

1 of their lands. Those sitting ---.

2 HEARING OFFICER:

3 Sir, I'm going to stop
4 you at this point, Mr. Peckham. Thank
5 you very much.

6 Next, can I have Barbara
7 Arindell as the next speaker? And
8 then let's see, can you say your name
9 for me, sir?

10 DAVID JONES:

11 David Jones.

12 HEARING OFFICER:

13 David Jones? You'll be
14 after her. And then also we have Doug
15 O'Malley on deck. All right.

16 Is this Barbara
17 Arindell?

18 MS. ARINDELL:

19 Yes.

20 HEARING OFFICER:

21 Please?

22 MS. ARINDELL:

23 Yes. My name is Barbara
24 Arindell. I'm the Director of
25 Damascus Citizens for Sustainability

1 and my family owns property in
2 Pennsylvania.

3 The DRBC is so correct
4 to propose a protected ban on fracking
5 in the Delaware River Basin. It is
6 wrong, though, to propose allowing
7 drilling waste into the basin or
8 export of our precious water. The oil
9 and gas industry has received
10 unprecedented exemptions from our
11 nation's most important environmental
12 and public health laws including the
13 Safe Drinking Water Act, the Clean Air
14 Act, and the Clean Water Act. The
15 industry has known for decades about
16 their inability to prevent damages
17 from drilling and from their liquid
18 and solid waste, leading to their need
19 to avoid liability for the damages
20 they knew they would cause.

21 Their solution was
22 exemptions. First, by making the
23 waste special by an advancing
24 amendment to the Rigboy (phonetic) law
25 of 1980, so the waste from oil and gas

1 exploration and production are not
2 trapped or manifested and needn't be
3 disposed of as the toxic materials
4 they actually are.

5 Then after about 25
6 years of trying, the industry got
7 exemptions to major provisions of
8 settled protected environmental laws
9 in the 2005 Energy Policy Act. The
10 more I learned about the contents of
11 the potential impacts from the waste,
12 the more alarmed I've become.

13 DCS is actively involved
14 with people and communities where
15 drilling wastes are transported and
16 then disposed of. Truck accidents,
17 spills, damaging legal and illegal
18 dumping, all occur. These people will
19 verify that these are literally killer
20 practices. They should not be
21 inflicted on any community and
22 certainly not within the DRB.

23 Property records do not
24 include the right to pollute and
25 contaminate. And regulatory

1 constraints on property usage is not a
2 taking, but rather the obligation of
3 government. If the DRBC was to allow
4 imported waste, the DRBC should also
5 eliminate the exemptions boosting that
6 waste usage in the Delaware Basin and
7 restore the liability to the companies
8 disposing of that damaging waste.

18 HEARING OFFICER:

22 MR. JONES: