

Gail Brunner

Please see attached DRBC comments

I object to the new rules the Delaware River Basin Commission is considering and am appalled that your Vision, Mission and Values of the Delaware River Basin Commission (DRBC or Commission) states that it provides trusted, effective and coordinated management of our Basin's shared water resources. By allowing the Executive Director, 1 person, having authority over many crucial decisions and these are made behind closed door, without the public and without a vote by the DRBC Commissioners does not keep in line with your Vision, Mission and Values of this Commission providing trusted, effective and coordinated management. This is unacceptable and should not be allowed. These include: the power to decide whether or not a change to a project is "material" (if it is "materials" it would open up for more robust review); and decisions about the submission of applications for projects, what is required in an application and when an application is complete; the extension for some permits for as many as 5 additional years.

The Extension of Permits without an expiration date is given favored status, such as the Gibbstown LNG Export terminal docket. The Executive Director is being invested with exclusive authority regarding extension of permits that removes public input completely and relieves the Commissioners of their responsibility to review and approve extensions. This legitimizes the behind-the-scenes decision making that undermines government accountability and public trust. Remember your Vision, Mission and values that provide trusted and coordinated management which this is not. The Executive Director, One person should not have this much authority.

\$1M is set as a "minimum" amount expended to decide if a project has been sufficiently invested in, and even that value can be disregarded under certain circumstances. No foundation is provided for this amount and no substantive explanation of what "substantial funds in relation to a project" really means. And, the Executive Director has the power to decide if the amount expended is substantial. One person should not be making this decision. Remember your vision is to have Public and stakeholder input as stated on your website.

The DRBC should not be allowing the sponsors of a project to claim that litigation by opposing parties is an excuse that can be used to explain why they haven't built or spent sufficient funds on a project that they want extended.

The subjective and value-loaded term "Material Change" and "Materially" are used throughout the proposed rulemaking – yet no clear definition is available, only a bureaucratic explanation. This terminology is not easily understandable and clouds objectivity in decision-making. It allows for varying interpretations for different projects, which is unfair, including unjust for the public who must live every day with the decisions that are made. Remember your "Mission" on your website states Managing, protecting and improving the water resources of the Delaware River Basin Commission which this subjective term is clearly not.

DRBC is removing all references to the federal Freedom of Information Act from its rules and is setting up an alternative DRBC-centric system that leaves many aspects unaddressed or in the hands of the Executive Director, such as forms, reason for denial, and how costs will be assessed fairly, including if a waiver of fees can be requested like other agencies allow. The DRBC must provide a prescribed public access system that is clear, user-friendly, and affordable to assure public access to public records.

The public needs something concrete to rely on. And it's proposed that the Executive Director determines whether or not to disclose requested information, deciding unilaterally if a disclosure is in the public interest! This invests unfair control over the information in an administrator who may not even be qualified to make such legally important decisions. The public needs to take part in DRBC decisions but without access to information, we can't do that effectively. Information is power and we have a right to it! **The Public Requires Freedom to Information!**

I, Gail Brunner a 32 year Public Health Official licensed in NJ, am appalled that other members' of your Commission will vote on this and not adhere to your Compact signed in 1961 by the various states. I respectfully request that you object to these new rules and remember what your Vision, Mission and Values of the DRBC by following Core Values which these changes are not. Thank you