

STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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IN RE: CITY OF CHARLES TOWN NPDES
PERMIT MODIFICATION PUBLIC HEARING

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BEFORE: TERRY FLETCHER, Public Information Office
JACOB GLANCE, Public Information Office
YOGESH PATEL, Division of Water and Waste
Management
MATTHEW SWEENEY, Division of Water and
Waste Management

HEARING: Monday, December 10, 2018
6:00 p.m.

LOCATION: Ranson Civic Center
431 West 2nd Avenue
Ranson, WV 25438

Reporter: Bernadette M. Black

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WITNESSES: John Doyle, Jennifer Jones, Danny Lutz, Kirsten Lee, Aileen Curfman, Susan Pipes, Sammi Brown, Jill Strain, Christine Marshall, Ruth Hatcher, Dennis Hatcher, Sharon Wilp, Mark Wilson, Michael Brittingham, Robin Huyett Thomas, Angie Rosser, David Yaussy, John Maxey, Lori Maloney, Brent Walls, Jennifer King, Tim Ross, Anastasya Tabb, David Levine, Benita Keller, Addison Reese, Ned Marshall, Regina Hendrix, Jay Mansfield, David Brock, Gina Biller, David Tabb, Mark Hall, Shaun Amos, Alana Flynn, Laura Stapleton

I N D E X

1		
2		
3	OPENING REMARKS	
4	By Mr. Fletcher	7 - 9
5	TESTIMONY	
6	By Mr. Doyle	9 - 10
7	TESTIMONY	
8	By Ms. Jones	10
9	TESTIMONY	
10	By Mr. Lutz	11 - 13
11	TESTIMONY	
12	By Ms. Lee	13 - 15
13	TESTIMONY	
14	By Ms. Curfman	16 - 18
15	TESTIMONY	
16	By Ms. Pipes	18 - 19
17	TESTIMONY	
18	By Ms. Brown	19 - 21
19	TESTIMONY	
20	By Ms. Strain	21 - 22
21	TESTIMONY	
22	By Ms. Marshall	22 - 23
23	TESTIMONY	
24	By Ms. Hatcher	23 - 25
25		

1	I N D E X (cont.)	
2		
3	TESTIMONY	
4	By Mr. Hatcher	25 - 26
5	TESTIMONY	
6	By Ms. Wilp	26 - 27
7	TESTIMONY	
8	By Mr. Wilson	27 - 28
9	TESTIMONY	
10	By Mr. Brittingham	28 - 31
11	TESTIMONY	
12	By Ms. Thomas	31 - 34
13	TESTIMONY	
14	By Ms. Rosser	34 - 36
15	TESTIMONY	
16	By Mr. Yaussy	36 - 37
17	TESTIMONY	
18	By Mr. Maxey	37 - 41
19	TESTIMONY	
20	By Ms. Maloney	41 - 44
21	TESTIMONY	
22	By Mr. Walls	44 - 46
23	TESTIMONY	
24	By Ms. King	46 - 48
25		

I N D E X (cont'd)

1		
2		
3	TESTIMONY	
4	By Mr. Ross	48 - 50
5	TESTIMONY	
6	By Ms. Tabb	50 - 51
7	TESTIMONY	
8	By Mr. Levine	51 - 53
9	TESTIMONY	
10	By Ms. Keller	54 - 56
11	TESTIMONY	
12	By Ms. Reese	56 - 58
13	TESTIMONY	
14	By Mr. Marshall	58 - 59
15	TESTIMONY	
16	By Ms. Hendricks	59 - 60
17	TESTIMONY	
18	By Mr. Mansfield	60 - 62
19	TESTIMONY	
20	By Mr. Brock	62 - 64
21	TESTIMONY	
22	By Ms. Biller	64 - 65
23	TESTIMONY	
24	By Mr. Tabb	65 - 67
25		

I N D E X (cont'd)

1		
2		
3	TESTIMONY	
4	By Mr. Hall	67 - 70
5	TESTIMONY	
6	By Mr. Amos	70 - 73
7	TESTIMONY	
8	By Ms. Flynn	73 - 74
9	TESTIMONY	
10	By Ms. Stapleton	74 - 75
11	CLOSING REMARKS	
12	By Mr. Fletcher	76
13	CERTIFICATE	77
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

E X H I B I T S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

		Page	Page
<u>Number</u>	<u>Description</u>	<u>Offered</u>	<u>Admitted</u>

NONE OFFERED

P R O C E E D I N G S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
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MR. FLETCHER: We're going to get started. Good evening. I'm Terry Fletcher from the Department of Environmental Protection's Public Information Office. Welcome to tonight's public hearing on Charles Town NPDES permit modification, Application Number WV 0022349. Also here this evening are the DEP's Yogesh Patel and Matt Sweeney with the DEP's Division of Water and Waste Management and Jake Glance with the DEP's public information office.

The purpose of tonight's hearing is to give you the opportunity to share your comments with the DEP about the Charles Town NPDES permit modification. Tonight's hearing is being recorded by a court reporter so that the comments here can be part of the public rulemaking record. To ensure that we successfully achieve the purpose of this hearing, we ask that everyone be respectful and considerate of each other by refraining from interrupting others while they are speaking and keeping your comments on the topic so that our time together is used efficiently.

Because of the large number of

1 speakers and we want to make sure that everyone has
2 a chance to speak, each speaker will get two and a
3 half minutes to speak. I will set an alarm on my
4 phone. And when you hear the alarm please wrap up
5 your comments.

6 For those wishing to speak, when I
7 call you up to provide your comments, please state
8 your name and spell it for the court reporter and
9 say if you are representing any organizations or
10 groups.

11 If you have written comments that you
12 would like to submit in addition to your spoken
13 comments, please hand it to me after you speak or at
14 the conclusion of the hearing. Please remember,
15 this hearing is not the proper forum for question
16 and answers. We are here to receive comments on
17 this permit modification. And we'll respond to each
18 comment when we issue the decision. If you have
19 questions, please speak with a DEP representative at
20 the conclusion of this public hearing. We will
21 begin the hearing with our first speaker.

22 First we have Delegate John Doyle,
23 followed by Jennifer Jones and Danny Lutz.

24 MR. DOYLE: First of all, thanks to
25 the very hardworking people of the Department of

1 Environmental Protection who have made the trek up
2 here. They've done it before and my guess is
3 they'll be doing it again. So thank you all for
4 coming. I'm Delegate John Doyle, D-E-L-E-G-A-T-E,
5 J-O-H-N, D-O-Y-L-E.

6 And I for several months now - as I've
7 encountered people during the campaign and after the
8 election who - who would say to me why can't
9 Jefferson County have a referendum on Rockwool. We
10 had one on November 6th. Rockwool lost big time.
11 This county does not want Rockwool here. Rockwool
12 must not be permitted to come to Jefferson County.
13 So whatever can legally be done to stop Rockwool
14 from coming here should be done - must be done. I
15 think one of those things is to turn down this
16 application. So I urge - I urge the DEP to turn
17 this application down. Thank you.

18 MS. JONES: Hi, I'm Jennifer Jones,
19 J-E-N-N-I-F-E-R, J-O-N-E-S. I live about three
20 miles from the Rockwool proposed facility. I live
21 on a well. And I have a small farm with some horses
22 and a bunch of dogs who rely on clean water. To
23 date, there's been no consistent reliable data from
24 Rockwool on the amount of wastewater going into
25 Evitts Run.

1 This is a very small tributary that
2 cannot sustain contaminated wastewater. Questions
3 that are rhetorical. What will happen? What will
4 your commitment be to testing Rockwool's wastewater?
5 Does the DNR know about the effects on the fish in
6 Evitts Run? Evitts Run is a tributary of the
7 Shenandoah and the Potomac Rivers and ultimately the
8 Chesapeake Bay.

9 Contamination that will surely happen
10 will have lasting effects. Finally, Jefferson
11 County's Karst topography, it means that once there
12 is contamination, it has the potential to ruin wells
13 throughout the entire region, not just downstream.
14 Please deny Rockwool the wastewater permit. Thank
15 you.

16 MR. FLETCHER: Next we have Danny
17 Lutz, followed by Kirsten Lee and Eileen Bergmann.

18 MR. LUTZ: I'm Danny Lutz, D-A-N-N-Y,
19 L-U-T-Z. Just think of it as another four-letter
20 word. I am one of the Jefferson County's
21 conservation district supervisors who was not
22 included in any of the deliberations associated with
23 this facility. And I should ask, as did Delegate
24 Doyle, please deny this permit application for the
25 following reasons. Unless Rockwool is willing to

1 commit to a zero emissions facility. This can be
2 done.

3 I have information, which at the
4 appropriate time I will disclose, that the
5 technology is available, that they will not need
6 their smokestacks, they can centrifuge their wastes
7 and sell them profitably. Rockwool's officials have
8 brushed me off, told me I didn't know what I was
9 talking about. And they have refused to acknowledge
10 that the process that they are using is post World
11 War II, which was designed after the Marshall Plan
12 that rebuilt Denmark.

13 We must not allow this. I told the
14 County Commission two weeks ago that we were not
15 allowed to bid for two major government facilities
16 from the Department of Agriculture. And now, even
17 if they reopened, the process we would be shut out
18 because these people are not going to come up here
19 and work in the footprint of Rockwool. That was -
20 that was 700 GS jobs we didn't get to bid on A,
21 because of Rockwool, B, because our congressional
22 representation failed us.

23 Not one county in the second district
24 got to bid for those jobs, not one. Yet
25 Representative Mooney's Washington chief of staff,

1 Maryland State Senator Michael Hough, assured that
2 Frederick County, Maryland got a bid in on them.
3 Now the last time I looked, Frederick County
4 Maryland was not part of the second district of West
5 Virginia. We've got to have representation that
6 represents us. That includes our senators, our
7 representatives in congress, and our state
8 officials.

9 MS. LEE: Kirsten Lee, K-I-R-S-T-E-N,
10 L-E-E. My family's been in Jefferson County since
11 before the Revolutionary War. As a farmer, a small
12 business owner and a water-drinking, tax-paying West
13 Virginian, I urge you to deny the wastewater permit
14 to Rockwool. Rockwool's information has been
15 consistently inconsistent. How can the DEP trust
16 the effluent estimate cited in this application when
17 Rockwool has contradicted itself on multiple
18 occasions?

19 What effect will releasing that amount
20 of additional wastewater every day into Evitts Run
21 have on the health of the water, the infrastructure
22 and the ecosystem? How confident is the DEP that
23 the water sample Rockwool used in its application,
24 water from the Burr Industrial Park, with only
25 projected effluent estimates, is representative of

1 what will actually come out of the facility?

2 Will DEP ever sample the waste stream
3 directly? Is there any quality control or checking
4 of Rockwool's sampling? Given the nature of the
5 reverse osmosis process, will the wastewater contain
6 concentrated amounts of bacteria and contaminants
7 and what will these be? The waste stream - if the
8 waste stream is ever recorded to be out of
9 compliance, what steps are required and by whom to
10 remedy the situation?

11 What's the timeline? If the effluent
12 is ever reported to be out of compliance and CTUB
13 has real reason to believe Rockwool may be the
14 issuer, does the DEP look to Rockwool or is the
15 burden solely on CTUB? Rockwool has already
16 violated the terms of its water pollution control
17 permit. How can DEP be confident in Rockwool's
18 reporting, given they have already violated the
19 standards and have failed to inform?

20 As stated in the application, the
21 concentration of chlorides in the effluent is
22 projected to be significantly higher than the EPA
23 guideline for the health of stream water. Chlorides
24 are not removed by water treatment plants. How will
25 this affect the concentration of chlorides leaving

1 the wastewater treatment plant and the amount in
2 Evitts Run?

3 Evitts Run is a state stocked trout
4 stream. How will the chloride affect the fish? Is
5 the DNR aware of Rockwool's intention to discharge
6 into Evitts Run? What impact would Rockwool's
7 discharge have on the quality of the projected
8 development of Evitts Run Park and on the edibility
9 of the trout? Some states have enacted standards
10 for chloride in surface water. Would DEP consider
11 that? Does chloride interfere with nutrient removal
12 and other wastewater treatment plant operations?

13 Rockwool has been caught in many
14 documentable inconsistencies and outright lies.
15 They've shown an inability to meet the terms and
16 conditions necessary to ensure environmental and
17 public safety. If the DEP makes a decision before
18 all the information is collected, fact checked
19 against credible third-party sources and shown not
20 to be in the best interests of health and safety,
21 you too will lose all credibility among the citizens
22 you are sworn to represent. Are you prepared to do
23 that? The questions I've asked are not rhetorical.
24 I do expect written answers as per policy. Thank
25 you.

1 MS. CURFMAN: Hello. My name is
2 Aileen Curfman, A-I-L-E-E-N, C-U-R, F like Frank,
3 M-A-N. I live in Berkeley County. I'm here because
4 I live just a few miles from this proposed facility.
5 And I use the Shenandoah and the Potomac Rivers for
6 recreation. I wanted to know what effect the
7 discharge from Rockwool would have and whether I
8 would notice any difference when I spent time on the
9 rivers.

10 So I spent many hours reviewing the
11 permit application and its modifications. The more
12 I study it the more confused I get, the more
13 questions I have. The water balance diagram is just
14 about the most confusing flow chart I have ever
15 seen. And in my career, I have seen a lot of flow
16 charts. It appears that every process is connected
17 to every other process. The direction of flow is
18 not indicated on the diagram.

19 There is, on the chart, a verbal
20 reassurance that flow to Rockwool processes is a
21 one-way flow, so there is no risk of contamination
22 to discharge water. But I see absolutely nothing to
23 back that statement up anywhere in the application
24 for the permit, let alone on this chart.

25 The next question I had was the

1 application states that the effluent will total a
2 maximum of 14,900 gallons per day. But the permit
3 appears to be for 17,000 gallons per day. So what
4 other water are we talking about here? Because
5 those two numbers are not equal.

6 The next question I had is water
7 softeners and reverse osmosis units remove unwanted
8 materials from the water. For instance, metals,
9 salts. These enter what's called the reject stream.
10 Therefore, the reject stream will contain much
11 larger amounts of those unwanted materials than what
12 was present in the beginning as the water came in
13 from the utility company.

14 What protections will be put in place
15 so that our streams do not receive large discharges
16 of materials that could harm aquatic life? Again,
17 nothing in the permit application did I see that
18 would answer that question. Then the majority of
19 the water will be evaporated from cooling towers.
20 And I know there is a law that prevents heating of
21 water beyond a certain amount.

22 And I'm assuming this is to avoid that
23 illegal heating - my time? Okay. Is it appropriate
24 to release all this water? I am asking this of the
25 West Virginia Department of Environmental Protection

1 protect our environment by denying Permit Number
2 WV0022349. Thank you.

3 MR. FLETCHER: Next we have Susan
4 Pipes, followed by Delegate Sammi Brown and Jill
5 Strain.

6 MS. PIPES: Hi. I'm Susan Pipes and
7 I'm a citizen of Charles Town, West Virginia. My
8 last name is P-I-P-E-S. And I'm asking that this
9 permit would be denied. We talk about items that
10 we're not supposed to put in our bodies when we
11 can't read a label in food. And people are standing
12 up here and they're reading off of a list. And I
13 would never be able to pronounce them. Why would I
14 want to breathe it or have it in my water supply?

15 One of your things in your name is
16 protection. And at this point that's exactly what
17 this county should be, is being protected. Simply
18 because if you look at Shenandoah River, Potomac
19 River, this particular piece of West Virginia is
20 just that. It's a different kind of piece of
21 Virginia because we are historical. We should be
22 protected and it just should not be just somebody
23 saying hey, we've met the standards, we've met the
24 protocols.

25 It should be so much more than that.

1 It should be way above that. We should not even
2 think about having to say oh, would we harm the
3 bees, would we harm the rivers, would we harm our
4 air or our children. We should be able to look at a
5 piece of paper and simply say there's not ever going
6 to be an issue.

7 And as you can tell for months and
8 months, we all are questioning just that. And at
9 this point - the only feasible solution at this
10 point is simply to say no. Rockwool has no home
11 here, will never have a home here. And you will be
12 part of the process by listening to all of the
13 constituents in Jefferson County and simply say no.
14 Just say no. Thank you.

15 MS. BROWN: I typically don't stand
16 behind the podium, because I'm all of 5'3" on a good
17 day and you would barely see over my chest, my head.
18 My name is Sammi Brown. I'm a delegate here in the
19 65th District due entirely to your love and support.
20 And I will very specifically and definitively say
21 that I have been opposed to this project. I remain
22 opposed to this project.

23 And this particular application is one
24 step toward having Rockwool here in this community.
25 And I said this time and time again that I am not

1 lost on the fact that they wanted to put corporate
2 interests in the most impoverished and marginalized
3 portion of my community. I'm not lost on the fact
4 that they wanted to sell us off for 150 jobs as
5 opposed to the thousands that are part of this
6 economic ecosystem.

7 I'm not lost on the fact that when we
8 said we choose our families over corporate interests
9 they came back with insults and defamation and
10 slander and I will not stand for that. So I know
11 that today is about an application. And I know that
12 today is about the DEP. But I want to talk about
13 environmental justice. I want to talk about
14 economic justice.

15 I want to talk about how we've
16 mobilized in a real and mindful way to say that we
17 will choose our communities, our families, our clean
18 water. And we will choose this community here in
19 Jefferson County before we will take corporate
20 interests.

21 You know what we're up against, ladies
22 and gentlemen. I know that when we take this on
23 there will be a litigation process. It could be
24 costly. This is one step in a way to make it legal
25 and mindful and not put the fiscal burden back on

1 the hands of our working families. If this permit
2 is denied we are one step closer to that economic
3 justice that we are after. We have a long fight
4 ahead of us. And WV DEP, please hear me when I say
5 this is the community that put us in office.

6 These are the people that mobilize day
7 in and day out. It doesn't matter what the weather
8 is like, it doesn't matter what it looks like
9 outside, it doesn't matter how they feel. They go
10 outside. They are on the front lines to tell you
11 definitively that this project does not belong here.
12 This is not what we want as part of our economic
13 system. This is not the type of development that we
14 want here.

15 This is not how Jefferson County will
16 move forward. So I say to you, my community, thank
17 you, I love you. And that I will always be here.
18 And I will drive back five hours to and from to make
19 sure that I am always here to have your back when
20 you need me and you tell me that you need me here.
21 And that's why I'm here today. Say no to this
22 particular - thank you so much.

23 MS. STRAIN: I'm Jill Strain,
24 S-T-R-A-I-N. Jack and Jill, J-I-L-L. This is
25 personal for me because we live in Eastland.

1 Eastland is a development that goes on both sides of
2 Evitts Run. We go down a big street and it's at the
3 base. Every time we have a heavy rain it comes up
4 and spills over our road.

5 I invite you to drive down Old Cave
6 Road, because you're really about two feet above
7 waterline. This is personal because we're going to
8 be standing in Rockwool waste every time we get our
9 mail. Because when that water goes up and over Old
10 Cave, it circles the mail house. Worse than that,
11 our kids stand there to get the bus with their
12 parents, their dogs and their little tiny two year
13 old sister and brother, standing in waste.

