

This can go under
Specific Fracking Impacts

- Waste from oil and gas mining was re-named 'special' by the Bentsen amendment to the Resource Conservation and Recovery Act (or RCRA) in 1980 so that these wastes would not be regulated as the toxic materials that they are. RCRA takes a "cradle to grave" approach to ensure wastes are handled properly from the point of creation to transport to disposal. As 'special' wastes, drilling fluids, produced water, hydraulic fracturing fluids are unregulated toxic substances. Additionally, that change isolated the gas and oil companies from the liability they would have if this waste was regulated as toxic under RCRA. Because it is labeled 'special' does not mean that it is not toxic - it is toxic and very harmful. The liquid wastes contain carcinogens, endocrine disrupting chemicals, heavy metals, poisonous hydrocarbons, radioactivity and extremely high salt content. Included in the mix are the toxic BETX materials, benzene, ethylbenzene, toluene and xylenes. With the other volatiles in these mixtures, when they are "treated," which is usually a dilution process, they are both left in the receiving water body and released into the surroundings as poisonous, smog producing air pollution. These health risks are too great a risk to allow; DRBC must ban fracking and its activities.
- That the DRBC would consider allowing these wastes into the Delaware Basin in order to "regulate" them is short-sighted and a false economy of effort. It is always better to prevent pollution rather than attempt to clean up after. Because of the unregulated nature of these materials, how would the DRBC know what and how much wastes are coming into the Basin in order to 'regulate' their transport and disposal. The DRBC is asking for the illegal dumping and trucking accidents that happen regularly in areas near drilling. We depend on the DRBC to keep the Delaware Basin healthy - the wastes should not be allowed into the Basin and should be banned with the high volume fracking already proposed. These pollution risks are too dangerous to allow; DRBC must ban fracking and its activities.
- The oil and gas industry has unprecedented exemptions from our nation's most important environmental and public health laws, including the Safe Drinking Water Act, Clean Air Act, and the Clean Water Act, Resource Conservation and Recovery Act, the Community Right to Know Act and more. Because the industry has known for decades about their inability to prevent damages from the drilling and from their liquid and solid wastes they sought exemptions to avoid liability for the damages they knew they would cause. First by making the wastes, 'special' via the Bentsen

Amendment to the RCRA law in 1980 so that the wastes from oil and gas exploration and production are not tracked or manifested and needn't be disposed of as the toxic materials they actually are. Then after about 25 years of trying the industry got exemptions to major provisions of 7 protective environmental laws in the 2005 Energy Policy Act. The more I learned about the contents of and the potential impacts from these wastes the more alarmed I have become. These pollution risks are too dangerous to allow; DRBC must ban fracking and its activities.

- The amounts of many of the chemicals in the wastes the DRBC is proposing to import may sound small, but many behave like hormones and are harmful in very tiny amounts. Studies in humans and horses show that exposure to the chemical laden wastes causes increased birth defects. Regulatory constraints are the obligation of government to protect health and safety. The Delaware River Basin is not for sale to the highest bidder or as a favor to a business associate - it is our home and it is the DRBC's mandate to protect and preserve the Basin and its resources for current and future residents, human and otherwise. Drilling must be banned and resulting wastes must not be imported in the Delaware Basin. These health risks are startling and too great a risk to allow; DRBC must ban fracking and its activities.