

For Immediate Release: April 10, 2018

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More than 40,000 Comments Support a Complete Fracking Ban in the Delaware River Watershed

DRBC Release Misleads Public with Underreported Comment Numbers

National environmental organizations, anti-fracking groups, community organizations, and residents announced today that their members had submitted at least 40,000 comments to the Delaware River Basin Commission (DRBC) in support of a full ban on fracking and all drilling-related activities, including wastewater treatment and water withdrawals. The coalition also submitted a letter signed by 126 groups, representing millions of members, making the same demand.

Even though more than 40,000 comments were filed during the comment period, a DRBC press release states it received less than 9,000. The discrepancy is due to the fact that the DRBC counted thousands of individual comments submitted by members of organizations as a single comment. This serves to severely diminish the widespread support across the region, and the country, for a full ban. (See below for examples.)

“People trusted that their comments to DRBC would be fairly represented in the record, but DRBC is playing with the figures to bury the bold numbers that prove the fierce opposition of the public to fracking, and the dominant all-out demand for a complete ban on fracking, on frack wastewater dumping, and on water depletion that would stimulate fracking in other watersheds. The people have spoken and we’re going to be heard, no matter how anyone spins the truth - we want DRBC to ban fracking, to ban it all,” **said Tracy Carluccio, Deputy Director, Delaware Riverkeeper Network.**

The comments came after months of educating on the need for a comprehensive ban on fracking activities in the Basin, which is a source of clean drinking water for over 17 million residents in the region.

“The public comment period has demonstrated that people from across the country and throughout the Delaware River Basin are opposed to allowing any fracking-related activities in this treasured watershed,” said **Emily Wurth, Organizing Co-Director, Food & Water Watch.** “The DRBC and Governors Wolf, Cuomo, Carney and Murphy should protect this essential drinking water supply and support banning fracking wastewater and water withdrawals in the basin.”

Draft regulations announced in November 2017 by the DRBC proposed a ban on high volume hydraulic fracturing throughout the watershed. But the draft regulations also proposed to allow wastewater storage, processing and discharges linked to fracking, as well as withdrawals of water that would be used by drilling companies to carry out fracking operations in other areas.

“The facts are in--Delawareans, and residents of the other Basin states are overwhelmingly in support of a full and comprehensive ban on fracking activities in our watershed. This is

evidenced by the more than 40,000 comments submitted to the DRBC despite the relatively short amount time given to review and comment on the proposed draft regulations. In Delaware, almost every aspect of our quality of life depends in one way or another on water. Unfortunately, too many of our waterways are already considered 'impaired' due to previous pollution. The first rule of getting out of a hole is to stop digging, and allowing fracking wastewater storage, processing and disposal upstream would be a big step in the wrong direction. The Delaware Sierra Club stands by our allies in supporting a COMPLETE fracking ban in the Delaware River Basin; Anything less than that puts our residents at an unnecessary and unacceptable risk," **said Stephanie Heron, Outreach Coordinator, Sierra Club, Delaware Chapter.**

Barbara Arrindell, Director of Damascus Citizens for Sustainability, adds, "It goes against science and the Compact that underpins the DRBC to allow the proven pollution of fracking wastes into the Basin."

"The proposed rules continue to put the drinking water for millions at risk, and the people of this region have made it clear that's unacceptable," said **Rob Friedman, Policy Advocate, Natural Resources Defense Council.** "A fracking ban here would be historic—but a true ban does not stop at drilling. The commission must put all of the harmful activity that goes with fracking—from disposing of chemical-laden wastewater to extracting clean water to frack elsewhere—off limits in the Delaware River Basin."

Advocates for a comprehensive fracking ban have also packed the recent public hearings convened by the DRBC, demonstrating broad support for enacting policies that would keep the basin completely free from fracking.

"Many of the comments we collected from our members included outrage, not just at the toxins being considered to release in the basin but, that after ten years of speaking out against this inherently polluting industry coming to our region that it still gets consideration disregarding people and the health of our ecosystem," said **Wes Gillingham, Associate Director of Catskill Mountainkeeper.** "After the thousands of peer reviewed studies, the horrific personal stories, accidents and the state of our public waters nationally it is nonsense to allow fracking, wastewater discharge or water withdrawals to happen here."

