

1                   Abbey Jones?   Is Abbey  
2       Jones here?   Thomas Shepstone?

3                   You were very articulate  
4       earlier.   You really were.

5                   MR. SHEPSTONE:

6                   Thank you, I appreciate  
7       that.

8                   I want to go back to  
9       when I had a few additional points and  
10      since there's time.   And the point I  
11      want to make --- first I want to  
12      correct something that's been said and  
13      that is on the hydro volume site.  
14      Everybody says the water's  
15      disappearing there, that's not  
16      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: