BEFORE THE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OF
WEST VIRGINIA
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IN RE: MOUNTAINEER XPRESS PIPELINE
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BEFORE: JACOB GLANCE, Chair
HEARING: Monday, December 11, 2017
6:11 p.m.
LOCATION: Doddridge County Park
1252 Snowbird Road
West Union, WV 26456
WITNESSES: Mirijana Berant, Linda Ireland, Beth Crowder

Reporter: Brooke Hunsaker

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CHAIR JACOB GLANCE: All right. Good evening, everyone. I'm Jake Glance from the Department of Environmental Protection's Public Information office. Welcome to tonight's public hearing on the construction stormwater associated with oil and gas construction projects permit for the Mountaineer Xpress Pipeline. The permit number is WVR310872. Also here this evening are John Michael Bosely and Rick Adams with the Division of Water and Waste Management.

The purpose of tonight's hearing is to give you the opportunity to share your comments with the DEP about the Mountaineer Xpress Pipeline's construction stormwater permit. Tonight's hearing is being recorded by a court reporter so that the comments shared 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're speaking and keeping your comments on the topic so that our time together is used most efficiently.

For those wishing to speak when I call up you to provide your comments, please state your name and
say if you are representing any groups or organizations. If you have written comments that you would like to submit in addition to your spoken comments, please hand them to me after you speak or at the conclusion of the hearing. Please remember that this public hearing is not the proper forum for questions and answers. We are here to receive comments on this permit and will respond to each comment when we issue a decision. If you have questions please speak with a Dep representative at the conclusion of this public hearing.

What we're going to do, I will call the names of the people who have signed up to speak and if you would, just come up here and be mindful of this cord and don't trip over it whenever you come up to the podium. If anybody had any questions about the format of the hearing let me start it with our first speaker. No? Let's get started. First speaker is Mirijana. Did I get it right?

MS. BERANT: Yes, you did, Jake.

CHAIR: Very good.

MS. BERANT: If I were -. 

CHAIR: There's cords on both sides, sorry.

MS. BERANT: Okay.
Court reporter: Can you spell your name, please?

MS. BERANT: Sure. Can I write it down for you? I will gladly do that. First of all, I want to thank the West Virginia DEP for coming to Doddridge County to allow some interested citizens to speak. I am actually the face of who will be impacted when this pipeline goes in. I have not agreed to a right-of-way agreement with Transcanada or Columbia Gas, whatever you want to call it. The pipeline, should it go through, will be approximately 50 or 100 feet from my driveway, will probably the edge of the right-of-way will be going off along my property line.

My issue with this stormwater MPDUS permit is I have been witnessing the pipelines that have been being put in to this county over the last seven, eight, nine years. One thing that I have noticed is there has been no improvement, or basically, no enforcement to maintain the drainage or the sedimentation issues that are occurring. This year one of the pipelines, Rover, West Virginia DEP did actually do a stop work order that lasted for approximately 30 days.

It took DEP three or four months to institute that order. During that three or four month
period more and more damage was incurred on our streets. Some of this damage was within a half a mile, three quarters of a mile of our water treatment plant for our municipal water supply. Our area also has endangered mussel and clam species, where the sedimentation that is ending up in these streams is endangering them.

But my primary concern is the fact that nothing has changed. The silt socks are out there, but they actually act as waterfall kind of things for the rainwater and the erosion to occur. The companies that are working in our area from my experience with them have not doing the best job that they can do. You might see things doing well in the area that are very visible. But when you drive up the hollows and you see what's going on, it is not a pretty picture.

I am concerned about how I personally will be impacted, especially if they're using explosive devices and whatever to clear the right-of-way, et cetera, which will impact my water well. Which might not really bother some of you guys out there that are sort of grinning. I appreciate the fact that people need jobs. I don't - you know, jobs are great. I'm concerned also about the safety of the workers on these sites. I have seen bulldozers tied off to other bulldozers while you're
clearing the sites, while the mud and everything else is ending up in our creeks.

So the other issue I have is and this might not be directly related to the stormwater permit, but will I be able to sell my property and get fair market value for it? I'm not - I don't think that's going to happen. But my primary concern is if the stormwater permit is issued will West Virginia DEP actually be on site for inspections, or are you going to do that sporadically? Will you be responding in a timely manner to citizen complaints? Is anyone going to actually be in the county to respond quickly, because when some of this stuff occurs if you guys were coming up from Charleston by the time you get there the event has passed.

And I realize that you all rely upon primarily on what you witness, not necessarily what local area residents that are witnessing it on a day-to-day basis, even if they provide you photographs and stuff like that. So I want some assurance that this is - that you will be protecting our community. And I'm a retired person that's on a limited income. If I have to move for me to buy something that's equivalent to what I have now, is going to be virtually impossible if - plus the fact
that this pipeline is not other than tax dollars and
revenue in this county, it's not benefitting people that
live in this area.

Most of the money, the tax revenue that’s
coming from this is going to stuff that's not really
protecting our health and well-being. But you know it's
been happening for the last seven or eight years. It's
going to keep happening probably. And honestly, Jake,
you asked me - you were credit - interested in why there
weren't more people here? People in this county are fed
up and disgusted and realize we can speak until we're
blue in the face, but we're not listened to. So thank
you very much.

CHAIR: One more person signed up to
speak, so if - if anybody came in and originally said
that they did not want to speak but now they do, it's
okay. No, you can just come right up and that's fine.
You don't have to sign up. Just when you get up here if
you would just - just say your name so we can get it.
The next person that did sign up to speak is Linda
Ireland.

