the river. I did not see anyone there from any of the
18 gas companies offering to make any help. It was
19 strictly done by the local organizations here that
20 make a living and depend on the health of the streams.
21 I also started today in the town of Hancock and walked
22 from one end of our town to the other, knocking on the
23 door of every local business. And I have a petition
24 here saying we do not want any water withdrawals out
25 of Oquaga Creek and every single business owner and

1 representative signed this petition. So we have many
2 concerns about the habitat and the safety of the
3 stream and it's all in this document, which we will
4 submit for writing. So we are saying, please, just
5 leave the stream alone.

6 HEARING OFFICER:

7 Thank you.

8 MR. PLUMMER:

9 Thank you.

10 MS. BARTH:

11 Hello. My name is Jannette Barth. I'm a
12 longtime homeowner here in Delaware County. I am also
13 a Ph.D. economist, and I have been conducting economic
14 analyses and developing economic models for 35 years.
15 I am here to comment on the XTO Energy application to
16 remove water from New York State's streams. However,
17 we cannot and should not separate the water removal
18 from the purpose for which the water will be used.
19 The intention of XTO is to use the requested water for
20 gas drilling activities, and the majority will be used
21 for hydrofracking. It is far too premature to
22 consider taking water from the Delaware River Basin
23 for this purpose. Hydrofracking for Shale gas has
24 caused hundreds of cases of water contamination in
25 other states. Moreover, hydraulic fracturing is a

1 consumptive water use. The large amounts of fresh
2 water removed will never be replaced. Everybody, and
3 I'm sure that includes the members of the DRBC, are
4 aware that toxic chemicals and endocrine disruptors
5 are added to hydrofracking water, and also that
6 radioactive isotopes come to the surface during the
7 extraction process. The gas industry spends millions
8 of dollars on PR, advertising, lobbying, political
9 contributions, in order to make a lot of money for
10 themselves from the production of Shale gas. They are
11 misleading the public when they claim that
12 hydrofracking is safe and they are misleading the
13 public when they state that gas drilling will be good
14 for our economy. Gas drilling may produce short term
15 jobs, but it is very likely to be economically
16 devastating to communities in the long term. It is
17 likely to cause declines in our important existing
18 industries such as agriculture, tourism, wine-making,
19 hunting, fishing and river recreation just to name a
20 few. When the gas is gone, our region will likely be
21 left off worse than it is now. Communities across the
22 nation and the world where gas drilling takes place
23 become throwaway communities. Economic research
24 confirms that non-metropolitan regions that have
25 focused on mining and proper fuel extraction as an

1 economic development strategy end up with the highest
2 levels of long term poverty and unemployment. Thank
3 you.

4 HEARING OFFICER:

5 24 (sic).

6 MS. RIVERS:

7 I'm Deborah Rivers and I'm a resident of
8 Downsville, New York. And I simply want to ask,
9 what's the rush? There have been no adequate
10 cumulative studies. The impact on trout in the creek
11 has not been assessed. There has been no proof that
12 Exxon will ever need this water, so what's the rush?
13 There are no maps of specific plans. There are no
14 water intake designs. There's no future distribution
15 plans for water and no cost estimates. So what's the
16 rush to get this done? There's not enough staff to
17 monitor the water withdrawal. Finally, I ask again,
18 what's the rush? The public period is too short. The
19 public's period should be kept open for sixty days.
20 Many people are just finding out about this proposal
21 and need to get the facts. So what's the rush? Thank
22 you.

23 HEARING OFFICER:

24 Thank you. 24 (sic).

25 DR. ZELLER:

1 Dr. Gary Zeller. I'm an Environmental
2 Scientist and Materials Engineer. I work with the
3 government and have an established business for 40
4 years and am a resident, as well, in Downsville. I'm
5 working around the world with the U.S. Army to deal
6 with high ranking contaminants. I have far-reaching
7 concerns beyond the issue of extracting water. None
8 of us today have brought up the issue about the well
9 casing. The jacketing technique, they talk about
10 using the water for concrete mixing. My work with the
11 U.S. Army Corps of Engineers for decades has included
12 specialized cementitious materials. They're jacketing
13 the pipes that go down in the ground with hydraulic
14 materials, quickset materials that will, in time,
15 fracture. What is the service length of these pipes,
16 the casings, once we set them deep? We know for a
17 fact that there is no pathonic (phonetic) protection
18 or sensory protection packages included in the well
19 casings.

20 So what is the service life that we can
21 all account for? How long does a tire last on your
22 car? Can you predict it? And can you predict the
23 efficiency of the performance of the pipes once
24 they're set deep? No one is doing that study. I just
25 left Texas through University --- Penn State, Brooks

1 University. I have found few people involved in the
2 academic arena who have participated in the studies
3 and the fact finding. Hard science is missing. Now,
4 I'm adrift of the water issue which I'm opposed to
5 taking, because we love that water and we live on the
6 Pepacton Reservoir. My wife owns Tariz (phonetic)
7 Water. Hold up some water, Joyce. We carry
8 Downsville, Pepacton water everywhere we go. There
9 are dangers, impairments before us. We just heard
10 about endocrine disrupting compounds. Once you
11 fracture the water, you will release more and more
12 contaminants. Sorry to say that I reviewed this with
13 the U.S. Army Corps of Engineers labs in Vicksburg,
14 Mississippi and it doesn't appear that anyone has
15 followed suit.

16 TIMER SOUNDS

17 HEARING OFFICER:

18 Number 26 (sic).

19 MS. PIXLEY:

20 Hi, my name is Caitlin Pixley and I'm
21 here today on behalf of the 36,000 members of the
22 Sierra Club Atlantic Chapter as well as speaking on my
23 own behalf as someone born and raised in the Southern
24 Tier. Growing up in Bainbridge, New York, it was easy
25 to be blissfully unaware of the political, social and

1 ethical turmoil that would root itself within the many
2 communities in upstate New York. The vast array of
3 complications hydrofracking will bring to this area
4 are directly apparent in XTO Energy's application to
5 withdraw water from Oquaga Creek for use in gas
6 drilling in Broome and Delaware Counties. Throughout
7 my youth, Oquaga Creek State Park was where summer
8 afternoons were spent enjoying the beaches and
9 learning to fish. I still remember our fifth grade
10 camping trip to Oquaga, one of the many happy memories
11 of growing up in a rural area. And I can also
12 remember the awful feeling when I drove home Memorial
13 Day 2010 to see a bright orange closed sign hung over
14 the Oquaga Creek State Park sign on I-88. Luckily,
15 that is one bullet the park and its tributaries were
16 able to dodge. This permit, however, is threatening
17 the stream on an entirely more invasive and
18 encroaching level.

19 On behalf of the Sierra Club, I ask that
20 you deny the permit request of XTO Energy to withdraw
21 a quarter of a million gallons of water per day from
22 Oquaga Creek. There is currently a moratorium in
23 place in New York State on any new permitting for
24 horizontally hydrofracked wells. Both the DRBC and
25 New York State DEC are undergoing the development of

1 gas drilling regulations, with the DEC in the midst of
2 an environmental review of gas development practices.
3 Thus, it is untimely and irresponsible to approve this
4 withdrawal while these deliberations are ongoing. The
5 fact that neither entity has undergone cumulative
6 impact analysis and comprehensive environmental
7 studies speaks directly to the need to deny these
8 withdrawals. While we thank the DRBC for hosting this
9 hearing here where the water will be withdrawn, more
10 hearings are needed to allow all residents affected to
11 take part. The comment period should be extended to
12 90 days, allowing for all of those who have a stake in
13 this permit to have a say. The many dangers of
14 hydrofracking are becoming more apparent each day and
15 the livelihoods of the many affected counties of
16 upstate New York are being threatened. The Sierra
17 Club Atlantic Chapter respectfully requests that the
18 permit not be approved. Thank you for this
19 opportunity to talk.

20 HEARING OFFICER:

21 I'll ask 31 to 40 to come forward,
22 please.

23 MR. MOORHEAD:

24 Hi. I'm Buck Moorhead. I'm with NYH20.
25 I'm from New York City. I did drive three hours here.

1 I'm a schizophrenic New Yorker, though. For 25 years
2 my wife and I have a property in Western Sullivan
3 County, so I feel very much that I belong to this
4 place in the River Valley. And I may speak, if we're
5 talking about special interest groups, I feel
6 ironically that I would support the people who are for
7 this withdrawal in that I don't want there to be any
8 reliance on special interest groups in this decision.
9 I want us to rely on science, as well. So I feel that
10 with you. The special interests that I probably
11 represent are the 15 million people who drink the
12 water that starts up here in this wonderful area. I
13 feel that the dilemma that we're in right now started
14 over a year ago on May 5th when the Commission staff
15 directed the DRBC --- excuse me, the Commissioners
16 directed the DRBC staff to separate the water
17 withdrawal applications from the Draft regulations
18 because the DRBC has a lot of experience in water
19 withdrawal applications. This sure doesn't seem like
20 we're talking about a golf course here, though. If we
21 were, we wouldn't have this many people here, I can
22 assure you. On page nine at the end of the findings,
23 in the last paragraph before the decision section is a
24 statement that the project does not conflict with the
25 comprehensive plan and is designed to prevent

1 substantial adverse impact on the water resources
2 related to the environment. I think this has to be
3 said at the end of every application before you write
4 a decision. I just can't say how that can even be
5 said. There are 35 conditions. This is a 14 page
6 Docket. Seven pages of it, half of it, 35 conditions,
7 because they're conditioning everything. They have
8 condition upon condition upon condition because
9 regulations aren't in place. DEC or DRBC support New
10 York State, if I heard correctly, that there's a
11 consideration to marry these two things back together.
12 Completely crucial, make the decision with a clear
13 understanding of all the cumulative impacts before
14 this decision. Thank you.

15 MR. DENTON:

16 Hi, I'm Walter Denton. I'm a landowner
17 in Nineveh, New York. First off, I want to thank you,
18 the Commission, for being here. I support gas
19 drilling. There is strong support for gas drilling to
20 take place in New York. We are the silent majority.
21 As you know, XTO applied for the water withdrawal
22 which would be suspended if the water decreased in
23 flow with unacceptable scientific determined rate
24 levels. I trust the New York DEC and the Delaware
25 River Basin will be able to do their jobs responsibly.

1 I strongly encourage the Delaware River Basin
2 Commission to make their decisions based on science
3 instead of their emotions without any further delay.
4 Thank you for being here.

5 HEARING OFFICER:

6 Thank you. Twenty-nine (29) (sic).

7 MR. KOVACH:

8 Thirty (30).

9 MS. ARRINDELL:

10 Okay. My name is Barbara Arrindell. I'm
11 the Director of Damascus Citizens for Sustainability.
12 I'm also a landowner in Damascus Township in
13 Pennsylvania. This Docket must not be approved for
14 gas drilling in the Delaware River Watershed until a
15 programmatic environmental impact statement is done
16 that includes cumulative impact and impacts on human
17 health. The assumption that this is just one tiny
18 water withdrawal is a deception. This is only one of
19 many water withdrawals. There are at least four more
20 applied for already. This is only about a very small
21 part of a huge industrial development that must be
22 looked at as a totality and not by one small piece at
23 a time. This Docket is the pimple on the elephant's
24 nose. There is an elephant, this industrial gas
25 drilling. One small detail, the Docket should include

1 a viable monitoring of waste hauling vehicles.
2 According to the wastewater plan, XTO's Docket, it
3 would take 10 or 11 hours roundtrip to transport the
4 wastewater to three designated publicly-owned
5 treatment works in Pennsylvania. The probability of
6 illegal dumping is high. Experience in Shale areas
7 has shown that there are unscrupulous subcontractors
8 who pull off the road in isolated areas and dump the
9 waste. Reports, videos and indictments have
10 documented illegal dumping. Duncan Creek was killed,
11 in part, by illegal dumping. Water hauling and waste
12 hauling vehicles must be required to have onboard
13 communications technology that electronically monitors
14 the amount of fluid withdrawn or disposed of,
15 indicates the exact coordinates and time, and all
16 other pertinent information sent electronically so
17 there's no opportunity for dumping. This technology
18 is currently being used by the industry in Texas,
19 available online, onboardcommunications.com. The
20 truck speed should be electronically monitored as
21 well. Paper records maintained by the industry are
22 clearly insufficient. And why is only the
23 Docket-holder monitoring ---?

24 TIMER SOUNDS

25 MR. SCHAB:

1 My name is Frederick Schab and I must say
2 that my previous three speakers have explained that
3 the decision that is to be made here doesn't just
4 affect Deposit, but also the State of New York. The
5 opening of the rivers to be explored in one area would
6 simply encourage other openings to be made. And we
7 have to be more concerned with our environment than
8 just reacting. You can look at the film Gas Light and
9 you can see what destruction is wrought in the
10 countryside by drilling and we really can't afford
11 that. Thank you very much.

12 MS. BISHOP:

13 Thank you. My name is Melissa Bishop and
14 I live right here in Deposit, New York. The Delaware
15 River, along with the many streams, lakes and ponds
16 that surround Deposit are teeming with Brook and Brown
17 Trout, Perch, Bass, Bullhead and Eel, providing what
18 many call the best fishing in the United States. The
19 river also provided summer passage for canoe-ers and
20 rafters running the rapids to Equinunk, Skinner's
21 Falls, Fishers Eddy and points as far south as Port
22 Jersey, New Jersey. In the 1960s New York, 17 was
23 designated the most scenic highway in the nation and
24 thousands of people venture to the Deposit area each
25 year to marvel at the autumn foliage, which is usually

1 at its peak around the first week of October. Autumn
2 is closely followed by large game hunting season in
3 November. Hunters from as far away as 500 miles come
4 to Deposit to bag their trophy white-tailed deer.
5 Many black bear have also been taken in the Deposit
6 area in recent years, as well as pheasants and other
7 small game.

8 The fall time of the year also yields a
9 generous maple syrup and maple butter producing
10 season. Maple syrup from Deposit is shipped all over
11 the world and rivals the famous Vermont syrups. If
12 you allow this water withdrawal --- which it's a
13 chicken and egg situation. The drilling cannot take
14 place without the water withdrawal. Then we will lead
15 to all the destructive fracking. We're talking about
16 the possibility of tens of thousands of wells, people,
17 not two or three, tens of thousands. All of what I
18 just described will be lost forever, never to return.
19 Thank you.

20 MS. CYPHER:

21 Hi, my name is Jane Cyphers. I'm a
22 resident of Milanville, PA and Brooklyn, New York.
23 Many supporters of the water withdrawal and the DRBC
24 Commission are ignoring the fire-breathing dragon in
25 the room. Hydraulic fraction has proven to cause

1 thermogenetic (sic) gas --- that's gas deep within the
2 earth that's produced from hydraulic fracturing --- to
3 migrate to aquifers. Water wells are being
4 contaminated as we speak. This should be the DRBC's
5 number one concern, but it seems that this is not the
6 case. It seems that instead the DRBC is promoting gas
7 drilling with this Docket and in fact, working closely
8 with Exxon, who owns XTO.

9 The Commissioners should be in attendance
10 at this hearing as they should be at every hearing,
11 especially since we state that they are the reason the
12 cart has been put before the horse here. Please, you
13 have not spent enough time studying where and how this
14 contaminated water will be treated. The same goes for
15 the solid waste, all of which can now be legally
16 buried onsite, seeping into waterways. And even if
17 it's trucked away it is what the superfunds are made
18 of. Physicians, scientists, red and blue, are all
19 over this country and, in fact, the world, are joining
20 to fight against hydraulic fracturing because this is
21 an issue of social responsibility. Please, respect
22 the concerns of the founders of the Delaware River
23 Basin Commission. These concerns must be your
24 concerns. Please, do not permit this water withdrawal
25 permit to go to one of the biggest multi-national

1 companies in the world with one of the biggest
2 pocketbooks. Thank you.

3 HEARING OFFICER:

4 Thank you.

5 MS. SCHAB:

6 Thank you for holding this hearing. My
7 name is Marge Schab, Romsenburg, New York. First, I
8 love the nice detailed map of the Oquaga Creek that's
9 on the Docket. This year, 2011, you have proudly
10 announced that the DRBC will be celebrating its 50th
11 anniversary. On your logo, you have written a river
12 is more than an amenity. It is a treasure. This is a
13 quote from U.S. Supreme Court Justice Oliver Wendell
14 Holmes. Today you have put on your Docket whether you
15 should permit XTO, aka Exxon Mobile, to withdraw
16 250,000 gallons per day from Oquaga Creek. What a
17 strange and cynical way to celebrate 50 years of
18 protecting the Delaware River, its tributaries, its
19 streams and its creeks. Water is the vascular system
20 of life. If it becomes diseased, polluted, the body
21 of life which you cherish will become diseased as
22 well. This water withdrawal will set a terrible
23 precedent.

24 I have a question for you. After
25 horizontal fracturing begins, have you, do you plan

1 to, initiate literacy lessons for the water so that
2 after it has been drugged with fatal pollutants, it
3 can read the do not enter signs so that our vascular
4 system of life will be protected? I think I can say
5 with certainty, your answer is no. Such a fantasy
6 would not have to be considered if you would leave our
7 vibrant river system alone. Properly celebrate your
8 50th year of preserving this life-sustaining treasure.
9 Please do not forget water is life. Thank you.