14 Walk a little bit further and there is
15 a field. It's the Walters Farm. It's covered,
16 today, in Evitts Run water that's been sitting there
17 since the last rain that we had. That happens to be
18 my backyard. I live on Walters Farm. So please,
19 don't let them do this to our house. Please.

20 MR. FLETCHER: Okay.

21 Next we have Christine Marshall,
22 followed by Ruth Hatcher and Dennis Hatcher.

23 MS. MARSHALL: Christine Marshall,
24 C-H-R-I-S-T-I-N-E, M-A-R-S-H-A-L-L. I just have a
25 couple of things to say. And I'll hand in my

1 questions and comments. My concern is that the
2 volumes of flow to the POTW have - have changed over
3 time as Rockwool seems to want to do phase
4 permitting. They, in the application, note 112,000
5 gallons to the POTW.

6 But in 12 months - they, at a city
7 council meeting, had said that it's going to be
8 320,000 gallons after 12 months. And I - I really
9 think this should be - the permit application and
10 draft should be rejected. I think that volumes in
11 other documentation put this - this industrial user
12 as a significant industrial user.

13 I think that the amount of chlorides
14 that will be coming to the POTW could damage the
15 biological function of the POTW, which would also
16 cause interference and possibly pass-through, which
17 is another reason to classify this industrial user
18 as significant. And I'm going to go ahead and give
19 you more of my questions in writing. Thank you.

20 MS. HATCHER: Good evening, everyone.
21 My name is Ruth Hatcher, H-A-T-C-H-E-R. Rockwool
22 should take a lesson from Microsoft and step away
23 from Karst topography. In 2010 an eight by four
24 sinkhole was a deal killer for Microsoft's
25 \$500,000,000 new data center, even though 90 percent

1 of the design work was already done, for
2 Christiansburg, Virginia.

3 Microsoft stepped away from Montgomery
4 County, which has Karst topography and went to
5 Mecklenburg County, Virginia, for their data center.
6 They were smart. And if Rockwool were smart, they
7 would follow the lead of Microsoft. Rockwool
8 received DEP violations for sinkhole related
9 problems already. The property is already known for
10 having high risk potential for sinkholes. Per our
11 own Jefferson County Commission 2012 report, we know
12 Karst topography puts our groundwater at an
13 increased risk for contamination, including private
14 wells.

15 Therefore these signs are posted
16 around our county. So not every county will you see
17 these signs. But they are in our county, because we
18 are different. So why do we have these signs? They
19 should be a warning to all industrial polluters that
20 they can and will contaminate us easily. Why is
21 Rockwool having so much difficulty providing
22 truthful and precise water usage information? They
23 have approximately 28 factories around the world.
24 So what's the problem in obtaining data?

25 They should be able to precisely tell

1 us what water usage they have. Thank you. In 2014
2 a chemical spill accident contaminated the Kanawha
3 River Valley. There is a very long history of
4 chemical spills, as the DEP knows. We do not want
5 to become chemical valley number two in the State of
6 West Virginia. I'd like to know why life science
7 research facilities are prohibited on Rockwool's
8 land use restriction. Why does Rockwool need that
9 restriction lifted? What are they afraid of? Thank
10 you.

11 MR. HATCHER: Hi, I'm Dennis Hatcher,
12 D-E-N-N-I-S, H-A-T-C-H-E-R. I have 45 years in
13 utilities distribution and maintenance. And I want
14 to talk about the failures, the failure rate of
15 anything mechanical. India, 1984, thousands died
16 from methyl isocyanate from a ruptured pipeline and
17 tanks. January 2014, Nitro, West Virginia, due to
18 tank failure and chemical leakage. We've got some
19 big ones. Fukushima, the meltdown in 2011.

20 A 66-inch water main break on River
21 Road down in Bethesda in 2009. Chernobyl, 1986,
22 Three Mile Island, 1979. July of this year, a
23 20-inch steam line ruptured in Manhattan, 49
24 buildings were evacuated. July of '07, a 40-foot
25 geyser of steam killed one and injured dozens.

1 Everything mechanical is prone to failure. And the
2 failures that occur with chemicals are deadly to
3 everyone. Please deny this permit.

4 MR. FLETCHER: Next we have Sharon
5 Wilp, followed by Mark Wilson and Mike Brittingham.

6 MS. WILP: Good afternoon, Sharon
7 Wilp, W-I-L-P. I'm going to be short because the
8 majority of my questions are going to be sent in.
9 I'm a huge outdoors person along with five
10 grandkids. And Evitts Run is a state stocked trout
11 stream. So the state invests in the trout, they
12 stock the stream that Rockwool's going to kill if we
13 allow this permit.

14 The amounts of high concentration of
15 chloride, the unknown amount of saline, will cause
16 the water to become brackish. So we're going to
17 have saltwater in Evitts Run if this is allowed. It
18 will kill off all of our fish, vegetation,
19 crustaceans. I eat crawfish. How can you grant a
20 permit on unknown amounts Rockwool refuses to give?
21 They won't tell us their usage. They won't tell us
22 what they're going to do.

23 I guess they think we're a bunch of
24 morons. But we're not. That's why we're here
25 tonight. So I'm asking you, please deny the permit.

1 Don't allow Rockwool to dump their unknown
2 carcinogens and everything else in our water. Thank
3 you.

4 MR. WILSON: Mark Wilson, M-A-R-K,
5 W-I-L-S-O-N. I would encourage you to complete your
6 mission and core work, which is environmental
7 protection. This means keeping our water pure and
8 heavy industry from overwhelming our water system
9 and dumping pollutants into our water streams. Our
10 local leaders have already called into question the
11 numbers used in this permit and that it is flawed.
12 This is on record at our local meetings if you need
13 supporting information.

14 Additionally, Rockwool has
15 demonstrated that they don't demonstrate quality and
16 safe usage of water, when they can't even manage
17 their construction site. It already has violations.
18 They have demonstrated the unwillingness to report
19 these violations to the public and to the EPA. The
20 construction site is a simple task. So how can we
21 trust their daily industry practices? That in
22 itself is enough to deny this permit, the fact they
23 already have violations and will undoubtedly get
24 worse. I have well water and oppose the retention
25 ponds that would contain contaminants that would go

1 into the underground water source.

2 The contamination could affect the
3 livelihood of fishing guides and rafting tourism.
4 This is enough to jeopardize a piece of our economy.
5 The amount of water usage from this one plant is
6 simply an over usage of the water the rest of us
7 need.

8 The discharge will also overwhelm the
9 system that is already in place. Our water source
10 is downstream of the contaminants this facility will
11 put out. I oppose this permit and heavy industry
12 destroying the clean water we have. Thank you.

13 MR. BRITTINGHAM: Good evening. My
14 name's Mike Brittingham. I'm a city councilman in
15 Charles Town. And I first just want to thank the
16 DEP for holding this hearing this evening. I
17 understand that that is not a requirement of this
18 minor modification. So I do appreciate you making
19 that exception. I think it's important. I'm here
20 to talk to you this evening. I get to talk to these
21 folks every other Monday night.

22 On August 6th I found myself in a
23 similar public hearing. A similar situation that
24 you find yourself in now, sitting for hours of
25 public comment while the citizenry of this county

1 begged us to listen to their concerns about the
2 severe environmental and economic impacts this
3 factory will burden onto the residents. Knowing
4 that today, you also take from it what I did. That
5 is that there is an inadequate amount of due
6 diligence that has been performed. And much more is
7 necessary to make an informed decision regarding any
8 aspect of this project.

9 Every new document that comes to light
10 has included a new unknown detail or conflicting
11 piece of information about this project. According
12 to Rockwool's fact sheet from 7/31/18 their Rockwool
13 sewer usage will be a minimum of 13,000 and a
14 maximum of 26,000 gallons per day. According to
15 Rockwool, Mississippi, average numbers for 2018
16 their sewer usage will be approximately 34,000
17 gallons per day.

18 According to a study done by Deloitte
19 Engineering, on February 23rd, 2017, their average
20 sewer usage will be 47,000 gallons per day.
21 According to the same company their average sewer
22 usage will be 95,000 gallons per day. According to
23 the Route Nine sewer shed study the average usage
24 will be 40,000 to 100,000 gallons per day. Because
25 of all this conflicting information when this permit

1 was presented to the Charles Town City Council,
2 which was approximately 15 minutes, after it was
3 submitted to you all, I called into question the
4 validity of the numbers contained within it and
5 numbers contained - not contained within it, such as
6 their domestic usage.

7 Because of this I requested six months
8 of Rockwool's factory in Byhalia, Mississippi of
9 their sewer usage and water, which has been
10 described by Rockwool as a sister facility to this
11 one. Once those numbers were received it led to
12 more questions than answers. In the cover letter
13 from Rockwool to the city it was noted by Peter
14 Isenberg from Rockwool that, quote, the sewage bill
15 reflected numbers between 200 and 400 percent higher
16 compared to the information contained within the
17 industrial wastewater permit in Charles Town.

18 The letter continued, these figures
19 are way out of proportion to normal use and result
20 from calculations made by the local wastewater
21 treatment plant. These calculations are not
22 transparent to us and we are not able to verify the
23 numbers. In other words, here's our usage, our
24 sewer bills are wrong. If Rockwool's unable to
25 verify the sewer usage numbers of their own

1 facility, which has been operating for three years
2 in Byhalia, how can they be relied upon to estimate
3 numbers for a factory which hasn't even received a
4 building permit yet?

5 I want you all to know, you have time.
6 The JCDA, which is building the waterline for this,
7 is currently in a state that they can't even operate
8 because so many members resigned over this. I'll
9 finish up very quickly. The Charles Town City
10 Council has tabled this sewer vote indefinitely and
11 won't even discuss it again until January 7th.

12 You have time to do your due
13 diligence. If you'd like more info, please, I
14 implore you, reach out to me. I also implore you,
15 do not make the same mistake that myself and many of
16 my colleagues made by putting another rubber stamp
17 on this disastrous project. Thank you.

18 MR. FLETCHER: Okay.

19 Next we have Robin Huyett Thomas,
20 Angie Rosser and Dave Yaussy.

21 MS. THOMAS: Okay.

22 My name is Robin Huyett Thomas,
23 R-O-B-I-N, H-U-Y-E-T-T, T-H-O-M-A-S. I'm here
24 tonight. My husband and I own a 26-acre farm, horse
25 farm, off of Old Cave Road. Evitts Run runs through

1 the southern edge of our property. The entrance -
2 the only entrance to our property is down a private
3 lane, across a bridge that spans Evitts Run.

4 The bridge spanning Evitts Run is
5 constructed of four metal culverts that are covered
6 with concrete and then asphalt. The entire private
7 lane is asphalt from the main road to the farmhouse.
8 Since purchasing the property ten years ago we've
9 experienced periodic flooding of the bridge for
10 short intervals. Once the water receded the bridge
11 was able to move the water through all four
12 culverts.

13 At no time was it totally impassable
14 until the heavy rains we encountered in the spring
15 of 2018. At this time the bridge has sustained
16 damage. In the past ten years we have endured an
17 increased amount of silt, debris and brush flowing
18 down Evitts Run. The build-up of silt and debris on
19 a continuous basis blocks the water flow through the
20 four culverts, resulting in water flowing over the
21 bridge, impacting the integrity of the bridge.

22 Efforts to maintain the bridge by
23 debris removal, dredging of the silt away from the
24 upside stream side of the bridge last only as long
25 as the next rain. The silt buildup has now become a

1 continuous process with normal water flow and
2 increases of water flow surges during storms. My
3 understanding of the requested modifications is to
4 allow direct discharge of storm water runoff through
5 Outlet Number 004 to Evitts Run.

6 This outlet is between the water
7 treatment plant and our farm. Rockwool proposes to
8 emit approximately, as I understand, 15 (sic)
9 gallons of concentrated water to Charles Town
10 treatment plant, which will then be treated and
11 discharged into Evitts Run. Evitts Run, which is
12 straining with current discharges of wastewater
13 containing phosphorous nitrogen and other chemicals
14 along with the marked - very marked increase in
15 sediment, will then be tasked to handle another
16 increased discharge, further overburdening Evitts
17 Run. Possibly damaging property along the impacted
18 section of the run, as well as endangering West
19 Virginia's compliance with the Chesapeake Bay
20 Watershed Implementation Plan.

21 Again, our bridge is the only access
22 to our property. The integrity of this bridge is
23 compromised from current conditions and could
24 sustain damage in structural integrity, especially
25 if we continue to see an increase in rainfall in the

1 region. Not only is the integrity of the bridge
2 compromised, but also the farm itself, along with
3 property value.

4 As a property owner I have the right
5 of safe use of my property and not to sustain
6 devaluation of my property from any outside sources,
7 to include corporate entities. This is not the
8 first time I had to stand up for this property and
9 the county of Jefferson County. In 2008 the route
10 for path of 700 KD high transmission line was
11 rerouted from Shepherdstown to the southern part of
12 the county. Along with eight dedicated people in
13 Jefferson County and hundreds of intervenors, we
14 spent three years fighting this line and we won. It
15 was not right for the county and neither is this.
16 Thank you.

17 MS. ROSSER: Angie Rosser, A-N-G-I-E,
18 R-O-S-S-E-R. Good evening. I'm Angie Rosser. I'm
19 representing the West Virginia Rivers Coalition.
20 And we will be - thank you. No, our applause is to
21 you all. Because the whole state is watching what's
22 happening here in Jefferson County. And it is
23 turning heads. And people who have been subject to
24 industrialization imposed on them are gaining hope
25 and gaining a voice. So thank you all. And we'll

1 be submitting written comments.

2 Because I have limited time I'm going
3 to stick to the four Cs, Capacity, Chloride,
4 Compliance and Community. Capacity, In August of
5 this year, 2018, because of high storm events, the
6 wastewater treatment plant was overwhelmed and they
7 had to bypass treatment. So in that case untreated
8 sewage, polluted storm water was directly discharged
9 into Evitts Run. So what makes us think if the
10 wastewater treatment plant can't handle it now, with
11 Rockwool are they going to be able to handle it?

12 Chloride, it's been mentioned before.
13 The permit modification states that up to 5,000
14 milligrams per liter will be discharged to the
15 plant. The human health criteria, the limits to
16 protect our health, is 250 milligrams per liter.
17 How are we going to get from 5,000 to 250? That
18 needs calculated and explained.

19 Compliance, no information in this
20 permit modification includes non-compliance or
21 pollutant discharge estimates because they say this
22 is a new facility. But we know that there are other
23 facilities like this. So the DEP must request
24 compliance reports and pollutant discharge
25 monitoring reports from the other facilities in

1 order to make an informed decision.

2 And finally community. Community, I
3 have never seen anything like this. And what is
4 impressed upon me is that these decisions shouldn't
5 be made in Charles Town, but these decisions should
6 be made locally here in the community. And the
7 community has said we don't want this. So I - I
8 appeal to the decision makers in Charles Town who
9 are listening to this and hopefully considering
10 these comments that they take a proactive step and
11 withdraw this modification. Withdraw it.

12 MR. YAUSSY: My name is David Yaussy,
13 D-A-V-I-D, Y-A-U-S-S-Y. And I have this statement
14 to offer on behalf of Rockwool. The Rockwool
15 manufacturing facility being construction - being
16 constructed in Ranson will be in the Charles Town
17 Utility Board service area. Rockwool has requested
18 sewer service from the Utility Board, which is
19 required by state law to provide service to any
20 customer in its territory.

21 Regardless of board members' personal
22 opinions about a particular customer, all customers
23 must be served without discrimination. For CTUB,
24 the Utility Board, to comply with the law and
25 provide service to Rockwool, it must modify its

1 national pollutant discharge elimination system, or
2 NPDES, permit. That is the reason we are here
3 tonight.

4 CTUB has asked the DEP to modify its
5 permit and allow it to accept the effluent from the
6 plant. There is nothing in that effluent that will
7 interfere with the sewer plant's operation. In such
8 a situation the DEP is obliged to approve the permit
9 modification, as there will be no environmental
10 consequences as a result of receiving the effluent.

11 The law requires the DEP to evaluate
12 all applications strictly on their technical and
13 environmental merits.

14 MR. FLETCHER: I'd like to remind
15 everyone to please remain respectful while everyone
16 is speaking. We have a limited amount of time here
17 and we want to make sure we receive all comments.
18 Thank you.

19 MR. YAUSSY: The law requires the DEP
20 to evaluate all applications on their technical or
21 environmental merits. Political or other
22 considerations in relation to who connects with a
23 public utility are not material to this discussion.
24 The sewer line that will be constructed between the
25 Rockwool plant and the CTUB sewer plant will either

1 be constructed cost free to CTUB customers with the
2 aid of state financing. Or CTUB customers will pay
3 for it in future years in accordance with the rules
4 of the Public Service Commission. Rockwool supports
5 the CTUB application for modification of its NPDES
6 permit and urges the DEP to promptly approve it.

7 MR. FLETCHER: I'd like to remind
8 everyone to please remain respectful. Thank you.
9 Next we have John Maxey, followed by Lori Maloney
10 and Brett Walsh.

11 MR. MAXEY: Thank you. That's John
12 Maxey, J-O-H-N, M-A-X-E-Y. And I'm representing the
13 Blue Ridge Watershed Coalition. And I am here to
14 explain to Mr. Yaussy why it is that it is not
15 environmentally possible to grant this permit. The
16 Blue Ridge Watershed Coalition believes that
17 approval of the permit modification will violate
18 West Virginia's commitment under the Chesapeake Bay
19 Accord and that it should therefore be denied.

20 West Virginia Governor Bob Wise signed
21 the multi-state agreement in June 2002, committing
22 our state to reducing nitrogen, phosphorous and
23 sediment loads to the Chesapeake Bay. Citizen
24 watershed groups and water quality monitors are a
25 key component of West Virginia's Chesapeake Bay

1 strategy. And the Blue Ridge Watershed Coalition is
2 proud to play our part.

3 BRWC has been collecting water quality
4 samples at locations along the Shenandoah River and
5 its tributaries since May 2013. Volunteers are
6 trained and certified as water quality monitors and
7 samples are analyzed at the Friends of the
8 Shenandoah River Lab at Shenandoah University. The
9 FOSR lab is certified by the EPA under the National
10 Environmental Laboratory Accreditation Program. The
11 BRWC water quality data is sent to the EPA every
12 year as part of the Virginia State 305(b) filing
13 under the Clean Water Act.

14 Five years of monitoring data show
15 that while overall Shenandoah River water quality
16 has been improving, the improvements are entirely
17 within the State of Virginia. Both nitrate and
18 phosphorous levels increased by 59 percent as the
19 river flows through Jefferson County. Turbidity and
20 conductivity, indications of sediment increased by
21 15 percent and 11 percent.

22 Concerned about these increases, BRWC
23 voted in 2015 to add monitoring sites at tributary
24 streams to isolate where the increases were coming
25 from. Three years of monitoring of the Evitts Run,

1 the stream that this permit will allow discharges
2 to, show that it is in fact the major contributor to
3 this problem.

