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Although produced frack water contains toxic chemicals, heavy metals, radioactive properties and other unknown properties, it amazingly is not classified as hazardous waste water. Instead, the toxic chemicals are proprietary information for the Exploration and Production companies. Therefore, permitting such waste in the Delaware River Basin, the Commission will not know what toxicity they are allowing into the basin itself, making it impossible for the DRBC to monitor and enforce regulations. Only a complete ban of all aspects of fracking can keep the millions of Americans that depend on the basin safe.

The wastewater loophole in the current draft regulations appears to be written to accommodate the treatment facility proposed by Dupont in Deepwater, New Jersey. However, the mission of the DRBC is not to aid the fossil fuel industry, but rather to protect and sustain the high quality of the water within the entire basin. (Please see: <https://www.northjersey.com/story/news/watchdog/2018/02/27/dupont-spin-off-company-bypass-environmental-review/372586002/>)

To quote from the above article: "DuPont Spinoff Company Could Soon Process Toxic Water For Profit," Feb, 2018. North Jersey.com Scott Fallon, Staff Writer, @NewsFallon Published 6:20 a.m. ET Feb. 27, 2018: Environmentalists say Chemours would be allowed to take in wastewater from natural gas fracking operations in Pennsylvania. Fracked water can contain salts, heavy metals, radioactive material and hydrocarbons."

According to the following quotes from the draft regulations, if New Jersey allows the Chemours plant, then neither the Basin Commission nor the public has any say about what is done in the DRB and Delaware Bay. From the Basin Commission's proposed regulations:

"...or in accordance with a state permit issued pursuant to a duly adopted administrative agreement between the Commission and the host state." Also please see 440.5 of the draft regulations: "(a) Produced water Related Commission Policies. 2. (b) Approval required. Produced water and CWT wastewater as defined in this part may not be imported into the Basin except by a new or existing wastewater treatment facility located within the Basin, and may not be transferred to, treated by or discharged from or to a new or existing wastewater treatment facility located within the Basin, at any volume or rate, except in accordance with an approval in the form of a docket issued by the Commission to the owner or operator of the wastewater treatment facility pursuant to Section 3.8 of the Compact or in accordance with a state permit issued pursuant to a duly adopted administrative agreement between the Commission and the host state."