10 HEARING OFFICER:

11 Thirty-five (35). If not, 36.

12 MR. LEVINE:

13 I'm Joe Levine. I live in Brooklyn, New
14 York and Milanville, Pennsylvania. I'm co-founder of
15 Damascus Citizens for Sustainability. Damascus
16 Citizens for Sustainability applauds and supports the
17 action taken by the New York State Attorney General,
18 Eric Schneiderman, who said before any decisions on
19 drilling are made it's our responsibility to follow
20 the facts and understand the public health and safety
21 effects posed by potential natural gas development.
22 The Federal Government has an obligation to undertake
23 a comprehensive cumulative impact study and invoke
24 NEPA, and as I have made clear last month, this office
25 will compel it to do so. The proposed natural gas

1 development regulations allow high-volume hydraulic
2 fracturing combined with horizontal drilling within
3 the basin. Fracking is intrinsically contaminating.
4 It poses risks to the environment, health and
5 communities, including the withdrawal of large volumes
6 of water from creeks and streams, potential
7 contamination of drinking water supplies, toxic waste
8 generation, increased noise and air pollution,
9 potential harms to community infrastructure and
10 characters from increased industrial activity create
11 the potential for significant impacts from gas
12 fracking within the basin. The relevant federal
13 agencies are obligated to comply with NEPA by
14 performing a full review of the impact of the DRBC
15 proposed natural gas development regulations. Even if
16 the DRBC skirts its responsibilities to comply with
17 NEPA, there's no excuse for it to ignore its own
18 fundamental responsibilities related to special
19 protection waters and wild and scenic river
20 regulations.

21 This means that this project can do no
22 harm to the river and its tributaries or cause no
23 measurable change to water quality. If there is no
24 study to determine or confirm what impacts this
25 project will have, then what's the rationale for

1 establishing the special protection regulations?
2 There won't be just one water withdrawal. It's just
3 the beginning. That just is the opening of the door.
4 We cannot pretend this activity is safe and hasn't
5 been wreaking havoc across the Marcellus Shale from
6 Dimock to Bradford to Hickory. To do so is to skirt
7 your primary responsibilities and to facilitate the
8 industrialization of the Delaware River Basin. There
9 must be a cumulative impact study before even a water
10 withdrawal is approved, even if a water withdrawal is
11 approved for no gas well to be done. Thank you.

12 HEARING OFFICER:

13 Thank you. May I call, first, numbers 41
14 through 50 to come forward, please? Thank you.

15 MS. HARTZ:

16 My name is Dorothy Hartz. I live in
17 Fremont Center in Sullivan County. On my father's
18 side, I'm a fifth generation Sullivan County-ite. On
19 the immediate level, this hearing is about one
20 instance of water withdrawal. The immediate answer is
21 no permit should be issued on the grounds that the
22 DRBC's own regulations state that an impact study on
23 water use should be done and no such study is in
24 evidence. Proponents say that there has been enough
25 studies. Why, then, every week or so, with great

1 regularity, do we hear of another incident of
2 pollution or contamination or degradation or explosion
3 or litigation from somewhere in a gas Shale place?
4 Other speakers have pointed out that this hearing is
5 as much a referendum on the whole issue of gas
6 exploitation and wise water management. I have one
7 simple question to address that, and I've had it since
8 I first heard about Marcellus Shale. Why is such a
9 water intensive and water polluting activity even
10 being considered near the last and purest free-flowing
11 river in the Northeast, when in the too near future,
12 water will be infinitely more precious than gas?

13 On a personal note, my drive here today
14 took me along the river. It seemed inconceivable to
15 me, on this beautiful day, that my river could go the
16 way of the Susquehanna, the way it's going now.
17 Please, New York DEC, keep it inconceivable. Keep
18 that impossible, that that could happen. Thank you.

19 MR. HARTMAN:

20 My name is Lee Hartman and I'm a business
21 owner and resident of Equinunk, Pennsylvania. And I'm
22 here representing Trout Unlimited as the Delaware
23 River Chairman. Trout Unlimited has long advocated
24 for the sound management of the Delaware River Basin's
25 water resources and the ecological health of the

1 river. The Delaware River Basin, apparently, is faced
2 yet with another major threat, gas drilling into
3 Marcellus Shale. The Marcellus Shale gas deposits are
4 accessed using a combination of the horizontal
5 drilling and hydraulic fracturing, a process that
6 requires three to eight million gallons of water each
7 time a well is fractured.

8 XTO Energy is proposing to take water
9 from a private creek, an important cold water stream
10 that serves as critical habitat for trout and other
11 aquatic life. This specially protected trout spawning
12 tributary provides vital cold water flows to the west
13 branch and main stem of the Delaware. Every cold drop
14 of water, whether coming from the reservoir release or
15 a tributary is providing essential habitat to other
16 aquatic organisms. The cold, clean water has created
17 important recreational opportunities that are vital to
18 the local economy of the Delaware region. The river
19 attracts thousands of visitors annually to float, fish
20 and enjoy the scenic beauty and its wildlife. The
21 existence of the entire cold water ecosystem in
22 Delaware is dependent upon healthy flows from its
23 tributaries. This application submitted by XTO for
24 water withdrawal from a private creek for the purpose
25 of hydraulic fracturing in the basin is untimely and

1 premature. Currently, there is a moratorium on the
2 issuance of Marcellus Shale gas drilling permits in
3 the Delaware River Basin. New York is in the
4 process ---.

5 TIMER SOUNDS

6 HEARING OFFICER:

7 Thank you.

8 MS. WIENER:

9 My name is Jill Wiener and I live in
10 Sullivan County, New York. I'm speaking on behalf of
11 the more than 6,000 members of Catskill Citizens for
12 Safe Energy, the majority of whom either live in the
13 Delaware River Basin or depend on the basin for their
14 drinking water. There are several substantive reasons
15 for the XTO application to be denied including the
16 water is to be used principally for high-volume
17 hydrofracking in New York, Delaware and Broome
18 Counties, including areas that lie within the Delaware
19 Basin. That hydraulic fracturing is not permitted in
20 the basin or in New York State. The Attorney General
21 of New York has filed a federal suit to compel the
22 federal arm of the DRBC to complete a cumulative
23 impact statement before drilling regulations are
24 promulgated. Approval of this water withdrawal Docket
25 will put an unfair burden on the communities

1 surrounding the withdrawal site. Increased truck
2 traffic, air pollution, noise and negative economic
3 impacts to existing industries such as tourism will
4 forever change the rural character of those
5 communities.

6 According to Dr. Ron Bishop, who
7 researched high-volume hydrofracking operations in
8 Pennsylvania, we can reasonably expect that there will
9 be instances of ground water contamination associated
10 with one of the 18 gas wells that will be fractured
11 with water from the Oquaga Creek. This rate of
12 failure is unacceptable to the people of Broome and
13 Delaware Counties and to the people who depend upon
14 the river basin for their drinking water.

15 It should also be unacceptable to the
16 members of the Delaware River Basin Commission. There
17 is no requirement in the Docket that the water or
18 wastewater transportation be documented and reliably
19 traced or even a viable plan to treat the wastewater.
20 The Oquaga Creek is designated special protection
21 waters and is a high quality fishing area.
22 Artificially lowering the water levels will increase
23 water temperature and stress the life in the stream.
24 There is also reason to believe that there are
25 procedural deficiencies and possible conflicts of

1 interest in the acquisition and execution of the lease
2 between Exxon/XTO, Mobile and the town of Sanford.
3 The DRBC has a responsibility to the people who rely
4 on its judgment and authority ---.

5 TIMER SOUNDS

6 MS. DORSEY:

7 Hello. My name is Susan Dorsey, and I'm
8 here to read a prepared statement from the Joint
9 Landowners Coalition of New York. Joint Landowners
10 Coalition, JLCNY, represents approximately 70,000
11 landowners controlling over 800,000 acres of land
12 submits the following statement concerning this water
13 withdrawal application from Oquaga Creek. The
14 application procedure states that Delaware River Basin
15 Commission has administrative agreements with
16 Pennsylvania, Delaware, New Jersey and New York. Each
17 state has filing requirements that must be met. In
18 addition to the DRBC, the JLCNY has confidence in the
19 State of New York Department of Environmental
20 Conservation and their ability to regulate and protect
21 the streams of New York. JLCNY does not believe the
22 DEC would allow a water withdrawal if it adversely
23 impacted the New York stream. The JLCNY believes the
24 decisions concerning water withdrawal from any stream
25 should be based on sound science, not the opinion of

1 any special interest group. We understand the DRBC is
2 watching the development of natural gas cautiously.
3 In New York, the DEC is in the process of preparing
4 new regulations that will control the development of
5 natural gas exploration and production in New York.
6 Along with that, current regulations like
7 6NYCRR554.1C1, which requires the applicant for a well
8 permit to identify a total disposal plan approved by
9 DEC prior to well permit issuance and this will
10 continue to safeguard the streams and rivers of New
11 York. I would like to add that your compacts, under
12 your compact, oil and gas is of legal use and you must
13 fulfill your mandate to approve of withdrawal if it's
14 the same water used for this Docket as for golf
15 course, bottled water, conserve a cranberry farm.
16 It's the same water ---.

17 TIMER SOUNDS

18 MS. GRAFE-KIEHLAH:

19 My name is Inge Grafe-Kiehlah. I have
20 only a couple of questions. Why do we single out one
21 industry over others? Why not golf courses or power
22 plants? What about all the water used in Philadelphia
23 and New York City? Gas drilling takes only a minute
24 amount of water compared with the above mentioned.
25 Are the upstairs people less important than the

1 downstairs? We are talking livelihood, not
2 recreation. This Commission has an agenda and it is
3 beholden to some scared, elitist people. States,
4 start thinking with your head, not with your heart.
5 This is where the brain is. This is not a popularity
6 contest. This is about work and living for many.
7 Please approve XTO's request.

8 MR. KREZNAR:

9 Richard Kreznar. Sullivan County. I am a
10 small businessman with properties and houses in
11 Pennsylvania and New York in the Delaware River Basin
12 Commission. To allow this area to become an
13 industrial zone will work at cross purposes to what
14 has been successful for decades, recreation, second
15 homes and farms. Property values are dependent and a
16 good clean environment, especially here, close to a
17 major metropolitan area. I can't match the gas
18 companies dollar for dollar, but I can continue the
19 American ideal of insisting that an individual has
20 rights. This is my home and no one should be able to
21 just swoop in from who-knows-where and take it away.
22 I'm offering three suggestions to preserve our area
23 and make us energy independent. Step one, refute the
24 lies from the oil and gas companies and some
25 politicians such as gas is the transitional fuel and

1 solar and wind is somewhere way off in the future.
2 Step two, the subsidies currently given to the gas and
3 oil companies should be put into renewables. Step
4 three, mandate that all industries, including gas
5 companies, be subject to the clean air, clean water,
6 clean drinking water and Superfund Acts. When these
7 steps are taken, everything else will fall into place
8 and the United States will become energy independent.
9 Everybody has to do their part. The DRBC has the same
10 assignment now as it did years ago when it was formed.
11 Protect the river. I recognize the Commissioners have
12 outside pressures. I also notice that you have your
13 notebooks and bottles of pure drinking water. Look at
14 that water and do something heroic. Preserve it.
15 Fifteen (15) million people depend upon what you do
16 about that pure drinking water. I know what I would
17 do. You know what you should do.

18 TIMER SOUNDS

19 HEARING OFFICER:

20 Thank you, sir.

21 MR. KREZNAR:

22 Protect this river. Protect this area.

23 MR. ALLEES:

24 I'm Edward Allees from Sullivan County.

25 A million people is a lot of people. A million

1 gallons of water is really not very much in the
2 context of the flow of the Oquaga Creek or, for that
3 matter, the Delaware or the Susquehanna. But the term
4 millions of gallons has mesmerized the uninformed and
5 the frightened. The rate of the flow of water from
6 the Oquaga Creek will be regulated by the permitting
7 process, always, of course depending on flow. So let
8 the permitting commence. Please do not let the
9 uninformed, irrational fears politicize the issue.
10 Thank you.

11 HEARING OFFICER:

12 Thank you.

13 MR. ALLISON:

14 My name is Jeff Allison and I represent
15 Catskill Citizens for Safe Energy and I'm from
16 Sullivan County, New York. Approval of this Docket is
17 liable to result in the generation of hundreds of
18 millions of gallons of spent, fractured fluids,
19 so-called produced water that will endanger our water
20 supplies and public health. Because of a loophole in
21 New York State law waste produced by the oil and gas
22 industry are automatically classified as industrial,
23 even though they meet the chemical definition of
24 hazardous waste. Consequently, waste fluids are
25 unlikely to be analyzed or disposed of properly.

1 Inadequate treatment will degrade water courses within
2 the Delaware River Basin and neighboring river basins.
3 The hazardous waste exemption in New York law also
4 means that fracking wastewater is not metered so there
5 is no reasonable assurance that it will be transported
6 to approved disposal sites. New York State does not
7 have a single treatment plant that can remove the
8 toxins and radioactive material in the waste fluid
9 that will be generated if this application is granted.
10 One municipal water treatment plant in New York is now
11 accepting waste, but the treatment provided by Auburn
12 Municipal Utilities fails to remove the radioactive
13 material and heavy materials in the fluid. This
14 unacceptable situation will be dramatically
15 exacerbated if the Docket is approved. Disposal of
16 waste fluids beyond New York is not an acceptable
17 option. Long distance trucking of fluids will
18 squander fuel resources and increase avoidable
19 greenhouse gas emissions.

20 Until the natural gas industry has
21 devised an appropriate method of disposing of the huge
22 quantities of toxic waste produced by hydraulic
23 fracturing, the DRBC must reject this Docket and all
24 of their applications for water for hydraulic
25 fracturing. Thank you.

1 HEARING OFFICER:

2 Thank you.

3 MS. DUKE:

4 My name is Carolyn Duke. I'm a small
5 business owner and homeowner in Sullivan County in the
6 Delaware River Watershed. I believe the basis for
7 determination relies on insufficient data. Oquaga
8 Creek is classified as Class C, fresh surface water.
9 According to the New York State DEC, the best usage is
10 fishing and these waters are regulated to be suitable
11 for fish, shellfish and wildlife propagation and
12 survival, as well as for primary and secondary contact
13 recreation. Tough standards apply to Oquaga Creek and
14 the creek is part of the special, protected waters of
15 the Delaware River Basin. Allowing the withdrawal
16 operation, with the staging area for trucks and
17 industrial activity, would negatively affect the best
18 use of this creek. The Docket states that a
19 wetland-type environment is not meant to be present at
20 the proposed withdrawal location. This is based on a
21 1984 New York State DEC wetlands program document, New
22 York State Regulatory Freshwater Wetlands in Broome
23 County. Considering that recently, after severe
24 flooding in Deposit in 2006, the FEMA flood plain has
25 shifted, I would suggest this 1984 document is out of

1 date and cannot be used as a basis for determination.
2 According to the Docket, low flow and average daily
3 flow was established from the available data from the
4 Deposit gage station operated by a United States
5 geological survey. This gage is approximately 4.7
6 miles downstream of the proposed withdrawal site. As
7 of March 31, 2009, data collection at this stream gage
8 was discontinued due to funding reductions of partner
9 agencies. It's pass-by flow at the withdrawal site
10 shall be a minimum of 8 cubic feet per second as
11 measured by the XTO Oquaga Creek gage. In other
12 words, there's no reliable current data applicable to
13 this decision and the monitoring of the pass-by level
14 will be done by XTO, the company that stands to gain
15 from the withdrawal. A company employee said that
16 this would become a concern about low water in the
17 stream when the fish start flopping around. In other
18 words, too late. The DRB (sic) will certainly want to
19 address this issue before it's too late to stop it.

20 TIMER SOUNDS

21 HEARING OFFICER:

22 Thank you. Forty-six (46).

23 DR. BISHOP:

24 I'd like to thank the authorities with
25 the DRBC for having this hearing. But I'd like to

1 apologize to everybody in the room for driving down
2 from Oswego County and using all that fuel to get
3 here. But you know, you have to do some things in the
4 short term to take care of things in the long term.

5 UNIDENTIFIED FEMALE:

6 Can't hear you.

7 DR. BISHOP:

8 And I think that's part of what we're
9 looking at with this problem, here.

10 UNIDENTIFIED FEMALE:

11 Can't hear you.

12 DR. BISHOP:

13 Oh. Sorry. Your considering this water
14 withdrawal when you don't actually know whether or not
15 the drilling application is going to be up to snuff is
16 out of order. And there's so much about it that's
17 symbolic about it being out of order. So much of what
18 we've heard today is a lot of people talking about the
19 stress that they're under and the decline that they
20 see in the economy. And they ain't seen nothing yet,
21 if they let gas drilling go on here and then go off
22 here, when the gas is gone. We also have this problem
23 with the long term of the infrastructure that stays in
24 the ground. We've already had one concrete and steel
25 specialist who took quite a long time beginning to

1 talk about how these structures break down. And even
2 the new concrete breaks down and the steel can break
3 down over time. It's not the law in New York, it
4 never was, that after a well has been abandoned that
5 it's ever looked at again. But that doesn't mean it
6 won't ever do anything, because set it and forget it
7 is not how concrete and steel work.

