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Because of the difficulties regulating any imported produced water, the DRBC must enact a complete ban of these toxic fluids. Regulations cost taxpayers money and a simple ban does not. Considering the diminished staff at the EPA and the cavalier attitude of the current Federal administration toward environmental issues and safety, it is quite likely that there will be little or no funding to pay for adequate monitoring and enforcement of any produced frack wastewater brought into the Basin. Therefore, the DRBC must do what is both financially and environmentally prudent: Ban the importation of all frack-produced wastewater.

Also, even treated produced wastewater retains the radioactivity, heavy metals and chemicals originally in it. Because it is impossible with current technology and funding for sewage treatment plants to truly purify wastewater produced by fracking operations, all such wastewater must be banned from the Basin.

When New York State released its Environmental Impact Statement regarding the process of fracking 7 years ago, an important question was raised: How can treatment plants clean both sewage and frack fluids, since frack fluids contain biocides that will destroy the primary method of cleaning sewage? And then 9 years ago ProPublica published an article about the serious problems of using wastewater disposal option in treating produced frack fluid.

<http://www.propublica.org/article/drill-wastewater-disposal-options-in-ny-report-have-problems-1229> .

Biology does not change in 7 - or 9 - years.

Seven years ago NYS admitted that getting rid of the toxic produced fluids is an unsolvable problem. That the current DRBC proposed regulations would even consider permitting frack waste in the basin ignores biology, funding, and the processes of treating sewage and waste water. Complicated regulations are difficult to enforce and rarely 100% effective. It would be much simpler and wiser to simply ban the importation of frack wastewater into the DRB.

A Treatment Plant Operator brought up two very salient points in his submitted NYS Environmental Impact Statement comment in November, 2011 regarding this issue of frack waste. How can a plant process produced fluids from fracking if the fluid contents are proprietary?

"1. The fact that fracking fluids are allowed to remain proprietary when they are injected to a publicly owned space, the lithosphere/hydrosphere, equivalent to our atmosphere or oceans is patently absurd and we should refuse this enshrinement of private rights over public needs. Fracking fluid contents must be completely disclosed or the fracking must be forbidden.

2. A company should have a right to proprietary processes as long as these ARE NOT EXPECTED TO result in contamination or damage to public lands, waters, or goods in the normal course of events. The fact that this fluid will be discharged and is not possible to recover 100.00% assures discharge of potentially toxic or damaging materials. As some of the materials (e.g. chromium, phenols) can be hazardous in parts per million or billion even small percentage of expected failure to recover is cause for concern, needing definition of chemicals, analysis and definition of risk. As this is the case, the public interest in the mining process overrides the legitimate desire for industrial privacy and regulation should mandate full disclosure of materials and full testing and disclosure of wastes at the industry's expense.

3. Even if accidental and rare, if also known and expected, these exposures also argue for disclosure of fracking liquid and waste constituents in the spirit of Community Right to Know..

Moreover since these fluids have radioactivity, heavy metals, and unknown propriety ingredients, the question begs; will residents accept discharging of such "treated" fluids in the Delaware River Basin when those very residents depend on its water.