"The Sierra Club stands with the thousands of people of the Delaware Valley who came out against fracking and support a complete ban of fracking activities. The DRBC must listen to the people and ban fracking including not allowing dumping fracking waste or taking water for fracking activities elsewhere. You do not protect the Basin from fracking by allowing the dumping of fracking waste. Having a partial ban that actually allows the dumping of fracking waste still puts the drinking water and environment of the Basin at risk. Dumping fracking wastewater is dangerous because it contains over 600 different toxic chemicals, many of them carcinogenic. This could lead to pollution and contaminated drinking water," **said Jeff Tittel, Director of the New Jersey Sierra Club.** "The DRBC needs to protect our water and not only implement this ban but also be sure not to turn the Basin into a dumping ground for fracking wastewater."

The battle over fracking in the Delaware River basin goes back nearly a decade. A sustained campaign by environmentalists and residents of groups derailed a plan to introduce fracking, leading the Commission in 2010 to prohibit gas extraction projects in the basin while it studied the impacts of fracking on the basin's water resources.

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Below is a selected number of comments submitted to the Delaware River Basin Commission by residents from across the United States. These comments, though varied in content, were counted as a single comment by the DRBC. It is inaccurate and unjust for the DRBC to count these as a single comment.

Manalapan, NJ: As a new mother, I was able to help secure the Delaware Governor's vote, which ultimately led to a NON-vote by the DRBC back in 2011. I was 2 months pregnant. A non-vote meant that democracy didn't work. We should have banned this then and it is a nuisance to have to spend time advocating for clean air, water and land. How do you plan for us to live? We need food, water and air in order to live. Perhaps you just, don't care.

Liberty NY: The thought of it, is a nightmare in my mind. When our Liberty, N. Y. water was contaminated by a leak at a local gas station, the water in our home was destroyed. The fish in our tank floated to the top.....big deal??..Our son, was shortly diagnosed with Multiple Sclerosis and has since died. When going to various doctors all over the state asking for help for him.....all we heard was, "Oh, Sullivan County is a hot bed for multiple sclerosis", and the connection with the polluted water was associated with the number of MS cases. However, now I'm told that the Liberty contamination is not listed on public records. Crooked politics again. The truth about water contamination must be exposed by those affected, and not by those looking to profit with fracking in our area.

Austin, Texas: Unless you are willing to submit yourselves as guinea pigs and live in an area where there is fracking, please ban these activities everywhere. I just returned from a trip to Colorado where a resident told me she knew of lots of people with respiratory illnesses and cancers from living near fracking areas. On the previous trip our real estate agent we contacted told us to be aware of the chemicals released in the air in those areas when I expressed alarm about the quality of the water in those areas.

Farmer from Pa: As a household that makes its living farming in the Delaware River Valley, in a community which strongly depends on tourism tied directly to river recreation, I strongly support a full ban on hydraulic fracturing, the disposal of fracking wastewater in the Delaware River basin, and the use of the Delaware River as a water source for this kind of mining. Allowing this kind of operation in this area would be an economic disaster, no matter how much money is promised by the industry to bribe leaseholders and local politicians. Do the right thing and institute a full ban on fracking and use of the waters in the Delaware River basin.

Monticello, NY: As a lifelong resident of Sullivan County I value the unspoiled beauty of the area - especially its rivers, ponds and streams. I have seen the dangers of fracking in Pennsylvania and Texas and the harm to land, water and wildlife. Any activities that threaten the watershed is foolhardy and risks catastrophe for NYC. The dangers far outweigh any potential benefits.

Sag Harbour, NY: Fracking is harmful to our environment. Over 9,00 public complaints have been made about the environmental impact shale gas drilling has had on the surface and groundwater in that area. Fracking pollutes the groundwater and harms people and animals using that water. Up to 17 million people get their water from the Delaware River Watershed, including NYC and Philadelphia, and there is nowhere else they can get it from. The only way to protect our water resource is by banning fracking, frack wastewater discharges and water withdrawal for fracking. It is an outrage that the DRBC is even considering fracking in this area and jeopardizing so many peoples lives.