8 And finally, there's a lot of things I've
9 heard expressed on the DEC. And I have to say
10 everyone I know personally in the DEC is a wonderful
11 person, and in the bill (phonetic) of oil and gas
12 regulations, all 16 of them, statewide. They already
13 have more than 800 wells for every inspector we have
14 already operating. They can't get to all of this.
15 Don't trust them. So we've got a lot more work to do
16 before we take the symbolic step and move this Docket
17 forward.

18 HEARING OFFICER:

19 Thank you. Can people holding numbers 51
20 to 60 come forward, please?

21 MR. GILLINGHAM:

22 Hi. I'm Wes Gillingham, the Program
23 Director for Catskill Mountainkeeper. I've heard a
24 lot of people talk about special interests. I suppose
25 I fit into that category from Catskill Mountainkeeper.

1 We do have a special interest in the Delaware River, a
2 special protection of water. The New York State DEC
3 Commissioner has asked you not to approve this Docket.
4 New York State DEC is spending its resources from
5 multiple divisions to overhaul its permit conditions.
6 Yes, the New York State DEC is a special interest
7 group. They not only have an interest, they have a
8 responsibility to protect us residents of the Upper
9 Delaware Basin and we rely on that. You rely on them
10 to do your --- to go out to the sites and inspect
11 those and make sure that others are in compliance.
12 And they protect us from the special interest, XTO
13 from Fort Worth, Texas, to special interest Exxon,
14 also from Texas.

15 In this room, there are a lot of people
16 that represent special interests; the Sierra Club,
17 Friends of the Upper Delaware, Delaware River Keepers,
18 Citizens for Safe Energy, Damascus Citizens. I'm
19 getting tongue-tied with all these groups. They
20 represent thousands and thousands of people that have
21 a special interest in protecting this river. And this
22 is the cart before the horse. I heard someone say
23 that. In your presentation, you declared that you
24 were considering wastewater treatment, where the
25 wastewater was to be treated and processed. And I

1 will just read something real quick from the New York
2 State Farm Bureau, another special interest group,
3 that says we recommend the Department of Environmental
4 Conservation, at the very least, include the following
5 items in the STIS --- and I won't read the whole
6 thing, I'll just read this one part --- a practical
7 plan for the disposal of all wastewater that will be
8 generated by hydraulic fracturing of numerous
9 horizontal wells, inclusive not only of fracturing
10 fluid, but any waste that will be generated by
11 drilling and fracturing. This is a special interest.
12 Do not approve this Docket.

13 MR. FURMAN:

14 My name is Vic Furman and I own
15 properties in Broome and Oswego Counties, five acres,
16 that's five between the two counties. I had five
17 pages to read here, but most of it's already been
18 said. So I'll just read this short summation. You
19 must not and should not choose the necessity of our
20 water based on emotional fears and misinformed
21 science. The amount of water taken and requested for
22 the withdrawal from hydrofraction will have less
23 impact than what the farmers along the Delaware use,
24 the golf courses along the Delaware and others. The
25 DRBC has regulated safeguards already in place to

1 protect minimum water thresholds. The application, if
2 approved, and approved it should be, will not
3 authorize any other action with respect to natural gas
4 drilling or natural gas development. I heard a lot of
5 people testifying here about special interest groups.
6 And they talked about how hydrofracturing is going to
7 destroy our lives and destroy our aquifers. To me,
8 that's just a statement. It's not science. I just
9 watched a hearing on the Senate hearing committees in
10 Washington D.C., where every Senator from every
11 drilling state stood up and said that no water has
12 ever been contaminated.

13 BRIEF OUTBURST

14 MR. FURMAN:

15 Said no water has ever been contaminated.

16 HEARING OFFICER:

17 Please.

18 MR. FURMAN:

19 Restart the clock. No water has ever
20 been contaminated from drilling. That was at a State
21 Hearing --- Senate, excuse me, a Senate hearing in
22 Washington D.C. We cannot rely on the misguided fears
23 of artists or economists. They're just bad. Never
24 mind. Enough said.

25 HEARING OFFICER:

1 I'd also like to ask everyone to be
2 respectful of the speakers. You'll think it the same
3 when it's your turn.

4 MR. VAN SWOL:

5 For those of you that don't know me, I'm
6 Noel Van Swol from Long Eddy. And I'm here as
7 President of the Sullivan Delaware Property Owners
8 Association. We represent 70,000 acres in Delaware
9 County and Sullivan County of people who want gas
10 leases. A gentleman presented a petition signed by
11 the village businessmen in Hancock a little bit
12 earlier. I would remind that gentleman and those
13 businessmen that 20,000 acres in the town of Hancock
14 is on our list of people who absolutely want gas
15 leasing and they support all the businessmen in the
16 town of Hancock. We vigorously, as an association,
17 support XTO's application for a surplus water
18 withdrawal. We are very concerned that the Delaware
19 River Basin Commission decision will be based on
20 emotion, not hard science. There should be no public
21 hearings on water withdrawal for other wells in the
22 future. These decisions should be made by
23 professionals in a speedy permitting process as is
24 done in 37 other states. And these decisions should
25 be based on hard science, not the opinions and

1 emotions referred today. The DRBC has dragged its
2 feet on regulations and water permits for three years.
3 By contrast, the Susquehanna River Basin Commission
4 permit process has worked well for three years and
5 that area, particularly Bradford County and
6 Susquehanna County, are now prosperous. This area is
7 not an economic colony of the DRBC ---.

8 TIMER SOUNDS

9 HEARING OFFICER:

10 Number 50.

11 MR. KOVACH:

12 51?

13 HEARING OFFICER:

14 Fifty-one (51)? Nearing 52. Okay.

15 MR. KOVACH:

16 52, going once.

17 MR. HANDLER:

18 My name is Bernie Handler. I live in
19 Damascus, PA on the Delaware River, on the main stem.
20 I heard a lot of things today. First, basically, a
21 journey of a thousand miles starts with a first step.
22 Usually, that's a sign of encouragement, but here,
23 we're going down a very poisoned path. And I think
24 that where this water is going to go is going to
25 create a lot of problems in the Delaware River Basin.

1 My wife gave me this little bucket and she said even
2 this much water, when it's poisoned, is dangerous. So
3 she doesn't want to see even a drop of water going to
4 the creation of natural gas drilling. And I agree
5 with her.

6 So first off, I live right on the
7 Delaware River and last summer, I stepped into the
8 river. It was 90 degrees. This cold water coming
9 down, it's not --- the river in front of my house is
10 not my water. The river up here in Oquaga Creek is
11 not their water. It all belongs to the Delaware River
12 Basin. And that's why this Commission was formed.
13 And you need to really do your job and try and make
14 sure that nothing contaminating happens to any of this
15 water.

16 Then I heard a lot about special interest
17 groups today. The biggest special interest group that
18 hasn't been mentioned is Exxon. I mean, they own ---
19 the legislation is created by them to create all these
20 rules, and it's ridiculous, what's going on with them.
21 And here we are listening to these tiny special
22 interest groups. I also want to say, I agree with
23 almost everybody that spoke here today, that science
24 should rule, and that's why a cumulative impact study
25 needs to be done before you allow any gas drilling in

1 the area. You already have enough lawsuits on your
2 hands. Thank you.

3 UNIDENTIFIED MALE:

4 That's right.

5 MR. FROGEL:

6 I'd like to say that I am from New York
7 City and I have respect for having pure water for New
8 York and the water does not belong to this local
9 community. It's everybody's water. I do favor that
10 the application be denied, rejected. This proposal
11 has been put forth simply to establish a precedent for
12 water withdrawal, separated from the whole process of
13 hydraulic fracturing. And that was done deliberately
14 and possibly in order to eventually ship this water
15 out of New York, to ship it to other jurisdictions,
16 which I am against. This would be for the purpose of
17 hydraulic fracturing elsewhere if it doesn't become a
18 reality in New York. I believe that the moratorium in
19 place should cover and everything should cover the
20 whole process, production process for natural gas and
21 should be a cumulative effect of hydraulic fracturing
22 should be covered and it should include water
23 withdrawal, massive water withdrawals. This is part
24 of the entire production process. It should not be
25 separated. Thank you.

1 MS. STEINZOR:

2 Hi. Thank you for the opportunity to
3 speak tonight. My name is Nadia Steinzor. I'm the
4 Marcellus regional organizer for Earthworks Nationwide
5 to address the environmental health and community
6 impacts of energy extraction. The XTO permit
7 application may be part of a modern day industrial
8 process, but it reflects the ancient tactic to conquer
9 resources. It is a Trojan horse, a seemingly
10 innocuous water withdrawal permit that is really a
11 guise to blow past the gates of environmental
12 protection and regulation and force broader gas
13 development. Earthworks strongly opposes the issuance
14 of the water withdrawal permit because it is
15 premature. As has been stated here tonight,
16 evaluations are underway to determine the impact of
17 gas development in the basin, which will influence
18 whether and even to what extent it would even be
19 allowed. The DRB (sic) itself is reviewing, as you
20 had stated earlier, thousands of public comments on
21 proposed regulations. New York has yet to complete
22 its environmental review related to the issuance of
23 permits for high volume drilling. And New York's
24 announced lawsuit against the federal government could
25 force a comprehensive environmental analysis of

1 impacts, including water withdrawals of the type that
2 is being sought here.

3 And in addition, as others have
4 mentioned, there has been no cumulative analysis done
5 and the question is whether DRBC is going to continue
6 to issue one permit at a time, one water withdrawal at
7 a time, without considering the impacts on the river
8 basin which it is mandated to protect. I implore
9 everyone around here to look around the country at all
10 of the other communities that did permit one at a
11 time, one little thing at a time. Why not? Let's try
12 it. And then you'll understand why this is such a big
13 deal, this one permit.

14 Thank you very much for your time and
15 thank you for holding this hearing in Broome County,
16 because so many of the groups here, including the ones
17 that have been referred to as special interest, wrote
18 in our comments to you to hold it here, so thank you
19 for that.

20 MS. SELDIN:

21 My name is Brenda Seldin. I'm a resident
22 of Narrowsburg, New York. In deciding whether XTO
23 Energy, a subsidiary company of Exxon Mobile, should
24 be allowed to receive a water withdrawal permit, the
25 economic workings of XTO should not be considered a

1 factor. Brigadier General DeLuca of the DRBC
2 mentioned at one point that the economic interest of
3 the companies must also be kept in mind when these
4 decisions are being made. In the case of XTO, owned
5 by Exxon Mobile, we have a current company who made a
6 profit of \$30.5 billion in 2010, a profit that was
7 recorded 52 times greater than the average profits of
8 the 500 most profitable companies as listed in Fortune
9 500. XTO will not suffer economically from being
10 denied this permit at this time. They are not
11 depending on this to keep their company economically
12 viable. It is only a matter of increasing their
13 profit margin as we are currently in a natural gas
14 threat in this country with natural gas currently
15 having a greater value as an export to other
16 countries. So making us energy independent is
17 currently not an issue, either. XTO, Inc., can afford
18 to be made to wait while New York State is doing its
19 studies, while the EPA does its studies, while we try
20 to figure out how to stop the cases of water
21 contamination such as have occurred in Dimock, PA.
22 Meantime, we do not even have regulations in place in
23 New York State and New York State Attorney General
24 Lucinich required the DRBC to do more in-depth
25 studies. My question is what is the rush when there's

1 no economic imperative or energy supply imperative,
2 when there is so much questioning of this process on
3 the New York State level and when people have already
4 been harmed by this process? Please do not go forward
5 with this permit. Thank you.

6 HEARING OFFICER:

7 Thank you.

8 MS. GREENE:

9 Good evening. My name is Hester Greene.
10 I'm a resident of Damascus, Pennsylvania and it's a
11 place we chose 20 years ago so that we could retire
12 there a couple years ago. I don't want to see it
13 harmed. None of us, these days, can look only at what
14 we see before us on a daily basis. The world is made
15 up of communities, but we're all linked together.
16 None of us stand alone. A year ago, the DRBC granted
17 a permit to Stone Energy. That was for .7 million
18 gallons a day from the Lackawaxen River, also which
19 flows into the Delaware. Now, today, you're
20 considering another request for .25 million gallons a
21 day from Oquaga Creek. That makes up almost a million
22 gallons a day if these go into operation. This is
23 only the tip of the iceberg. This is only two
24 requests. How will you determine how much is enough?
25 The Roman Empire, in their quest for wood for ships,

1 depleted the land once known as the Fertile Crescent.
2 It's now a desert there. In North Africa,
3 over-grazing and an unfortunate succession of droughts
4 have led to advancing desertification. A memory of
5 many people in this room here occurred in the Dustbowl
6 in our own Midwest. We have to shepherd our
7 resources. We no longer have the luxury of using
8 resources with the abandon of our forefathers who came
9 to this country of seemingly endless forests and
10 rivers. In four centuries, we've reached a point,
11 after wrenching our modern society into existence from
12 the abundance of our resources and the cheapness of
13 human life. It's time to change the methodology, time
14 to do the science, before the action begins.

15 HEARING OFFICER:

16 Thank you.

17 MS. BARTZ:

18 My name is Morgan Bartz and I live in
19 Swarthmore, Pennsylvania. The Oquaga Creek is located
20 in the DRBC's designated special protection waters and
21 flows into the Upper Delaware River. Under DRBC
22 regulation, this means that this project can do no
23 harm to the river and its tributaries or cause
24 immeasurable change to water quality. If the Oquaga
25 Creek would be substantially impacted by the

1 withdrawal of .25 million gallons of water per day, no
2 protection that exists for the sensitive aquatic life
3 that inhabit this creek ---. When would the
4 environmental regulations be put into place? Why
5 should this Docket be approved before more studies are
6 conducted? It seems extremely premature to pass this
7 proposal, especially when New York State has a
8 moratorium on horizontal fracturing, which this water
9 withdrawal would be used for. As someone who was born
10 in New York State and whose family still resides here,
11 my special interest is my concern for the future of
12 the Delaware River, which provides water to my family
13 and millions of others. Support of XTO's Energy
14 proposals to withdraw water from Oquaga Creek
15 translates to support of hydraulic fracturing, which
16 in turn, supports the contamination of our water, soil
17 and air. This XTO proposal, therefore, is not solely
18 the concern of residents of Sanford and other
19 surrounding towns. It is a concern of anyone who
20 wishes to preserve the clean water on this earth as
21 well as the health of those who depend on this water.

22 HEARING OFFICER:

23 Thank you.

24 MR. SPRINGHETTI:

25 My name is Martin Springhetti. I live in

1 the Delaware Valley in Wayne County, Pennsylvania.
2 This morning I got this issue of Newsweek in the mail
3 today and it says --- if you can't read it, it says
4 weather panic and this is the new normal. And it's a
5 big picture of a tornado. I'd just like to read just
6 a couple of sentences from there. Even though it's
7 been denied, the existence of global climate change,
8 --- are having trouble dismissing the evidence of the
9 last year. In the U.S. alone, nearly a thousand
10 tornados have ripped across the Heartland, killing
11 more than 500 people. The Midwest suffered the
12 wettest April in 116 years, forcing the Mississippi to
13 flood thousands of square miles. Even as
14 drought-plagued Texas suffered the driest month in a
15 century, the 2010 heat wave in Russia killed an
16 estimated 15,000 people. Floods in Australia and
17 Pakistan killed 2,000 and the temperature keeps
18 rising. 2010 was the hottest year on the earth since
19 weather records began.

20 From these and other extreme weather
21 events, one lesson is sinking in with terrifying
22 certainty. The stable climate of the last 12,000
23 years is gone, which means we haven't seen anything
24 yet and we are not prepared. The burning of fossil
25 fuels has raised atmospheric levels of heat-tracking

1 carbon dioxide by 40 percent above what they were
2 before the industrial revolution. The added heat in
3 the atmosphere retains more moisture, ratchets up the
4 energy in the system and incites more violent and
5 extreme weather. If the DRBC grants this permit, you
6 will be, in effect, enabling the burning of fossil
7 fuels and it will just be business as usual. And I
8 think that we've got to connect the dots and ---.

9 TIMER SOUNDS

10 HEARING OFFICER:

11 Thank you.

12 MR. LEIDECKER:

13 My name is Wayne Leidecker. I live in
14 Afton, New York. I commend the DRBC for having a good
15 scientific procedure in place and I welcome it. Thank
16 you.

