

Suggested Questions for Residents:

Q: Has the Army Corps received the results of a mussel survey for the area to be impacted and the appropriate buffer area? If so, what were the results of this survey?

Q: What information regarding flooding at the proposed site has the Army Corps reviewed in assessing flooding and navigational risks associated with the project?

Q: The Project is located in a flood hazard area, what plans are in place to ensure oil and gas waste products can be safely removed in the instance of a flash flood event?

Q: What information has the Army Corps reviewed regarding potential impacts of the Project on the nearby Ohio River recreational resources, including nearby boating clubs and riverfront parks and facilities?

Q: How will this Project impact Marietta's tourist and recreational economy which depends on riverfront recreational and aesthetic resources?

Q: How will the Project impact public health and safety?

Q: Why does the public need this Project? How will this Project benefit the Public?

Q: How has the Army Corps evaluated the potential harm and risks to human health and the environment associated with a spill at the site?

Q: Given that the Ohio River falls in West Virginia territory up to the River's low-water mark, has the Army Corps consulted with West Virginia DEP regarding impacts to water quality and current water uses? If not, do you intend to? Has Army Corps consulted with West Virginia Department of Natural Resources regarding impacts to wildlife (including threatened and endangered species)? If not, do you intend to?

Q: Has Army Corps consulted with any state agencies regarding the project's impacts to water quality and current water uses?

Q: Has Army Corps completed an environmental assessment for this project pursuant to NEPA? If so, what were your findings?

Q: What agencies has Army Corps consulted with regarding endangered and threatened species in the project area? Can you describe that consultation process and what information was shared?

Q: Is Army Corps planning to conduct a full environmental impact statement for this Project, if not, why not?

Q: What is the existing infrastructure on the site? How will that infrastructure be used?

Q: Does the Army Corps know of current baseline water conditions in the Ohio River around the site?

Q: Has the Army Corps conducted an endangered species survey in the area around the proposed dock?

Q: What type of oil and gas waste will be transported using this docking facility?

Q: How would a spill from the facility impact the nearest Ohio River drinking water intake?

Q: Is Army Corps aware of the radioactivity levels and chemical makeup of the waste to be transported to and from the facility? Please describe the information Army Corps has regarding the oil and gas fluids' chemical makeup and radioactivity levels. Who supplied this information? What did Army Corps review to ensure it was accurate?

Q: Does Army Corps intend to prohibit waste from unconventional drilling from being offloaded at the facility? If so, how will that prohibition be enforced given that Coast Guard does not distinguish between conventional and unconventional waste in its certifying of vessels?

Q: Where will oil and gas fluids leaving the facility be transported to? Where will they be transported from?

Q: What vessels will be transporting the oil and gas fluids?

Q: What will Deep Rock do to mitigate impacts to recreational water uses?

Q: Is Army Corps aware that Ohio EPA does not have jurisdiction over oil and gas waste processing facilities and Class II Disposal wells in the State of Ohio?

Q: Is Army Corps aware that Ohio Department of Natural Resources, who currently oversees oil and gas waste processing facilities in the state of Ohio, still has not developed any rules and regulations to oversee these facilities?

Q: How much oil and gas fluids will Deep Rock be receiving? How often will vessels enter and exit the facility? How will this contribute to local ship traffic?

Q: What plans does Deep Rock have in place in the instance of a spill or flooding?

Q: How will the project impact the Ohio River Island National Wildlife Refuge? Particularly Buckley Island and Muskingum Island? How did Army Corps assess that impact?

TALKING POINTS

Public Interest Review and NEPA

This risky project places an unfair environmental and public safety burden on Marietta residents and other communities along the Ohio River for minimal public benefit and should be denied as not in the public interest.

Given the quantity and nature of materials to be transported, the risk of harm to the environment is extremely high, and an environmental impact statement should be done pursuant to NEPA.

There are no public benefits of this project. This project will decrease the recreational and aesthetic values of the Marietta waterfront and hurt Marietta's economy. The project goes against the public interest.

Endangered and Threatened Species

The proposed project is in the known habitat of endangered mussel species including the endangered fanshell mussel (*Cyprogenia stegaria*), the endangered pink mucket pearly mussel (*Lampsilis abrupta*), the endangered sheepnose mussel (*Plethobasus cyphus*), and the endangered snuffbox mussel (*Epioblasma triquetra*). The Corps must engage in a formal consultation with Fish and Wildlife to assess the impact of the project on these species. The Corps also must consult with ODNR Division of Wildlife and WVDNR regarding these species.