4 Nitrate levels in the Evitts Run are
5 five times the average level in the Shenandoah
6 River. Total coliform or E. coli levels are six
7 times what we have in the Shenandoah. Additional
8 sampling along the stream shows that many of these
9 high levels exist at the headwater spring off of
10 Route 51.

11 This is an indication that some of the
12 pollutants are from legacy farming operations and
13 flow directly from the Karst groundwater source.
14 The Rockwool permit modification request describes
15 how 100,000 gallons of water per day will be pumped
16 from JUI's Karst groundwater source and then
17 purified by using reverse osmosis.

18 This will concentrate the JUI source
19 water by tenfold and put that tenfold concentrate
20 into the Evitts Run through the treatment plan,
21 thereby making the Evitts Run problem worse than it
22 already is. The Blue Ridge Watershed Coalition
23 believes that approval of this permit will put
24 Jefferson County citizens at risk of significant
25 penalties for noncompliance with Chesapeake Bay

1 mandates. Thank you.

2 MR. FLETCHER: Lori Maloney. And then
3 after Lori we have Brent Walls and Jennifer King.

4 MS. MALONEY: Thank you. That's Lori,
5 L-O-R-I, Maloney, M-A-L-O-N-E-Y. I am with
6 Jefferson County Vision, although - thank you very
7 much. JCV will be submitting a letter. So my
8 comments are my own tonight. I hear Jake Glance is
9 here. Is he in the room? I would love, Mr. Glance,
10 to have an opportunity talk with you afterwards.
11 We've been attempting to communicate with you for
12 quite a while now.

13 And I know that DEP is very busy. And
14 I don't mean that at all sarcastically. I know that
15 you have a lot on your plates. I've worked in
16 Pennsylvania with a lot of staff members at the DEP
17 level in Pennsylvania. And I truly do understand
18 the level of - the volume of material that comes to
19 your offices and what you have to do for the
20 environment. And I appreciate that. I would
21 appreciate that our many requests are responded to
22 in a timely fashion.

23 Many others have made comments tonight
24 on how can we possibly approve this permit when it
25 is very unclear exactly how much water is coming

1 into Rockwool and how much effluent is exiting. If
2 we can't even get those numbers straight how can we
3 be certain what the concentrations of these
4 constituents in the water will be going into the
5 Charles Town wastewater treatment plant? Also do we
6 really know what is in the water?

7 We were provided a table that was a
8 water sample from Burr Industrial Park. I think we
9 take this to mean that Rockwool's water is going to
10 be coming from a similar - a similar water source.
11 And Rockwool has claimed in other meetings that
12 their water will be concentrated four times because
13 of the reverse osmosis processing that they're doing
14 for it. They're also sending the water through a
15 water softener.

16 So a lot of the constituents in their
17 water will be concentrated four times before going
18 to Charles Town wastewater treatment plant. So I've
19 been trying to make sense of this table. There's a
20 table that was included in the permit documents that
21 list a number of things such as magnesium, sodium,
22 potassium, barium. And I did some calculations.

23 And some of these constituents are
24 coming out at about five times greater
25 concentrations than they're going in. Some of them

1 are coming out at seven. Some of them are coming
2 out at eight times concentration than what they're
3 going in. So first of all, I'm not really sure why
4 there's not - maybe there's something happening
5 chemically in the water that I don't know that's
6 making not all of them - okay. That not all of them
7 out at the same concentration as one another.

8 But we have sodium and chloride coming
9 out very, very, very high. And this is I assume
10 from the water softening system. Chloride has been
11 shown in research studies to decrease the capacity
12 of wastewater treatment plants to remove nutrients.
13 That is the purpose of a wastewater treatment plant,
14 especially when you're trying to comply with the
15 Chesapeake Bay agreement. Let's reduce those
16 nutrients coming out.

17 What is to happen if these - all these
18 chlorides going into the wastewater stream damage
19 the new tertiary treatment capacity of the
20 wastewater treatment plan. Who is responsible?
21 Who's on the hook? Is that CTUB or is that Rockwool
22 if we have a violation that results in
23 non-compliance? So I'd like to know the answer to
24 that. And also I just want to remind you that many
25 other states are enacting water quality standards

1 for surface waters for chloride.

2 And I'm wondering if DEP, West
3 Virginia DEP, is also going to be looking into that,
4 because chlorides can degrade water quality. They
5 are - they can be harmful to aquatic life. Other
6 states are starting to see this. The EPA has - has
7 guidelines as well. And what Rockwool is putting
8 into the waste stream is much higher than those
9 standards. So please do the right thing and ask for
10 more information from Rockwool before you even
11 consider approving this permit. Thank you very
12 much.

13 MR. WALLS: My name is Brent Walls,
14 B-R-E-N-T, W-A-L-L-S. I'm your Upper River Potomac
15 Riverkeeper. And I am here on behalf of the 200
16 members - thank you. I'm here on behalf of the 200
17 members in - of our organization in West Virginia,
18 the 3,000 members in the Potomac Watershed, the
19 9,000 signers of the petition of the No Potomac
20 Pipeline Campaign. Thank you very much.

21 I'm submitting comments today in
22 written form for Potomac Riverkeeper Network at also
23 for Jefferson County Vision and the remarkable
24 number of followers and supporters that they have
25 created in such a very short time. This is exactly

1 why Ranson kept this quiet in the beginning.
2 Because if they didn't you all would have stopped
3 this right off the bat. Right? You saw how West
4 Virginia DEP came to the defense of Rockwool.

5 He's not coming up here telling you to
6 stop clapping. So - and they've already come out
7 and said how they've supported the air permit.
8 Right? So my question to them is, have they ever
9 denied a permit modification? And in my nine years
10 of experience with working with West Virginia DEP I
11 have not seen one. So I don't have a whole lot of
12 hope that they're going to deny it. But I'll tell
13 you what. With all the people here tonight they
14 just might.

15 And if not, then I implore to the
16 Charles Town Utility Board to stand up against
17 Rockwool. Don't let that bully tell you what you
18 can or can't do. If you don't want something coming
19 into your wastewater stream and you have questions
20 and they haven't provided answers, then they need to
21 say no, not until you give us the right amount of
22 information. I don't care what legal arguments that
23 Mr. Rockwool over there is going to want to push and
24 threaten on everybody.

25 But I tell you what, we all - who here

1 doesn't have any - has questions and comments and
2 concerns and doesn't understand a damn thing in this
3 permit? Exactly. Right? Exactly. So DEP has
4 failed in their job in providing adequate
5 information for public to make and address
6 educational comments so they can make their
7 decision. So therefore based on that note they need
8 to revoke this permit.

9 MS. KING: Can everybody hear me?
10 Okay.

11 The Division of Water and Waste
12 Management's mission is to preserve, protect and
13 enhance the safe watersheds for the benefit and
14 safety of all its citizens through implementation of
15 the programs controlling hazardous waste, solid
16 waste and surface and groundwater pollution from any
17 source. That's the DEP's mission and that's your
18 guys' mission. Benefit and safety of all its
19 citizens. Rockwool is a foreign corporation not
20 paying West Virginia taxes.

21 They are not West Virginia citizens.
22 Rockwool's storm water violations have possibly
23 already poisoned our well water. Their property was
24 an apple orchard for many years that used arsenics
25 and pesticides. The sinkholes and soil erosion

1 violations have posed serious threats to our
2 watersheds already. In addition, all the science
3 tells us that Karst systems such as ours is not
4 suitable for a company like Rockwool who uses
5 sediment ponds.

6 Rockwool storm water violations have
7 already possibly killed Madison Cave Isopods, a
8 federally endangered species. They were fully aware
9 of the Isopods' presence and the practices to
10 prevent harming them. There are many Rockwool
11 documents with higher sewer usage figures than what
12 was submitted by CTUB for the sewer modification.
13 CTUB submitted the application without Charles Town
14 Council's approval.

15 In addition, CTUB and Charles Town
16 Council's law firm, Steptoe and Johnson, have not
17 properly and entirely disclosed information to
18 Charles Town Council and Rockwool's financing sewer
19 usage. This has been revealed through the City of
20 Ranson's FOIA documents, thank you FOIA, and by John
21 Stump - John Stump of Steptoe and Johnson, and CTUB
22 admission in Charles Town Council's meeting on
23 December 3rd. Rockwool is submitting very low usage
24 numbers to appease Charles Town Council and the
25 public and to achieve a minor modification.

1 In addition, CTUB and Rockwool have
2 not been forthcoming with what is in their sewage.
3 They claim it is only reverse osmosis and sanitary
4 waste. Again, the - Ranson's FOIA documents
5 revealed in an email dated March 20th, 2017, from
6 Deloitte, Rockwool's consulting agency, to Jane
7 Arnett of CTUB, which described Rockwool would be
8 discharging over 2,600 - 2,600 gallons per day of
9 water from cleaning paint treated with flocculants.

10 Phenol and ammonia will also be
11 present in the waste. This information was never
12 formally or officially disclosed to Charles Town
13 Council or to the public. There's only two things
14 that we know for sure about Rockwool. It's that
15 they lie and they will poison us. Rockwool has
16 already shown to be reckless and negligent to the
17 safety and health of Jefferson County citizens and
18 our environment. Please do your job and uphold your
19 mission. Please protect us from Rockwool's
20 pollution and help us preserve our watershed and our
21 environment. Do not approve the sewer modification.

22 MR. FLETCHER: Okay.

23 Next we have Tim Ross, Anastasya Tabb
24 and David Levine.

25 MR. ROSS: That's Tango, India, Mike,

1 Romeo, Oscar, Sierra, Sierra. You've got to get the
2 numbers straight from Rockwool. You can't trust
3 anything they tell you. You should withdraw,
4 anything you can do. Turn down the permit.