17 HEARING OFFICER:

18 Thank you.

19 MR. COLLEY:

20 Good evening. My name is Earl Colley and
21 I live in southeastern Chenango County in the town of
22 Afton, also. I was a bit surprised when this hearing
23 for an application for Exxon withdrawal of water
24 turned into an anti-gas rally. I would just like to
25 make a quick statement. It is water in the Delaware

1 Watershed is a natural resource originating and
2 flowing through our property. In essence, the
3 property owner's resource, this resource is controlled
4 by politically motivated groups and politicians who
5 want to keep the politically motivated groups
6 re-electing them. And it's taken and used, through
7 permits and fees, without any compensation to the
8 property owner of this water. By denying XTO's
9 application to withdraw a small quantity of water,
10 while millions of gallons are released into the ocean
11 is unthinkable. This denial will prevent the very
12 same property owners from developing another natural
13 resource, natural gas. Natural gas development in the
14 southern tier of New York State will directly or
15 indirectly provide economic growth for tens of
16 thousands of residents in the southern tier allowing
17 us, the property owners, to use one of our natural
18 resources, our water, to develop and harvest another
19 natural resource, natural gas. Rule on the withdrawal
20 permit, not on the anti-gas fracking frenzy. Thank
21 you very much.

22 HEARING OFFICER:

23 Thank you. What I'd like to do is take a
24 short break and come back with numbers 61 through 70
25 at quarter of 8:00. So a ten-minute break by that

1 clock and we'll start right at quarter of 8:00 ---
2 quarter to 7:00. Yeah. Quarter to 7:00. Ten
3 minutes.

4 SHORT BREAK TAKEN

5 HEARING OFFICER:

6 Okay. Number 61. Please take your
7 seats. We're going to keep going. If we can't get to
8 everybody, it's because you're not in your seats.

9 MS. ZINNES:

10 My name is Alice Zinnes. I spend my time
11 equally between Wayne County, PA and Brooklyn, New
12 York. Not only is it absurd, but it is bad policy and
13 illegal to issue a water withdrawal permit to XTO
14 before fracking regulations have been finalized.
15 Issuing a permit gives XTO/Exxon a precedent-setting
16 that helps justify future fracking applications. Note
17 XTO's representative today spoke about fracking and
18 not water withdrawal. This incremental invasion of an
19 area is common to the gas industry. Each step is so
20 much worse than before, until suddenly a once pristine
21 landscape becomes industrial waste. How are we to
22 protect against this gradated approach to fracking?
23 The DRBC must complete a cumulative environmental
24 impact study before issuing any water withdrawal or
25 fracking permits. The Oquaga Creek is home to Brook

1 Trout, Brown Trout and Rainbow Trout and know the flow
2 routine needed by these fish will be adversely
3 affected. Neither impacts nor comprehensive data
4 about the life in the creek have been assessed. The
5 withdrawal of .25 million gallons of water will cause
6 increased discharge of groundwater to the stream,
7 diminishing the aquifer that feeds local and regional
8 wells. The consecutive approval of the current DRBC
9 permit also allows this water to be exported
10 elsewhere, in other words, stolen from us to fuel
11 national development in other states, perhaps
12 Pennsylvania, thus jeopardizing our water quality
13 without even giving us anything in return. Even worse
14 is the Oquaga Creek feeds the west branch. Impacts
15 from this withdrawal will surely be felt in the main
16 stem of the Delaware River as well. Recent frack
17 water spilled into the Tonoba (sic) Creek and
18 ultimately, into the Susquehanna River. Maryland
19 State is now suing, because this accident polluted the
20 Chesapeake Bay hundreds of miles away. The New York
21 Times has investigated frack waste in Pennsylvania's
22 water systems. And just yesterday, New York State
23 Attorney General Eric Schneiderman sued the federal
24 government for its failure to commit to a full
25 environmental review of fracking in the basin.

1 TIMER SOUNDS

2 MS. PREGMON:

3 Good evening. My name is Cathy Pregmon.
4 I am here as a citizen who utilizes and appreciates
5 the Delaware River Basin. I, too, am a resident of
6 Delaware County. Delaware County, Pennsylvania. We,
7 too, worry about economic downturn, struggling
8 families and how whatever happens now will impact our
9 futures. We are all the users of the Delaware River
10 as we are all in this together.

11 I've been somewhat offended by hearing
12 that I might be a special interest group. I represent
13 me, who simply uses the water from the Delaware River.
14 The Delaware River runs about half a mile from my
15 house. I have two great concerns. Number one, if the
16 Commissioners had been asked --- that the DRBC had
17 been asked by the Commissioners to look at water
18 withdrawal applications long before anything else was
19 done, in terms of looking at permits and anything
20 else. No matter what it looks like, it looks as if we
21 are not just protecting our streams, but getting ready
22 for gas development, with or without environmental
23 studies or regulations promulgated. I'm also
24 concerned that water for a golf course would be
25 considered a legitimate use of our river resources.

1 Every time I heard Montgomery County, I could only
2 assume that is Montgomery County, PA and I was like,
3 well, hmmm. That's almost as bad as taking water for
4 hydraulic fracturing. I'm asking DRBC to take their
5 charge as our protectors of the Delaware River
6 responsibly and protect one of the cleanest rivers in
7 the nation. Thank you.

8 MR. FITZGERALD:

9 My name is Neil (phonetic) Fitzgerald.
10 I'm an organic farmer in Cohecton, New York and this
11 affects me because my farm is on the Delaware River.
12 My fields are on the banks of the Delaware River.
13 I've been interested in fishing the last few years,
14 some people say obsessively. And I've noticed the
15 just beautiful town that's up here and I've been
16 considering this as a point for jumping off and going
17 to my farm. It would probably take me about a day.
18 So that's who I am. Like I said, your town is
19 beautiful. I'm hoping the same can be said for it in
20 20 years after gas fracking.

21 Okay. And the reason this meeting is
22 being held today --- everybody's referring to the
23 DRBC, but the reason this meeting has been held today
24 and why democracy is being practiced today is because
25 of these special interest groups that people have been

1 upset about. We went there a couple of weeks ago and
2 said that if you're going to take water from people,
3 then you need to give those people a chance to talk
4 about it. As far as science, and you have to remember
5 in science, who does the scientist work for? That
6 matters more than what he says. If he works for the
7 gas company, then you can bet anything he says is
8 pro-gas. Don't forget the scientist that told us that
9 cigarette smoking won't hurt us.

10 TIMER SOUNDS

11 MS. BLOOM:

12 Hello. I'd like to thank the DRBC
13 for ---.

14 TESTING MICROPHONE

15 MS. BLOOM:

16 Thank you. My name is Iris Marie Bloom
17 and I'm with one primary concern, which is public
18 health. I have just come back from Bradford County
19 where the population is very much divided 50/50 about
20 the harms and benefits of gas drilling, but the people
21 whose lives have been turned upside down by it are
22 suffering. And one person that I interviewed had
23 barium poisoning which meant she had numbness,
24 dizziness, slurred speech, racing heart and when she
25 went to the doctor, she was diagnosed as having

1 anxiety issues. It wasn't anxiety issues. It was
2 barium poisoning, and she was one of a cluster of four
3 people that we know of so far who have had high levels
4 of barium in their blood and she had near lethal
5 levels of barium in her blood. That is a contaminant
6 that naturally occurs deep in the Marcellus Shale that
7 is drilling 1,200 feet from her home. And we don't
8 know the exact pathway, but she was fine and her water
9 was fine and her blood was fine before the drilling.
10 That's not the case after the drilling.

11 Other people have had to abandon their
12 homes and 60 families cannot drink their water in
13 Bradford County right now. Six-zero, 60 families,
14 because of methane migration. Methane migration is
15 extremely widespread. It's been studied and methane
16 is 17 times higher within a kilometer of gas drilling.
17 But in addition to public health, we also have an
18 economic problem on our hands, and I just want to
19 point out that in terms of jobs, the multipliers that
20 are used by the industry and the PR firms are made up.
21 They're not real and if we want real jobs, we need
22 long-term investment. Oil and gas creates 3.7 jobs.
23 For the same amount of money, you can have 9.5 jobs in
24 wind, 9.8 jobs in solar or 12.4 jobs in biomass. We
25 need a long-term diverse thriving economy and long

1 term diverse thriving populations. Let's pull
2 together. We can do it.

3 HEARING OFFICER:

4 Number 65.

5 MR. BRAUN:

6 Thank you. Hi. Good afternoon. My name
7 is David Braun. I am a representative of United for
8 Action. You've got to be kidding me. Here we are
9 again. We are not discussing water withdrawal here.
10 We are discussing hydraulic fracturing. That's why
11 all these people are here, and that's why we are
12 considering a precedent that is currently about to be
13 set. It is an insult to the people of New York and
14 the Delaware River Basin to even consider this.
15 Currently, hydrofracking is illegal. There is no
16 regulatory structure to allow it. So great. So what
17 if I wanted to do something illegal with water
18 withdrawal? What if I wanted to have a crystal meth
19 lab? And what if I needed 250,000 gallons of water
20 everyday to cook up crystal meth? Would you consider
21 my water withdrawal? Seriously. I mean, it's
22 illegal; right? It hurts people. It kills people.
23 You wouldn't consider it. The same is true for
24 hydraulic fracturing. There is a reason we currently
25 have a moratorium in New York City. There is a reason

1 why we are going to have a ban in New York State on
2 hydraulic fracturing. It kills people. It makes
3 people sick. It poisons water systems and it is an
4 untenable practice. There is a reason why we cannot
5 have --- why we do not currently have a current
6 regulatory framework. We are currently negotiating
7 which level of Dante's Inferno we want to settle on.
8 Obviously, you insult the people who have had to take
9 their day off work, spend resources, et cetera, and
10 come here to submit testimony to block a misdirected
11 policy decision that is permitting the beginning of
12 something that is currently illegal. Seriously. You
13 are supposed to be the authority the people look to.
14 So what's up with these conflicting policies? If you
15 can't even develop consistent and sensible policy
16 procedures, how could we even have confidence in the
17 regulations that you are about to create?

18 MR. WILLIAMS:

19 My name is Rick Williams. I'm a
20 landowner and a taxpayer here in the town of Sanford.
21 I'd like to thank the DRBC for bringing this hearing
22 home. And I just want to say that we, as landowners
23 and citizens, are outraged that your authority and our
24 rights continue to be challenged by these extremists
25 from some other city or state that have absolutely

1 nothing to do with our land or region. We are very
2 capable of making our own educated decisions. These
3 people need to stay out of our business and the DRBC
4 must not be influenced any longer by strictly
5 emotional propaganda and no real effects.

6 This is a simple water withdrawal
7 application that meets all requirements necessary for
8 approval and is regulated in a manner that would pose
9 no threat to aquatic life. There is no justifiable
10 reason to deny this application. XTO must be treated
11 the same as any other company applying for water
12 withdrawal and not subjected to extraordinary
13 scrutiny. We ask that this application be approved
14 now with no further delays, interference or
15 discrimination. We, as landowners, support XTO's
16 application and ask that our rights be respected as
17 well. Thank you.

18 HEARING OFFICER:

19 I'd like to call numbers 71 to 80 to come
20 forward.

21 MS. ENGH:

22 I'm sorry. I have 67. Thank you for
23 giving me this opportunity. My name is Gabrielle
24 Engh. I am from New York City. I feel that there is
25 every reason to deny this permit. I find this whole

1 entire situation unfathomable. My government has
2 exempted an industry from the Safe Drinking Water Act.
3 That is enough for me. The Susquehanna River was just
4 declared the nation's most endangered river due to
5 fracking, not due to some unknown situation or
6 something that we can't even figure out or prove, but
7 due to fracking. That would be enough for me. I do
8 not understand why it's not enough for you.

9 I am a volunteer and not being paid. I
10 find this situation so incredulous and in New York,
11 today, I live off my savings and this is all I do. I
12 volunteer all my time and I know many people who are
13 doing the same thing. Because we all feel that once
14 we no longer have --- we can live without gas, but we
15 cannot live without clean water. The rest of my life
16 is now, is beginning, but it will be nothing if I
17 can't drink the water because you, my government, have
18 allowed an industry to poison it. I am sympathetic to
19 people who need money. I come from a working-class
20 family who struggled for most of my young life. There
21 are so many people in New York City who are willing to
22 negotiate farm deals, community supported agriculture
23 and will do whatever they could to make sure that we
24 could support people here. Why is there no let's have
25 a meeting about it? The thing that I wanted to

1 mention and there's two problems about the whole thing
2 of there's no sound science and we're all a bunch of
3 nuts. I am not a nut. And I know something about the
4 fact that there's no sound science. Number one, the
5 fact that this industry has been exempted means
6 there's been a regulatory blackout and the second
7 point is that the best data available comes from the
8 industry. The first peer-reviewed scientific study is
9 Duke. Duke shows 85 percent of wells near pods have
10 been contaminated. What more do you need?

11 TIMER SOUNDS

12 MS. BIRKS:

13 Hi. I'm Beverley Birks from New York
14 City. I was listening. Please. Okay. Well, I agree
15 with basically all that's been said by all the
16 anti-frackers. I want to try to say something a
17 little bit different. First of all, foreign oil
18 dependence, most of our foreign energy comes from
19 Canada, not from the Middle East. They are not our
20 enemies. But my main point is really talking about
21 the cost of water. Water is mispriced. It's
22 something that is going to change dramatically in the
23 next ten years.

24 Already, we have wars going on all over
25 the world over water. China invaded Tibet to get the

1 Himalayan Watershed. That's India's and Bangladesh's
2 water. But the war between Kashmir and India and
3 Pakistan is over the Himalayan Watershed on the other
4 side. Only four percent of the world's water is
5 drinkable. We have such a plethora. The Delaware
6 Watershed is just God's gift to America. You can't
7 just destroy it. You are in charge of one of the
8 world's greatest natural resources. We don't
9 appreciate it, because it's so cheap. And to price it
10 at eight cents to the thousand gallons just boggles
11 the mind. There are countries now --- we are no
12 longer the richest country on this earth. In our
13 lifetime in the last ten years, we have watched the
14 greatest transfer of wealth in the history of mankind,
15 from west to east. They have huge populations which
16 need water. They need clean water and food. And now
17 they have the money. They can actually pay for it and
18 they are going around the world, now, buying water.

19 TIMER SOUNDS

20 HEARING OFFICER:

21 Thank you.

22 MS. NELSON:

23 Hi. My name is Liz Nelson. I come from
24 New Jersey and what I want to say is I attended a
25 hearing back in Fairview some months ago. And I got

1 the feeling then, as I do now, that this is such a
2 rushed arrangement and I'm getting the feeling of
3 being a Third World country. This is what they do in
4 Third World countries, they rush everything through.
5 And I agree with the lady who said that economic
6 studies have shown that in societies where they let
7 these industrialists come in, just do whatever they
8 want. There may be a temporary economic boom, but
9 afterwards there's complete and utter devastation,
10 disease, erosion of land, all kinds of pollution and
11 tearing apart of the communities, not to mention
12 disease.

13 I made a t-shirt. I'm not with any
14 organization. I made this up and this t-shirt is a
15 partial list of some of the toxic chemicals. They are
16 all carcinogens, neutrogens (phonetic) or endocrine
17 disruptors. And this is science, right here. These
18 were made exempt from the Clean Air, Clean Water, Safe
19 Drinking Water and Superfund Acts.

20 Currently, New Jersey has the most
21 Superfund sites in the country and they're still not
22 cleaned up. And if the EPA is going be cut by \$1.65
23 billion, I don't think they're going to be able to
24 clean any of these messes up that are pretty much
25 inevitable. And I would suggest that towns that think

1 they're going to say okay to drilling --- I would
2 suggest they go and visit some towns, which, in the
3 news, are evidently not okay with drilling, towns like
4 in Bradford and what's the other one?

5 UNIDENTIFIED FEMALE:

6 Dimock.

7 MS. NELSON:

8 Okay. Go visit those towns. Go talk to
9 some woman that I heard about at the last hearing,
10 whose son is two years old and he has osteoporosis and
11 his teeth are peeling.

12 TIMER SOUNDS

13 UNIDENTIFIED FEMALE:

14 Oh my God. Oh.

15 HEARING OFFICER:

16 Seventy (70).

17 MS. TATHAM:

18 Thank you for holding this hearing here.
19 Water means life. Water is God's gift to all the
20 people and is most needed for survival. Please do not
21 approve XTO's request for water withdrawal for
22 hydrofracking. Hydraulic fracturing is not the same
23 as spraying some water on a golf course. It requires
24 the use of highly poisonous chemicals. A study
25 published by Duke University recently proved that

1 water well contamination near hydrofracking is 17
2 times what it is that don't have any fracking nearby.
3 It has been shown by this and other studies and in
4 Dimock, just by going up to Dimock and seeing the
5 water wells that have been poisoned and the aquifer
6 that has been poisoned there ---. Another study by
7 scientists at the University of Pittsburgh looked at
8 what happens to drinking water that, in streams, like
9 Blacklick Creek --- and proved that discharging
10 throwback and wastewater into these streams and rivers
11 is highly poisonous. And all of these things will
12 happen here. It just takes time for people to get
13 sick. Look at children in heavy drilling areas in
14 Texas, where they have three times the rate, 25
15 percent of the children there have asthma. They're
16 sick from it. When you get the rest of Texas, it's
17 eight percent. So it's more than three times as many
18 kids are sick. Look at Flower Mound. They're just
19 starting to really wake up and ask questions about
20 leukemia in children five years old and younger. And
21 a lot of those children were exposed while they were
22 in utero. So those are things to look at when ---.