West Virginia requires a mussel survey to be done, in accordance with the West Virginia Department of Natural Resources Mussel Protocols, before any in-stream activity can be done. The portion of the dock that is southeast of the Ohio River's low water mark falls squarely in West Virginia territory in an area where freshwater mussels (including endangered and threatened species) are likely to be present. The Army Corps must wait until a mussel survey has been completed for the project and take this information into account during its NEPA review for the project.

The project is nearby the Ohio River Island National Wildlife Refuge--particularly Buckley Island and Muskingum Island. This is a national wildlife resource that must be fully considered and protected. The protection of these natural resources from a potential spill outweighs any benefit of transporting oil and gas wastes on the Ohio River.

Radioactivity

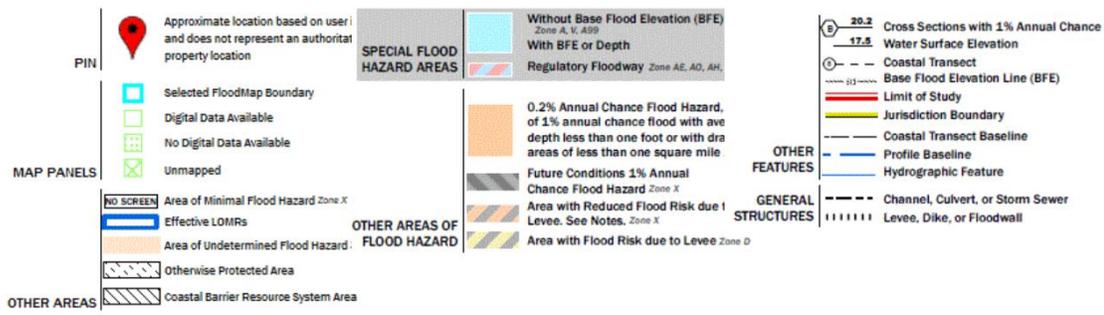
The US Coast Guard makes no distinction between unconventional oil and gas waste and conventional oil and gas waste in how it regulates cargo on the Ohio River. This means there is no way to ensure that vessels coming to the site will not include radioactive fracking waste.

The US Coast Guard does not consider anything measuring under 270,000 pCi/L in Radium 226 and Radium 228 to be a radioactive material, and therefore does not require radioactivity placarding for radioactive cargoes under this threshold. For reference, the federal drinking water standard for these radionuclides is 5 pCi/L and 600 pCi/L is the limit under Ohio law for discharge into waters. This means oil and gas waste with high levels of radioactivity can be entering the site without the public or emergency officials being aware of it. How can communities respond to these risks without even being adequately informed of them?

Flood Hazards

The project is in a flood hazard area and has a high chance of flooding in a given year. This flooding risk will only increase with climate change, according to Army Corps' own research. A project handling toxic oil and gas waste should not be built in an area with such a high flooding risk.

FEMA maps demonstrating that the Deep Rock dock (located approximately at the red pin) will be located in a flood hazard area (these maps do not account for the increasing risk from climate change):



Data from the Marietta Pumphouse gauge shows that the Ohio River in the vicinity of the project has exceeded flood stage 8 times in the past 24 years, and 50% of those floods were considered major flood events:

<https://water.weather.gov/ahps2/hydrograph.php?wfo=rlx&gage=mtao1>

Put simply, this information translates into about a 33% chance of flooding of the facility in any given year, making any oil and gas waste present at the facility also extremely vulnerable to flooding.

Lack of Regulatory Oversight

Ohio EPA does not have regulatory oversight over oil and gas waste processing facilities or Class II underground injection disposal wells, like the one operated by Deep Rock, in the state of Ohio. Instead, Ohio Department of Natural Resources has regulatory oversight. To date, ODNR has not developed rules and regulations for oil and gas waste processing facilities. This means there are no enforceable consistent standards for these facilities to ensure protection of human health and the environment.

Deep Rock has no radiation protection plan despite taking in oil and gas waste with high levels of radioactivity. This means workers are likely not protected from radioactive exposures associated with their work.