

January 6, 2022

Commissioners
Executive Director Steve Tambini
Delaware River Basin Commission
P.O. Box 7360
25 Cosey Road

West Trenton, NJ 08628

Re: Improving the Public Hearing Process Regarding the DRBC's Notice of Proposed Rulemaking re. Importations of Water Into and Exportations of Water from the Delaware River Basin; Discharges of Wastewater from High Volume Hydraulic Fracturing and Related Activities

Dear Commissioners and Director Tambini,

We, the undersigned organizations, offer this feedback regarding the Hearings that were held by the Delaware River Basin Commission (DRBC) on the Draft Regulations referenced above regarding fracking related activities in the Delaware River Basin.

We are expecting to hear from the Commission regarding our request for the expansion of the public comment opportunities for the proposed draft rules. In the meantime, we believe the public hearing process can be improved to provide a more equitable and inclusive process at the virtual hearing sessions.

We urge the Commission to make these changes and additions to the hearing process:

- Notifying the public prior to the hearing about the opportunity for non-registered attendees to comment if there is unused time. Only announcing this during the hearing cut out those who followed the commission's instructions requiring registration the day before the hearing session. Many people who may have prepared to speak if there was time were not ready to testify or were not in attendance when the offer was made at the last 2 sessions on the last day. Many other people may have attended and been prepared if they thought they would be able to testify at the last minute.
- Providing registration to speak closer to the virtual hearing session time rather than 5pm the day before. A reasonable deadline for registering would be one hour prior to the start time of the hearing. People's schedules change based on work, family, and personal situations and providing the opportunity to sign up to speak closer to the hearing session would allow for greater participation.

- Providing a more open and transparent virtual hearing setting. The hearing sessions were exceedingly controlled and presented a closed atmosphere. The hallmarks of this overly managed session include: 3-minute limit strictly enforced with a clock timer, no camera access for those testifying, no roster showing who is in attendance or the number of people in real time, no chat box or any way to communicate with the organizer or attendees. With a virtual hearing, people are by necessity distant and somewhat alienated from the session; DRBC should strive to make the virtual experience more inclusive and welcoming.
- Consistency in calling the names of those who had registered more than once and at various times during the hearing. Some registrants who missed their name being called did not get a chance to speak because their name was not called again.
- Better and more explicit instructions about how to get into the zoom meeting as a registrant. Some people did not realize that the EVITE email had a hyperlink that they must use to join the meeting. The result was panicked phone calls, emails and texts to nonprofit organizations from people who couldn't find how to join. The response email to those who register should be:
 - clearly marked as being sent by DRBC, not only from EVITE;
 - clearly show how to click on a hyperlink to join the meeting;
 - provide information about how to communicate with a DRBC staff person by phone, text, and/or email during the hearing session if a member of the public has a problem joining the session.

It was not clear that the zoom instructions on the DRBC website for people to join the meeting in listening mode was the same as those who had registered to speak. Some frustrated registrants were not able to testify due to these insufficient instructions. It is unfair to assume that everyone joining the hearing is familiar with zoom, evite, or other internet platforms or that people have unfettered access to a computer, smart phone, or other device needed to join the hearing session.

Thank you for the opportunity to provide our input for the improvement of the virtual public hearing process. We are representing members of the public who were unable to testify at the hearing or had great difficulty accomplishing their goal of providing verbal comment to DRBC on these highly consequential draft regulations.

Submitted by:

Representatives of the Delaware River Frack Ban Coalition Organizing Committee:

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