23 TIMER SOUNDS

24 HEARING OFFICER:

25 Thank you.

1 MR. PLATT:

2 Hi. My name is Rodney Platt. I have
3 traveled here from Delaware County, Pennsylvania, the
4 other arm of the basin, because I treasure my safe
5 drinking water and the water recreation. Governor
6 Cuomo strongly recommends deferring any water
7 withdrawals from horizontal drilling until scientific
8 reviews are completed. The current moratorium is one
9 of the most responsible restraints in a frenzy of gas
10 industry profiteers and opportunists. The
11 Commissioner's mandate to protect the basin's water
12 and its tributaries is especially pertinent here.

13 Oquaga Creek is a relatively pure and
14 most sensitive tributary near the headwaters of the
15 basin. Keeping in mind this is a protected waterway,
16 allowing Exxon Mobile a permit is a dangerous
17 precedent that will balloon out of control as others
18 follow. You can be sure there will be problems to
19 fish and wildlife when the inevitable drought cycle
20 comes back around. The science, as some would have
21 it, is just a proportion of one withdrawal from the
22 entire flow. This is myopic and tainted by economic
23 depression and corporate greed. The real science is
24 far larger and it includes the environmental effects
25 of hydrofracturing that comes next. As we all know,

1 the science is very complicated and a number of
2 important studies are in progress, including the EPA.
3 A recent Duke study has indicated that the watershed
4 is far more endangered by methane contamination than
5 previously thought. Please let us complete the real
6 science before permitting withdrawals for fracturing
7 purposes. Thank you.

8 MS. BURKE-PRESTON:

9 Thank you. My name is Ginnie
10 Burke-Preston. I'm with Bucks County, Pennsylvania.
11 Thank you for the opportunity to address, with great
12 conviction, the reasons why XO (sic) Energy/Exxon
13 Mobile's application for water withdrawal of a quarter
14 of a million gallons of water a day should not be
15 approved. Right now, there is a moratorium on all gas
16 drilling in the Delaware River Basin. Attorney
17 General Schneiderman has filed a federal lawsuit
18 compelling a full environmental review of natural gas
19 drilling impacts in the basin. How could XTO's
20 request be under consideration at this time, when
21 there's so many legitimate concerns about the safety
22 of high-volume water fracturing for natural gas?
23 Concerns based on thousands upon thousands of safety
24 violations across the country. Health impacts,
25 poisoned water and toxic air emissions. If the DRBC

1 does not turn away the gas industry at this premature
2 stage, DRBC is sending the message to industry that
3 its needs and profits are more important than its 15
4 million people who rely on the Delaware River Basin
5 for drinking water.

6 Yes, the needs of families across four
7 states, not just in Deposit or Broome County.
8 Approval for water withdrawal would set a dangerous
9 precedent and in essence, saying yes at this stage is
10 tantamount to giving a yes to drilling before we have
11 indisputable evidence that drilling for gas will do no
12 harm to the waters of the basin. Couldn't granting
13 XTO the approval not provide legal reference to the
14 industry to use in a future court battle to oppose
15 drilling in Sanford, even if the DRBC had found a
16 reason not to permit it?

17 By 2013, 36 states will face water
18 shortages. Ninety-six percent of all Americans agree
19 it is important for everyone to have clean drinking
20 water. Eighty-eight (88) percent worry freshwater
21 shortage will become an increasingly severe worldwide
22 problem. Of all the earth's water, only one percent
23 is readily accessible. It is sad to realize most of
24 the natural gas drilling in this country occurs among
25 the wildest, most profoundly scenic, most

1 environmentally historically valuable to our heritage.
2 What exactly are we receiving in exchange for the loss
3 all this? Energy independence? Mass influx of jobs
4 and economic growth? Not likely. According to in
5 depth studies, any long term gain is very questionable
6 at this point. From China, Korea and Great
7 Britain ---.

8 TIMER SOUNDS

9 MS. FRANKENBERG:

10 Good afternoon. My name is Cathy
11 Frankenberg. I reside in Bethlehem, Pennsylvania. I
12 represent myself and over 100,000 members of
13 Pennsylvania Clean Water Action. Thank you very much
14 for actually holding this additional hearing. I urge
15 you to deny this permit. I definitely understand that
16 people need money, believe me. But this will hurt us
17 in the long run. It happened with coal and it will
18 happen with gas. This water withdrawal, a quarter
19 million a day, will wreak havoc on the Oquaga, a trout
20 stream, a special protections waterway. The raised
21 temperature, it'll disrupt the flow and deplete
22 oxygen. We definitely need a cumulative impact study
23 on the Oquaga, the west branch Delaware and the
24 Delaware. But, let's not kid ourselves. It's not
25 really about the fish or the trees or the water or

1 anything else that supposed special interest groups
2 are about. It's about what those things make possible
3 to life itself. There's a problem with our thinking
4 when our short term financial gains are valued over
5 the survival of future generations. The difference
6 between this and other withdrawals is that this water
7 will never be reclaimed. It will remain thousands of
8 feet below the earth's surface. What does come back
9 to the surface, up to a million gallons per well, is
10 laced with corrosive salts, endocrine disruptors,
11 carcinogens and radioactive material. This should not
12 be considered a use, but a permanent taking. These
13 chemicals do not biodegrade. That's science. They
14 cannot be removed with traditional treatment methods.
15 To be an environmentalist is nothing less than to
16 fight for the long-term survival of our species. We
17 cannot survive without water. Not one of us can. But
18 we can all survive without gas drilling. Once we
19 frack, we can't go back. We all live downstream.
20 Make your decision carefully. It can be irreversible.
21 Thank you.

22 MS. EDGAR:

23 Hello. My name is Julie Edgar. I came
24 from Topton, Pennsylvania and I'm a volunteer water
25 advocate. The purpose of the DRBC is to conserve the

1 largest cleanest free-flowing unfrozen watershed in
2 the world for public use, benefit and enjoyment. I
3 believe that the dispensation of this public resource
4 to corporations for the purpose of privatized profits,
5 specifically for slip water, high-volume, deep shale
6 horizontal hydrofracturing is in direct opposition to
7 its stated purpose. XTO Energy is a subsidiary of the
8 behemoth corporation Exxon Mobile, one of the
9 corporate raptors making the most obscene level of
10 profits in the world. As the corporations are
11 heartless machines which externalize their operating
12 costs to the general public and the ecosystems upon
13 its human and animal life and health depend, this
14 hardly seems fair or appropriate. Up until this
15 point, industrial processes have used and cleaned the
16 water and, then, returned it to the water cycle. But
17 in the case of fracking, we have the first large scale
18 incident of corporations wishing to take the public
19 water for consumptive use. To be clear, fracking
20 takes freshwater, turns it into poison, when fracking
21 chemicals are added and the current science reveals
22 that 20 to 30 percent returns to the surface laden
23 with heavy metals and radioactivity from fracturing
24 shale. This water is irrevocably poisoned. But there
25 no known process to return it to potable water, but

1 here's the kicker, 60 to 70 percent stays trapped in
2 the deep shale formation forever and that's a long
3 time, folks.

4 This water is removed from the water
5 cycle permanently, the cycle which turns a raindrop to
6 a tear to a dewdrop to the blood of a member of your
7 family. This is unprecedented in history. This point
8 cannot be emphasized enough. Considering the fact it
9 not only pollutes water hopelessly and permanently, it
10 also removes it from the public domain permanently.
11 We have a lose/lose proposition for the public.
12 Corporations gain gas and you are resourcing
13 privatized profits, whereas the public absorbs the
14 permanent loss of water, which is life. Let's keep
15 this in perspective. The final supreme irony is that
16 fracking technology attacks a perfect natural
17 infrastructure, the earth provides us to collect,
18 clean, store and dispense water necessary to all life.

19 TIMER SOUNDS

20 MR. MCGRATH:

21 Hello, my name is Andrew McGrath and I'm
22 a resident of Delaware County, Pennsylvania. I am
23 deeply opposed to the Exxon Mobile/XTO Energy
24 application for permission to withdraw a quarter
25 million gallons of water per day from Oquaga Creek.

1 Many people have spoken today about the need for sound
2 science and informed decision making. A comprehensive
3 environmental study, including near term and
4 cumulative impacts of gas development on the Oquaga
5 Creek, the west branch Delaware and all the water
6 reserves of the Delaware River has not yet been done
7 and must be done. Exxon Mobile and XTO Energy have
8 not proven they need this water. XTO has no gas well
9 permits from New York or the DRBC. DRBC rules require
10 the area served to be mapped to show how the water
11 will be used, but this was not done. No analysis has
12 been done of the impacts of the water supply of 15
13 million people regionally and downstream of the
14 withdrawal. Most of the water will be locked away
15 from the hydrologic cycle and the rest will be
16 irreparably contaminated.

17 As many have said, this water is an
18 irreplaceable, depleted loss. Yet, no cumulative
19 analyses have been done, putting at risk the water
20 reserves of the basin, in violation of DRBC
21 requirements. The wastewater plan is also flawed.
22 The Pennsylvania facilities named in the permit for
23 the produced gas drilling wastewater currently operate
24 at capacity and there is no proof that they can add
25 wastewater from the new XTO gas wells or that the

1 wastewater can be safely processed. In fact, the
2 facilities named were all grandfathered from
3 requirements recently adopted by PADEP and the rivers
4 they discharge to are grossly impacted by burning
5 ethyls (phonetic).

6 Beyond this withdrawal issue today, let
7 us not forget mounting evidence that fracking causes
8 severe water pollution to streams, rivers, aquifers
9 and wells, severe air pollution, hazards to human and
10 animal health, well explosions, permanent conversion
11 of scenic wild places into industrial mazes of well
12 pads, tanks, throwback pits and roads. The fracking
13 water is contaminated with carcinogenic chemicals and
14 radioactivity and cannot be made safe for humans or
15 animals. We want a ban on fracking in favor of
16 sustainable, renewable energy.

17 TIMER SOUNDS

18 MR. DEVANEY:

19 Tim Devaney, Ridley Park, Pennsylvania.
20 Thank you. Greetings to beautiful Delaware County and
21 Broome County, New York from Delaware County,
22 Pennsylvania, the other end of our river. This
23 morning, on Philadelphia radio, it was announced a
24 drought condition in Camden, New Jersey. Near 90
25 degree weather, the city's water pressure was in

1 danger of dropping too low to provide firefighting
2 protection. Camden's water supply is the Delaware
3 River. Do not deplete our public water supply. On
4 May 25th, 2011, Exxon Mobile's annual meeting of
5 shareholders in Dallas, Texas, a proposal titled
6 Report on Natural Gas Production was submitted by the
7 Park Foundation of San Francisco, California as a lead
8 proponent of a filing brief. Excerpts from that are
9 as follows; high profile contamination incidents,
10 especially in Pennsylvania, have fueled public
11 controversy, dot, dot, dot. Newspapers report many of
12 the largest operators in the Marcellus Shale have been
13 issued violations for spills that leave waterways
14 leaking things that harm drinking water or failed
15 pipes that pollute farmer's fields. Another quote,
16 Pittsburgh banned natural gas drilling and public
17 officials in Philadelphia and New York City have
18 called for delays or bans in fracturing.
19 Pennsylvania, West Virginia, Colorado and Wyoming have
20 all tightened or considered tightening regulations
21 including requirements. Further proponents believe
22 the company, Exxon Mobile, is not providing sufficient
23 information on key business risks associated with
24 hydraulic fracturing operations and should protect its
25 long-term financial interests, dot, dot, dot.

1 The Exxon Mobile Board recommending a
2 vote against this proposal states, quote, Exxon Mobile
3 is committed to operating in an environmentally
4 responsible manner. Therefore, I ask DRBC to assist
5 all stakeholders in the watershed along the Delaware
6 River and Exxon Mobile, itself, in fulfilling their
7 stated noble ambition to operate in an environmentally
8 responsible manner. Deny the permit application to
9 draw freshwater from Delaware River Watershed. Thank
10 you.

11 HEARING OFFICER:

12 Will numbers 81 to 90 to come forward,
13 please.

14 MS. WALKER-LLOYD:

15 My name is Jane Walker-Lloyd and I'm a
16 fifth generation citizen of the town of Deposit. I
17 graduated in this auditorium. I earn my living in
18 Delaware County. My great-great grandfather moved
19 from Massachusetts and cleared land to farm and
20 deposited the logs in the west branch to float to
21 Philadelphia. Many local leaders and landowners have
22 been here tonight and voiced their support to allow
23 water withdrawal from Oquaga Creek.

24 I'm here to give a voice to those of us
25 who do not support this proposal. I question the

1 motives of those supporting the water withdrawal and
2 imminent gas drilling. I question how much economic
3 development would be realized. Is it short term gain
4 for a few? Are they getting royalty monies for the
5 mineral rights and leasing?

6 I also question the DRBC integrity.
7 Charged to protect this resource, how can this
8 proposal be considered protection? Thank you for the
9 opportunity to allow me my freedom of speech, and I am
10 looking forward to being able to say that I took the
11 time to speak here tonight. Please protect this
12 endangered area for the next generation of my family
13 and others who choose to live in this area and scratch
14 out a living. Keep the quality of life that I love so
15 dearly the same. Thank you.

16 MR. DUNAU:

17 My name is Mark Dunau. I make my living
18 as an organic farmer about five miles from here. And
19 I'd like to say, first off, that I know this is not
20 your choosing to debate water before we have
21 regulations, but the fact of the matter is it
22 completely undermines your credibility. It is an
23 incredibly ridiculous situation. I'm sorry you're in
24 it. We're hearing speeches that don't relate to the
25 water because it's a much broader issue which is being

1 debated when we should be talking about withdrawing
2 water at this point. It just undermines your
3 credibility and my faith in the institution.

4 Number two, I've heard a lot about sound
5 science. I actually received a large grant from the
6 National Science Foundation 30 years ago to tell
7 people what science was. Science is, are you ready
8 for this? Science is the study of repeatable ---
9 repeatable experience, repeatable or measurable
10 experience. And let me tell you, the more data we
11 receive about the Marcellus Shale and drilling in it,
12 the worse it's getting. The data is not good.

13 All right? It's a doubt-studded
14 experience. It's not about taking information from
15 institutional psychopaths like Exxon and saying we are
16 the great scientists. They have a long history of
17 abandoning areas. I have made my living off of my
18 land and my water here for 22 years, and I would like
19 to say that when people say we must go forth with gas
20 because there's nothing else, what you're doing is
21 your pissing on me and everybody else that actually
22 makes a living here. And it's just the beginning
23 because when they come in everyone's going out. Thank
24 you.

25 MR. KASSUTTO:

1 Hi. My name is Barak Kassutto. I'm from
2 Philadelphia, Pennsylvania. My family lives in
3 Montgomery County. My little sister, Maya, doesn't
4 play golf, but she sure does drink the water. Now, my
5 special interest may not be as special as some. I'm
6 not an absentee landowner. I'm not an executive from
7 a major gas company and I'm not a politician who
8 depends on their donations. I drove here, without
9 being paid, many hours because I'm concerned about the
10 water problem in my community. And I think you all
11 should be, too. What we've seen today is a strategy
12 of divide and conquer in the form of propaganda, fed
13 selectively, to divide us.

14 We've heard about these downstream
15 horrible uses of water. We've heard that there's
16 special interests and that science has already spoken.
17 Science, as the speaker before me said, is not a man
18 in a lab coat who receives a check from the gas
19 company. Science is peer-reviewed. The gas is not
20 going anywhere. We should not be in a rush. Let the
21 peer-reviewed objective scientists do their work.
22 Thank you.

23 MR. PUBLLOW:

24 Hi. My name is David Publow. I'm here
25 on behalf of unitedforaction.org. I live in Brooklyn,

1 New York, but I have relatives all across the state.
2 I spoke to Trenton and I want to reiterate what I said
3 there, which is that DRBC your credibility is on the
4 line. You continue to place the cart before the
5 horse. You still have not issued a comprehensive
6 cumulative impact study and that is a requirement. I
7 want to echo and support the statements made by Joe
8 Levine, David Braun, Iris Bloom, Alice Zinnes,
9 Jannette Barth and Buck Moorhead. Also, I want to
10 speak to some of the people who've come in here today,
11 who live here locally, for supporting this action.
12 Okay. People who have signed leases, you've been sold
13 a bill of goods and if you really want to learn about
14 what's going on here, I would suggest two things. You
15 go to unitedforaction.org and go to the resources
16 state page and start reading. Also, you pick up
17 something called Hancock and the Marcellus Shale,
18 which was put out by Columbia University's urban
19 design lab and it is focused on this area and will
20 tell you what you're in for.

21 Okay. If you think this is a cash cow,
22 you are mistaken. This is a Trojan horse. You think
23 this will bring job opportunities? My questions, are
24 you an engineer specializing in fracking? Do you have
25 experience operating a drilling rig? If you do not, I

1 should tell you all the good jobs go to experienced
2 professionals and the gas company brings them with
3 them. I sympathize with the economic problems of this
4 area and this nation, but if you want to
5 industrialize, I would suggest attracting a solar or
6 wind company to install an assembly plant in the area.