5 Okay?

6 Now so all of my talking points have
7 been taken by other people. So let's talk about a
8 little history first. There was the gentleman
9 talking about - about the law.

10 Okay?

11 West Virginia exists because we didn't
12 care about the law. We said no, we're not going to
13 have anything more to do with Virginia. The miners
14 on Blair Mountain said hey, bosses, you've got the
15 law on your side that says we have to go back to the
16 mine. No. You say this ain't political?
17 Clausewitz says war is politics carried on by other
18 means. Rockwool, you are at war with this town. It
19 is all political.

20 I was born in the Valley of Ohio.
21 I've lived in the Valley of the Guyandotte, the
22 Tygart, the Little Kanawha, the Big Kanawha. I'm
23 not going to see done to ours what's been done to
24 them. Good luck facts from Rockwool.

25 All right?

1 He says oh you've got to do it, that's
2 law. Then why are we here? Why do you have a job?
3 A robot could do it. You can send it in, boom. If
4 you just keep stamping it and stamping it and
5 stamping it. You are human, we are human. We are
6 West Virginians, they are not.

7 MS. TABB: Hello, my name is Anastasya
8 Tabb, A-N-A-S-T-A-S-Y-A, Tabb, T-A-B-B. I come here
9 today and ask you as the majority of others you'll
10 see, residents of this county, to deny the
11 wastewater permit modification that you received.
12 It is not necessarily supported by the council, the
13 Charles Town Council, who CTUB should have
14 thoroughly vetted this before them before it was
15 sent to you, as you heard by Councilman Brittingham.

16 So I'd like you to take that into
17 consideration, that's what you're supposed to do.
18 You're supposed to look at all this information and
19 scrutinize these numbers that we have been doing for
20 months and get to the bottom of this. Rockwool on
21 one hand will say these are the numbers, this is
22 what we need. And then they say well we've
23 submitted something else or this is not accurate a
24 year later. Get to the bottom of it.

25 You went to Mississippi members of the

1 DEP. I know that you all met in January with other
2 state offices. Some people thought this was a good
3 idea and it's turning out to not be. Things have
4 been going well in Jefferson County, as I'm sure
5 that you've seen through other parts of our state.
6 We've been doing something right here. The people
7 are telling you that Rockwool is wrong. And what
8 they say they're going to discharge or what they're
9 not going to discharge, get to the bottom of it.

10 Deny it now, figure it out. Whether
11 it's a good decision or not, which it doesn't appear
12 to be. I'd ask that you reconsider what's before
13 you and look to the facts and make the right
14 decision. Please deny this. And I will submit my
15 comments further.

16 MR. LEVINE: Hello. My name is David
17 Levine. D-A-V-I-D, L-E-V-I-N-E. I have been a
18 resident of Shepherdstown for 23 years. And I
19 concur with Tim that this is political. The root of
20 political is the same as police and polite. It
21 essentially means people. And this is a decision
22 for us two-leggeds, us human beings.

23 Someone asked - somebody I know who
24 happens to know DEP Secretary Austin Caperton, why
25 he was holding the Bavarian August 8th meeting in

1 private. Why didn't he come out and speak to us?
2 And his answer was I didn't want to get my ass
3 whooped. Now he obviously didn't say that
4 publically. But he said that to a human being I
5 know.

6 At that meeting - so we have learned
7 that our public officials were fooled by Rockwool.
8 They were handed materials that presented this as a
9 green company. They believed that they were going
10 to be good neighbors. They believed that they were
11 going to be part of the community. Nobody was on
12 high alert. Regina Hendrix is here from the Sierra
13 Club, who grew up in Southern West Virginia.

14 Moved here because she didn't think
15 that her home was going to be threatened by
16 industrial interests out here. She was not on high
17 alert for PSD permits being filed. So we didn't
18 notice. We trusted our public officials. The
19 public officials trusted the state officials, who
20 trusted this company.

21 What we've learned is from a FOIA
22 request from Jefferson County Vision. We learned
23 that the intent is a 1,000-acre industrial zone
24 right outside this city. There is one good reason
25 for that. When I was in Charleston in 2002 I had a

1 conversation with the executive director of the West
2 Virginia Development Office. He said to me the
3 biggest challenge is there are too many mountains.
4 Too many mountains means not enough places for
5 amenities like Wal-Mart's, like industrial parks,
6 like factories.

7 So what they have decided is that
8 these 1,000 flat acres are good for industry. Well,
9 they're not. They're good for agriculture,
10 education, tech development, tourism and all the
11 other things we have here. We do not want the part
12 of West Virginia that's already ruined. And I'll
13 just sum this up, one of the public officials who
14 was at the Bavarian meeting asked Secretary Caperton
15 if there was a real risk to human life and if life
16 could get cut short.

17 His answer was look at any actuarial
18 table. You will see 100 percent of the people will
19 die. Now that is the type of callousness that we
20 cannot let into our community. So please take that
21 back to Secretary Caperton. And please deny this
22 permit.

23 MR. FLETCHER: Okay.

24 So next we have Bernita (sic) Keller,
25 Eric Vance and Addison Reese.

1 MS. KELLER: It's Benita, B-E-N-I-T-A,
2 Keller, K-E-L-L-E-R. Dear West Virginia DEP, my
3 name is Benita Keller. I also speak for my
4 86-year-old mother, Juanita Anderson Cushman, who
5 wishes to be here and be heard. She's too ill and
6 she's not even able to write. I am a 64-year
7 resident of Jefferson County. I grew up in
8 Kearneysville. My 86-year-old mother has lived in
9 Kearneysville her entire life, along with her
10 parents before her.

11 Our farm in Kearneysville has two
12 wells that still is supplying pure water for two
13 families, along with over 60 years of raising
14 horses, cows, chickens, goats and pigs, and supply
15 water for our garden. When we bought the farm in
16 1957 I was three. There were two sinkholes. We now
17 have three sinkholes. One sinkhole would hold a
18 cow. One sinkhole has now gotten larger that it
19 will hold an entire truck.

20 We are requesting, all of us, the members
21 of my family, my family's requesting as well, that
22 the members of the West Virginia DEP deny
23 Application Number West Virginia 0022349. How much
24 water will Rockwool be discharging? And can they,
25 the Utility Board and you, the DEP, guarantee us,

1 our families, our children and all affected that
2 there will never be any contamination ever into our
3 wells, our streams, the Potomac River, the
4 Shenandoah River and the Chesapeake Bay?

5 When the representative of Jefferson
6 Utilities was asked for the guarantee of no
7 pollution by one of the commissioners the
8 representative said, quote, guarantee is a strong
9 word and would not guarantee their own system. What
10 is Rockwool's answer to you? Have you asked them to
11 guarantee to you that our water quality will never
12 be less than what it is right now?

13 Could your research into our land
14 situation in Jefferson County and at the site back
15 such a guarantee? Over 11,000 people are agreeing
16 that they do not want Rockwool and all the what-ifs
17 to our health and environment that would be brought
18 to our county by them. One would think that
19 Rockwool would be overly protective of what they're
20 doing in terms of preparation at the building site.
21 Yet right from the start they have already gotten
22 violations.

23 Does this raise a red flag to you in
24 terms of Rockwool's future ability to maintain a
25 very highly toxic system without any danger to our

1 water? How can you fix water after it's been
2 polluted? How can you fix our health after we are
3 ill? Who will be responsible for clean-ups and for
4 our poor health?

5 We have no recourse but to trust your
6 decision to our lives. Here's a question, would you
7 build a house or buy land near - anywhere near
8 Rockwool's plant? Would you risk and gamble on the
9 idea that they will never contaminate your well?
10 Thank you. Please deny the permit.

11 MR. FLETCHER: Is Eric Vance - is he
12 present? Next we have Addison Reese.

13 MS. REESE: Addison Reese,
14 A-D-D-I-S-O-N, R-E-E-S-E. So I kind of narrowed
15 this down. Most people covered a lot of what I was
16 going to say. Like a lot of people have mentioned,
17 there are so many questions still about the actual
18 amount of water Rockwool will use and how much
19 wastewater would be discharged on a daily basis.

20 Their own reports, impact study, MOUs
21 and application for financial assistance have water
22 usage numbers ranging from 100,000 gallons per day
23 and up to 320,000, with Jefferson Utilities
24 guaranteeing no less than 500,000 per day to the
25 orchard site. Discharge numbers have ranged from

1 13,000 gallons per day up to 100,000 gallons per
2 day. This permit has already been modified and the
3 original 14,900 gallons per day is now 17,000.

4 Why is Rockwool unable to identify
5 what they need when they most certainly have an
6 established system at their other facilities? Who
7 will be responsible for measuring and recording the
8 actual volume of non-domestic wastewater discharge
9 from the facility?

10 Will they be self-monitoring? What
11 quality assurance and control procedures will be in
12 place to ensure accurate testing? Who analyzes the
13 samples and who pays for it? When the Division of
14 Water and Waste Management receives monitoring
15 reports, how will they verify whether information is
16 accurate and complete? Are monitoring reports made
17 available to the public? In September Rockwool was
18 cited for six violations of their storm water
19 permit.

20 They did not follow the notification
21 requirements of their permit. And according to the
22 DEP's Environmental Enforcement Notice of Violation,
23 their failure to report non-compliance may have
24 endangered health or the environment. This broad
25 statement has serious implications. Is there a

1 protocol for testing our drinking water, our rivers,
2 after these type of - types of violations?

