

Brent Groce

I live one block from the Schuylkill River. For that reason, I am very interested in decisions that impact rivers and their adjacent communities. What I understand about these rule changes under consideration concern me deeply. We need to protect all our water resources — fresh and salt water — more than ever. The pressure on these assets the day belong to the entire community cannot be endangered by a few users. Especially when decisions surrounding access and use of these resources are not debated fully and publicly. Below are some of the points of concern I have. Please do not change operating rules and practices in ways that reduce and limit public access to these decisions. And, please do not concentrate the power to make these decisions to a few people who may not be accountable to the entire community.

1. Do not allow Administrative Staff decisionmaking to cut out the public. The Executive Director is given far too much authority over many crucial decisions and these are made behind closed doors, without the public and without a vote by the DRBC Commissioners. 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.

2. Do not allow some permits to be given a pass. Extension of Permits without an expiration date are 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.

3. Institute a rigorous process for extension of permits for Existing Projects that haven't been built. \$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.

4. Ensure the public is involved in the process and is not disadvantaged in pursuing legal challenges when necessary. They are 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.

5. The Public Requires Freedom to Information! 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!

Thank you,
Brent Groce