7 Fracking undermines other businesses
8 locally. You have tourism here. You have
9 agriculture. Nobody fishes where they frack. Nobody
10 hunts or camps where the forest has been clear cut to
11 accommodate 16 five-acre well pads per square mile.

12 Also, you speak about population loss.
13 No mothers will move here to raise their children on
14 toxic land. You speak of lessening your dependence on
15 foreign oil. Well, buy a Prius and put a solar panel
16 on your roof. Okay? And the last point about the New
17 York exempt ---.

18 TIMER SOUNDS

19 HEARING OFFICER:

20 Do we have an 81? 82? 83?

21 MR. KOVACH:

22 84?

23 HEARING OFFICER:

24 Are there any 80s? 84? 85? All right.

25 86.

1 MS. DEAN:

2 Good afternoon. Thank you for the
3 opportunity to speak today. My name is Joan Dean. I
4 reside in Pennsylvania. Easton, our county seat,
5 borders on the Delaware River and my hometown, Forks
6 Township, also borders on the main stem of the river
7 and derives its drinking water from this source. But
8 I am here today as President of the League of Women
9 Voters of Northampton County to respectfully request
10 that this permit application be disapproved and that
11 the moratorium remain in place for all gas drilling in
12 the Delaware River.

13 It has become obvious that the gas
14 industry poses serious challenges upon the environment
15 and the League is extremely concerned about this. The
16 best science has not been able to prevent accidents.
17 Accidents have happened, are happening, and will
18 happen in the future. Now, we are being asked to
19 allow our freshwater to be consumptively lost to the
20 system. No amount of fines or asking companies to
21 voluntarily stop certain actions after negative events
22 have occurred will restore contaminated water, soil or
23 people who have been sickened to fresh, clean,
24 healthy, usable entities ever again. The time to
25 consider saving these treasures is not the day you

1 hear on the news that you shouldn't be drinking the
2 water in your area, because that's too late. The time
3 is now, here, today. I ask you to consider your
4 mission as stewards of the basin's water so that we
5 and future generations may all enjoy and respect the
6 magnificence of the watershed of the Delaware River.
7 Thank you.

8 HEARING OFFICER:

9 Let me call numbers 91 to 100 to come
10 forward.

11 MR. JOE AXTELL:

12 Good evening. My name is Joe Axtell.
13 I've lived in Deposit all of my life. My family has
14 lived in Deposit since the early 1800s. When we talk
15 about special interest, I think our special interest
16 is the fact that we call this place home. You've
17 heard many testimonials today about the pros and cons
18 of this issue called natural gas drilling. However,
19 as I read and observe and study the facts, I believe
20 this hearing is less about water usage than it is
21 about the opinions on hydrofracturing in the Marcellus
22 Shale. There are some things to really consider and
23 some reality. And there are some facts that really
24 need to be considered and some facts that have not
25 been brought up yet today. The first fact is this.

1 Hydraulic fracturing for stimulation of oil and
2 natural gas wells was first used in the United States
3 in 1947, 64 years ago. Second thing, hydraulic
4 fracturing is now used worldwide in tens of thousands
5 of oil and natural gas wells annually. Third thing,
6 an estimated 90 percent of the natural gas wells in
7 the United States use hydraulic fracturing to produce
8 gas. This has already been going on for this long,
9 thousands and thousands of natural gas and oil well
10 worldwide, not just in the United States and New York
11 State. Where is the overlying danger? Where are all
12 the destroyed water sources? Where is the proof that
13 fracking itself has damaged underground aquifers in
14 the places that it has been used? We're not talking
15 just Texas, Oklahoma, Wyoming or if you've been in New
16 York State for a number of years. We're talking about
17 worldwide. I think the question is, we hear maybes,
18 we hear could bes, we hear might bes, we hear oh,
19 maybe this is happening, but yet, the question is
20 where is the legitimate proof that all this is really
21 taking place, when you consider that 64 years of
22 hydraulic fracturing has been going on. We do
23 appreciate the DRBC and what they're doing to try to
24 sort this thing out.

25 TIMER SOUNDS

1 HEARING OFFICER:

2 Thank you.

3 MR. AXTELL:

4 Thank you.

5 MS. COX:

6 My name is Helen Cox and I live in
7 Deposit. I've only lived here for two years, so I
8 can't say that's been, you know, generations. But
9 there are some things that I would like to point out.
10 And one is that because somebody does not agree with
11 you does not mean that they're fearful of a process,
12 is overly emotional, or that they don't have facts to
13 back up their position. I believe that there is
14 permanent factual and scientific information that the
15 fracking system does put an area at risk. Whether it
16 happens or not is a question. You have to look at the
17 Gulf of Mexico. We say that oil drilling is safe and
18 one of the biggest ecological disasters in history
19 happened last year. My husband and I went to Jerome,
20 Arizona, which was a very prosperous gold town until
21 the gold mine closed in 1919. And the area where they
22 discharged their waste from the mining process in 1919
23 was closed. And in 2009, there was not one blade of
24 grass, no birds, no animals, no trees, no nothing in
25 that area. So that's 80 years or 90 years or

1 something like that, but that area was still impacted
2 by the temporary boom of a gold mine. I agree that
3 this area is economically depressed and we need some
4 new industry, but I think that we need to be calm,
5 logical and not desperate.

6 TIMER SOUNDS

7 HEARING OFFICER:

8 Thank you.

9 MR. KOVACH:

10 Do you have 89? Do you have 90?

11 MS. MUSANTE:

12 My name is Gail Musante and I am a
13 resident of Deposit and of Sanford town, so I don't
14 think I'm a special interest. I think my interest in
15 this town. And since we're actually talking about a
16 particular water withdrawal, I want to focus my
17 comments on that. But I am very concerned about the
18 larger issues of fracking. But just this particular
19 issue, I have two main concerns. One is in the
20 democratic process that's been going on. I feel like
21 not all interests have been given a voice in this
22 process. The very speed of pushing this thing through
23 has silenced a lot of people who would, otherwise,
24 have concerns and be able to express those concerns.
25 I think our desperation shouldn't be driving us. I

1 think we have the right not to be bullied, forced into
2 rash decisions. And I think we should be taking our
3 time on making decisions like this. I think it's our
4 responsibility to critically analyze and look at
5 whatever information is handed to us, and just because
6 it comes from the authority doesn't mean it's
7 scientific. I think we still have to question it.

8 My second concern is that there have been
9 scientific studies about the long term environmental
10 impacts and part of the rush to forestall this whole
11 process of analyzing what the costs or consequences
12 could be, I think forestalls this process. I think
13 the town of Sanford did not create the action in a
14 proper process. I have heard that heard of anything
15 being filed. The DEC, for a reason, has said they
16 hadn't heard about this hearing or about the possible
17 water withdrawal. Look at all the procedures that
18 have been shortened to try to push this through, and I
19 think we really need to reflect. Okay. Thank you.

20 HEARING OFFICER:

21 Are we up to 91?

22 MR. KOVACH:

23 Yes.

24 HEARING OFFICER:

25 Okay.

1 MR. MUSANTE:

2 Hello. My name is Michael Musante. I am
3 an artist/photographer. I am a resident of the
4 village of Deposit, town of Sanford. And I will ask
5 that you please not go ahead with the permit for the
6 water. I could tell you that I moved up here for it
7 to be --- I'm an artist. It's beautiful. It's what I
8 moved here for. That might be considered emotional.
9 What I just heard, though, was an organic farmer who's
10 making his living here because the water is clean.
11 What I want to do is point out that, yes, the
12 situation is desperate. It's hard to make a living up
13 here.

14 I understand the farmers are under
15 tremendous pressure with depressed milk prices. But I
16 don't think water policy should be driven by that.
17 What I would like to do is salute all those businesses
18 up and down the Delaware like the Delaware River Club,
19 like West Branch Chamber, like Dreamcatcher, like
20 Eagle Valley Cabins, whose entire life depends on the
21 fact that this river has trout in it and the trout
22 depend on clean, cold water. Please do not impact the
23 water. That's all I have to say. Thank you.

24 MS. RAWLEY:

25 My name is Madeline Rawley. I'm a

1 resident of Bucks County, Pennsylvania. Bucks
2 County's western --- or eastern boundary is the
3 Delaware River. I could be considered an outsider. I
4 also, though, like to consider myself a little bit of
5 an insider because my relatives came from ---
6 ancestors, rather, came from the Netherlands in 1640
7 and had a farm in Harlem. So I really want to talk to
8 the people who live here, because I'm very, very
9 concerned that you may not fully understand what's
10 happening.

11 I understand your need for jobs and for
12 the economy, but I'm not sure that's going to help
13 them. I went to an American Bar Association seminar
14 that they had on the environmental effects of Shale
15 across the country. And the interesting word I
16 learned there was that the oil industry calls the oil
17 fields plays. There's the Eagle Ford Play. There's a
18 Marcellus Shale Play. There's a Bakken's Play, I
19 believe, in North Dakota. And I just wonder who's
20 being played and if you're being played with as the
21 residents here and if you've really thought long term.
22 Because this is what I see and I think that the DRBC
23 and the representatives there and the governors and
24 all the people that have been making decisions,
25 there's a difference between a short-term vein and

1 then getting a long-term pain for it in the damages
2 that are happening to people's health, to drinking
3 water. And if you listened to the people who talked
4 with their ideas today, the economist who talked, this
5 doesn't always going to mean long-time, long-term
6 jobs. It isn't going to mean an improvement for your
7 community here. So I thank you for listening to me.
8 Thank you.

9 MR. KOVACH:

10 Next is 92 --- or 93, 94, 95?

11 MS. FISK:

12 My name is Karla Fisk. I and my husband
13 live in Loch Sheldrake in Sullivan County and we also
14 live in New York City. I drink water that comes from
15 the Delaware River Basin. What happens to the Oquaga
16 Creek affects all 15 million of us who live in the
17 Delaware River Basin, people in New York State,
18 Pennsylvania, New Jersey and Maryland, if I remember
19 correctly. I'm here as a citizen of New York to call
20 on you, the Governors of Delaware River Basin
21 Commission, to recognize and act on your
22 responsibility as stewards of the Delaware River Basin
23 to protect the water that feeds the Delaware and say
24 no to XTO's (sic) Energy's application to remove water
25 from the Opuaga (sic) --- excuse me, Oquaga Creek.

1 This application is premature, to say the least. To
2 approve this application would be a de facto seal of
3 approval of XTO Energy's desire to use the
4 unconventional drilling technique that's been around
5 for less than ten years. Horizontal hydrofracturing,
6 as it's done now, has been around for less than ten
7 years a/k/a fracking. Very little research has been
8 done on the environmental and public health effects of
9 fracking. What research that has been done in the
10 Duke study demonstrates that fracking causes methane
11 migration to water wells as far away as three quarters
12 of a mile. This is clearly a public health and
13 environmental concern. Drilling is now prohibited by
14 a moratorium in the Delaware River Basin and New York
15 State. Fracking is now prohibited by a moratorium ---
16 and I mixed that up --- but it's prohibited in New
17 York State, while the state has their Draft STIS on
18 hold while it completes an environmental review. I'd
19 like to believe the Delaware River Basin Commission is
20 a neutral organization which takes seriously its
21 responsibilities as stewards of the health and safety
22 of the waters in the Delaware River Basin. Vote
23 no ---

24 TIMER SOUNDS

25 HEARING OFFICER:

1 Thank you.

2 MS. FISK:

3 --- on this permit. Thank you.

4 MR. KOVACH:

5 Number 96. 97?

6 HEARING OFFICER:

7 Can we have folks holding numbers 101 to
8 110 coming up, please?

9 MR. DONOWICK:

10 My name is James Donowick. I live in the
11 town of Sanford. I'm also a member of the American
12 Chestnut Foundation whose goal is a restored,
13 blight-free chestnut. My point being that one long
14 term gain from this whole thing that we're getting
15 into is the ability to support good causes, charities
16 and the restoration of the American chestnut tree in
17 the Delaware River Basin would be just an incredible
18 benefit to the whole basin. Thank you.

19 HEARING OFFICER:

20 Thank you.

21 MS. WUJNOVICH:

22 My name is Lisa Wujnovich and I am a
23 farmer in the township of Tompkins in gorgeous, pure
24 Mountindale Farm. I left one of the few sunny spring
25 days of this very difficult growing season to

1 transplant what --- I couldn't transplant my vegetable
2 starts because XTO thinks they are entitled or
3 privileged to ignore the law of the land, the
4 moratorium on gas drilling. Shame on you. Let me
5 make it clear. I think hydraulic fracturing is rape.
6 Other community members think it is a sacred geyser of
7 money. So for now, we have agreed by lawful decree to
8 not agree and study this new, exciting activity until
9 we can agree. Imagine, we all share a loved one, our
10 little piece of shared earth with the beautiful water,
11 our daughter, say. And she wants to go to a party
12 thrown by an exciting new, older, rich man. But say
13 our friend heard about girls from, say, Pennsylvania
14 who have been gagged, drugged, tortured at these
15 parties and still our daughter insists on going. So
16 we guardians give her a moratorium, a restriction.
17 Well, if that rich old coot from say, Texas or
18 Oklahoma decides to buy her a car just to have her
19 around ---.

20 TIMER SOUNDS

21 UNIDENTIFIED MALE:

22 Stop. You're done. Stop.

23 HEARING OFFICER:

24 Please. Shush.

25 MR. DUNGAN:

1 My name's Steve Dungan and I live in
2 Tomkins. I've lived there for 35 years and the 30
3 before that, I lived in Hancock, so I guess I'm --- I
4 guess I'm a local. I don't represent a special
5 interest group and I don't really have a set of
6 prepared remarks that was put together by a
7 gas-industry sponsored special interest group, but I
8 do have some recommendations, though. Well, actually
9 I am part of a special interest group. I represent
10 myself, my wife, my kids, my grandkids and generations
11 to come. So that's my special interest group. I do
12 have some recommendations for the Delaware River Basin
13 Commission regarding the XTO application.

14 First of all, I'd like to commend
15 Governor Cuomo, and particularly his representative
16 here today, for bringing the message from the DEC
17 Commissioner today urging the Commission to postpone
18 this action until the New York State is complete with
19 its environmental study and processes on hydraulic
20 fracturing and gas drilling. I hope that the
21 Commissioner's Executive Director will take that back
22 to the other Commissioners and indicate that that's
23 the proper course of action. I'd also like to
24 encourage Governor Cuomo's representative to get his
25 ear once again and meet with his fellow Commissioners

1 and stop this absolutely stupid process of water
2 withdrawals for gas drilling applications being even
3 considered before the larger issue of the Delaware
4 River Basin Commission regulations. The DEC, STIS,
5 the Federal and Environmental Protection Agency's
6 study on hydrofracturing, all that needs to be
7 completed before we can go forward with such a lunacy.
8 Thank you very much.

9 MS. DAVIDSON:

10 Hello. My name is Elizabeth Davidson. I
11 am a native of the Deposit area, town of Sanford. I'm
12 here speaking on behalf of myself, a fifth generation
13 Haladian (phonetic), and my family, who is also here.
14 I'm hearing about special interest groups versus
15 locals here. Then, I ask are XTO and Exxon local?
16 They are the special interest groups.

17 DRBC, please make it your responsibility
18 to determine what they are going to do with the water.
19 It is not enough just to give them permission to take
20 it. Just about every person who spoke in favor of XTO
21 taking our water has been paid in the form of a gas
22 lease. They are, in effect, ambassadors of the
23 special interests of the gas companies. Please know
24 that our local elected officials, who have mostly all
25 signed gas leases, do not speak for all the locals

1 here. Please protect our beloved water. Thank you.

2 HEARING OFFICER:

3 Thank you.

4 MR. KOVACH:

5 101. 102. Number 101?

6 MR. SPRINGETT:

7 Thank you. Good evening. My name is
8 Alan Springett. I live in Morris, New York and also
9 own property in Bainbridge, New York. I've been a
10 geologist for 40 years. I've been an environmental
11 hydrogeologist for nearly 20. Tonight, when I came
12 here, I had read the Docket and I heard your summary,
13 and it appeared fairly clear from that that what we
14 were talking about was an application for withdrawal
15 of water from Oquaga Creek by XTO. I've heard a lot
16 that didn't relate to that. There's a lot of sturm
17 and drang from both sides. What you have is a process
18 that the DRBC has had in place for a number of years.
19 You appear to have performed extreme due diligence in
20 this case, and in fact, have gone beyond your normal
21 process. Your process must be the same for all
22 applicants to your Commission. I would ask that you
23 follow your process and do that. It is understood by
24 the conditions within the Docket and what you've
25 stated, that this is a potential withdrawal and will

1 require at least two, if not three, meetings and
2 recommendations following this before it could be
3 actually acted on. And as such, at that point in
4 time, then many of the proponents that have produced
5 such extravagant talking could then give you the real
6 facts on that. And hopefully, they will be the facts.
7 Thank you very much.