Poconos, PA: I will never support fracking or any disturbance of the Delaware watershed and will vote against anyone supporting this short sighted selfish endeavor. Please think of our future generations and what we leave behind for our children.

Ridgewood, NJ: I am completely opposed to fracking in the Delaware Basin. Fracking is destroying the environment. Over 9,000 public complaints about environmental problems in shale gas drilling areas have been reported in Pennsylvania; 4,400 of those are surface or groundwater-related. Even with regulation, fracking pollution is a fact of life and cannot be effectively controlled.

Stroudsburg, PA: My grandparents, my parents, and my family have lived on the Delaware River all our lives. Please do not allow fracking byproducts to pollute our river. Thank you.

Aston PA: Water is a human right and we should not be allowing any toxic chemicals near the source of water for our communities. It is the duty of the State to PROTECT, RESPECT and REMEDY any situation that impacts the human rights of citizens.

Bloomville NY: It's Valentine's Day. For the Love of humanity, you must ban the notion of fracking in the Delaware River Basin and I think you already know that! While others send you a bunch of good research and stats, I will refrain. Why? I know you are intelligent people. Rise up and be who you are! Make the right choice for our earth and all who inhabit this river basin!

Lambertville NJ: The use of water for fracking permanently reduces the amount of water available in the watershed. The return of polluted water is harmful to public health, property, agriculture, and wildlife. The 15 million people who rely on the Delaware River for their drinking water enjoy some of the cleanest water in the East. Jeopardizing this water by allowing wastewater to be imported, stored, or transported into the Basin is foolish and irresponsible.

Long Island City NY: Radioactive materials, including radium, are in the wastewater produced by fracking, as reported by DRBC themselves. A study by Duke University of treated wastewater from fracking shows that radium concentrations in a Pennsylvania creek downstream of a frack wastewater facility were roughly 200 times higher than background levels. Radium 226 has a half-life of 1600 years and is linked to cancer. The removal of radium is expensive and difficult and the final residue would need to be handled similar to nuclear waste. (Vengosh et al, Environ. Sci. Technol., 2013, 47 (20), DOI: 10.1021/es402165b, pp 11849-11857, 2013). The DRBC must not allow any potential for the Watershed's residents and environment to be exposed to these levels of radioactivity; banning it is the only responsible course of action.

Buffalo NY: According to the DRBC itself, fracking wastewater from the Marcellus Shale formation includes potent and toxic cancer-causing chemicals that are hazardous to human health and our river ecosystem. In May 2015, an EPA study characterized 457 hydraulic fracturing related spills that occurred between January 2006 and April 2012 in eleven states. The study stated, 'Spills can affect both surface and groundwater resources, both locally and regionally, within the host state and in adjoining states. Pollution from spills and from hydraulic fracturing has occurred in parts of Pennsylvania outside the basin where high volume hydraulic fracturing is occurring.'

Garrison NY: The Delaware River Basin Commission's (DRBC) proposal to allow Centralized Waste Treatment facilities that would import into the Basin wastewater produced by fracking containing toxic and radioactive substances jeopardizes the water quality of the Delaware River Basin. DRBC themselves says that disposal of frack wastewater poses 'significant risk' if the wastewater is not properly managed. Spills at these fracking facilities are unavoidable and, according to the US Environmental Protection Agency (EPA) and DRBC, can pollute both

surface and groundwater resources. EPA reports that in Pennsylvania spills have caused pollution outside the basin where fracking is occurring and that 457 fracking related spills occurred between January 2006 and April 2012 in eleven states due to equipment failure, human error, failure of container integrity, and other causes. DRBC does not even have an enforcement division; CWTs must be prohibited from accepting wastewater produced by fracking to prevent spill pollution.

