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The Grand Jury pointed out that fracking wastes enjoy federal exemptions that make it easier and cheaper for these companies to dispose of waste. The exemption that allows frack wastewater to be handled as if it is not hazardous, even though it contains hazardous materials, has led to unwarranted damages due to unsafe handling and disposal. Pollution incidents in PA exposed people and the environment to avoidable hazards. FROM THE GRAND JURY REPORT: "This wastewater may be composed mostly of brine and relatively harmless constituents, or it may be full of extremely dangerous chemicals or highly radioactive. There is no way to tell, however, because the industry is not required to identify or manage its wastewater for what it actually contains. Due to exemptions under federal law, trucks carrying fracking wastewater in Pennsylvania are not placarded as hauling hazardous waste, even though they may be carrying hazardous waste." pages 20-21 of the Grand Jury report

Five of the Grand Jury's 8 conclusions of harms are related to exemptions held by oil and gas from major provisions of 7 protective federal laws, the Clean Air Act, the Clean water Act, the Safe Drinking Water Act, the Community Right to Know Act, the Resource Conservation and Recovery Act or RCRA - and much more.

We submitted public comments to the DRBC so they know about these exemptions including about the hazardous waste loophole that re-named the wastes as 'special'! As 'special' - wastes generated from oil and gas exploration and production are exempt from regulation under Subtitle C (hazardous waste management) of RCRA - and exempt from RCRA's cradle to grave oversight of toxic-hazardous materials. The exemptions reduce the companies' expenses while removing their liability for environmental and public health damages the companies' wastes cause, placing that liability on the local and downstream communities. Because it is labeled 'special' does not mean that it is not toxic - it is toxic! and many of the chemicals in it are very harmful even in tiny amounts when they act as hormones. For example, studies of humans and of horses show that exposure to this chemical laden waste causes increased birth defects and cancers, among other impacts. Allowed releases will include harmful contaminants - the Delaware River should not be treated as a sewer.

The EPA agrees in a 2018 report, that the wastewater has negative impacts on water quality, aquatic life and potentially public health - with harm that can persist for years. EPA also shows that the likelihood of spills increase as the volume of wastewater and number of trips increase. The increased volume of wastewater produced today from much longer well bores is larger than DRBC predicted in its draft regs analysis. This means substantial risk of pollution from spills, accidents and deliberate dumping if wastewater were to be transported into the Delaware River Basin for treatment and disposal. In the draft gas regulations, DRBC has not acknowledged the occurrence of spills, accidental releases and dumping that will occur and proposes no plan to prevent the waste spills and accidents that are so prevalent elsewhere. DRBC proposes no special hazardous waste handling. Why

would they propose importing these poisons? - to whose benefit? DRBC's job is to protect the Basin from just this type of harm.

DRBC would be un-necessarily opening the Watershed to hazardous frack waste if the draft gas regulations are enacted, with federal exemptions intact - only New York State has recently changed that. Of course, what would be better is to keep the current prohibition. The dangers of pollution from improper and unsafe waste disposal, transportation accidents, spills, and dumping cannot be tolerated as they are a threat to the environment, water resources, and public health. This is a lesson learned from the Grand Jury.