8 HEARING OFFICER:

9 Thank you, Alan. 103?

10 MR. HUBBELL:

11 Hello. I'm Harold Hubbell, local ---.
12 Hello, I'm Harold Hubbell, local business owner. Our
13 country was first populated and explored because of
14 its rich natural resources. This is why our country
15 is so wealthy. If it wasn't for our cheap, abundant
16 natural resources, we could have never won two World
17 Wars. We now import our oil and natural gas. The
18 Governor needs to get out of our way and let us do
19 what this part of the country has always done for a
20 living, that is, export our natural resources, be it
21 farming, logging, mining or now nat. gas. Upstate New
22 York has always been an exporter. As the water usage
23 goes, New York City has been stealing it for a
24 generation. There should be no question at all about
25 using our water to support local economic issues.

1 After all, it is our water, also. Environmentalists
2 are hypocrites. It's not natural for the Delaware
3 River to be a Brown Trout haven. It was once a place
4 where you could go swimming in the summer and catch
5 Walleye or Bass. Try that now. You hear a lot of yap
6 (sic) from a lot of people, but the people who pay the
7 majority of the property taxes should be allowed to
8 develop their natural resources, or the government
9 should be forced to pay fair market value for said
10 resources.

11 Allowing this new industry will bring a
12 boost to the population of this area, increase this
13 very school's enrollment, much like construction on 17
14 and the dam and tunnels did in the '60s and the '70s
15 when the population was on a steady rise. Our
16 country's energy policy borders on stupidity. We
17 subsidize corn ethanol, which is an energy negative
18 product, as it takes more fuel to create than you get
19 back. We buy oil from countries who've tried to harm
20 us, and why? Because local bureaucrats don't want to
21 see the people who do the real work prosper. They are
22 afraid of losing some of their self-imposed power. It
23 is time to get real. And at the same time, join PA's
24 new prosperity. We'd also be happy because PA's
25 natural gas production has lowered electric prices and

1 with New York supplied, our electric rates will always
2 be lower.

3 TIMER SOUNDS

4 HEARING OFFICER:

5 Thank you.

6 MR. SHEPSTONE:

7 My name is Tom Shepstone. I live in
8 Honesdale, Pennsylvania and I'm here today in the
9 capacity of a Damascus Township, Wayne County
10 landowner. And I'm here to support the request by XTO
11 for a water withdrawal. That request is more than
12 adequately justified in your well-prepared Docket,
13 which is grounded in science, not politics, as
14 evidenced by the fact no one has challenged your
15 actual conditions. Not a single testimony that I have
16 heard has challenged your conditions. Yet, here we
17 are once again, because a handful of radical
18 environmental groups have ginned up a controversy.
19 Once again, the DRBC has fallen into the trap by
20 treating this otherwise routine application
21 differently in an attempt to appease metropolitan
22 residents who have already stolen most of our water.
23 This illustrates the basic challenge before the
24 Commission today, before you. Will it rely upon
25 science or decide issues based on politics? You are

1 capable of doing science. The Docket shows all that
2 very much, but your credibility is at stake because
3 you keep entertaining delays requested by folks whose
4 intent is nothing less than stopping all natural gas
5 drilling. They would have us believe we cannot have
6 both clean water and natural gas development and you
7 know better. You know it isn't truth. You have a
8 responsibility to rise above the politics and act on
9 the science that you're capable of doing and it's
10 about time you started rising to that responsibility.
11 Thank you.

12 MR. KOVACH:

13 105.

14 MR. MASON:

15 My name is Andrew Mason and I'm here
16 representing the Delaware-Otsego Audubon Society, the
17 local chapter of the National Audubon Society. Our
18 formal position on hydrofracturing for natural gas
19 reads, in part, quote, even with the most stringent
20 controls and oversight, this activity is an
21 unacceptable danger to our planet with no
22 environmental benefits. As such, we oppose
23 hydrofracturing, gas exploration and production in our
24 region and elsewhere. I'm including our complete
25 position with these comments. On the basis of this

1 position and the Commission's responsibility to,
2 quote, protect the water resources of the Delaware
3 River Basin and avoid pollution or injury to the water
4 resources of the basin, we oppose this proposal to
5 withdraw large quantities of water for unapproved and
6 unneeded industrial activity.

7 The Commissioner presently is preparing
8 regulations for hydrofracking and associated water
9 usage. At a minimum, any consideration of such
10 withdrawals from ground or surface waters should be
11 held off until these regulations are finalized. In
12 addition, the precedent setting potential of approving
13 this water withdrawal request is enormous. The
14 natural gas industry has made clear its intentions for
15 large-scale drilling in the Delaware Basin and such
16 activity is well underway elsewhere. Giving this
17 company the go ahead at this time will make it nearly
18 impossible for the Commission to objectively evaluate
19 the many, many similar and even larger withdrawal
20 requests that will be forthcoming.

21 It is critical that the Commission not
22 tie its own hands and be able to use all present and
23 future information in its determinations. It is also
24 essential that the Commission properly and adequately
25 fulfill its mandate to include public participation in

1 these and other proceedings.

2 TIMER SOUNDS

3 HEARING OFFICER:

4 Thank you.

5 MR. MASON:

6 Thank you.

7 MR. KOVACH:

8 106.

9 MR. NOLAN:

10 Right here. Thank you. My name is Dave
11 Nolan. I'm a resident of the town of Sanford, Broome
12 County. I'm 73 years young, born and raised about a
13 half mile south of the withdrawal site. I have no
14 concern that the water quality or the fishery will be
15 negatively impacted by this action here. I am also
16 confident that in the event of an accident the
17 companies will rectify, remediate and take
18 preventative measures. I now live on Oquaga Lake,
19 which is three miles from here, a very pristine lake
20 and I have no concern of any negative impact from the
21 approval of this request. I would remind the
22 mattering A-bombs of negativity that --- that's going
23 back, isn't it?

24 UNIDENTIFIED MALE:

25 Yeah.

1 MR. NOLAN:

2 That continued funding of OPEC is
3 continued funding of Al Qaeda and the Taliban and this
4 continued loss of life of U.S. service personnel. And
5 if you are concerned about consumptive waste of water,
6 then legislate the maintenance and metering of all
7 downstate usage of the Catskill Reservoir water.
8 Thank you.

9 HEARING OFFICER:

10 Can I have holders of 111 to 120 come
11 forward, please?

12 MR. KOVACH:

13 Number 107. Do we have 107? 108?

14 MS. WILEY:

15 Thank you for holding this hearing. My
16 name is Gerri Wiley. I'm a public health nurse with
17 the Women, Infants and Children's program in Owego,
18 Tioga County, New York. I have a special interest in
19 children and health. The history of an entire life
20 cycle process of unconventional natural gas drilling
21 has shown to be incompatible with following goals of
22 breathing clean air, eating uncontaminated food and
23 drinking clean water. It's not compatible with the
24 goals of promoting respiratory health, full-term
25 pregnancies, the health of children, the health and

1 prosperity of this and future generations. It's not
2 compatible with promotion of local green jobs, true
3 energy security that is not selling and shipping gas
4 to Norway, China, Japan and other high bidders,
5 promoting tourism, fishing, hunting, hiking, boating,
6 swimming, the maintenance of forests that absorb our
7 CO2. It's not compatible with promoting real estate
8 value, mortgage options, sustainable economic
9 development for communities, traffic safety and our
10 renewable energy initiatives. It's not compatible
11 with the goals of reducing expanding income and
12 opportunity disparities in our population.

13 Greenhouse gases responsible for climate
14 change, fire explosion and trauma potential,
15 externalized costs of industrialization, real
16 destruction, carcinogens and endocrine disruptors,
17 noise and light pollution and multiple opportunities
18 for human error inherent in every step of this
19 process. We need to end this fossil fuel frenzy and
20 subsidize clean, renewable energy now.

21 MR. KOVACH:

22 109?

23 MS. LOEB:

24 As an area resident and landowner, I'm
25 requesting that this application be denied. The clean

1 water in Oquaga Creek, as evidenced by the trout who
2 live there, flows to the Delaware River and does its
3 part to maintain the integrity of the river. And by
4 the way, if economics is a main factor, bottle the
5 water. Make your money that way. You won't be
6 destroying anything. In this time of abundant land,
7 many forget that clean water must not be compromised
8 as it already has been in areas of Pennsylvania.
9 Taking our water to accommodate and already polluting
10 industry is not wise or acceptable. Dr. Famiglietti,
11 Director of the University of California's Center for
12 Hydraulic, sometime today, Model, has used two
13 satellites to use the world's pressed water supplies.
14 They are redefining understanding of hydrology, said
15 to be critical in this time of climate change and
16 population growth.

17 The data indicates coming water
18 shortages. Does it make any sense to take the
19 remaining clean water for a dirty industry when we
20 already know that wars may soon be fought about water
21 rights? I would guess that T. Boone Pickens, building
22 a water pipeline from the Ogallala Aquifer, already
23 knows where the next big money will be made after oil
24 and gas are finished. As Dr. Famiglietti says, look,
25 water has been a resource that has been plentiful but

1 now we've got climate change, population growth, we've
2 got widespread water contamination, we've got a
3 satellite showing us that we're depleting some of this
4 stuff. I think we've taken it for granted and we're
5 probably not able to do that anymore.

6 HEARING OFFICER:

7 Thank you.

8 MR. KOVACH:

9 111.

10 MS. MOORE:

11 My name is Renee Moore. My concern is
12 I'm the house that lives right across from where this
13 is all going to be taking place. Don can't be here
14 tonight, but he wrote this letter and we wrote it
15 together. My name is Donald Moore. My wife and I
16 live on the opposite side of Oquaga Creek, where
17 Exxon/XTO is planning to withdraw water for their gas
18 wells, especially for fracking. I cannot make this
19 meeting in Deposit today, June 1st, but we do have
20 these concerns if this proposal goes through. I
21 bought this property for the view and for the trout
22 stream. Two, will the constant noise disrupt the
23 habitat? Three, will the trout and other fish species
24 go elsewhere or will they stay and perhaps die? Will
25 this affect our well water? Will the woodland animals

1 stop coming as part of coming down to the creek for
2 food, water and play? How will those affect the value
3 of our property? People will stop coming here to
4 fish. The water content gets quite low here in the
5 summertime. What will happen then, when most of the
6 creek, having a mud bottom, will this in turn make it
7 more dirty? I have lived here since 1978. The view
8 is wonderful for all seasons. The wildlife is beauty
9 in itself. I feel these questions need to be
10 addressed and the DRBC and others involved should
11 really take a close look at this before the final
12 decision is made. Thank you for your time.

13 MS. VAN ROSSUM:

14 Good evening. My name is Maya Van Rossum
15 and I'm the Delaware Riverkeeper. I've heard many
16 people here today urge the use of sound science in
17 making a decision on this permit and we would agree
18 sound science is very important, but we believe
19 wholeheartedly that the base information, in fact, is
20 not using sound science, all of the information it
21 needs to make a sound decision on whether or not to
22 allow this withdrawal to go forward.

23 DRBC has not looked at the cumulative
24 environmental health, safety impacts of gas drilling
25 as a whole, including water withdrawals as well as for

1 this particular site and the future drilling that it
2 anticipates. DRBC doesn't have the science because it
3 hasn't done the science itself. It hasn't taken the
4 time to gather the wealth of science that is going on
5 in the region, across the country and it's not even
6 waiting for others to undertake the science that they
7 are doing such as New York.

8 So DRBC doesn't have the science. It
9 needs the science. And unfortunately, the end result
10 is that this decision is not being based upon sound
11 science. It's really being more influenced by
12 politics and that's the real problem here. We've
13 heard a lot of very carefully crafted speaking points
14 from those who support this water withdrawal. One of
15 the things that we've heard is a lot of finger
16 pointing to other pollution sources. There are other
17 pollution sources along the Delaware River, but two
18 wrongs don't make a right. So that doesn't make it
19 okay.

20 We believe that everybody has an
21 obligation to come and speak out for clean, healthy
22 water, for the protection of our water resources,
23 because water is vital to us all no matter where they
24 come from. And that's why we urged --- the Delaware
25 Riverkeeper Network has urged this public meeting,

1 this additional hearing. So I'm fulfilling my
2 obligation on behalf of the Oquaga Creek, on behalf of
3 the Delaware River, on behalf of all who depend upon
4 it, I urge you not to approve this water withdrawal.

5 MS. ALBASI:

6 Good evening. My name is Gloria --- my
7 name is Gloria Albasi and I'm a volunteer with United
8 for Action and Sane Energy Project. I live in the
9 Bronx in New York City. Thank you for allowing me the
10 privilege to speak.

11 This is the DRBC public hearing on the
12 proposed Exxon Mobile water withdrawal project. But
13 what are we really, truly discussing here? A preamble
14 to the proposed hydraulic fracturing of New York
15 State, an energy industry that has no rightful or
16 logical place in New York State or in the United
17 States of America. Under President Jimmy Carter, the
18 U.S. was number one in the world for solar energy
19 research and development. No longer. Instead, we
20 drill for oil, frack for gas and rip mountain tops.
21 Before voting to take New York State down this path, I
22 implore the DRBC, the Northeastern Governors and the
23 local, elected officials of New York's southern tiers
24 to read some science. Specifically, the study by Mark
25 Z. Jacobsen of Stanford University and Mark A.

1 Delucchi at the University of California at Davis from
2 2009 that states we could be fully dependent on
3 renewable energy in less than 20 years if we start
4 today. Our future, our children's future, is in
5 renewable energy. Solar and wind power has the
6 potential to put every unemployed citizen of the
7 United States --- of the State of New York, excuse me,
8 back to work. Clean air, sustainably, at the end of
9 the day, will help people from all walks of life and
10 communities care about jobs and a better future for
11 our families. Solar and wind can give us that.
12 Instead of supporting Exxon Mobile, whose profits will
13 go to Hong Kong, Beijing, Riyadh, London, Switzerland,
14 let's support some good old-fashioned American
15 ingenuity which is what has made our nation great.
16 This is the Sputnik moment of our generation. May it
17 not pass us by.

18 MS. SPECTOR:

19 Hello, everybody. My name is Joyce
20 Spector and I am a proud representative of the
21 Trifecta. I have lived, worked, have a business and
22 own property in Downsville, New York. I also happened
23 to work in the environmental industry for over 40
24 years and my company is well known for that. We work
25 with all branches of the military, the U.S. Army Corps

1 of Engineers, private industry, et cetera, et cetera,
2 foreign countries and our services have been retained
3 by all these various groups. So I know what I'm
4 talking about. One thing I wanted to mention was the
5 gentleman mentioned before that they would be
6 generously spending eight cents for every thousand
7 gallons of water they withdraw. Mathematician that I
8 am, I figured out that's \$20 a day. Would you call
9 that an economic boon for this area?

10 Another point I want to make is there was
11 a gentleman earlier who was promoting the fact that he
12 had spoken with representatives in Washington D.C. and
13 they are all pro-gas drilling. Let me remind this
14 group, this audience and our government that this is
15 the same body that sent our country into Iraq looking
16 for weapons of mass destruction, which eventually led
17 to the death of 5,000 of our finest and injuries and
18 disabilities for over 50,000 Americans. This is the
19 group that he is so confident will lead us to new
20 economic and environmental development. They can be
21 mistaken. Yes?

22 Another point I want to make is that if
23 you want to talk serious science ---.

24 TIMER SOUNDS

25 MR. KOVACH:

1 115.

2 MS. KLOPCHIN:

3 Thank you for the opportunity to speak
4 today. My name is Kathy Klopchin and I'm a resident
5 of Masonville, New York. That's in Delaware County
6 right up the road. I use the upper Delaware for
7 fishing and canoeing. I live along one of the
8 tributaries of the Delaware River called Spring Creek.
9 I have concerns with conflict of interest in the
10 access agreement for this water withdrawal. I have a
11 list of property that's been leased to XTO that was
12 submitted in my written testimony, including town of
13 Sanford land, land owned by members of the town of
14 Sanford Town Board and their family members. The town
15 of Sanford Town Board voted to lease town land via
16 resolution number 39 in 2008. This resolution was
17 subject to permissive referendum. However, no legal
18 notice was posted in the newspaper of record regarding
19 this resolution and no public hearing was held.

20 If you look at the facts, town board
21 members leased their land with XTO, the lease of town
22 land for drilling with no legal notice to the public,
23 access agreement for a nominal fee at a public point,
24 three of the five town board members who voted had
25 leases with XTO when they voted. This is a conflict

1 of interest and it's a violation of public trust.

2 Another question about the access
3 agreement was a Superfund they needed. So I called
4 DEC environmental permits unit over region seven.
5 They didn't even know about the hearing today and
6 that's a fact. They could not tell me who the lead
7 agency is or who would be. You mentioned 50 trucks a
8 day is a local government issue. To steal a line from
9 Little Big Man, you go down there to that access point
10 and you see there's barely enough room for two trucks.

11 TIMER SOUNDS

12 MR. KOVACH:

13 116. 117.