3 Was U.S. Fish and Wildlife contacted
4 so they could conduct their own assessment and
5 possible impacts of the federally listed endangered
6 species around the site? At what point does the
7 risk of endangering public health and the
8 environment outweigh the perceived benefits of
9 industrial development?

10 MR. FLETCHER: Next we have Ned
11 Marshall, followed by Regina Hendrix and Jay
12 Mansfield.

13 MR. MARSHALL: My name is Ned
14 Marshall, N-E-D, M-A-R-S-H-A-L-L. I'm a lifelong
15 citizen of Jefferson County and in 2014 I had a
16 double lung transplant. My new lungs are a foreign
17 agent to my body and so my immune system has to be
18 suppressed. So I must wear this medical mask
19 sometimes for protection. I live about a mile and a
20 half from the site of this proposed industrial
21 facility. So particles and chemicals that will be
22 spewed out in great quantities will be especially
23 concentrated.

24 Here's a part of a list - let me get
25 this up - of the - of the - of some of the chemicals

1 that will be put out by this facility. Hydrogen
2 oxide, 230 tons per year. Sulfur dioxide, 148 tons
3 per year. Particulate matters less than 2.5
4 microns, 134 tons per year. Sulfuric acid, 16.4
5 tons per year.

6 I'm sorry. Just a second. I'm having
7 some problems.

8 All right.

9 And this plant is an existential
10 threat to me. It'll kill me. It's a death
11 sentence. And I'm not the only one. There are many
12 others who have compromised immune systems and lung
13 diseases such as COPD, the young and the old. For
14 me and those other citizens whose lives are put in
15 imminent danger and death or debilitation I ask
16 everyone young and old to oppose this reckless -
17 this recklessness. Please stop this plant. Thank
18 you very much.

19 MS. HENDRIX: Well, I'm going to cut
20 this short, because all the questions that need to
21 be asked have already been asked. But I want to
22 point out to the DEP that maybe they can save
23 themselves some time and effort. They should put
24 this permit request on the shelf for a while until
25 this European firm goes back to Denmark.

1 Rockwool has no future in the eastern
2 panhandle. I think it is well known that West
3 Virginians have a great love and affinity for their
4 home place. We do not take kindly to a company that
5 sneaks into our backyard and tells us what they're
6 going to do in Jefferson County. What they are
7 proposing will poison our children and hasten the
8 demise of some of us oldsters.

9 Why do they want - why in the hell do
10 they want to be in some place where they're not
11 wanted? They can never be a good neighbor. And
12 they can never, ever get cooperation and good - and
13 neighborliness from the citizens here. So go back
14 to Denmark.

15 MR. MANSFIELD: My name is Jay
16 Mansfield, J-A-Y, M-A-N-S-F-I-E-L-D. My grandfather
17 built a lake in 1962 in Olney, Illinois, 200 acres.
18 It was the best bass fishing you could ever imagine.
19 He had signs that said leave this place cleaner than
20 you found it. And people did that. Otherwise, he
21 would throw them out. Rockwool, my grandpa would
22 have kicked you off his property. We need to
23 extract you from our county.

24 There is a reason Rockwool got their
25 air permits first. And this is something you

1 haven't thought of and I didn't even think about it
2 until two hours ago. The air permit and the water
3 usage are inextricably linked. Water is a gas when
4 it's hot. The air permit allows phenol gas,
5 formaldehyde gas, methanol gas, water vapor gas.
6 It's a gas because it's hot.

7 They keep it hot so they can eject it
8 through the stack. Why doesn't Rockwool treat their
9 own water? They could. The answer is, because if
10 they did that they'd have to cool the stack. And if
11 they cool the stack the phenol, methanol,
12 formaldehyde will now be in the water instead of the
13 air. And they'd have to clean up their mess instead
14 of pushing it through their stacks right across from
15 our school.

16 Please reject this permit request.
17 Make them leave if they cannot leave our place safer
18 and cleaner than they found it. If Rockwool had
19 phenol, formaldehyde and methanol in their
20 wastewater, it would kill your bacteria in the
21 sewer. And all the raw sewage would end up in the
22 Shenandoah for about a week and a half until the
23 bacteria grew up again.

24 So they solved that problem by
25 ejecting hot, toxic gasses out of their stacks. I'm

1 asking for the WVDEP to do what they need - what we
2 need them to do. Protect our environment. Stop
3 being the primary enabler of pollution. Rockwool
4 cannot pollute our county without the DEP's
5 approval. Once upon a time a bunch of hippies tried
6 to clean up and stop pollution.

7 It was a huge problem for industry.
8 So President Richard Nixon created the EPA. And the
9 polluting factories and companies lined up to tell
10 them what the regulations were going to be. Face
11 it, if the EPA was protecting we could drink water
12 from the Mississippi, Ohio and Potomac. We can't
13 even eat the fish we catch there. So please, don't
14 come here and tell us how you're protecting the
15 environment. I'm not buying it. You have to reject
16 this and protect us.

17 MR. FLETCHER: And next we have David
18 Brock, followed by Gina Biller and David Tabb.

19 MR. BROCK: And that's going to be
20 David Brock, B-R-O-C-K. I'm actually from Berkeley
21 County. I've been living in Berkeley County since
22 2005. So I'm not completely new to the area. I
23 also represent the Jefferson County NAACP. They
24 have an environmental justice committee that has
25 been following this issue very closely.

1 Just to give you some background, the
2 Rockwool facility, which produces mineral wool
3 insulation, is proposing to discharge, and I think
4 it's been said before, 14,000 gallons per day of
5 non-domestic wastewater for treatment and that's
6 going to be in the Charles Town's Wastewater
7 Treatment Plant.

8 Because of the sensitive water
9 resources, additional scrutiny of this permit and
10 its potential impact on water quality is warranted.
11 We've also mentioned tonight that this is going to
12 the Chesapeake Bay watershed. So it affects
13 Maryland and it also affects Virginia as well. And
14 we've already made progress with those areas. This
15 modification that we're proposing would contribute
16 to the pollution of the Chesapeake Bay watershed.

17 And it wouldn't only take us
18 backwards. It would take our neighbors backwards.
19 Waste flow calculations should be included in the
20 application. I'm also going to get at little bit
21 more personable - or personal, with this. Many
22 faith communities, including my faith community in
23 Berkeley County, use the Shenandoah River, which was
24 mentioned tonight, for river baptisms. You have
25 your river riders that also have a lot of

1 recreational activities in that river. We can't use
2 340, because there's so many people enjoying that
3 particular river.

4 Where I'm going with is, this area is
5 steeped in history. And if we have pollution in
6 that river, that history can be destroyed, not only
7 because of what's physically in the river, but we
8 know that information travels. And we want
9 everyone, not just us, to be able to have use of the
10 river. We also want to be able to maintain the
11 traditions that we've had in this area for hundreds
12 of years. Thank you.

13 MS. BILLER: It's cold in here. Y'all
14 didn't do a very good job of putting a heating
15 system in here. My name's Gina Biller, G-I-N-A,
16 B-I-L-L-E-R. I'm a private homeowner about a mile
17 and a half away from this proposed site. And I want
18 to express my concern about the water - the permit
19 that you're trying to approve tonight. There's been
20 so many sinkholes already that have appeared. This
21 is a sign.

22 This is destroying our water wells
23 now. I currently have a two-acre lot with a water
24 well that's been there for 97 years. My children
25 are in the process of building two more houses on

1 each side that require their own wells. But we're a
2 mile and a half away. This is going to pollute
3 everybody around there. After it pollutes our water
4 and we can't live there, we can't sell our land.
5 What do you propose to do for the people that -
6 around the place the work destroys?

7 Okay?

8 So now let me just discuss about the
9 busy - the gas pipeline and the chemical spills from
10 this plant will contaminate all of our wells because
11 of the Karst topography described already tonight.
12 I worked for FEMA for 18 years. And this plant is a
13 nightmare. It is not a matter if an explosion or a
14 spill will occur, it is when it will happen.

15 Not only will this plant destroy our
16 water, it will lower our land values tremendously,
17 not allowing us to even be able to move away. This
18 cannot happen. We've already had plenty signs of
19 going on - what is going on by the sinkholes that
20 are showing up. It's time that we put a stop to
21 this. And please do not allow this to happen.
22 Thank you very much.

23 MR. TABB: David Tabb, T-A-B-B. You
24 can also look me up in your data. It says David
25 Tabb versus DEP. I'm already there. If you need a

1 copy, it's in the mail. I'm also an Eastern
2 Panhandle Conservation District associate
3 supervisor. And I'm also a Mountain Party
4 Environmental Justice Committee. I've also been a
5 county commission candidate. I still am. The 1,600
6 people that voted for me here a couple months ago, I
7 still represent them.

8 If you don't think I do, wait until I
9 file the other paperwork on you. What the people
10 have been talking about of how much water you want
11 to send, the EPA calls it staging permit. I have a
12 copy of that if you need it. I stay in contact
13 every week with region three EPA. They had some
14 nice people up there until I sent this other
15 paperwork. And now they've gotten quiet.

16 Did you send a notice out to the
17 Appalachian region? You're required to. It's West
18 Virginia Code 7-12-7. If you didn't do that, this
19 permit's in violation before it even gets started.
20 And West Virginia Fish and Wildlife Service was
21 asked to look at the project, rough land,
22 infrastructure for the sewer line and sewer permit.
23 The cave isopods, according to this 14-page
24 document, they're there. Uh-oh, did we forget about
25 our little friends?

1 Well, you won't be forgetting about me
2 for very long, I'll tell you that, because I've got
3 a lot more writing to do and a lot more papers to
4 send in. And it's just me, just a little old farm
5 boy. The family's has been here since 1636, almost
6 400 years. And we're - everyone else is here and
7 the infrastructure is here because of us and our
8 neighbors. This is a neighborly thing.

