

1 MR. SEDER:

2 Good afternoon, and
3 thank you for the opportunity to
4 comment on the conditions of proposed
5 regulations. My name is Andrew Seder.
6 I'm a field representative for Senator
7 Lisa Baker. Senator Baker cannot be
8 with us today because she's in session
9 in Harrisburg.

10 She would like the
11 hearing record to reflect what an
12 unfortunate consequence that the
13 direction the Commission is taking.
14 And she is giving notice of a
15 legislative remedy she will be
16 perusing. I submit the following
17 testimony on her behalf.

18 Across a wide area of
19 northern and southwestern
20 Pennsylvania, natural gas drilling is
21 providing jobs, boosting the prospects
22 of small communities, lowering energy
23 costs and giving our state an energy
24 advantage in the competition for
25 keeping and bringing in jobs.

1 State regulations have
2 been stiffened, enforced and
3 strengthened and impact fees are being
4 collected and distributed to affected
5 communities. There is certainly more
6 to be done, but we have recognized and
7 responded to concerns about
8 environmental impact and community
9 safety.

10 Despite this reality,
11 the Delaware River Basin Commission is
12 moving toward a permanent ban on
13 natural gas drilling in Wayne and Pike
14 Counties and the rest of the Delaware
15 River Basin following a lengthy
16 moratorium put in place in 2009. The
17 Susquehanna River Basin Commission
18 recently examined potential impacts to
19 water quality for unconventional
20 natural gas drilling and found no
21 discernable impacts on the Susquehanna
22 River Basin's water resources.

23 So the assertion that
24 drilling was an intolerable threat to
25 water supplies just over the hill, is

1 remarkably inconsistent and
2 contradictory. There is also
3 legitimate concern that this is the
4 beginning of an assault on other
5 economic enterprises. The impact here
6 is not necessarily limited to
7 hydraulic fracturing and could
8 potentially be applied to agricultural
9 enterprises and many other activities
10 that have an impact on water supplies.

11 I believe this potential
12 action constitutes a taking, and I
13 will be proposing a legislative
14 remedy. Specifically, my bill will
15 clarify that while the General
16 Assembly does not seek to prevail any
17 lawful and off right action of the
18 DRBC to achieve its purposes, a ban on
19 the extraction of Marcellus shale gas
20 from properties located in the
21 Delaware River Basin constitutes the
22 exercise of Eminent Domain and would
23 require just compensation to impacted
24 landowners.

25 The people of Wayne and

1 Pike Counties have consistently
2 demonstrated that they are good
3 stewards of the land, the water and
4 the environment. And they should be
5 permitted to continue exercising their
6 prerogatives and judgements. Thank
7 you.

8 HEARING OFFICER:

9 The next person on deck
10 would be Laurie Ramie, and I believe
11 the next speaker would be Kevin Paul
12 McGuinness.

13 MR. MCGUINNESS:

14 Hi. My name is Kevin
15 McGuinness. I'm Chairman of Dyberry
16 Township Supervisors. I'm here to
17 state the Supervisors' opposition to
18 the fracking ban.

19 The ban that is in
20 effect are taking the property rights
21 and the assets without compensation.
22 Not only is this action un-American,
23 but it's also a violation of the
24 United States Constitution. The DRBC
25 is proposing to steal property rights