Tusten NY: I am a resident of the Town of Tusten, in Sullivan County NY. I urge the Commission to prevent any existing waste water treatment facilities from accepting produced water from fracked gas wells. I also urge the Commission to ban any such facilities from being constructed. The toxic contents of produced waste water is well documented. I would ask the Commission to consider two issues; 1) transport and/or storage of radioactive waste is illegal in NY, and frack waste is often radioactive. I am not clear how your regulations could apply in States whose own regulations vary. 2) It is my understanding that the enforcement of your regulations would need to be implemented by either PADEP, and NYDEC. Again, since NY has a ban on fracking, it is not going to increase staff or devote present staff time to enforcing these regulations. In PA, the DEP is understaffed, and constrained from interfering with the drilling industry. So that adds up to no enforcement. Unless you can guarantee that there is vigilant enforcement and severe penalties on both sides of the Delaware, (which seems impossible), then NO FRACK WASTE IN THE BASIN.PERIOD.

Hurley NY: There's no national set of standards that guides this treatment process. The EPA notes that the Clean Water Act's guidelines were developed before fracking even existed so no federal treatment or design standards have been adopted by the federal government to establish uniform effective treatment. Scientists have conducted relatively little assessment of the wastewater to ensure it is safe after being treated. In fact, evidence of the lack of the effective removal of pollutants by frack wastewater treatment plants is found in reports that measure contaminants in sediments and surface water below frack treatment plants such as high chloride concentrations in Pennsylvania waterways. It is known that chloride is difficult to remove at high concentrations, toxic to fish and negatively impacts water quality. (Olmstead et al, PNAS Vol. 110, No. 13, PP 4962-4967, 2013). It is not safe to risk this contamination; it must be banned.

Philadelphia PA: Please discontinue any fracking activities as I believe that this puts all of us in serious jeopardy. I have personally witnessed the devastation to our environment...our landscape as well as our drinking supply. I have watched people in lower economic situations travel miles to obtain safe water for their families. I will not vote for anyone who supports fracking.

Hankins NY: How is it possible that we are still wasting time and money "debating" the risks of fracking and the danger of its toxic wastes to human lives, drinking water and the environment?? The documentation of contamination is irrefutable, some caused by irresponsible actions and/or ill trained workers, much deliberately covered up by companies that stand to profit and only care about the short-term personal gain of executives and shareholders. This is appalling and disgusting. If we put these wasted resources into sustainable and safe energy (wind, solar, water), generations can be spared the toll on human lives and natural resources, in addition to the larger economic impact of fracking-related illness. What will it take to move on??

Dickson City PA: The EPA study summarizes that fracking wastewater consists of varied mixes of the ancient brines brought to the surface with shale gas, together with the fracking chemicals used, and the by-products of chemical reactions during the process. So, in varied amounts, the waste includes highly harmful chemicals such as BTEX (benzene, toluene, ethylbenzene, and

xylenes) as well as radioactive material (including Radium-226). Bringing these wastes into the basin will never be consistent with the DRBC's comprehensive plan.

Tusten NY: I am a resident of the Town of Tusten, Sullivan County NY, and live within the Special Protection Waters of the Delaware River Basin. I am proud to have been part of the fight to keep fracking out of New York State. In New York, people were not forced to leave their homes due to well contamination, or toxic fumes and leaks from waste ponds, or air pollution from flaring, not to mention explosions and fires. I am grateful to the Commission for their de facto ban for the same reasons. I now urge the Commission to institute a complete ban on all drilling and associated activities including water withdrawals and fracking waste processing. Such activities are prohibited in the Town of Tusten by our zoning laws. We were joined by four other Towns on our borders and in the Basin. I regard the presence of any frack waste as a superfund site waiting to happen. Water withdrawal? What about the current docket holders? What about the very healthy tourist industry that depends on river flows, and water quality? Do the right thing...This is the right time.

Livingston Manor, NY: As a fly-fisherman and environmentalist I strongly oppose the proposals on fracking and inter-basin transfer. The incredible benefits of the Delaware River Basin should not be doled out, jeopardizing a precious natural resource that is depending on by millions of people, not to mention countless species. Keep Delaware water in the Delaware. The dangers of fracking have been well-documented, and as our country moves toward more sustainable/renewable forms of energy, risking such a complex ecological system for short term gains is foolish and would be detrimental to so many who depend on the Delaware River.