9 You have turned down other people from
10 filing permits on other projects because they didn't
11 live in the area. Well, guess what? You don't
12 either. You don't live here. So how can you make
13 judgment on it? Nor does Rockwool. You'll be
14 getting a lot more than just a few comments from me.
15 But I do appreciate your time and some of you do
16 answer the phone. So keep your lines open and your
17 mailbox too. You all have a good day.

18 MR. FLETCHER: Okay.

19 Next we have Mark Hall, followed by
20 Shaun Amos and Alana Flynn.

21 MR. HALL: All right.

22 Good evening, everybody. I'm a
23 longtime resident of Harpers Ferry, Bolivar. And
24 the whole reason I came out tonight is just to
25 witness the galvanization of our community. Wild

1 and wonderful West Virginia. I love this state. I
2 encourage anybody who hasn't traveled outside the
3 county for a while to get on down to Fayetteville,
4 on up to Albright, West Virginia. On up to any
5 other place in West Virginia and see this great
6 state. And understand that we are the gateway to a
7 beautiful, beautiful, beautiful part of this world.

8 I've been to New Jersey. New Jersey
9 has some great, great parts of New Jersey. But the
10 gateway don't look so good.

11 Okay?

12 So they call it the Garden State. But
13 you've got to travel real far to see those gardens.
14 I don't want to see my gateway turned in that
15 gateway, by no means. The representative of
16 Rockwool was talking about opinions.

17 I've heard a lot of facts from the
18 people out here in this crowd. I've heard very
19 little opinions. Another thing, the gentleman who
20 followed me - preceded me, David, I'm just going to
21 tell you, this guy right here is one of the hardest
22 working men I've ever met in my life.

23 Okay?

24 He sleeps about two hours a night and
25 gets up at about four o'clock with the cows and

1 keeps on working. So if you want to follow that
2 road, you're all more than happy.

3 But I mean he's going to outwork you,
4 outwork you, outwork you. And there's just no
5 stopping that man. So the rest of us are behind,
6 all of us. This is a - this is a galvanized, like,
7 community that I've never seen. I've seen us
8 splintered in so many different ways in the past.
9 We are together, we are strong. And I want to keep
10 it that way.

11 This state - they came for our trees.
12 WesBanco, does anybody know who WesBanco is?
13 WesBanco is a corporation out of Pittsburgh and
14 Philadelphia. They came for our trees 150 years
15 ago, cut down all of our trees. Where did all the
16 money go? You can sit out here on the train
17 platform and watch the coal trains go out of the
18 state. Where is all the money going? It's not
19 going back here to West Virginia.

20 Why are we - why is West Virginia
21 still ranked second, third or last in all the
22 important categories of education and health? It's
23 because we allow these corporations to come in. We
24 have the expectations of lower standards. We have
25 to raise our expectations, raise our bar and want

1 more. Harpers Ferry, right now, Smoot Excavation is
2 constantly busy in Harpers Ferry and Bolivar because
3 we have old infrastructure.

4 All of our townships and
5 municipalities have old infrastructure 20, 30 years
6 behind and our water treatment and our - and our
7 sewage treatment. And you expect a corporation like
8 this to build a factory like this for us to keep up?
9 We can hardly keep up right now with what we have.

10 All right?

11 So let's keep it strong, keep it
12 galvanized, keep Wild and Wonderful West Virginia
13 wild and wonderful. Thank you.

14 MR. AMOS: Good evening. My name is
15 Shaun Amos, S-H-A-U-N, A-M-O-S. I'm an eighth
16 generation West Virginian. And I'm here tonight to
17 tell you how proud I am of this state. I just heard
18 a man a moment ago who told us that the water that
19 they were going to putting out through this -
20 through the wastewater treatment was not going to
21 have any environmental effect on our water.

22 Well, I'll tell you what my mother
23 said, that you cannot date the truth. You're either
24 married to it or you're not. And that man is
25 telling a lie.

1 Every time we go to a meeting in
2 Charles Town we hear something different. I would
3 ask all of you do you actually know how much water
4 is going to be going down that sewer? No, you
5 don't. We don't know either. It all depends on who
6 they're talking to the answer you're going to get.
7 One day if they want the number to be low, for
8 instance if they're wanting to get some kind of a
9 permit or they're going to get a minor modification
10 out of you all, and then later they're going to want
11 another one. They'll give you a small number.
12 They'll say well we're only going to use X number of
13 gallons.

14 Right?

15 Then the next time when they say
16 they're going to come up with this many jobs well,
17 then they'll talk about how much they're actually
18 going to be using when they have the second factory
19 built, so it'll be 360,000. Then if they want to
20 talk about paying back the money they're going to
21 borrow on our backs, suddenly it becomes 500,000
22 gallons.

23 It doesn't matter what the answer is
24 you get from them. It's the one that you want to
25 hear. And the one that they know you want to hear

1 is going to be a low one. So that's what they're
2 telling you now. What's going to be in that water?
3 Nobody has any idea. Do you have any idea of what's
4 in it? We know they're going to use reverse
5 osmosis.

6 Right?

7 And it's going to put all of the hard
8 water, all the stuff that makes it hard back into
9 the water.

10 But just the other day Jennifer King
11 found out it isn't just that. There's going to be
12 paint in it, there's going to be flocculants that
13 they use to supposedly make this stuff settle. Did
14 they tell anybody about that? No. Jane knew about
15 it. Where's Ms. Arnett? She knew about it. But
16 did she tell Charles Town town council? No, they
17 weren't told about that.

18 Now he comes in tells you, you have to
19 give them a permit. How many times have we heard
20 that? You have got to give us this permit because
21 we have checked the right boxes. Every time I come
22 to one of these government meetings I hear that
23 somebody - all they've got to do is check the boxes.
24 Well, I'll tell you what, with time on your hands
25 and enough bananas you could train circus monkeys to

1 throw out the pages that don't have the right boxes
2 checked.

3 You've got to do more than just check
4 the right boxes. You're supposed to be here to be
5 protecting the environment. The Department of
6 Environmental Protection. Anybody who could look
7 you in the eye and tell you they're going to scoot
8 this stuff down the sewer and it's not going to ruin
9 the water is telling you a lie.

10 We're here asking you today to do the
11 kind of research that these people have been doing.
12 Don't just give them a permit because they've
13 checked the right boxes. That's not a job that
14 anybody is paying you all to do. We're paying you
15 to protect us. Please, do the kind of research
16 these people have done and deny this permit.

17 MS. FLYNN: Alana Flynn. That's
18 A-L-A-N-A, F-L-Y-N-N. And I don't really have a
19 prepared statement. I've heard all of these
20 scientific things. I'm a Jefferson County resident,
21 taxpayer, and land - I own some land. I'm a
22 beekeeper. And my concerns have been just growing
23 and growing since I'm very - I live very close to
24 this site. And my latest concern is my well water,
25 the water of my neighbors. I'm hearing from

1 Jennifer and Gina all the reports of the
2 contamination of our wells. And I'm just basically
3 terrified. And I just want to hope that this permit
4 is denied. Thank you.

5 MR. FLETCHER: Okay.

6 Next we have Laura Stapleton.

7 MS. STAPLETON: Good evening. How is
8 everyone tonight?

9 All right.

10 My name's Laura Stapleton and I just
11 moved from Morgan County, actually right over the
12 river. So I'm actually in Maryland now. I know,
13 it's kind of sad. I do love West Virginia. I'm
14 here tonight because I want to show support to the
15 community that's been fighting so hard to stop
16 Rockwool.

17 I haven't been - I don't know as much
18 about it. But I'm really proud of the folks here.
19 I - I hope the DEP does the right thing and denies
20 this permit. I don't - I don't really foresee that
21 happening. But I foresee the people in this room
22 making that happen. And so hopefully we can push
23 the Charles Town Utility Board to say no to allowing
24 all this wastewater to come into their wastewater
25 treatment plant.

1 The little bit I have read, it makes
2 no sense why you would allow someone to come in and
3 send 14,000 gallons a day into your wastewater
4 treatment plant, and there's not even a plan if they
5 can handle it. They don't even know what's in the
6 water. So I'm asking DEP - not because I really
7 expect an answer, but I'd like an answer. How - how
8 can you permit something when you don't even know
9 the facts?

10 And just like everyone said here
11 today, you just check the boxes. I've seen it in
12 Southern West Virginia with mountain top removal.
13 I've seen a slurry coal dam like 100 yards from a
14 school that the DEP approved. But because people
15 fought and fought they finally got that slurry coal
16 dam shut down. And that was at Marsh Fork.

17 So - so yeah, I think that you're all
18 on the right path. And I think with all this energy
19 we can stop Rockwool and they can go, not somewhere
20 else, but they can go nowhere. We don't need
21 Rockwool installations anywhere. If you can't do it
22 safe it doesn't belong in anyone's backyard. But
23 for damn sure don't come to West Virginia because
24 you think you can put anything here and it'll just
25 fly. That's all. Thank you very much.

1 MR. FLETCHER: This will conclude the
2 public hearing on Charles Town NPDES permit
3 modification application number WV0022349. The
4 comment period ends on December 20th, 2018. If you
5 still wish to submit comments, they can be sent via
6 email at DEP.comments@wv.gov. If you wish to
7 receive a copy of the comments and responses please
8 make sure your email address on the sign in sheet.
9 Thank you for your participation. Have a nice
10 evening and a safe trip home.

11

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HEARING CONCLUDED AT 8:02 P.M.

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CERTIFICATE

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I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

Dated the 29th day of December, 2018



Bernadette M. Black,

Court Reporter