

April 11, 2022

Brigadier General Thomas J. Tickner
Chair of the Delaware River Basin Commission
North Atlantic Division
302 General Lee Avenue
Brooklyn, NY 11252-6700

The Honorable Tom Wolf
Vice Chairman of the Delaware River Basin Commission
Office of the Governor of Pennsylvania
508 Main Capitol Building
Harrisburg, PA 17120

Governor John Carney
Member of the Delaware River Basin Commission
Office of the Governor
Tatnall Building
150 Martin Luther King Jr Blvd South
Dover, DE 19901

The Honorable Kathy Hochul
Member of the Delaware River Basin Commission
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Governor Phillip D. Murphy
Member of the Delaware River Basin Commission
Office of the Governor
PO Box 001
Trenton, NJ 08625

Re: Public Comments Submitted to DRBC re. DRBC Proposed Rulemaking on 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 Delaware River Basin Commissioners,

Our organizations and members of the public submitted at least 11,593 individual comments to the Delaware River Basin Commission (DRBC) regarding the proposed rulemaking on fracking-related activities. The public comment period opened October 28, 2021 and closed February 28, 2022.

DRBC staff has announced that 2,461 submissions were received and that “submissions can have multiple comments.” This statement fails to accurately reflect the sheer number of individuals with an interest in this rulemaking, and it particularly discounts the number of comments in favor of preserving health and the environment within the Delaware River Basin since the submissions containing multiple comments were filed primarily by environmental

organizations. Lumping individual comments into a single submission instead of counting each one, undermines the importance of each individual who took the initiative to express their position and provide information regarding the proposed fracking regulations. Simply because an organization offered to collect and submit comments for people should not lead to discounting the number of comments as one "submission", a severe undercounting of the total. Commenters who used the easier to submit organizations' platforms may be in environmental justice situations and their comments should not be minimized.

The organizations who submitted these multiple comments all had cover letters stating how many comments were contained in the submission, so 'counting' the submissions is not a difficult job. Also, use by a commenter of information suggested by an organization they are a member of should not diminish, in any way, the fact that they signed their name to that document in order to cast their 'vote' on this critically important issue - just because you may not have written the content of the contract you signed does not diminish your signature agreeing 100% with its contents. By counting thousands of individual comments submitted by members of an organization as a single comment, the volume of comments calling for a full ban on fracking activities in the Delaware River Watershed is not being accurately reported. This serves to diminish the widespread support across the region, and the country, for a full ban.

The commenters are your constituents. There is no requirement that they be anything but members of the public in order to participate in a public comment period. The administrative staff's policy to group together similar submissions suggests that the public is being held to a different standard, that they must be expert enough to substantiate their concerns or their concerns don't count. As elected officials, you know that quantitative measures of your constituents' opinions, like polls, have great value. As Commissioners, you have the authority and responsibility to direct the administrative staff to replace its long standing discriminatory policy with one that allows all voices to be heard and is, therefore, more equitable and accurate.

The fact is 11,593 individuals submitted a comment calling for the protection of the Delaware River Watershed by the adoption of a categorical ban on the import of wastewater produced by fracking and a categorical ban on the export of water from the Delaware River Watershed to be used in fracking outside of the basin. Commenters expressed support for the proposed ban on the discharge of fracking wastewater to water and land but insisted that it doesn't go far enough to protect the watershed, its communities, water supply, and natural assets. Every individual who commented believes in good faith that you, as Commissioners, will duly consider their stated comments and that they won't be given short shrift by being consolidated into singular condensed submissions as you, the Commissioners, review them and make your decision on the full ban for which the public is clamoring.

We look forward to the adoption of a final rulemaking that enacts a full ban on fracking activities. Commissioners, you have taken forthright action to protect the watershed through your enactment of a ban on fracking throughout the Delaware River Watershed. We ask that you now take the next step to complete your protective actions. We ask that you expand the proposed ban on the discharge of fracking wastewater to water and/or land by adding a categorical ban

on the import of wastewater produced by fracking and a categorical ban on the export of water from the Delaware River Watershed to be used in fracking in other watersheds and we ask that you finalize this expanded rulemaking swiftly.

Respectfully submitted:

Delaware River Frack Ban Coalition Organizing Committee:
In alphabetical order:

Berks Gas Truth

Catskill Mountainkeeper

Clean Water Action

Damascus Citizens for Sustainability

Delaware Riverkeeper Network

Environment New Jersey

Food & Water Watch

Natural Resources Defense Council

Sierra Club