14 HEARING OFFICER:

15 With that, before you get started, can I
16 call 121 to 130, please?

17 MS. LINS:

18 Hello. My name is Cheryl Lins. I'm the
19 proprietor of Delaware Phoenix Distillery in Walton,
20 New York. We're on the other branch of the Delaware
21 River. And I'm here to oppose the XTO application.
22 And as someone said, well, no one's contesting the
23 actual points of it, but there's actually no gas
24 drilling to do, so they can't really justify the
25 amount of water that they're asking for. They have

1 zero wells, so they need zero water.

2 Perhaps, at some time in the future,
3 they'll have some wells and they'll be able to come to
4 the DRBC and say, well, we have this many wells and
5 we'll need this much water. That would seem to be
6 pretty logical. I don't know why, with such a
7 sensitive creek, they would need water from that
8 specific point. There's no reason to justify that
9 particular point over any other point on the Delaware
10 River, anywhere within the two counties that they say
11 they're going to operate. They don't know where it
12 is. It might be easier to pick a different creek, you
13 know, 20 miles down the road. We don't know that.

14 So clearly, there's no basis on which the
15 DBRC should actually support them at this time. Say,
16 well, come back and tell us when you have some gas
17 drills and we can talk.

18 The other aspect, I notice a lot of
19 polarizing things about gas drilling. I, personally,
20 am opposed to gas drilling in this area. My business,
21 though, relies on clear, clean water. If the water in
22 the area is stagnant or polluted, I'm out of business.
23 I'm gone. That's basically what it ends up being. So
24 I beg that I hopefully won't see that happen. I'd
25 like to stay in business. I like what I'm doing.

1 Thank you.

2 MR. ARMIAK:

3 Thank you for the opportunity to present
4 the views of Bluestone Gathering on the XTO Docket
5 regarding approval of a water withdrawal rig.
6 Bluestone Gathering is a planned natural gas gathering
7 system of pipelines designed to bring local gas
8 production in Pennsylvania and potentially New York to
9 the interstate pipeline grid for ultimate delivery to
10 gas consumers. Bluestone Gathering supports the
11 efforts of XTO to bring the benefits of the developing
12 natural gas industry to the local economy.

13 A 2009 Broome County economic impact
14 study suggest an economic impact of billions of
15 dollars in the next ten years from the Marcellus Shale
16 natural gas play. Bluestone Gathering alone projects
17 an economic impact in the local economy in excess of
18 \$300 million. But what does that mean to the average
19 Joe? What do those big numbers really mean? Well, in
20 the short time that we have been here locally in the
21 town of Deposit, what's it's meant is that we were
22 able to lease a building in the heart of town where a
23 local hardware store closed. Our workers have now
24 filled local tables at the cornerstone of Little Italy
25 restaurants, get haircuts at Lori's, live nearby,

1 cheer on the kids in the Little League parade and
2 sponsor events like Lumberjack Fest and the community
3 picnic.

4 It means someone will not have to leave
5 their hometown to get a job and additional taxes to
6 support local schools and municipal services. So why
7 should we go forward with this effort? It's essential
8 that we focus our collective minds, including the
9 bright minds on both sides of this debate, to bringing
10 these opportunities for a better life to a deserving
11 citizenship without affecting water quality. We trust
12 that through your expertise and oversight at the DRBC,
13 and the inclusion of the comments of everyone here,
14 that we should be able to reach that goal of having a
15 better life for the locals as well as protecting the
16 local water supply. Thank you.

17 MR. KOVACH:

18 119. 120. 121. 122.

19 MR. LOEB:

20 My name's Abram Loeb and I'm from Afton,
21 and I want to go on record as being firmly opposed to
22 XTO's water withdrawal from Oquaga Creek. Many
23 pro-gas speakers today have asked that the DRBC base
24 this decision on hard science. And I ask that, too,
25 not on economic development --- which seems to be the

1 main reason that the pro-gas folks want the water
2 withdrawal, is for economic development. But what are
3 the negative economic impacts on our area? Those must
4 be looked at as well. As far as the science, the
5 entire gas industry, the impacts, need to be studied
6 fully. And study after study has shown that wells are
7 being contaminated in Pennsylvania, in many towns. In
8 Arkansas, surface water is being contaminated by the
9 fracking, by hydrofracking by the gas industry.

10 Let's see. The issue cannot just be
11 looked at as just the water withdrawal itself and the
12 impacts on Oquaga Creek and the wildlife there,
13 although those impacts need to be studied completely.
14 But the entire gas industry, you need to look at that.

15 As far as it being an emotional issue, as
16 many of you have spoken about, if you're one of the
17 people who have had their wells contaminated and are
18 sick with cancer or other health issues, it must be
19 pretty emotional for you. If it happened to you, it
20 would be pretty emotional to you, I'd imagine. I'm
21 here. The special interest I represent is not ---.
22 I'm not making any money by being here.

23 TIMER SOUNDS

24 MS. SALVATORE:

25 My name is Barbara Salvatore. I'm from

1 Walton, New York. I'm a corporate business owner,
2 farmer, horse farmer, mother, herbalist and writer.
3 When our girls were little we lived on a shoestring
4 and a big adventure consisted of loading our big van
5 with camping gear, air mattresses and driving off to
6 find a campground. Sometimes we'd plan. Sometimes we
7 just took off with the kids in search of adventure.
8 Finding Oquaga State Park was one of those times.
9 This discovery made a big impression. For small
10 children, the expansive shallow lake was perfect. We
11 walked out and out into the water and still it just
12 reached our chins. It made them fearless. It made
13 them brave. We tried to catch fish with our fingers.
14 We could see through to the sandy bottom. We swam and
15 swam. It was one of a handful of those visits that
16 would lure us to make our home in Delaware County, one
17 of our first tastes of our precious watershed which we
18 came to value, appreciate and be involved.

19 The Delaware Basin is some of the
20 cleanest water in the world. Everywhere you sit on
21 our 100 acres, you hear the sound of running water, a
22 healing source of relief from daily anxieties,
23 worries, fears, knowing our brooks, streams and
24 springs run clear. We live with songbirds, red tail,
25 eagle, blackbirds, deer, bobcat, coyote. Our

1 stewardship of the water, our responsibility is to act
2 for its survival. We live here.

3 I came here with the intention to make a
4 botanical sanctuary and to be caretaker for the
5 plants. I'm one of many local practitioners and on my
6 land I've identified over 200 medicinal plants, many
7 on endangered species lists. All of these would be
8 threatened by water withdrawal, hydrofracking and gas
9 wells. The delicate ecosystems that many of these
10 plants require would be adversely affected, perhaps
11 immeasurably. The plant kingdom contributes to and is
12 nurtured by air and water, and it is for the plants I
13 lend my voice. I know protection of water is not a
14 special interest, but a universal one.

15 TIMER SOUNDS

16 HEARING OFFICER:

17 Thank you.

18 MS. COHEN:

19 My name is Sheila Cohen. I'm from
20 Cortland County. In Judith Viorst's delightful
21 children's book, Alexander and the Terrible, Horrible,
22 No Good, Very Bad Day, Alexander proclaims that he'll
23 go off to Australia when he's had a day full of
24 mishaps. For thousands of people exposed to the
25 effects of the water withdrawals and other aspects of

1 gas drilling, the unbearable conditions make them want
2 to head to Australia each and every day. But
3 unfortunately, most are trapped. Imagine Alexander
4 and Marcellus, if you will, living near Oquaga Creek,
5 where water has been drawn since July 1st. Fast
6 forward to August 23rd, 2011.

7 Today when he got out of bed, he was
8 confused by the sounds of truck motors roaring and
9 compressors leaking fumes. He tripped over his
10 fishing rod and banged his head. Alexander could tell
11 it was going to be another terrible, horrible, no
12 good, very bad day, ever since XTO began schlepping
13 water out of that creek. Today it was going to be
14 another 250,000 gallons and soon a million, and then
15 how long before it would be a billion?

16 Today, when Alexander looked in the
17 stream where he loved to fish, the water level was
18 low. The trout were gone, no life at all. He
19 couldn't go fishing. Then, he could not drink the
20 water from his tap at home. Last week, the well at
21 Grandma's house went dry. Two weeks ago, it was the
22 same at Uncle John's house. Alexander could tell it
23 was going to be another terrible, horrible, no good,
24 very bad day.

25 They wouldn't listen when Mom and Grandma

1 told the DRBC months ago to do a cumulative impact
2 study. I think I'll go to Australia. They wouldn't
3 listen to the doctors at the hearings last week.

4 TIMER SOUNDS

5 HEARING OFFICER:

6 Thank you.

7 MR. SERIO:

8 Hello. My name is Jim Serio and I live
9 in Starlight, Pennsylvania on the west branch of the
10 Delaware. After spending the last 15 years of my life
11 working to get more and better releases on the
12 Delaware from New York City reservoirs, I find it
13 ironic that on this first day of operation of our new
14 historic release plan, I stand before you today
15 commenting on a request to take water out of the river
16 system.

17 I have heard today that we need to use
18 best science for water withdrawal from Oquaga Creek.
19 I would suggest that if you wait a while, the best
20 science available will not require water for fracking.
21 But back to the point of this application. Why take
22 the risk of approving any water withdrawal from any
23 flowing water? Flowing water is difficult to control.
24 The answer is it allows gas companies to make more
25 money from our resources. I have heard that the local

1 economy will suffer without gas drilling. That may or
2 may not be true, but why allow gas companies to access
3 cheap water when there are so many other safer
4 alternatives that will eliminate all risk to our
5 flowing waters?

6 Some possibilities. One, wait for
7 alternatives to water fracking. Two, have gas
8 companies or benefiting landowners pay for wells with
9 frough (phonetic) water in a safer, nonflowing
10 environment. Three, purchase water from the village
11 of Deposit or other municipalities, where it can be
12 more safely accessed and monitored. The added benefit
13 of this alternative would be to keep the money in this
14 area. If this is truly an insignificant amount of
15 water, why not have the gas companies and benefiting
16 landowners spend an insignificant amount of money to
17 get water from safer alternatives? Please, deny this
18 permit and leave our streams and rivers alone. Thank
19 you.

20 MR. BOSKET:

21 Hello, my name's Alan Bosket. My
22 family's been in this valley for 187 years now. A
23 speaker earlier, the one that lives across the street
24 from where this proposed water grab, as you call it,
25 is being taken, was built by my great-grandfather,

1 along with many other of the houses on that road and
2 the wells that were there. I don't see the reason why
3 we need to go ahead with this if they don't have any
4 wells available --- or oil wells readily available.
5 The stream that you're talking about, it's not even
6 --- it's tiny. It's a little creek. I played in it
7 growing up. My friends all did. We do still fish
8 down there and I'd like to thank the town of Sanford
9 for holding the meeting for us so that we could get a
10 chance to voice our opinion on this. I mean, I lived
11 right on Old Plank Road for 22 years. My parents
12 still live up there and nobody heard anything about
13 this until we were all brought down here to this
14 meeting. So town of Sanford, thanks for nothing.

15 MR. KOVACH:

16 127.

17 MS. KISSAM:

18 I think this is working for me. My name
19 is Sandra Kissam and I've come up here today from
20 Orange County. I'm president of an environmental
21 organization that was instrumental and led the fight
22 to save 7,000 acres of open space at Jason Stewart
23 Airport. I would like to speak, first of all,
24 praising all of those people who came here today, but
25 most especially, the ones who traveled and made long

1 trips to come here, mostly because they are concerned
2 with the implications and worried about possible
3 damage of this proposal. They are to be thanked, and
4 the day will come when those people who live in
5 Deposit, if they haven't already, will thank them as
6 well.

7 We are not here for any monetary benefit.
8 Speaking of monetary benefit, I feel one has every
9 right to be suspicious of Exxon Mobile, which by the
10 way, is not a local resident. It is one of the
11 largest corporations in the world. It pays no taxes
12 to the United States and all its money goes offshore.
13 It has a terrible environmental record and big spills
14 that happened years ago have not yet been cleaned up
15 soon --- at all. We should consider the source of
16 this promotion.

17 And I just want to say that outside,
18 there is a table that Exxon Mobile has which is
19 supposed to be an informational table and when I
20 walked up to them, I said do you have any handouts?
21 No, he said, we'll just answer your questions.
22 Everything here to me speaks of a stealth operation
23 where we're going to feed it to the public a little at
24 a time. And I am here to urge the Delaware River
25 Basin Commission to do their studies and to be very

1 cautious or I would be very suspicious of what the
2 motivation is here. Thank you.

3 MR. KOVACH:

4 129. 130. 131. Is there anyone else
5 who has a card to speak?

6 MR. BRANDT:

7 135. Good evening and thank you for the
8 opportunity. My name is Dave Brant. I'm here from
9 Oneonta. I'm not here with any special interest group
10 but I have a serious interest, as each of you should,
11 in clean water. My comments are more on hydrofracking
12 in the broad sense than about the withdrawal from
13 Oquaga. All we really have, any of us, each of us,
14 that is worth having is clean water, clean air and
15 maybe those of us that are lucky, some time.

16 Clean water is probably number one among
17 those things, so I would simply like to ask anybody in
18 the room, why is it that we're so willing and bent on
19 spending so much and risking so much of the health and
20 welfare of the many on some financial gains for the
21 few? And that's all. Thank you.

22 MR. WEKERLE:

23 Good evening. My name is Jurgen Wekerle.
24 I live in Walden, New York. I'm conservation chair of
25 the Sierra Club, Ramapo-Catskill Group. This XTO

1 application is not an ordinary water withdrawal
2 application. It is not just about water volume
3 issues.

4 Here are some observations. The riches
5 that are promised will remain, really, as promises.
6 New York State has no severance tax. There will be no
7 public benefit in terms of rewards from the extraction
8 of natural gas, nor to the counties, nor to the towns
9 involved. The public will still pay the subsidies for
10 the gas drilling companies. The public still will be
11 required to provide for the clean-up after the
12 drilling operations are underway. Segmentation, the
13 water withdrawal permit application cannot be
14 separated from the use and the disposal of that water.

15 Much has been talked about hard science.
16 Hard science tells us that hydraulic fracturing
17 introduces known toxic chemicals and poisons into
18 documented clean public water supplies. Hard science
19 shows that 250,000 gallons per day of clean water will
20 be converted into 250,000 gallons per day of hazardous
21 toxic carcinogenic wastewater. No municipal sewage
22 treatment plant is able to remediate that wastewater.
23 The clean water that once existed is lost forever.
24 Knowingly destroying clean public water is criminal.
25 Hard science warns that with or without required

1 permits, a wild and scenic river will be transformed
2 shortly into an irreversible Superfund site.

3 TIMER SOUNDS

4 HEARING OFFICER:

5 Thank you.

6 MR. KOVACH:

7 Anyone else with a card to speak?

8 HEARING OFFICER:

9 Anyone else with a card or is there
10 anyone else who would like to speak, who would like to
11 have a card?

12 UNIDENTIFIED FEMALE:

13 I'd like to add one thing that I couldn't
14 add before last night.

15 HEARING OFFICER:

16 No. No. Sorry.

17 UNIDENTIFIED FEMALE:

18 You don't want to hear it, do you?

19 MR. KOVACH:

20 Tracy?

21 HEARING OFFICER:

22 We'll take written comments.

23 MS. CARLUCCIO:

24 I'm Tracy Carluccio, Delaware Riverkeeper
25 Network. I wasn't going to say anything, because I

1 spoke in Trenton, but I just want to say one thing.
2 When you look at the Delaware River Basin Commission's
3 current regulations, it's very clear with the water
4 withdrawal that you are supposed to do an analysis of
5 what the impacts are going to be, what the effects are
6 going to be, of how the water will be used. And you
7 do that, regularly, when you have a water withdrawal
8 application.

9 For instance, if you want to be building
10 a residential development with a water withdrawal, you
11 have to do planning that will say how they will deal
12 with that wastewater and if they're sure that the
13 wastewater is going to be handled properly. The
14 wastewater facilities that were listed in this
15 application, they're already operating at capacity.
16 And those three wastewater plants are actually
17 grandfathered in and were not even going to have to
18 meet the new Pennsylvania DEP regulations that require
19 them to meet the minimum standards for effluent that
20 they just adopted. So they will be continually
21 polluting the rivers that they have now already
22 clogged with total dissolved solids and brines from
23 the wastewater they're overloaded with.

24 This is wrong. You would not allow this
25 for a regular water withdrawal application. You made

1 your presentation at the beginning and said we're
2 treating this like other ones, but you would not allow
3 that. You also would require the area served to be
4 identified. You would have to show a need for water
5 if an application came in for this amount of water and
6 you do not require it of Exxon.

7 I just don't understand this. I think
8 the DRBC needs to step back, look at itself and
9 realize you have to adopt the natural gas regulations
10 before you move any of these projects ahead.

11 Otherwise, you've unlevelled the playing field and
12 you're making bad decisions. Bad decisions for the
13 river, bad decisions that'll come back and haunt the
14 Delaware River Basin Commission, much less Exxon ---.

15 TIMER SOUNDS

16 HEARING OFFICER:

17 Is there anyone else who has not had a
18 chance to speak? If not, I will close the hearing and
19 I thank you so much, today's stenographer. Excellent
20 job. Thank you all for coming and have safe travels
21 home.

22 * * * * *

23 HEARING CONCLUDED AT 9:30 P.M.

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