MS. IRELAND: Spell my name? It's
L-I-N-D-A, I-R-E-L-A-N-D. I love this land and the
people who live here. And I'm here to try to protect
them and I know that's why you're here, too. I know that
- and I thank you for coming. I know that most likely
you chose your profession because you share our love for
this land. I'm sure you're frustrated, saddened at
having to permit activities such as this pipeline and the
accompanying gas development that you know are harmful to
the land we love. And the water and the air that we rely
on.

Doesn't take a scientist to know that the
large scale clearing of forests and laying of pipeline on
these steep hills will cause major erosion and
sedimentation of our surface waters even if everything is
done by the book and nothing goes wrong. Which is a big
if that can't be relied on. But that's not the only
factor to consider when considering this pipeline permit.
These major pipelines will carry billions of cubic feet
of gas per day out of this region. This will enable and
encourage accelerated and unlimited gas development here
in the land that we love.

We will continue to see our land, water
and air and our well-being devastated with the well pass,
compressor stations, truck traffic, processing
facilities, storage and waste disposal that all goes
along with pipelines. And all should be taken into
account. I ask that you therefore not only deny this permit, but declare a moratorium on all gas industry-related permits until a comprehensive study of the cumulative and long term effects of the whole process of gas development, the effects on human health, on our water supply, on our air and on our land.

There's some who probably question my sanity for making such a request, but I believe that the insanity is that we all suffer from is that we continue to destroy our life support systems for the sake of an industry that we know is going to have to be phased out. So I hope that we come to our senses and put our human ingenuity to the test of developing energy jobs and life styles that are more conducive to our health and happiness and that of our children, grandchildren and future generations.

**CHAIR:** If you would state your name so we can get it on the record.

**MS. CROWDER:** And I'll watch the cord. My name's Beth Crowder. Can you hear me? My name's Beth Crowder, and like these two ladies here who are - one of whom's a neighbor and one of the other is somebody that I've met more recently, but is also a friend of mine. I really couldn't have put it any better than these two
ladies already have. Mirijana is being impacted by the
same pipeline that I have 2400 feet of through my
property. I'm not sure how close Linda is to the
pipeline, but I do know that we made choices in our lives
to - to live where we live. And we're being forced into
another choice, which is to just give up, and plenty of
people have given up. They've you know taken what they
could get for their property and they've left because
they don't see a future you know for their lives here.

And that's really sad, because you know
this state has so much promise and so much beauty and
people you know asked me why I travel you know about West
Virginia. And they've heard such wonderful things about
it. Heard about the forests and the hills and the
whitewater rafting and they've heard about so many
wonderful things. And yet this one area, and I can't
speak to other areas of West Virginia. I haven't seen
eye every part of West Virginia, but the changes we're seeing
on a daily basis here are not really sustainable.

And sadly, the people who do the heavy
lifting and economics and energy development and carbon
don't believe it's sustainable, either. They believe
that it's really just you know a kind of an investment
scheme that's built on itself. People will get rich,
they'll get lots - lots of people will get rich. You know we may or may not ever meet those people. The people that are on the minerals underneath my house live in Naples, Florida, and I'm sure they have lots of other nice houses in other beautiful parts of the world. They don't live here. They've never seen my property, but they own the minerals underneath.

People will get rich and other people are going to die, and some of those people are going to die this week. Some of them are going to die next week, and they're going to die in industrial accidents. And other people are going to die much slower. They're going to die of illnesses that are caused by the pollution from this industry. And this industry is touted as cleaner than coal, but they're not describing the process of developing it. They're talking about the process of burning it.

So you could have this kind of candle and that kind of candle, and one of them is cleaner when it's burning, but this particular candle of Marcellus Shale gas is poison. It's a very expensive poison and it's going to kill people. In fact, those people that are killed are not going to be living in Naples, Florida or maybe their island somewhere. They're going to be living
here and they're going to be feeling like they got a pretty good break because they got a job. So that's my viewpoint.

I have 2400 feet of this pipeline coming through the steepest part of my property. Mirijana has - lives on the other side of the hill from me and she's going to have it adjacent to her property and across her - her view from her front door. And I don't know what else I have to say except that I have you know what Linda said was so true and - and I'm not you know capable of rephrasing it any way. But I'm impacted, Mirijana's impacted, we're all impacted. You know those of us with children, they don't want to live here. They were born here, they spent their entire lives here. And they got on the first thing smoking to get out of here. Thank you.

CHAIR: Anybody else who signed in that first said they did not want to speak but now they do? No? I think since it's still early if nobody minds we'll take a 10 or 15-minute break just in case there's people who are on their way. They may have gotten stuck in traffic or got out of work late or something. Give people more time to get here, so 10 or 15 minute kind of time out and then we’ll rejoin then. Okay? Talk in a
few minutes.

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(WHEREUPON, A PAUSE IN THE RECORD WAS HELD.)

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CHAIR: We’re going to get this started back up and probably wrap this hearing up. Okay everyone. In the 20 minutes or so that passed, if anybody thought of some comments they want to make, now is the time. Even if you didn't sign up to speak, this is your last chance to do so tonight. No one? Okay.

This concludes the public hearing on the construction stormwater associated with oil and gas construction project permit for the Mountaineer Xpress Pipeline. The permit number is WVR310872.

The comment period for this permit ends on December 22nd. If you wish to receive a copy of the comments and responses, please make sure your e-mail address is on this page and that it's legible. There's a couple on here that we're having some trouble reading, so if you would please, take a look at that. Thank you for your participation and have a nice evening. Thank you.

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HEARING CONCLUDED AT 6:57 P.M.

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CERTIFICATE

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.

I certify that the attached transcript meets the requirements set forth within article twenty-seven, chapter forty-seven of the West Virginia Code.

Brooke Hunsaker,
Court Reporter