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Contact:

Tracy Carluccio, Delaware Riverkeeper Network, 215.692.2329 tracy@delawareriverkeeper.org
Sahana Rao, Natural Resources Defense Council, 847.849.7191, srao@nrdc.org
Eric Weltman, Food & Water Watch, eweltman@fwwatch.org
Doug O'Malley, Environment New Jersey, 917.449.6812, domalley@environmentnewjersey.org
Taylor McFarland, Sierra Club NJ, taylor.mcfarland@sierraclub.org
Coralie Pryde, League of Women Voters of Delaware, coraliepryde@gmail.com

VAST UNDERCOUNT OF PUBLIC COMMENTS THREATENS RULEMAKING ON WATER QUALITY ENVIRONMENTAL GROUPS URGE DELAWARE RIVER BASIN COMMISSION TO ACCURATELY ACCOUNT FOR PUBLIC COMMENTS ON RULEMAKING TO BAN FRACKING WASTE IN THE WATERSHED

West Trenton, NJ – On April 11, 2022, the environmental organizations making up the Delaware River Frack Ban Coalition wrote to the Delaware River Basin Commission (DRBC) urging them to acknowledge and account for the actual number of concerned constituents who submitted comments on the DRBC's draft regulations on fracking wastewater import and water export to and from the Basin. These draft regulations address the discharge of fracking wastewater in the Basin, the import of fracking wastewater into the Basin, and the export of Basin water resources for fracking uses outside the Basin — all of which, as numerous Basin residents overwhelmingly pointed out, are loopholes in the DRBC's February 2021 ban on fracking in the Basin that need to be closed to fully protect all Delaware River Watershed communities and the environment.

The Coalition's letter reveals a substantial disparity between the number of comment submissions that the DRBC announced it received and the actual number of individual comments. Over the four-month comment period, members of the public submitted at least **11,593** individual comments; several of these comments were compiled and submitted together by environmental organizations (including Coalition members) in the hope of easing the comment process and encouraging public participation. However, DRBC staff has announced that **2,461** "submissions" were received, with a note that submissions may contain multiple comments." This is reducing the full count to only 21% of the true total.

This steeply inaccurate accounting of public interest in the DRBC's rulemaking is a disservice to the thousands of individuals who weighed in on the proposed regulations, and it must be corrected. The DRBC Commissioners include the Governors of

Pennsylvania, New York, New Jersey, and Delaware and the Army Corps of Engineers representing the federal government; each individual comment comes from one of their constituents.

A [letter of complaint](#) about the miscounting was sent to each of the five Commissioners on Monday, April 11.

“People invested their time and energy to make substantive comments to the DRBC because they believe that the health and future of the Delaware River Watershed will be indelibly impacted by this rulemaking and the drinking water of up to 17 million people and the irreplaceable assets of the watershed are at stake. Yet the DRBC staff chose to belittle the importance of each person’s voice by undercounting the true number of those who commented. We want the DRBC Commissioners to know that every commenter wants to be counted and that a fair and democratic calculation reveals almost five times the number of commenters than the DRBC calculated, a gross inaccuracy,” **said Tracy Carluccio, Deputy Director, Delaware Riverkeeper Network.**

“Looking only at submissions instead of individual comments discounts the thousands of people living and working in the Delaware River Basin who voiced real concerns about how these regulations will affect their health and the environment, especially because multiple comment submissions came primarily from environmental organizations,” **said Sahana Rao, Project Attorney at the Natural Resources Defense Council.** “Each of these individuals deserves to be heard in their own right.”

“The drinking water of millions of people is threatened by fracking waste being dumped in the Delaware River Basin. Governor Hochul and other members of the Commission need to hear the voices of those demanding that our drinking water be protected from fracking. The DRBC has a moral and legal obligation to count and consider every comment,” **said Eric Weltman, a New York-based organizer with Food & Water Watch.**

“There is no prerequisite for commenting. People need not qualify as experts in order to submit comments. The DRBC violates the very concept at the heart of the public participation process when it judges comments to be unworthy of being counted because it doesn’t approve of the manner in which they were submitted. At our urging, the DRBC made some course corrections on some long standing Environmental Justice issues during the comment period. Now it’s time for the Commission to erase the injustice from the way it counts comments,” **said Karen Feridun, Founder of Berks Gas Truth.**

“The people of the Delaware River Valley want to be protected from all forms of fracking, including the contaminated waste that comes from it. That is why it's critical that DRBC accurately counts the number of people who are calling on the commission to protect their water. Our basin is already at risk from major fossil fuel projects. The more we wait, the more at risk our clean drinking water for millions of people will be,” **said Taylor McFarland, Conservation Program Manager, Sierra Club, NJ.**

“The great natural beauty and vast biodiversity in the lower Delaware River, Estuary and Bay make this area an economic powerhouse that supports fishing and seafood industries and attracts both tourists and local residents alike. Removing water for fracking and allowing contaminated water into the watershed can diminish this biodiversity and harm our economy. Our DRBC Commissioners need to know how many residents are concerned,” **said Coralie Pryde of the Natural Resources Committee of the League of Women Voters of Delaware.**

B. Arrindell, Director of Damascus Citizens for Sustainability, added, “As noted in our letter to the Commissioners, ‘The commenters are your constituents. ... As elected officials, you know that quantitative measures of your constituents’ opinions, like polls, have great value.’ Commissioners, you wouldn’t reduce your poll numbers to one quarter of their actual value; you cannot reduce our numbers that way either.”

“One person, one vote is the bedrock of our democracy and public agencies shouldn’t be aggregating voices or votes for a policy proposal. The DRBC should count every voice and every comment for and against the fracking waste proposal. Thousands of voices aren’t being counted right now – and the first step DRBC can take is to count every comment and not slice and dice them,” **said Doug O’Malley, Director of Environment New Jersey.**

See the letter submitted to the DRBC Commissioners here: <https://bit.ly/3xjPFX9>

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