

5 | MR. SHEPSTONE:

I want to go back to
when I had a few additional points and
since there's time. And the point I
want to make --- first I want to
correct something that's been said and
that is on the hydro volume site.
Everybody says the water's
disappearing there, that's not
correct.

17 There's actually more
18 water coming from every gas well that
19 is required for fracking. Because
20 when you burn natural gas and it
21 combusts, it produces H2O. And in
22 fact, it's the same thing as what
23 somebody talked about the power plant
24 that --- where the water evaporates.
25 That water evaporates and goes through

1 the hydrologic cycle. It may or ---
2 may or may not rain back in on the
3 same spot.

4 And it's the same way
5 when you burn natural gas. So it's
6 not true. The main thing I wanted to
7 say, though, is that we wouldn't be
8 here if weren't for one thing, and
9 that is the fact that the Wayne Land
10 and Mineral Group sued the DRBC to
11 challenge their project review
12 authority.

13 They would have sat on
14 this moratorium forever, forever,
15 because they want to ride the fence
16 and not make a decision. And they
17 would have done that forever, but for
18 the Wayne Land and Mineral Groups
19 lawsuit, which is now before the Third
20 Circuit Court of Appeals, challenging
21 their authority.

22 This ban is nothing but
23 an end run around the court case.
24 They're afraid of losing. I don't
25 know whether they will lose or win. I

1 don't --- you're a Judge and I'm just
2 a ---.

3 So I have no idea what
4 will happen, but I do know they fear
5 losing. And this is about an end run
6 around that court case. That's what
7 this is. And if water quality is the
8 question I want to also point out that
9 the SRBC battle is the answer.

10 And that bat is in their
11 hands, as I said earlier. But they're
12 deliberately ignoring it. And why are
13 they ignoring it? Because they know
14 it's devastating to the Article 5 case
15 they're making for pollution.

16 They're saying under
17 Article 5 they have a right to control
18 pollution, and if they admit what's in
19 their hands, if they admit that there
20 is no discernable impact on water
21 resources, then they know their case
22 is dead on that as well.

23 So that's why they're
24 avoiding it, and that's why their
25 avoidance is both arbitrary and

1 capricious. And I expect they'll
2 ultimately pay a heavy price legally
3 for that. And part of that arbitrary
4 and capricious behavior is also the
5 fact that they're in league with the
6 William Penn Foundation, with whom
7 they had a contract for several years.

8 I don't believe that
9 they're currently active, but it's
10 still in their budget, where they took
11 money from the same foundation --- the
12 same foundation that funds the
13 Delaware River people. The Delaware
14 River people have sued the DRBC. The
15 DRBC for years had a relationship
16 where they put the --- put the
17 Delaware River people on most of their
18 committees.

19 They took the --- they
20 let them sue them, but then they took
21 money from the organization that sued
22 --- that paid for the lawsuit. That
23 is arbitrary and capricious. Thank
24 you.

25 HEARING OFFICER: